

Proposed Amendment to Cessnock Local Environmental Plan 2011

58 Taylors Road, Black Hill, NSW, 2322

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VERSION CONTROL

Version	Date	Details
1	October 2020	Planning proposal (PP) as submitted to Council

ATTACHMENTS

ATTACHMENT 1 – Bushfire Assessment Report

ATTACHMENT 2 – AHIMs Search Results

ATTACHMENT 3 – Dial Before You Dig Search Results

ATTACHMENT 4 – Dwelling Entitlement Map

ATTACHMENT 5 – Site Plan

FILE NUMBERS

Council: To be provided by Council.

Department: To be provided at Gateway Determination.

SUMMARY

Purpose:	The purpose of this planning proposal is to amend the 'Dwelling entitlement map' contained under the Cessnock Local Environmental Plan 2011 (Cessnock LEP) to permit a dwelling at 58 Taylors Road, Black Hill, NSW, 2322.
Subject land:	Lot 686, DP 619758
Proponent:	Perception Planning on behalf of the landowner.
Proposed changes:	<p>Amendment to 'Dwelling Entitlement Map' to permit a dwelling on the land. A dwelling house is defined as follows:</p> <p>dwelling house means a building containing only one dwelling.</p> <p>A dwelling is defined as follows:</p> <p>dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.</p>
Area of land:	8.4 ha

BACKGROUND

This planning proposal seeks to amend the 'dwelling entitlement map' contained within the Cessnock Local Environmental Plan 2011 ('**the LEP**') to permit the construction of a dwelling at 58 Taylors Road, Black Hill, NSW, 2322, legally identified as LOT: 686 DP: 619758 ('**the site**').

The site is currently zoned RU2 – Rural Landscape. Within this zone, a dwelling is permissible with consent, however only if it meets the provisions contained under Clause 4.2A of the LEP. This clause states that development consent must not be granted for the erection of a dwelling house on the land within an RU2 zone, unless the land is:

- (a) *a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or*

The site measures 8.4 ha, which is less than the prescribed 40 ha minimum lot size applicable to the site.

- (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*

The Lot was created (registered) 31.3.1982 under application number 921/1981, approved 13.5.1981, as shown on the Deposited Plan (DP 619758). It is however not clear whether a dwelling house was permissible immediately before that commencement (23.12.2011), thus a dwelling entitlement check was lodged with Council.

- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or*

As above, the Lot has resulted from a subdivision for which development consent was granted before this Plan commenced.

- (d) an existing holding, or*

An 'existing holding' means land that was a holding on 31 December 1984, whether or not there has been a change in the ownership of the holding since 31 December 1984. Upon review of the Deposited Plan (DP619758), the site was registered on 31.3.1982. However, further discussions with Council confirmed that the site was rated as a separate entitlement before 1982 (i.e. in conjunction with adjoining land). In this respect, if the dwelling entitlement used on the other adjoining parcels created from the subdivision, then the subject lot has lost its dwelling entitlement as a result. It appears that this is the case.

- (e) identified as having a dwelling entitlement on the [Dwelling Entitlement Map](#), or*

The site is not identified as having a dwelling entitlement on the dwelling entitlement map.

- (f) a lot created under clause 4.1.*

The site was not created under clause 4.1.

To enable a Development Application to be lodged with Council for consideration, the land needs to be identified on the 'dwelling entitlement map' of the LEP, to permit the construction of a dwelling.

This planning proposal is responding to the highest and best use of the land. Whilst the land is zoned RU2 – Rural Landscape, it is not large enough for agriculture and is subject to topographical and soil limitations which would otherwise allow the agricultural use of the land. A dwelling on the lot is entirely consistent and not out of character with the surrounds, with each Lot adjoining (formerly part of the subject Lot, prior to subdivision) and within 1km of the site incorporating a dwelling. There are also no issues that preclude a dwelling as essential services including wastewater, access, water,

stormwater, and electricity can be connected to the site. To this extend, the land is not constrained as such that would not support a dwelling.

It is clear that this land is an anomaly and should be excluded from the operation of Clause 4.2A of the LEP. Council Staff noted that this land should be included within a Local Government Area (LGA) wide dwelling entitlement review, and that an LEP amendment to Clause 4.2A was being reviewed, however this is not anticipated to occur for a number of years. This Planning Proposal aims to fast-track this process for the landowners, to enable the construction of a dwelling on-site, meeting all legislative controls in response to any land-based constraints.

The planning proposal is supported by the following studies that seek to demonstrate the suitability of the site for this rezoning:

- Bushfire Assessment Report.

A Site Plan, providing an indicative Building Envelope Plan has been prepared for the purposes of carrying out the bushfire assessment. A detailed Site Plan and associated dwelling plans have not been prepared or included in this proposal in order to maintain consistency with Ministerial Direction, 6.3 – Site Specific Provisions, which states ‘A planning proposal must not contain or refer to drawings that show details of the development proposal’.

SITE

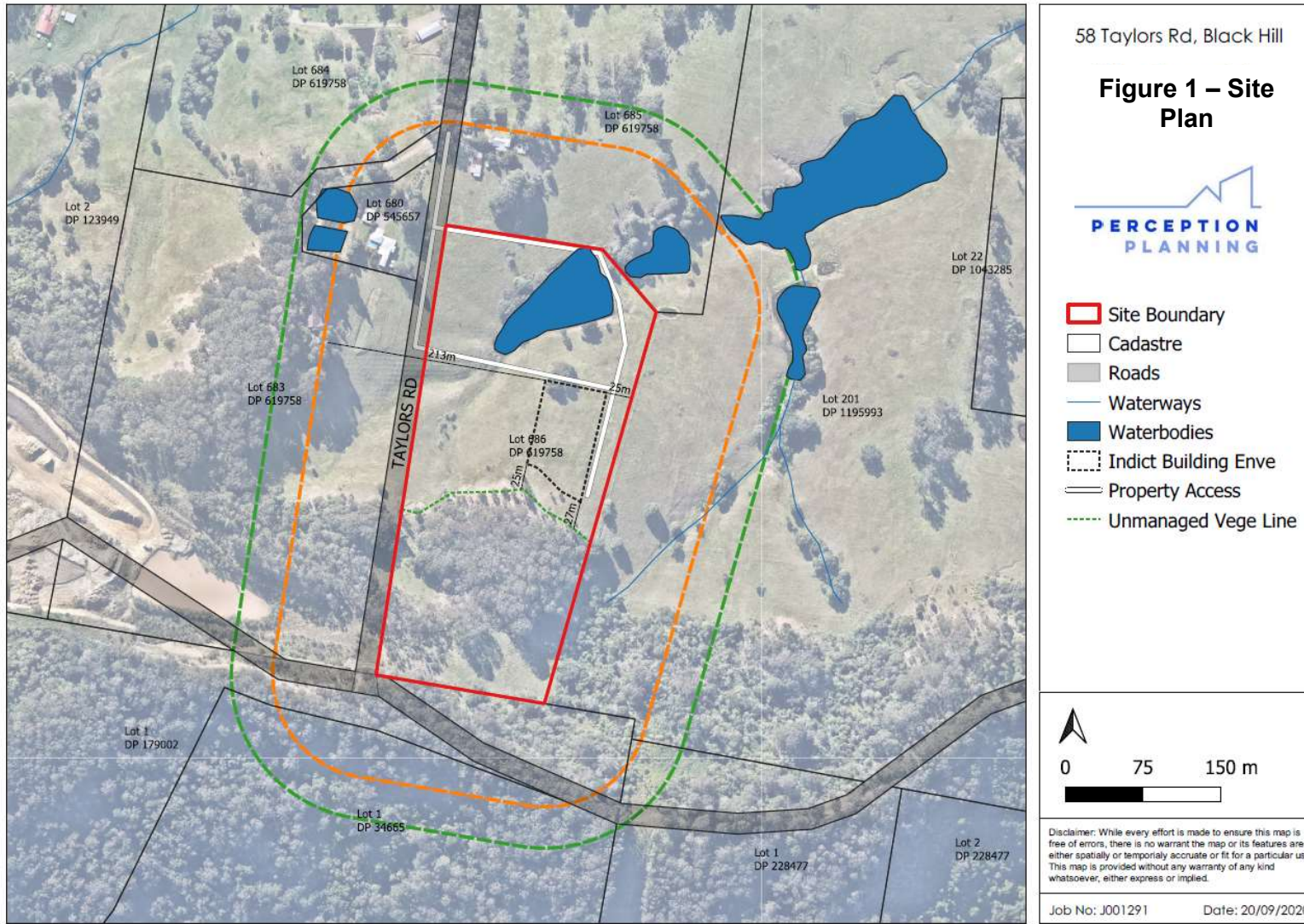
The site is located in Black Hill, which is an existing vegetated property located 16.1km or a 19-minute drive to the south of Maitland and is located within the Cessnock Local Government Area (**‘LGA’**).

The site appears to have been created from a subdivision under 921/191 (approved 13.5.1981) and registered 31.3.1982.

Adjoining sites are used for rural/residential living, constituting dwelling houses and ancillary structures. Lot 683 to the east comprises part of the Black Hill Quarry approved under 5/1994/80115 (as modified). Access to the site is direct from Taylors Road, with a farm dam and associated vegetation existing on the site. Many cleared areas are available for future development.

A site plan is provided at **(FIGURE 1)** identifying the site, and approximate location of a future indicative building envelope. This has been prepared for the purpose of the bushfire report. A detailed site plan and dwelling designs are not included in this planning proposal due to provisions of the Ministerial Direction.

Figure 1 – Site Plan



PART 1 – Intended outcomes

The intended outcome of the planning proposal is to enable a dwelling at 58 Taylors Road, Black Hill.

PART 2 – Explanation of provisions

The intended outcome of the planning proposal will be achieved by amending the dwelling entitlement map – Sheet DWD_009 within the LEP to enable a dwelling on the site.

Cessnock City Council will amend the dwelling entitlement map, given the data is not available to create the map independently of Council.

PART 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The proposal is not the result of any strategic study or report.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In order to achieve the intended outcome, the following options were considered:

- a. Construct dwelling under State Environmental Planning Policy (Exempt and Complying Development Code) 2008** – This SEPP provides that Rural Housing Development can be undertaken without Council approval. However, to be complying development under this SEPP, several general requirements must first be met.

Clause 1.18 of the SEPP lists these general requirements, and (b) states ‘must be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out’. Given the site measures less than the minimum Lot size, a dwelling is not automatically permissible under the environmental planning instrument (Cessnock LEP). In this regard, use of the SEPP for the construction of a dwelling is not allowable.

- b. List as a Schedule 1 ‘Additional Permitted Use’** – Rather than amending the Dwelling Entitlement Map, list as an Additional Permitted Use for a dwelling to be permissible with consent under Schedule 1.

Given a dwelling is already a permissible use within the RU2 Zone, this option is less desirable by Council.

- c. **Amend the Dwelling Entitlement Map** – Amend the map to incorporate the land to allow the construction of a dwelling. This is the most desirable option because the development outcome is clear, and this would be consistent with the LSPS as detailed below.

There is merit in amending the Dwelling Entitlement Map to allow for a dwelling on the site for the following reasons:

- A dwelling on the site is the most appropriate and best use given its small rural size and will allow for better management of the land rather than leaving it vacant.
- A dwelling on the site is the highest and best use of the site given its location, site characteristics and lack of agricultural capability.
- A dwelling would provide a low impact residential opportunity in an area that contains similar size lots and land use.
- The surrounding Lots incorporate dwellings and therefore a dwelling on this site would not be out of character and would not create an adverse conflict with these uses.
- The small Lot size, soil profile and undulating topography limits rural use of the land, well below minimum lot size and therefore does not constitute prime rural farming land correlating to the current zoning.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?

a) Does the proposal have strategic merit?

Hunter Regional Plan 2036

The *Hunter Regional Plan 2036* ('HRP') applies to the Cessnock LGA and is an applicable consideration for this planning proposal. The HRP identifies Cessnock as a regionally significant centre within the Cessnock LGA.

The planning proposal is consistent with:

- **Direction 10 – Protect and enhance agricultural productivity**

This would be achieved by ensuring the land is not sterilised of agricultural capability and productivity. As detailed within this report, given the small Lot size, undulating topography in sections, soil profile and vegetated areas of the site, the land is not suitable for large scale agricultural use. The planning proposal will not result in incompatible development on the site that would otherwise pose negative impacts on the agricultural sector.

- **Direction 11 – Manage the ongoing use of natural resources**

The highest agricultural production within Cessnock identified within the HSP is poultry meat, generating \$39.7 million which is the fourth highest poultry generator within the Hunter. When reviewing the agricultural production statistics within Cessnock, results show that it is the second lowest producer, behind Newcastle. This is due to the viticulture industry generating the largest economy within Cessnock, directly resulting from the soil type, which in turn stimulates a high tourism industry. The site is however not located within a viticulture precinct such as Pokolbin and its surrounds. The site is located within a mountainous region supporting extractive industries and associated development.

These results show that rural land for the purpose of agriculture (beef, poultry, or milk) alone is not an isolated industry or use requiring protection within Cessnock. Thus, prohibiting the construction of a dwelling on this land purely for the purpose of 'protecting agriculture' does not result in meeting the Direction of this Plan, rather results in land sterilisation due to the highest use not being recognised.

- **Direction 13 – Plan for greater land use compatibility**

Ongoing investment in rural and resource industries will underpin sustainable growth, economic prosperity, and ongoing productivity in the Hunter Region. There is potential for conflict if new housing encroaches into rural and resource areas, affecting the potential of rural and resource industries.

As detailed above, the site is not identified as important agricultural land due to its Lot size, soil profile, topography, and vegetated state. The site adjoins an extractive area to the south-east, however any dwelling constructed on the site would be located such that any conflict with this use does not occur. To this extent, the planning proposal is consistent with this direction.

The planning proposal is consistent with the HRP as it will provide one additional dwelling entitlement within an area already containing dwellings per Lot with associated small Lot farming. Any future dwelling will not compromise the existing or future growth of the extractive industry located to the south-east of the site.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?

Cessnock Council has endorsed a local strategic planning statement. An assessment against the relevant priorities applicable to this planning proposal as detailed below.

Cessnock Local Strategic Planning Statement

The Cessnock Local Strategic Planning Statement (LSPS) was published in June 2020. The LSPS identifies the 20-year vision for land use and economic context in Cessnock and sets out clear planning priorities, principles and actions to accommodate future population growth, support economic development and protect the important environmental and rural landscapes, diverse heritage and unique social assets. The LSPS states:

‘By 2036, Cessnock’s population will have grown to almost 80,000 people and another 5,000 home will have been built’ (p. 12).

This represents a 10-year average population growth of 1.8%, which is higher than the NSW state growth of 1.3%, which identifies Cessnock as an important LGA for provision of housing to accommodate population growth. The planning proposal is consistent with the LSPS as it will provide an additional dwelling on available land, able to be appropriately serviced to meet the population and dwelling projection within Cessnock.

The planning proposal is consistent with:

- **Planning Priority 6 – Rural residential, large lot residential development and environmental living are considered in limited and appropriate locations**

This priority identifies the importance of protecting agricultural land from potential land-use conflicts and unplanned rural residential development, by providing a transition from rural activities and agricultural landscapes to urban areas.

This Planning Proposal does not result in the subdivision or rezoning of existing rural land. It relates to one Lot, that is surrounded by existing dwellings and rural land. The purpose of providing one dwelling on-site aims to protect the rural land further through stimulating active management and protection, directly resulting from habitation of the site.

- **Planning Priority 8 – Our rural land is protected from incompatible development**

The LSPS states that the scale of the agricultural sector in Cessnock is in broad decline, with the gross value of agricultural production (GVAP) falling between 2001 and 2011 (p. 35). The immediate threats to important agricultural land across Cessnock include fragmentation (by subdivision), urban encroachment and the cumulative impact of larger scale non-agricultural development. The use and consolidation of smaller allotments is encouraged.

To determine the existing use and character of the land surrounding the site within 1km in all directions, a review of the Cessnock Council DA Tracker

(online) has been carried out. Given the use of land and associated approvals on many sites' pre-dates electronic registration in 1999, a review of aerial imagery has also occurred. The land use of each Lot to the best of our knowledge following completion of this exercise is shown in the table below:

Table 1: Surrounding development land use within 1km of the site

Site	Use
220 Black Hill Road, Black Hill	Quarry, site sheds and offices
298 Black Hill Road, Black Hill	Quarry, site sheds, offices and managers residence
326 Black Hill Road, Black Hill	Dwelling pre-dating 1999, shed, pool and other ancillary structures
330 Black Hill Road, Black Hill	Dwelling pre-dating 1999 and ancillary structures
340 Black Hill Road, Black Hill	Dwelling pre-dating 1999 and ancillary structures
392 Black Hill Road, Black Hill	Dwelling pre-dating 1999 and ancillary structures
386 Black Hill Road, Black Hill	Dwelling approval 2011 and shed
390 Black Hill Road, Black Hill	Shed
394 Black Hill Road, Black Hill	Dwelling pre-dating 1999 and ancillary structures
396 Black Hill Road, Black Hill	Dwelling pre-dating 1999 and ancillary structures
408 Black Hill Road, Black Hill	Dwelling pre-dating 1999 and ancillary structures
48 Taylors Road, Black Hill	Dwelling pre-dating 1999 and ancillary structures
60 Taylors Road, Black Hill	Dwelling pre-dating 1999 and ancillary structures
57 Taylors Road, Black Hill	Dwelling pre-dating 1999, above ground pool and ancillary structures
5 Taylors Road Black Hill	Dwelling approval 2014 and ancillary structures

As evidenced by the above table, each Lot adjoining the site and within 1km incorporates historic approvals for rural-residential use, consisting the siting of a dwelling or associated dwelling entitlement. Thus, enabling a dwelling to be constructed on the site is not inconsistent or incompatible with the surrounding land uses or established character of the area. Consolidating undersized Lots would not achieve the intent of the planning priority within this area, given the majority of Lots contain dwellings (consistent with the intent of

this planning proposal) and are under independent ownership with associated small-scale agricultural pursuits. Aside from its small Lot size, use of this site for agricultural pursuits is not viable due to the soil profile, undulating topography, and vegetated state towards the rear.

The highest and best use of the land titles within this area is agriculture with dwelling houses and ancillary structures, to ensure the active protection and management of the agricultural land occurs. Without a dwelling, the land risks becoming abandoned, with no agricultural use occurring in turn.

- Planning Priority 22 – Our rural landscape is retained and enhanced**

This priority aims to protect the aesthetic value and viability of agricultural landscapes from expanding urban areas and from the encroachment of incompatible land-uses. To this extent, the right to farm and the continuation of existing, and potential future rural uses must be protected and encouraged.

As detailed above, the established character of this particular area constitutes rural-residential, adjoining an established quarry (Black Hill Quarry). These land titles incorporate small – large scale farming use, with dwelling houses and associated ancillary structures within clustered sections of each Lot to ensure the active protection and management of the agricultural land occurs.

Planning principle number five of this priority includes an action item being to *‘update the LEP Dwelling Entitlements Map to include parcels of land that have been identified as having an entitlement’*. This planning proposal aims to fast track this review for the site, due to timing associated with the action items far exceeding the landowner’s timeframes for development of the site.

Any future dwelling constructed on the site will be placed in a location that does not fragment the surrounding available rural / farming land and will preserve the rural character and amenity of the land. The assessment of amenity, character, siting, and other development requirements will be assessed under a future development application for a dwelling.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

An assessment of relevant State Environmental Planning Policies (SEPPs) against the Planning Proposal is provided in the table below.

Table 2 – Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 44 – Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The	The planning proposal will not result in the removal of any current or potential koala habitat.

	SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	
SEPP 55 – Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.	A Preliminary Contamination Assessment will not be required because the site is zoned RU2 – Rural Landscape and has not been subject to historic contaminating activities.

Q6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant Ministerial Directions against the Planning Proposal is provided in the table below.

Table 3 – Relevant Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	The site is not located within a Business or Industrial zone thus the objectives of this direction do not apply.	
1.2 Rural Zones	<p>The overall objective of this direction is to protect the agricultural production value of rural land. The site is located within the RU2 – Rural Landscape Zone, thus Clause 4(a) of this direction applies.</p> <p>This planning proposal does not propose to rezone the land from a rural zone to another zone and does not increase the permissible density of land within the rural zone. The planning proposal only seeks to allow the construction of one dwelling, that would otherwise be permitted in the zone should compliance with Clause 4.1B occur.</p> <p>The planning proposal is consistent with this direction, as the site is not identified to have agricultural value given the small size of the site, extensive vegetation</p>	

	<p>location towards the rear southern portion of the site and large farm dam located within the northern part of the site. A dwelling located within the central most portion of the site towards the existing road will avoid these areas so as to contribute to the protection of the character of the site and area and allow for continued management of the land. This will not diminish the value of the site relating to a small farm holding.</p> <p>Formal consultation will now take place with DPIE (Resources Regulator) as part of the public exhibition period in accordance with the gateway determination.</p>
1.5 Rural Lands	<p>The applicable objectives of this direction are to:</p> <ul style="list-style-type: none"> a. Protect the agricultural production of rural land. b. Facilitate the orderly and economic development of rural lands for rural and related purposes. c. Assist in the proper management, development, and protection of rural lands to promote the social, economic and environmental welfare of the State. d. Minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses. e. Encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land. <p>Please refer to assessment contained under Direction 1.2 above. The planning proposal is consistent with this direction given the construction of one dwelling on the site will assist in facilitating management and protection of its agricultural value, whilst also achieving consistency with the character of the surrounding land.</p> <p>The planning proposal is consistent with the aims and objectives of the LSPS as detailed within this report. A search of the eSpade database identifies the most appropriate use of the land as 'grazing, modified pasture' with these smaller sites having been cleared for grazing or poultry farming and not for any intensive agricultural use. This land use will not change as a result of single dwelling construction, rather will facilitate the continued management of the land through allowing the tending to grazing animals on-site on a daily basis, supporting farmers in exercising their right to farm.</p>

	<p>The closest soil profile is located within the Ironbark Creek Catchment, collected in 1991. This indicates that the soil is expected to be hard set when dry and loose when described. The soils are high in acid and of low fertility and highly susceptible to erosion thus reducing the agricultural viability of the land.</p> <p>The topography of the site and its surrounds consists of undulating low hills and rises, with slopes being within a range of 3-15%. Vegetation consists of tall open forest comprising spotted gum, ironbark and grey gum of particular mention.</p> <p>Surrounding land uses within close proximity to the site contain minor agricultural uses, each containing a dwelling house and associated ancillary structures, thus the risk of land use conflict or land use fragmentation is low, maintaining consistency with Part 2, Schedule 4 of SEPP (Primary Production and Rural Development) 2018. In turn, the social, economic, and environmental interests of the community will not be negatively impacted, rather, the construction of a single dwelling will continue to support the intended use of the land within this area. Reducing any associated incompatibility will occur through the design and siting of any future dwelling to ensure farming rights of the site can be maintained.</p>
2. ENVIRONMENT AND HERITAGE	
2.3 Heritage Conservation	<p>The existing LEP has been informed by previous Environmental Planning Instruments (EPIs), heritage studies and archaeological studies. Schedule 5 – Environmental Heritage of this LEP does not identify the site to contain any heritage item, but it does identify it to be located in a Heritage Conservation Area. The Aboriginal Heritage Information System Search completed also did not identify any Aboriginal sites or places on the site.</p> <p>The planning proposal is consistent with this Direction, as there is will be no impact.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
No applicable directions.	No applicable directions.
4. HAZARD AND RISK	
4.1 Acid sulfate soils	This direction does not apply as the site is not identified to contain any acid sulfate soils.

4.3 Mine subsidence and unstable land	<p>This direction applies because the site is identified as being located within a Mine Subsidence District. The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p>The site is identified as requiring compliance with Guideline 7 prepared by the Subsidence Advisory (SA) NSW. As part of any DA application in the future, consultation with SA NSW will occur to determine any associated construction requirements to ensure compliance with the constraints of the land.</p>
4.3 Flood prone land	<p>This direction does not apply as the site is not identified as flood prone.</p>
4.4 Planning for Bushfire Protection	<p>This direction applies because the land is identified as bushfire prone. The Bushfire Assessment Report submitted with this planning proposal demonstrates that a development area is setback 25m from the classified vegetation to the south and therefore can meet a construction level of BAL-29 in accordance with the National Construction Code (NCC) with the exception of the construction requirements of the RFS, 2019, 'Planning for Bushfire Protection' (Part 7 – Residential Infill Development).</p>
5. REGIONAL PLANNING	
5.10 Implementation of Regional Plans	<p>This direction applies because the site is identified in the area covered by the HRP. As demonstrated under Question 3, the planning proposal has demonstrated consistency with both the HRP.</p>
6. LOCAL PLAN MAKING	
6.3 Site Specific Provisions	<p>This direction is applicable because the proposal seeks to enable a dwelling to be constructed on the land, identified on the dwelling entitlement map. The land use is already permissible under the LEP, however is unnecessarily restricted by the operation of Clause 4.1B.</p> <p>The proposal is consistent with the direction this proposal does not contain or refer to drawings that show details of the development proposal.</p>

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is a low likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected given the site has suitable cleared areas for the construction of a dwelling, reducing the associated removal of vegetation. The Bushfire Assessment Report also demonstrates that the establishment of appropriate Asset Protection Zones can occur, being 25m to the south of the proposed siting of the dwelling which would not result in extensive removal (if any) of native flora or fauna.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is located within an area that has minimal land constraints identified by the Cessnock LEP. The constraints are limited to Mine Subsidence and Bushfire Prone Land. The *Rural Fires Act 1997* and *Coal Mine Subsidence Compensation Act 2017* contains existing provisions that allow these matters to be addressed at the Development Application Stage.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The site is located within an existing rural area with access to all relevant services. Any future DA for a dwelling will include all design elements required under the relevant planning instruments and policies to ensure compliance with the character of the locality and associated environmental constraints.

There are no tangible cumulative impacts arising from the planning proposal given the small-scale nature and appropriateness of the development in conjunction with the site. Cumulative impacts are positive in that a future dwelling will enable the site to be used to its full potential whilst ensuring the impacts on the site and the surrounding area are minimal in nature.

The planning proposal and any future dwelling will not result in any adverse social or economic impact on the locality. Rather, the development provides positive economic and social impacts by facilitating additional construction activity and the active management of land, consistent with the requirements of the rural zoning. Leaving the site 'as is' does not assist in achieving the overall land use objectives or consistency with surrounding rural land.

No economic studies have been completed for the proposal; rather economic justification has been provided in this proposal by demonstrating that the site has minimal agricultural use or potential, thus dwelling development will assist in actively managing the land and farming rights it holds.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Adequate public infrastructure is available. The site has access to Taylors Road.

The site is not isolated and has existing access to electricity given the existing rural-residential development surrounding the site. A suitable on-site waste management system will be designed as part of a future DA for a dwelling, to adequately dispose of waste on-site. Water will be provided via tank which is consistent with the surrounding dwellings.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No matters have been identified that would require the views of State and/or Commonwealth public authorities. The adjoining roads are local. The site is identified as bushfire prone, however the Bushfire Assessment Report submitted with this planning proposal demonstrates that a future dwelling could be constructed, achieving 29Kw/sqm or less in accordance with AS3959 except for the construction requirements of the PBP (Clause 7.5.2 – NSW State Variations).

The site is not identified as flood prone.

PART 4 – Mapping

An amendment to the dwelling entitlement map – Sheet DWD_009 within the LEP is required as part of this planning proposal.

PART 5 – Community consultation

Community consultation will be undertaken in accordance with the gateway determination, which requires that the planning proposal be made publicly available for a minimum of 28 days.

Notice of the public exhibition period will be placed in the local newspaper. The exhibition material will be on display at Council's Administration Building in Cessnock during normal business hours. The planning proposal will also be available on Council's website.

PART 6 – Project timeline

The additional technical information, studies and investigations identified in the planning proposal have been completed to enable the planning proposal to be placed on public exhibition.

The planning proposal is expected to be reported to Council following the completion of the public exhibition period. The following timetable is proposed:

[illegible]

58 Taylors Rd, Black Hill

Attachment 6 - Site Plan



- Site Boundary
- Cadastre
- Roads
- Waterways
- Waterbodies
- Indict Building Enve
- Property Access
- Unmanaged Vege Line



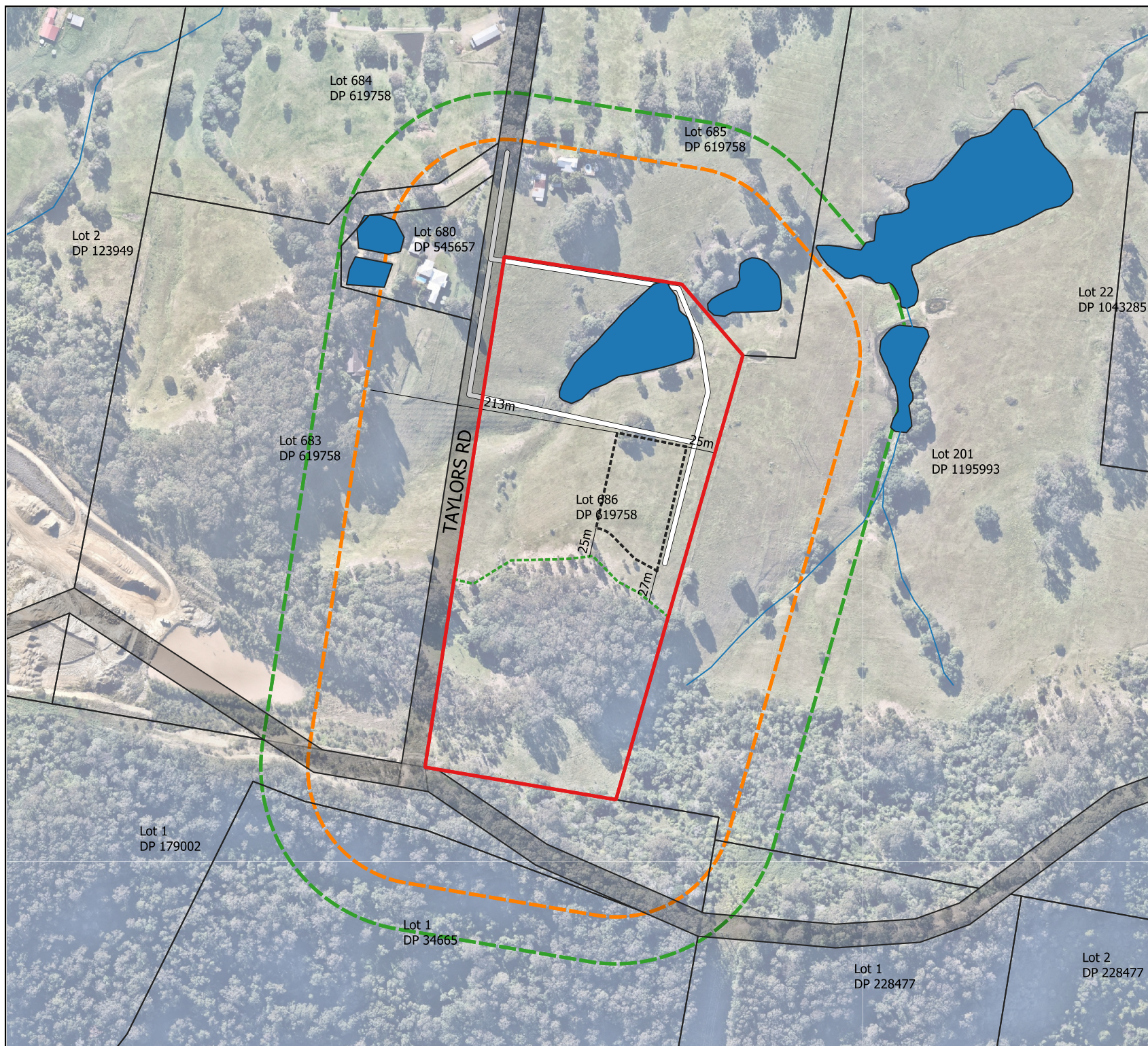
0 75 150 m

A horizontal scale bar with black and white segments, representing distances of 0, 75, and 150 meters.

Disclaimer: While every effort is made to ensure this map is free of errors, there is no warrant the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied.

Job No: J001291

Date: 20/09/2020



Erin Daniel

Date: 07 May 2020

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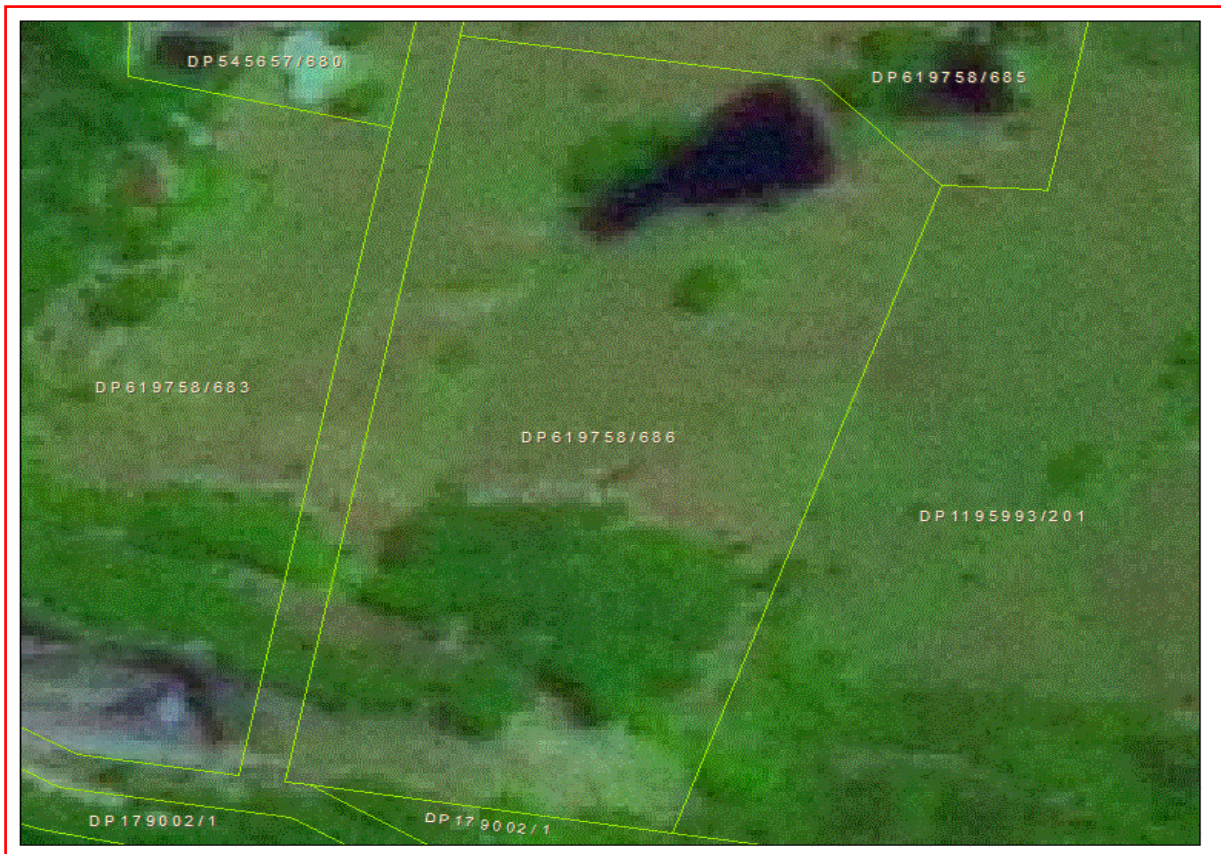
Attention: Erin Daniel

Email: erin@perceptionplanning.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 686, DP:DP619758 with a Buffer of 0 meters, conducted by Erin Daniel on 07 May 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



BUSHFIRE ASSESSMENT REPORT (BAR)

REZONING (SCHEDULE 1) TO ENABLE A DWELLING HOUSE (PBP, 2019, PART 4 – STRATEGIC PLANNING AND PART 7 – RESIDENTIAL INFILL DEVELOPMENT)

58 TAYLORS ROAD, BLACK HILL, NSW, 2322
(LOT 686, DP 619758)

Prepared by Perception Planning Pty Ltd on behalf of Mr. Sean Maddison



Above: Photo of the identified building envelope on Lot 686, DP 619758

25 September 2020

Contact:

Mr. Jeffrey Bretag
Principal Planner, Perception Planning Pty Ltd
Bushfire Planning and Design (Level 2) – No. 50883
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Table 1 – Document Versions and Disclaimer

No:	Perception Planning Reference:	Author:	Reviewer:
Version 1	14/09/20_BAR_58 Taylors Rd_Version1	MVB	JB
Version 2	20/09/20_BAR_58 Taylors Rd, _Version2	JB	ED
Version 3	25/09/20_BAR_58 Taylors Rd, _Version3	JB	Client
<p>Disclaimer:</p> <p>This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Perception Planning and the client.</p> <p>The scope of services has been defined in consultation with the client with consideration to time, budgetary constraints and the availability of reports and other data relating to the site. Changes to information, legislation and schedule are made on an ongoing basis in consultation with the client. Stakeholders should therefore obtain up-to-date information.</p> <p>Perception Planning accepts no liability or responsibility whatsoever for, or in respect of, any use of or reliance upon this report and its supporting material by any third party. Information provided is not identified to be suitable for legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.</p> <p>Any recommendation or advice expressed in this report is made in good faith and in accordance with the relevant legislation for bushfire prone development in NSW. It should be borne in mind that the measures recommended in this report cannot guarantee that a building will survive a bushfire event on every occasion. This is due to the degree of vegetation management, the unpredictable behaviour of bushfires and extreme weather conditions. As such, the author is not liable to any person for any damage or loss whatsoever which has occurred or may occur in relation to the person acting or not acting based on the recommendations of this report.</p> <p>This bush fire assessment report shall remain valid for 12 months from the date of issue.</p>			
<p>Charitable Donation:</p> <p>Please note that a donation of \$10.00 will be made by Perception Planning to the of the NSW Rural Fire Service. The donation is made at the end of the financial year and is intended to assist the NSW RFS with community activities.</p>			

Table 2 – Council and RFS Summary

Question:	Response:
Has this Assessment been certified by a Bushfire Protection and Design (BPAD) Practitioner?	Yes - This Assessment has been completed by Jeffrey Bretag, who has completed the Graduate Diploma in Bushfire Protection from the University of Western Sydney and has current Bushfire Planning and Design (BPAD – Level 2) Accreditation from the Fire Protection Association (FPA).
What is the recommended level of compliance with AS3959-2018?	<p>The recommended level of compliance is that the future dwelling house is capable of being sited to achieve 29Kw/sqm or less, which would mean Bushfire Attack Level (BAL)-29 construction in accordance with AS3959-2018, as appropriate, with the exception of the construction requirements of the RFS, 2019, 'Planning for Bushfire Protection' (Clause 7.5.2 – NSW State Variations).</p> <p>No reduction requirements due to shielding are identified under AS3959 (Clause 3.5 – Reduction in Construction Requirements Due to Shielding) because neither of the building elevations are shielded from the bushfire.</p>
Can the proposed development comply with AS3959-2018 and RFS, 2019, Planning for Bushfire Protection?	Yes – Future Architectural Plans for a dwelling house will need to identify that the building needs to be constructed in accordance with the Bushfire Assessment Report (BAR) completed for that building. An additional note should be added to the Architectural Plans to ensure that consideration is provided to the RFS, 2019, 'Planning for Bushfire Protection' (Clause 7.5.2 – NSW State Variations).
Does the proposed development comply with the aims and objectives of the RFS, 2019, Planning for Bushfire Protection?	Yes – A table demonstrating that the proposal is consistent with the aims and objectives of the RFS, 2019, Planning for Bushfire Protection is provided as (ATTACHMENT 3) .
Is referral to the NSW Rural Fire Service required?	Yes – The development is not defined as residential subdivision, rural residential subdivision, or Special Fire Protection Purpose (SFPP) under the Rural Fire Act 1997 (100B) and therefore does not require a Bush Fire Safety Authority (BFSA). However, the Gateway Determination is likely to require consultation with the NSW Rural Fire Service given that the site is mapped as Bushfire Prone Land (BPL). Any consultation requirements will be prescribed by the gateway determination.
What is the Site Plan Reference?	<p>Perception Planning Pty Ltd</p> <p>Drawing No: (ATTACHMENT 6)</p> <p>Date: 14/09/2020</p>

EXECUTIVE SUMMARY

Perception Planning has been engaged by Mr. Sean Maddison (the client) to prepare a Bushfire Assessment Report (BAR) for a planning proposal (i.e. rezoning) and subsequent dwelling house at 58 Taylors Road, Black Hill, NSW, 2322 (Lot 686, DP 619758) (the site).

The development is neither defined as residential subdivision, rural residential subdivision, nor a Special Fire Protection Purpose (SFPP) under RFS, 2019, 'Planning for Bushfire Protection' (PBP). It is therefore defined as 'infill development and other development'. A Bush Fire Safety Authority (BFSa) is not required from the RFS under the Rural Fire Act 1996 (s100B).

The site is an existing vegetated property, which is a 19-minute drive or 16.1km to the south of Maitland and is located within the Cessnock Local Government Area (LGA). The site is identified as Bushfire Prone Land (BPL), being Vegetation Category 1 and 3 under the Environmental Planning & Assessment Act 1979 (s10.3) (EPA&A).

A site inspection took place on 6 August 2020. A Dial Before You Dig (DBYD) request identified that mains electricity is available in the road reserve, however water is not (**ATTACHMENT 4**). A Deposited Plan (DP) was also obtained from 'NSW Land Registry Services', which identified no restrictions relating to APZs or site access.

This BAR identifies that the predominant bushfire hazard is located to the south of the site (**FIGURE 6**). This hazard is classified as Forest and is situated on land that has an effective upslope of 0 degrees. The BAR provides a series of recommendations for the different Bushfire Protection Measures (BPM)s. In relation to Asset Protection Zones (APZs), it identifies:

Table 3– BAL Table

Direction	Vegetation	Surface Fuel (t/ha)	Overall Fuel (t/ha)	Rise (m)	Run (m)	Slope (°)	Separation(m)	BAL
Transect 1 (N)	Low Threat - Managed	-	-	-	-	-	-	BAL-LOW
Transect 2 (E)	Low Threat - Managed	-	-	-	-	-	-	BAL-LOW
Transect 3 (S)	Forest	22	36.1	25	77	-18	25	BAL-29
Transect 4 (W)	Forest	22	36.1	10	26	-21	100>	BAL-LOW

Based on the above, the future dwelling house would experience 29Kw/sqm or less in accordance with AS3959 except for the construction requirements of the PBP (Clause 7.5.2 – NSW State Variations. The removal of native flora or fauna will not be required.

Notwithstanding the precautions adopted, it should always be remembered that bushfires burn under a wide range of conditions and an element of risk, no matter how small, always remains and although the standard is designed to improve the performance of such buildings, there can be no guarantee because of the variable nature of bushfires that any one building will withstand bushfire attack on every occasion.

This BAR provides the above required information to assist Council and the RFS in determining compliance in accordance with the PBP and AS 3959-2018.

TERMS & ABBREVIATIONS

APZ	Asset Protection Zone
AS3959	Australian Standard 3959
BAL	Bushfire Attack Level
BAR	Bushfire Assessment Report
BFSA	Bush Fire Safety Authority
BPAD	Bushfire Planning and Design
BPL	Bushfire Prone Land
BPM	Bushfire Protection Measures
DA	Development Application
DBYD	Dial Before You Dig
DP	Deposited Plan
DSF	Dry Sclerophyll Forest
EP&A Act	Environmental Planning and Assessment Act 1979
FDI	Fire Danger Index
FPAA	Fire Protection Association of Australia
IPA	Inner Protection Area
LEP	Local Environmental Plan
LGA	Local Government Area
NCC	National Construction Code
OPA	Outer Protection Area
PBP	Planning for Bushfire Protection
RFS	NSW Rural Fire Service
RoW	Right of Way
SEED	Sharing and Enabling Environmental Data
SFPP	Special Fire Protection Purpose
URA	Urban Release Area
WSF	Wet Sclerophyll Forest

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1.0 INTRODUCTION

1.1 SITE PARTICULARS

Address:	58 Taylors Road, Black Hill, NSW, 2322 (the site)
Legal Description:	Lot 686, DP 619758
Total Area:	8.46ha (Approximate)
Local Government Area:	Cessnock
Fire Danger Index (FDI):	100 - Greater Hunter
Boundaries:	Land zoned RU2 – Rural Landscape is located to the north, east, south, and west of the site.
Boundary Lengths:	North – 154m, East – 474m, South – 166m and West – 442m
Current Land Use:	Vacant - Remnant Vegetation
Significant Features:	Black Hill is characterised by rural residential development. The site has direct access via Taylors Rd, which is currently an unsealed public road.
Environmental Features:	The site is not mapped as containing Biodiversity Values under the Biodiversity Conservation Act 2016 (FIGURE 4).
Archaeological Features:	A basic search of the AHIMS database identified zero sites and/or places (ATTACHMENT 1).
Climate/Fire History:	<p>The Hunter Risk Management Committee, 2009, 'Bushfire Risk Management Plan' (the Plan) states that:</p> <p><i>'Prevailing weather conditions associated with the bush fire season in the Hunter BFMC area are north-westerly winds accompanied by high daytime temperatures and low relative humidity. There are also frequently dry lightning storms in the western areas occurring during the bush fire season' (p.11).</i></p> <p>The Plan identifies several assets in the Cessnock Local Government Area. This Plan maps the land to the north of the site, Donaldson Colliery as a Fire Exclusion Zone and Seahampton to the south as a Strategic Fire Advantage Zone.</p> <p>These zones are reflective of the significant fire run that could occur from the south-west of the property.</p> <p>The Fire History Map (FIGURE 5) has not identified a recorded history of fires in proximity to the site. This does not mean that fires have not occurred in proximity, they may have just not been recorded.</p>

Fire Trails:	The Plan does not identify any fire trails that exist on the property that are on the Rural Fire Act (s.620 - Register of Certified Fire Trails).
Bushfire Prone Land Map:	<p>The site is identified as BPL, being Vegetation Category 1 and 3 (FIGURE 1).</p> <p>Category 1 is the highest risk for bushfire. It is represented as red on the BPL Map and is provided with a 100m buffer. This vegetation category has the highest combustibility and likelihood of forming fully development fires including heavy ember production. Category 1 consists of forest, woodlands, heaths, forested wetlands, and timber plantations.</p> <p>Category 3 is medium bush fire risk vegetation. It is higher in bush fire risk than Category 2 (and the excluded areas), but lower than Category 1. It is represented as dark orange on a BPL Map and is given a 30m buffer. Category 3 consists of grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands.</p>
Previous Approvals:	The existing development approvals listed in the table below have been sourced from the Cessnock Application Tracking website on 15 September 2020 .

Table 4 – Development Application History

Application	Date Lodged	Description
5/1994/80115/3	12/05/2017	S96 To Amend Quarry Floor Specifications
5/1994/80115/2	05/03/2014	S96 Application Proposing to Modify NSW Land and Environment Court Order No. 10515 of 1995 (Council Reference 5/1994/80115/2) which granted approval for the Operation and Extension the Black hill Quarry.
8/2005/929/1	14/09/2005	Development Application Site Rehabilitation **WITHDRAWN**
8/2001/487/1	30/05/2001	Development Application

No known compliance matters exist.

1.2 SCOPE

The scope of this BAR is to identify the bush fire hazard and provide measures to assist Council and the RFS that the identified fire hazard would be reduced to a level that is considered necessary to provide adequate protection to life and property.

This BAR provides the required information to assist Council and the RFS in determining compliance in accordance with the RFS, 2019, 'Planning for Bush Fire Protection' (PBP) and AS 3959-2018. Council is the final consenting authority and any future construction works must comply with the conditions listed in the Notice of Determination issued by Council.

1.3 PROPOSAL

The proposal is for a rezoning to enable a dwelling house to be permitted on the site (the development) at 58 Taylors Road, Black Hill, NSW, 2322 (the site). Under the Cessnock Local Environmental Plan 2011, a dwelling house 'means a building containing only one dwelling'.

The development is defined as 'infill development and other development' under PBP and could be defined under the National Construction Code (NCC) as a single storey dwelling (Class 1a).

An illustration of the proposed siting is provided as **(FIGURE 6)**

1.4 ASSUMPTIONS OF THIS REPORT

The following assumptions have been made in the development of this report:

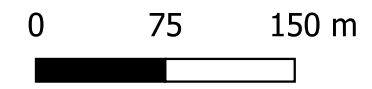
1. Access to the site was provided, so photos taken during the site inspection also include public areas, such as the road reserve.
2. The BAR will be assessed by Council and is likely to be considered by the NSW RFS as a condition of the gateway determination. They will develop conditions of consent. Any construction must comply the conditions issued by Council, not this BAR.

58 Taylors Rd, Black Hill

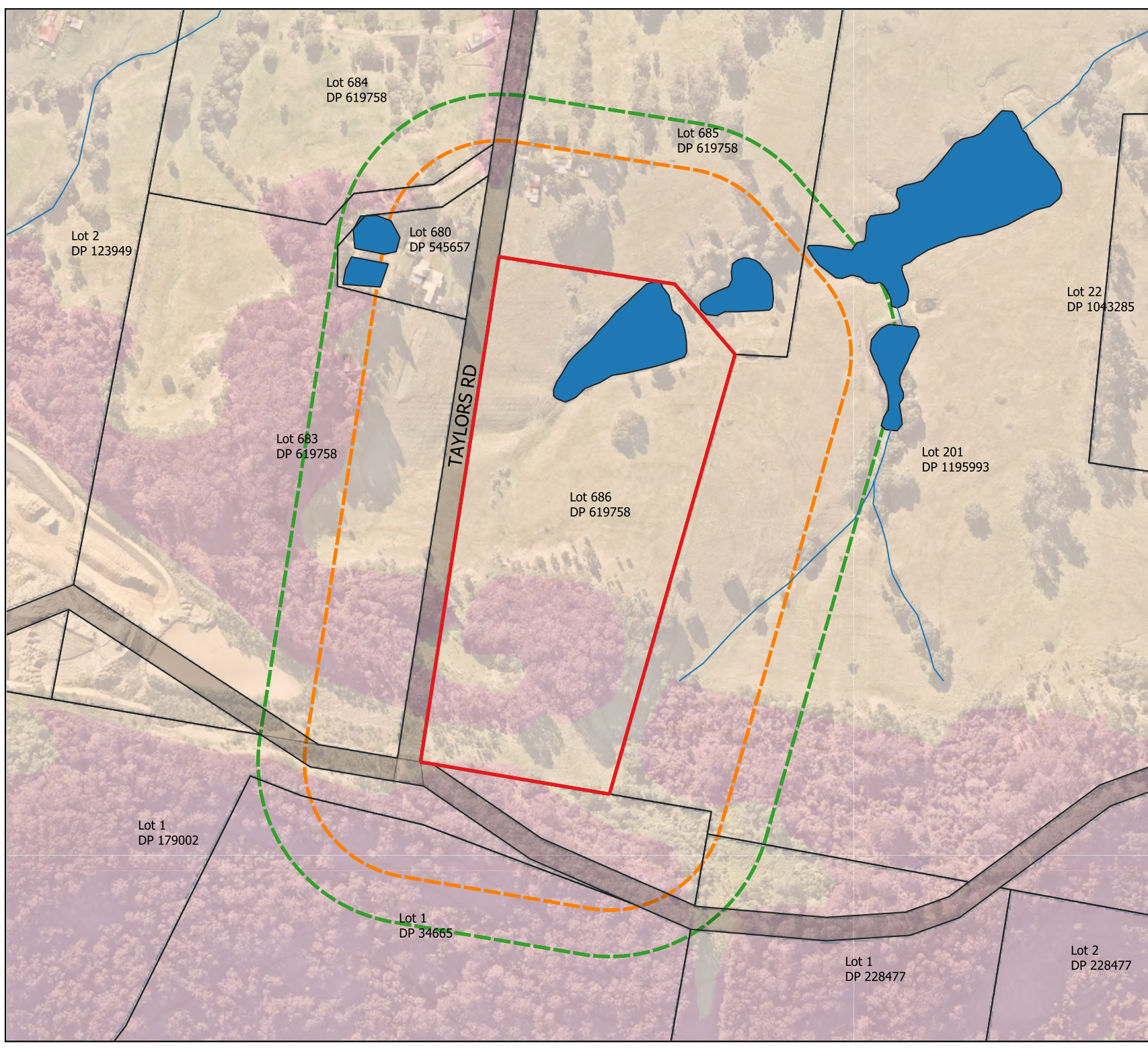
Figure 1 - Bushfire Prone Land Map



- Site Boundary
- Cadastre
- Roads
- Waterways
- Waterbodies
- Slope Buffer - 100m
- Vege Buffer - 140m
- BPL - Category 1
- BPL - Category 3



Disclaimer: While every effort is made to ensure this map is free of errors, there is no warrant the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied.



58 Taylors Rd, Black Hill

Figure 2 - Site Plan Map



- Site Boundary
- Cadastre
- Roads
- Waterways
- Waterbodies
- Slope Buffer - 100m
- Vege Buffer - 140m



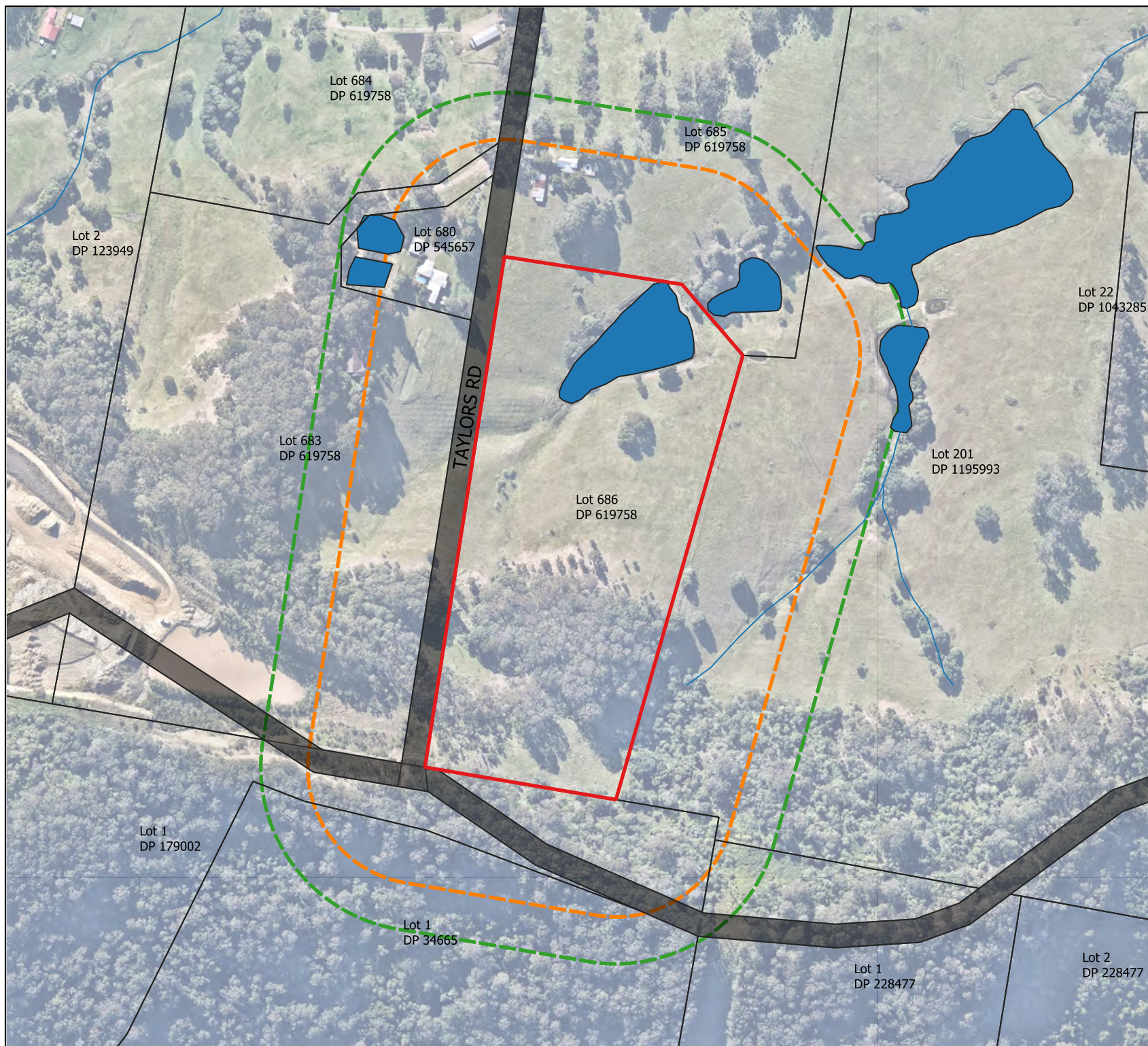
0 75 150 m

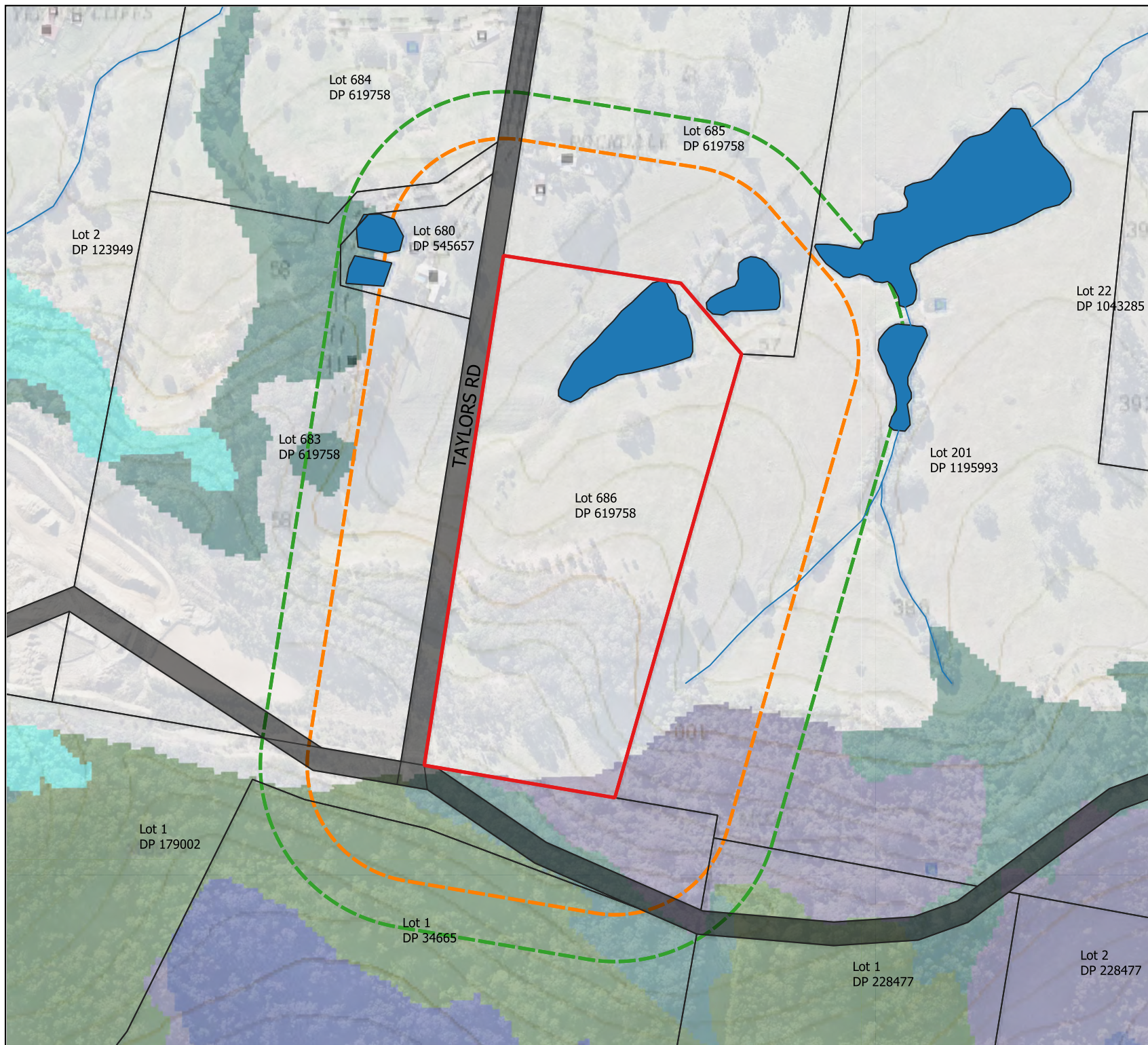
A horizontal scale bar with black and white segments, corresponding to the 0, 75, and 150 meter markings.

Disclaimer: While every effort is made to ensure this map is free of errors, there is no warrant the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied.

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Date: 14/09/2020





58 Taylors Rd, Black Hill

Figure 3 - Greater Hunter Vegetation Map



- Site Boundary
- Cadastre
- Roads
- Waterways
- Waterbodies
- Slope Buffer - 100m
- Vege Buffer - 140m
- Dry Rainforest
- Hunter Macleay DSF
- Northern Hinterland WSF
- Sydney Coastal DSF



0 75 150 m

Disclaimer: While every effort is made to ensure this map is free of errors, there is no warrant the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied.

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Date: 14/09/2020

58 Taylors Rd, Black Hill

Figure 4 - High Biodiversity Values Map



- Site Boundary
- Cadastre
- Roads
- Waterways
- Waterbodies
- Slope Buffer - 100m
- Vege Buffer - 140m
- High Bio Values



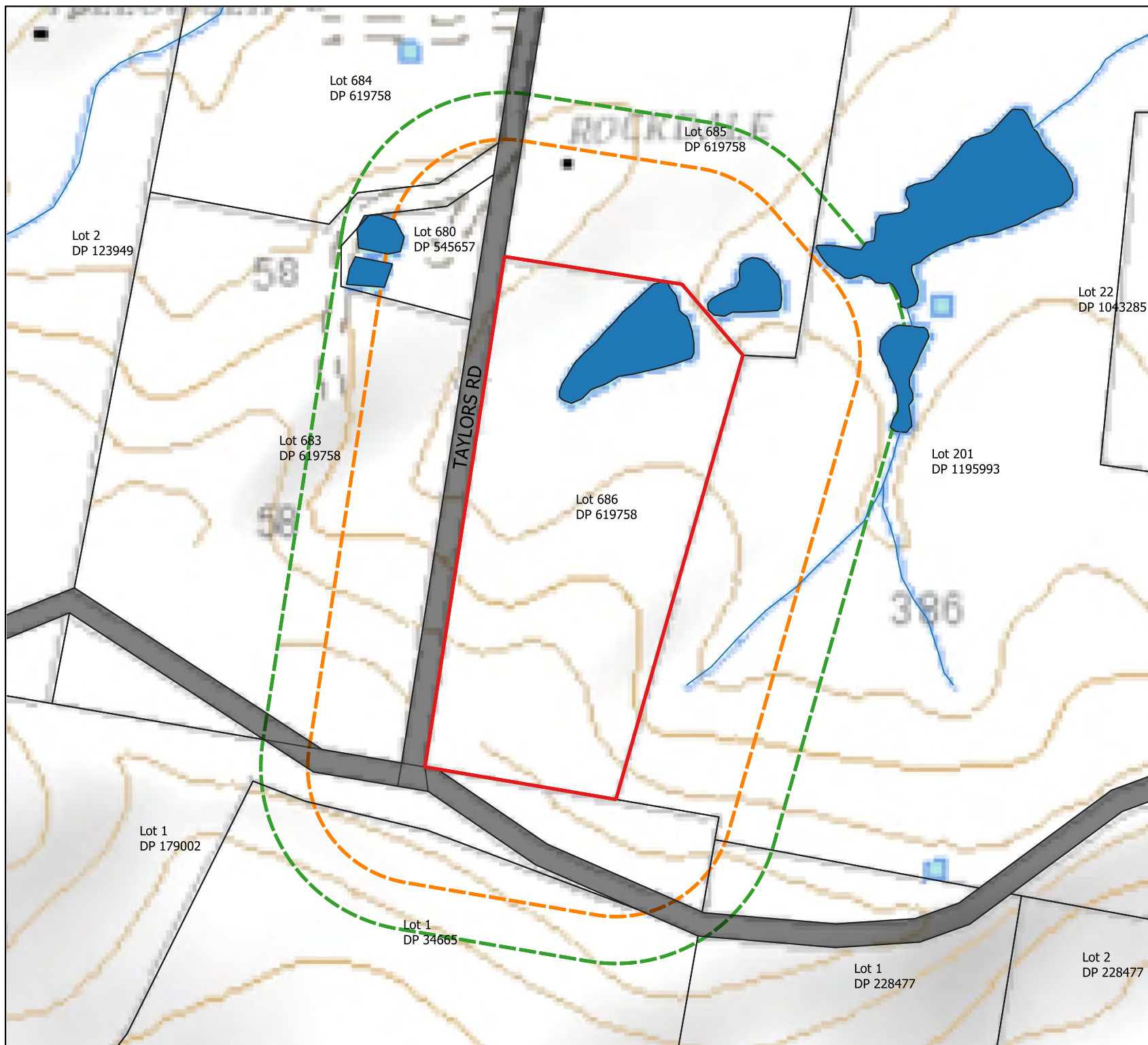
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A horizontal scale bar with black and white segments, representing distances of 0, 75, and 150 meters.

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Date: 14/09/2020



58 Taylors Rd, Black Hill

Figure 5 - Fire History Map



- Site Boundary
- Cadastre
- Roads
- Waterways
- Waterbodies
- Slope Buffer - 100m
- Vege Buffer - 140m
- Wildfire
- Prescribed Burn



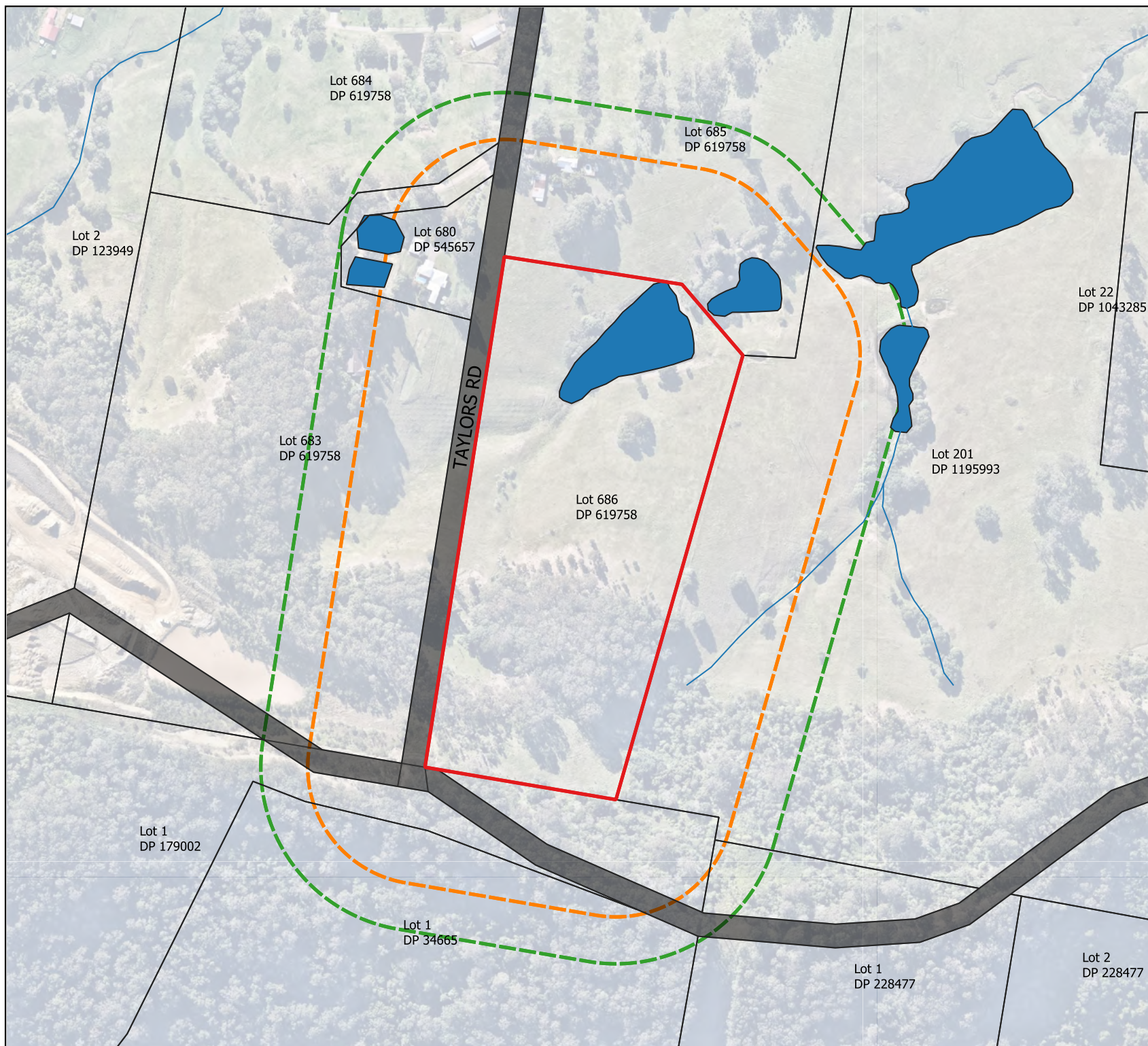
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A black horizontal scale bar with white markings at 0, 75, and 150 meters.

Disclaimer: While every effort is made to ensure this map is free of errors, there is no warrant the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied.

Job No: J001291

Date: 14/09/2020



58 Taylors Rd, Black Hill

Figure 6 - Site Assessment Map



- Site Boundary
- Cadastre
- Roads
- Waterways
- Waterbodies
- Slope Buffer - 100m
- Vege Buffer - 140m
- Site Photos
- Slope Transects
- Contours - 1m
- Forest
- Rainforest
- Contours - 5m



0 75 150 m

A black scale bar with white markings at 0, 75, and 150 meters.

Disclaimer: While every effort is made to ensure this map is free of errors, there is no warrant the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied.

Job No: J001291

Date: 14/09/2020

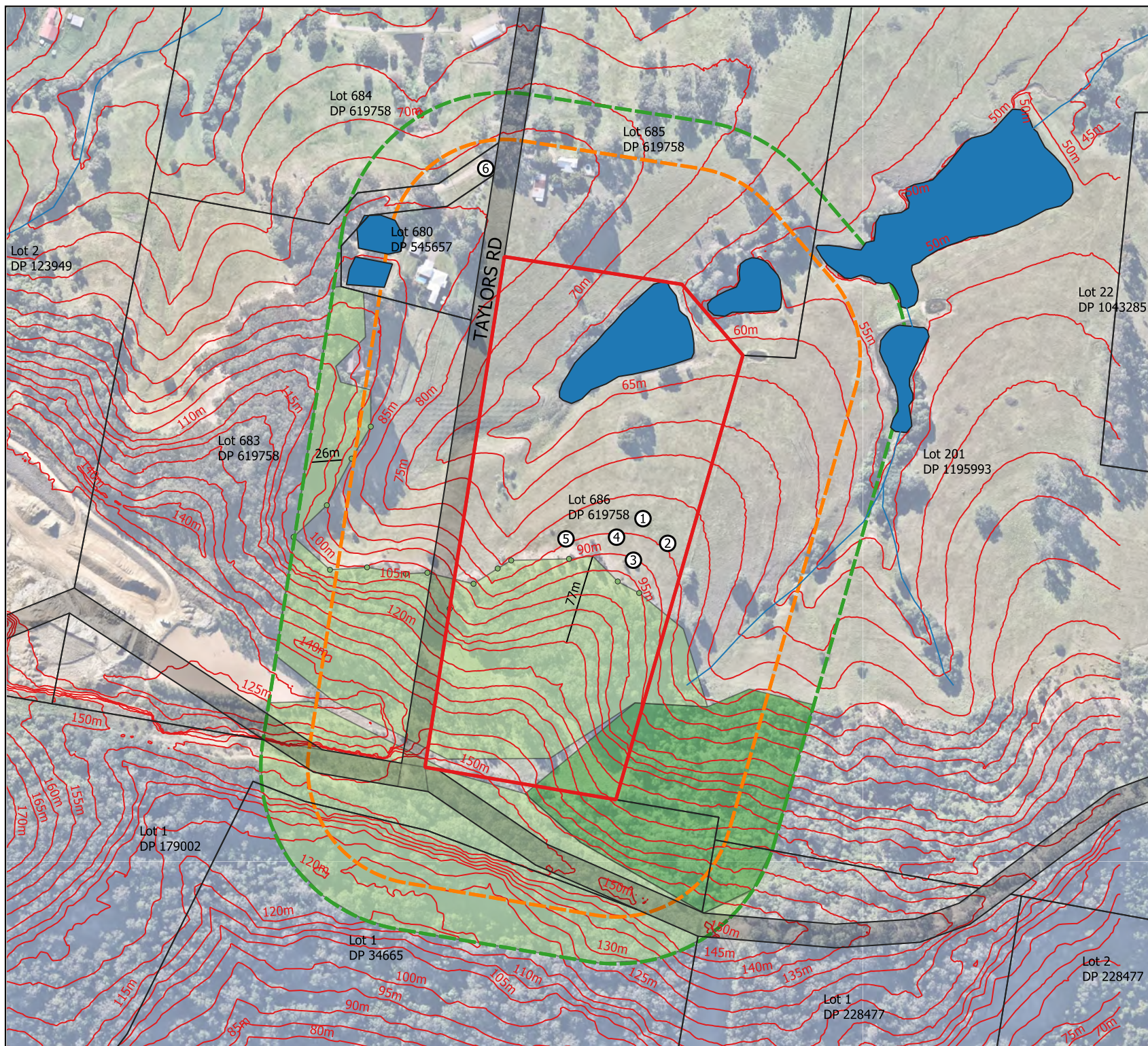


Photo 1 – Northern Perspective



Photo 2 – Eastern Perspective



Photo 3 - Southern Perspective



Photo 4 - Western Perspective



Photo 5 – Southern Perspective Vegetation – Hunter Macleay Dry Sclerophyll Forest



Photo 6 – Existing Access Road and Overhead Power Lines



2.0 ASSESSMENT

2.1 VEGETATION ASSESSMENT

The vegetation was determined by the following methods:

- Near Map to identify vegetation cover;
- Sharing and Enabling Environmental Data (SEED) Portal to identify Vegetation Classification, Fire History and Biodiversity Values Map;
- ePlanning Spatial Viewer to identify Bushfire Prone Land Map; and
- Site Inspection on 6 August 2020 to confirm vegetation formation using Keith, 2004, 'Ocean Shores to Desert Dunes'.

The predominant vegetation formation within 140m in all directions around the proposed building has been identified to be Forest with a Surface & Elevated Fuel Load of 22t/ha and a Total Fuel Load of 36.1t/ha in accordance with the RFS, 2019, Planning for Bushfire Protection.

The removal of native flora or fauna will not be required to achieve the development, including the establishment of APZs.

2.2 SLOPE ASSESSMENT

The effective slope was determined by the following methods:

- Elevation and Depth – Foundation Spatial Data (ELVIS) to identify 2m Contours; and
- Site Inspection on 6 August 2020 to confirm slope using a Nikon Rangefinder.

The effective slope of the land within 100m in all directions around the building ranges from 18 to 21 degrees upslope. The effective slope for each direction is outlined below.

2.3 DETERMINATION OF FIRE DANGER INDEX (FDI)

The FDI was determined by identifying the FDI rating within PBP (Part A1.6) (p.84). The FDI is 100 - Greater Hunter.

2.4 DETERMINATION OF BUSHFIRE ATTACK LEVEL (BAL)

The assessment of vegetation and slope has been used to calculate the following BALs:

Table 5 – BAL Table

Direction	Vegetation	Surface Fuel (t/ha)	Overall Fuel (t/ha)	Rise (m)	Run (m)	Slope (°)	Separation(m)	BAL
Transect 1 (N)	Low Threat - Managed	-	-	-	-	-	-	BAL-LOW
Transect 2 (E)	Low Threat - Managed	-	-	-	-	-	-	BAL-LOW
Transect 3 (S)	Forest	22	36.1	25	77	-18	25	BAL-29
Transect 4 (W)	Forest	22	36.1	10	26	-21	213	BAL-LOW

The development area is setback 25m from the classified vegetation to the south and therefore is required to be constructed to BAL-29 in accordance with National Construction Code (NCC) with the exception of the construction requirements of the RFS, 2019, 'Planning for Bushfire Protection' (Part 7 – Residential Infill Development).

A description of this BAL is provided by the following table.

Table 6 – Heat flux exposure and appropriate BAL

Heat flux exposure	Description	BAL
N/A	Minimal attack from radiant heat and flame due to the distance of the building from the vegetation, although some attack by burning debris is possible. There is insufficient threat to warrant specific construction requirements.	BAL-LOW
<12.5	Attack from burning debris is significant with radiant heat (not greater than 12.5kW/m ²). Radiant heat is unlikely to threaten building elements (such as unscreened glass). Specific construction requirements for ember protection and accumulation of debris are warranted.	BAL-12.5
>12.5 ≤ 19	Attack by burning debris is significant with radiant heat flux (not greater than 19kW/m ²) threatening some building elements (such as screened glass). Specific construction requirements for embers and radiant heat are warranted.	BAL-19
>19 ≤ 29	Attack by burning debris is significant and radiant heat flux (not greater than 29 kW/m ²) threatens building integrity. Specific construction requirements for ember and higher levels of radiant heat are warranted. Some flame contact is possible.	BAL-29
>29 ≤ 40	Radiant heat flux and potential flame contact could threaten building integrity.	BAL-40
>40	Significant radiant heat and significantly higher likelihood of flame contact from the fire front will threaten building integrity and result in significant risk to residents.	BAL-FZ

2.5 SHIELDING

The RFS, 2019, PBP states that 'Where an elevation is shielded from direct radiant heat arising from a bushfire attack, then the construction requirements for that elevation can be reduced to the next lower BAL' (p. 86).

For the development, no reduction requirements due to shielding are identified under AS3959 (Clause 3.5 – Reduction in Construction Requirements Due to Shielding) because neither of the building elevations are shielded from the bushfire. The exact siting of the dwelling house within the building envelope will also be the subject of a future Bushfire Assessment Report.

2.6 STRATEGIC MATTERS

The following table lists the matters to be addressed by a Bush Fire Strategic Study under the NSW RFS, 2019, 'Planning for Bushfire Protection' in order to demonstrate that strategic consideration has been provided to the site from a bushfire perspective.

Table 7 – Strategic Matters Table (NSW RFS, 2018, p.35)

No	Issue	Detail	Assessment Considerations	Assessment
1	Bush fire landscape assessment	A bushfire landscape assessment considers the likelihood of a bush fire, its potential severity and intensity and the potential impact on life and property in the context of the broader surrounding landscape.	The bush fire hazard in the surrounding area, including: <ul style="list-style-type: none"> • Vegetation • Topography • Weather 	The vegetation, topography, and weather (i.e. FDI) is discussed within this BAR (Part 2.0 – Assessment). A discussion of the potential fire behaviour in terms of Climate/Fire History is provided within this BAR (Part 1.0 – Introduction).
2			The potential fire behaviour that might be generated based on the above.	
3			Any history of bush fire in the area.	A discussion of Fire History and Potential Fire Runs is provided within this BAR (Part 1.0 – Introduction).
4			Potential fire runs into the site and intensity of such fire runs.	
5	Land use assessment	The land use assessment will identify the most appropriate locations within the masterplan area or site layout for the proposed land uses.	The risk profile of different areas of the development layout based on the above landscape study.	The highest risk comes from the identified bushfire hazard to the south in relation to the proposed building envelope. This BAR demonstrates that a future dwelling could be sited to achieve BAL-29 and the application of other Bushfire Protection Measures (BPM) can reduce this risk for people, buildings, and the environment.
6			The proposed land use zones and the resultant permitted land uses.	The planning proposal seeks to amend Schedule 1 of the Cessnock Local Environmental Plan to enable a dwelling to be permissible with development consent on the site. No change to the land-use zoning is proposed.
7			The most appropriate siting of different uses based on risk profiles	The proposed site is located on relatively flat land with the south and west aspects

			within the site (i.e. not locating development on ridge tops, SFPP development to be in lower risk areas of the site); and	having upslopes of 18-21 degrees. The siting is considered the most appropriate because it is the flattest part of the existing lot. The aspects to the north and east have low threat vegetation.
8			The impact of the siting of these uses on APZ provision.	
9	Access and egress	A study of the existing and proposed road networks both within and external to the masterplan area or site layout.	The capacity for the proposed road network to deal with evacuating residents and responding emergency services, based on the existing and proposed community profile.	Taylor's Road has the capacity to deal with evacuating residents. In this case, the proposed rezoning and proposed future dwelling addresses the needs of the inhabitants on this site and not a residential subdivision.
10			The location of key access routes and direction of travel.	The site will have direct access to Taylor Road which provides direction of travel away from the identified bushfire hazard.
11			The potential for development to be isolated in the event of a bush fire.	The development is unlikely to become isolated in the event of a bush fire as the predominant bushfire hazard and Taylors Road to the north is low threat vegetation.
12	Emergency services	An assessment of the future impact of new development on emergency service provision.	Consideration of the increase in demand for emergency services responding to a bush fire emergency (including the need for new stations/bridges); and	The development is to rezone the lot for a possible future dwelling. This should not have an impact on the demand for emergency services. It is suggested that the Cessnock NSW RFS be consulted during the public exhibition period of the planning proposal in order to understand their capacity.
13			Impact on the ability of emergency services to carry out fire suppression in a bush fire emergency.	The proposed dwelling will have direct access to Taylors Road. The access road will pass by an existing large dam which is situated less than 200m from Taylors

				Road. The proposed dwelling will be less than 200m from this dam which will provide emergency services the ability to carry out fire suppression as well exit in safety.
14	Infrastructure	An assessment of the issues associated with infrastructure provision.	The ability of the reticulated water system to deal with a major bush fire event (particularly in terms of water pressure); and	Reticulated water is not available, and it will be necessary to have a 10,000L water tank based on the development being less than 10ha.
15			Life safety issues associated with fire and proximity to high voltage power lines, natural gas supply lines, etc.	The surrounding lots are serviced by overhead power lines however the proposal has the potential to place power lines underground.
16	Adjoining land	The impact of new development on adjoining landowners and their ability to undertake bush fire management.	<p>Consideration of the implications of a change in land use on adjoining land including:</p> <ul style="list-style-type: none"> • The ability of adjoining and nearby land to carry a bush fire; and • Consideration of increased pressure on adjoining landowners to introduce or increase BPMs through the implementation of Bush Fire Management Plans as a result of the changes in land use. 	The size and shape of the proposed lot means that the required APZs have been demonstrated to be accommodated within the existing property boundaries.

2.7 MINISTERIAL DIRECTION (4.4 – PLANNING FOR BUSFHIRE)

The Environmental Planning & Assessment Act 1979 (Section 9.1, Ministerial Direction 4.4 – Planning for Bush Fire Protection) identifies that a planning proposal must, where development is proposed, comply with the appropriate provisions.

These provisions are listed, and a response provided, within the following table.

Table 8 – Ministerial Direction Table (EP&A Act 1979, Section 9.1)

No	Provision	Response
1	<p>Provide an APZ incorporating:</p> <ul style="list-style-type: none"> An Inner Protection Area (IPA) bounded by a perimeter road or reserve, which circumstances the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property. An Outer Protection Area (OPA) managed for hazard reduction and located on the bushland side of the perimeter road. 	<p>This BAR recommends an APZ of 25m to the south of the proposed siting of the dwelling house which is within the boundaries of the site. This is to be managed as an IPA.</p> <p>A portion of this could be managed as part of a OPA in accordance with Planning for Bushfire Protection (Table A1.12.4), which could be discussed as part of the future BAR for the dwelling house.</p>
2	For infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with.	The development is for residential infill development and the APZ can be achieved within the boundaries of the site.
3	Contain provisions for adequate water supply for firefighting purposes,	This BAR identifies that reticulated water is not available and a provision of a 10,000L water tank will be a requirement of this development. This is in addition to the existing dam 200m from the proposed dwelling.
4	Minimise the perimeter of the area of land interfacing the hazard, which may be developed,	The proposed siting of the dwelling house will minimise the major threat of vegetation bush fire hazard to the south. The aspect of the front of the house will be north with the access road to the east being away from the major threat.

5	Introduce controls on the placement of combustible materials in the IPA.	The description of how the IPA will be managed can be conditioned as part of the Development Approval for the proposed dwelling house.

3.0 BUSHFIRE PROTECTION MEASURES

3.1 ASSET PROTECTION ZONES

The RFS, 2019, PBP states that the intent of these Bushfire Protection Measures is 'to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities' (p.65).

Compliance with Table 7.4a – Performance criteria and acceptable solutions for residential infill development in relation to APZs is demonstrated below.

Table 9 - Compliance with PBP for Asset Protection Zones

No	Performance Criteria	Acceptable Solution	Complies	Response
1	<ul style="list-style-type: none"> APZs are provided commensurate with the construction of the building; and A defensible space is provided onsite 	An APZ is provided in accordance with Table A1.12.2 or A1.12.3 in Appendix 1.	Yes	This BAR identifies that the APZ has been calculated in accordance with tables A1.12.2 and A1.12.3 to demonstrate that building may be capable of achieving BAL-29, which relates to not exceeding 29kW/m ² .
2	<ul style="list-style-type: none"> APZs are managed and maintained to prevent the spread of a fire to the building. 	APZs are managed in accordance with the requirements of Appendix 4 of PBP.	Yes	<p>The BAR identifies that the APZ managed as an Inner Protection Area (IPA) is in accordance with Appendix 4 of PBP.</p> <p>The requirements of Appendix 4 are repeated in the recommendations of this BAR.</p>
3	<ul style="list-style-type: none"> The APZ is provided in perpetuity. APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised. 	APZs are wholly within the boundaries of the development site.	Yes	The BAR identifies that the APZ is wholly within the boundaries of the site.
4		APZs are located on lands with a slope less than 18 degrees.	Yes	The slope of lands on which APZs are located are no greater than 18 degrees.
5	Home-based childcare: The building must not be exposed to radiant heat levels exceeding 29kW/m ² (1090K).	An APZ is provided in accordance with Table A1.12.2 or A1.12.3 in Appendix 1	Not Applicable	The development is not for home-based childcare and therefore this performance criteria does not apply.

3.2 SITING AND DESIGN PRINCIPLES

The RFS, 2019, PBP does not include siting and design principles. In turn, the siting and design principles from the RFS, 2006, PBP (Section 4.3.5 – Specifications and Requirements for Bush Fire Protection Measures for Infill Development) have been discussed below.

Commentary regarding these Siting and Design principles of the development is outlined below.

Table 10 – Compliance with PBP for Siting and Design

No	Performance Criteria	Acceptable Solution	Complies	Response
1	Buildings are sited and designed to minimise the risk of bush fire attack.	Buildings are designed and sited in accordance with the siting and design principles in this section (see also Figure 4.7 (p.42)).	Able to Comply	<p>The performance of the proposed future dwelling house would be enhanced through the following siting and design principles:</p> <ol style="list-style-type: none"> 1. Not built on a ridge top or saddle; 2. Reduction in the bulk of a building (height and width) facing a bushfire hazard; 3. Simple building design with reduced numbers of re-entrant corners; 4. Provision of a simplified roofline; and 5. Avoiding raised floors and utilising concrete slabs (raft construction); 6. Reducing the number of windows facing the bushfire hazard.

3.3 ACCESS

The RFS, 2019, PBP states that the intent of these Bushfire Protection Measures is 'to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities' (p.65).

Compliance with Table 7.4a – Performance criteria and acceptable solutions for residential infill development in relation to Access is demonstrated below.

Table 9 – Compliance with PBP for Access

No	Performance Criteria	Acceptable Solutions	Complies	Response
1	Firefighting vehicles are provided with safe, all-weather access to structures and	Property access roads are two-wheel, all weather roads.	Able to Comply	The property access road will be a two-wheel, all weather road.

	hazard vegetation.			
2	The capacity of access roads is adequate for firefighting vehicles.	The capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.	Able to Comply	The capacity of road surfaces and any bridges/causeways can be designed to carry fully loaded firefighting vehicles (up to 23 tonnes).
3	There is appropriate access to water supply.	Hydrants are provided in accordance with the relevant causes of AS2419.1:2005	Able to Comply	A static water and hydrant supply are required because reticulated water is not available.
4		There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.	Able to Comply	A static water and hydrant supply are required because reticulated water is not available.
5	Firefighting vehicles can access the dwelling and exit the property safely.	At least one alternative property access road is provided for individual dwellings or groups of dwellings that are located more than 200 metres from a public through road.	Able to Comply	The proposed future dwelling is greater than 200m from a public road. An alternative property access road will be required that accesses Taylors Road, west of the dam.
6		There are no specific access requirements in an urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70 kph) that supports the operational use of emergency firefighting vehicles.	Not Applicable	The proposed future dwelling is more than 70m from Taylors Road and requires specific access requirements.

		In circumstances where this cannot occur, the following requirements apply:		
7		Minimum 4m carriageway width	Able to Comply	
8		In forest, woodland and health situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay	Able to Comply	Passing bay is required as access to Taylors Road is greater than 200m
9		A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches.	Able to Comply	A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches.
10		Property access must provide a suitable turning head in accordance with Appendix 3	Able to Comply	Property access must provide a suitable turning head in accordance with Appendix 3.
11		Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress.	Able to Comply	Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress.
12		The minimum distance between inner and outer curves is 6m.	Able to Comply	The minimum distance between inner and outer curves is 6m.
13		The crossfall is not more than 10 degrees.	Able to Comply	The crossfall is not more than 10 degrees.
14		Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.	Able to Comply	Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

15		A development compromising more than three dwellings has formalised access by dedication of a road and not a right of way.	Not Applicable	Does not apply.
16		Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.	Not Applicable	Does not apply.

3.4 WATER SUPPLIES

The RFS, 2019, PBP states that the intent of these Bushfire Protection Measures is 'to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities' (p.65).

Compliance with Table 7.4a – Performance criteria and acceptable solutions for residential infill development in relation to Water Supplies is demonstrated below.

Table 10 – Compliance with PBP for Water Supplies

No	Performance Solutions	Acceptable Solutions	Complies	Response
1	An adequate water supply is provided for firefighting purposes.	Reticulated water is provided to the development, where available, and	Not Applicable	Does not apply.
2		A static water supply is provided where no reticulated water is available	Able to Comply	A static water and hydrant supply are required because reticulated water is not available.
3	<ul style="list-style-type: none"> Water supplies are located at regular intervals The water supply is accessible and reliable for 	Fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005	Able to Comply	A static water and hydrant supply are required because reticulated water is not available.
4		Hydrants are not located within any road carriageway	Not Applicable	No hydrants currently exist.

5	firefighting purposes	Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads.	Not Applicable	Does not apply.
6	Flows and pressure are appropriate.	Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005	Able to Comply	A static water and hydrant supply are required because reticulated water is not available.
7	The integrity of the water supply is maintained.	All above-ground water service pipes external to the building are metal, including and up to any taps.	Able to Comply	A static water and hydrant supply are required because reticulated water is not available.
8	A static water supply is provided for firefighting purposes in areas where reticulated water is not available.	Where no reticulated water supply is available, water for firefighting purposes is provided in accordance with Table 5.3d, being: <ul style="list-style-type: none"> Residential lots (<1000m²) are to provide 5,000L/lot Rural residential lots (1,000-10,000m²) are to provide 10,000L/lot Large rural/lifestyle lots (>10,000m²) are to provide 20,000L/lot Multi-dwelling housing (including dual occupancies) are to provide 5,000L/dwelling 	Able to Comply	A static water and hydrant supply is required because reticulated water is not available. The site is 8.46ha and therefore 10,000 litres will be required.
9		A connection for firefighting purposes is located within the IPA or non-hazard side an away from the structure; 65mm Storz outlet with a ball valve is fitted to the outlet.		A connection for firefighting purposes is located within the IPA or non-hazard side an away from the structure; 65mm Storz outlet with a ball valve is fitted to the outlet.
10		Ball valve and pipes are adequate for water flow and are metal.		Ball valve and pipes are adequate for water flow and are metal.
11		Supply pipes from tank to ball valve have the same bore size to ensure flow volume.		Supply pipes from tank to ball valve have the same bore size to ensure flow volume.

12		Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank.	Able to Comply	Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank.
13		A hardened ground surface is supplied within 4m.	Able to Comply	A hardened ground surface is supplied within 4m.
14		Above-ground tanks are manufactured from concrete or metal.	Able to Comply	Above-ground tanks are manufactured from concrete or metal.
15		Raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F of AS 3959).	Able to Comply	Raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F of AS 3959).
16		Unobstructed access can be provided at all times.	Able to Comply	Unobstructed access can be provided at all times.
17		Underground tanks are clearly marked.	Able to Comply	A static water tank is required. If an underground tank is built it will be clearly marked.
18		Tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters.	Not Applicable	The static water tank is required to be built on the non-hazard side.
19		All exposed water pipes external to the building are metal, including the fittings.	Able to Comply	All exposed water pipes external to the building are metal, including the fittings.
20		Where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter.	Able to Comply	Where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter.

21		Fire hose reels are constructed in accordance with AS/NZS 1221:1997 and installed in accordance with the relevant clauses of AS 2441:2005.	Able to Comply	Fire hose reels are constructed in accordance with AS/NZS 1221:1997 and installed in accordance with the relevant clauses of AS 2441:2005.
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3.5 GAS SERVICES

The RFS, 2019, PBP states that the intent of these Bushfire Protection Measures is 'to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities' (p.65).

Compliance with Table 7.4a – Performance criteria and acceptable solutions for residential infill development in relation to Gas Services is demonstrated below.

Table 11 – Compliance with PBP for Gas Services

No	Performance Solutions	Acceptable Solutions	Complies	Response
1	Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.	Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used.	Able to Comply	Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used.
2		All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side.	Able to Comply	All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side.
3		Connections to and from gas cylinders are metal.	Able to Comply	Connections to and from gas cylinders are metal.
4		Polymer-sheathed flexible gas supply lines are not used.	Able to Comply	Polymer-sheathed flexible gas supply lines are not used.
5		Above-ground gas service pipes are metal, including and up to any outlets.	Able to Comply	Above-ground gas service pipes are metal, including and up to any outlets.

3.6 CONSTRUCTION STANDARDS

The NSW RFS, 2019, 'Planning for Bushfire Protection' states that:

'The NCC contains Performance Requirements and Deemed-to-Satisfy provisions relating to the construction of buildings in bush fire prone areas. In NSW, these provisions apply to Class 1, 2 and 3 buildings, Class 4 parts of a building, Class 9 buildings that are SFPP, and associated class 10a buildings and decks' (p.21).

The National Construction Code 2019 (NCC) (P2.7.5 – Buildings in bushfire prone areas) identifies that 'A Class 1 building or Class 10a building or deck associated with a Class 1 building that is constructed in a designated bushfire prone area must, to the degree necessary, be designed and constructed to reduce the risk of ignition from a bushfire, appropriate to the: a) potential for ignition caused by burning embers, radiant heat or flame generated by a bushfire; and b) intensity of the bushfire attack of the building' (p.73).

Compliance with Table 7.4a – Performance criteria and acceptable solutions for residential infill development in relation to Construction Standards is demonstrated below.

Table 12 – Compliance with PBP for Construction Standards

No	Performance Criteria	Acceptable Solution	Complies	Response
1	The proposed building can withstand bush fire attack in the form of embers, radiant heat and flame contact.	BAL is determined in accordance with Tables A1.12.5 to A1.12.7	Yes	<p>This BAR identifies that the APZ has been calculated in accordance with Table A1.12.2 or A1.12.3 in Appendix 1 to demonstrate that the development is to be constructed to BAL-29.</p> <p>For the development, no reduction requirements due to shielding are identified under AS3959 (Clause 3.5 – Reduction in Construction Requirements Due to Shielding) because the building elevation is not shielded from the bushfire.</p>
2		Construction is provided in accordance with the NCC and as modified by section 7.5 (please see advice on construction in the flame zone)	Able to Comply	<p>The proposed north, east, south and west elevations of the development and the entire roof of a future dwelling house shall be constructed to comply with Sections 3 and 7 (BAL-29) of Australian Standard AS3959-2018– 'Construction of buildings in bushfire prone areas' or NASH Standard (1.7.14) – National Standard Steel Framed Construction in Bushfire Areas – 2014', except where varied to be consistent with the RFS, 2019, 'Planning for Bushfire</p>

				Protection' (Clause 7.5.2 – NSW State Variations).
3	Proposed fences and gates are designed to minimise the spread of bush fire	Fencing and gates are constructed in accordance with section 7.6	Able to Comply	Fences and gates can be constructed to be in accordance with section 7.6 (i.e. fences should be hard-wood or non-combustible in bushfire prone areas. When they are less than 6m from the dwelling house, then they should be non-combustible).
4	Proposed Class 10a buildings are designed to minimise the spread of bush fire	Class 10a buildings are constructed in accordance with section 8.2.3	Not Applicable	No class 10a buildings are proposed.
5	Home-based child-care: the proposed building can withstand bush fire attack in the form of wind, localised smoke, embers and expected levels of radiant heat.	An APZ is provided in accordance with Table A1.12.2 or A1.12.3 in Appendix 1 of this document around the entire building or structure.	Not Applicable	The development is not for home-based child-care and therefore this performance criteria does not apply.
6		The existing dwelling is required to be upgraded to improve ember protection. This is to be achieved by enclosing or covering all openings with a corrosion-resistant steel, bronze or aluminium mesh with a maximum aperture of 2mm. Where applicable, this includes the openable portion of the windows, vents, weepholes and eaves, but does not include roof tile spaces. Weather strips, draught excluders or draught seals shall be installed at the base of side hung external doors	Not Applicable	The development is not for home-based child-care and therefore this performance criteria does not apply.

		as per AS3959. The subfloor space must be enclosed.		
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3.7 LANDSCAPING

The RFS, 2019, PBP states that the intent of these Bushfire Protection Measures is 'to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities' (p.65).

Compliance with Table 7.4a – Performance criteria and acceptable solutions for residential infill development in relation to Landscaping is demonstrated below.

Table 13 – Compliance with PBP for Landscaping

No	Performance Solutions	Acceptable Solutions	Complies	Response
1	Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind drive embers to cause ignitions.	Compliance with the NSW RFS 'Asset protection zone standards' (see Appendix 4).	Able to Comply	The BAR identifies that 25m to the north, east, south and west of the future dwelling house is to be managed as an Inner Protection Area in accordance with PBP (Appendix 4). The requirements of Appendix 4 are repeated in the recommendations of this BAR.
		A clear area of low-cut lawn or pavement is maintained adjacent to the house.	Able to Comply	A clear area of low-cut lawn or pavement is required in the future.
2		Fencing is construction in accordance with section 7.6.	Able to Comply	Fencing is to be constructed in accordance with PBP (Section 7.6).
3		Trees and shrubs are located so that: <ul style="list-style-type: none"> The branches will not overhang the roof 	Able to Comply	Trees and shrubs are located so that: <ul style="list-style-type: none"> The branches will not overhang the roof The tree canopy is not continuous Any proposed windbreak is located on the elevation

		<ul style="list-style-type: none"> • The tree canopy is not continuous • Any proposed windbreak is located on the elevation from which fires are likely to approach. 		from which fires are likely to approach.
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3.8 EMERGENCY MANAGEMENT

The RFS, 2019, PBP states that the intent of these Bushfire Protection Measures is 'to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities' (p.65).

Compliance with Table 7.4a – Performance criteria and acceptable solutions for residential infill development in relation to Landscaping is demonstrated below.

Table 14 – Compliance with PBP for Emergency Management

No	Performance Solutions	Acceptable Solutions	Complies	Response
1	Home-based child-care: a bushfire emergency and evacuation management plan is prepared.	A Bush Fire Emergency Management and Evacuation Plan is prepared by the operator consistent with the NSW RFS publication: A guide to Developing a Bush Fire Emergency and Evacuation Plan, and the AS 3745:2010	Not Applicable	The development is not for home-based child-care and therefore this performance criteria does not apply.

4.0 RECOMMENDATIONS

This BAR provides the following recommendations:

General

1. Council to refer the Planning Proposal to the NSW RFS if it is listed as a condition on the Gateway Determination.

Asset Protection Zones

2. At the commencement of building works and in perpetuity the area from the dwelling house to the north, east, south and west for a distance of 25m is to be managed as an Inner Protection Area as outlined in the NSW RFS document 'Standards for Asset Protection Zones' and the RFS, 2019, 'Planning for Bushfire Protection' (Clause 7.5.2 – NSW State Variations).

The following dot points are to guide the establishment and ongoing management of the area identified to be an IPA:

a. Trees

- Canopy cover should be less than 15% at maturity
- Trees (at maturity) should not touch or overhang the building
- Low limbs should be removed up to a height of 2m above ground
- Canopies should be separated by 2 to 5m
- Preference should be given to smooth barked and evergreen trees

b. Shrubs

- Create a discontinuities or gaps in the vegetation 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 vegetation

c. Grass

- Should be kept mown (as a guide grass should be kept to no more than 100mm in height)
- Leaves and vegetation debris should be removed.

3. Fencing is to be constructed in accordance with RFS, 2019, 'Planning for Bushfire Protection' (Section 7.6).

Access

4. Property Access is to comply with the NSW RFS, 2019, 'Planning for Bushfire Protection' (Table 7.4a – Performance criteria and acceptable solutions for residential infill development).

Gutter Guards

5. Roofing shall be gutter less or have leafless guttering and valleys to prevent the build-up of flammable material. Any materials used to prevent the build-up of debris in the gutter shall have a flammability index of no greater than 5.

Water Supplies

6. The development is to be linked to a static water supply in accordance with NSW RFS, 2019, 'Planning for Bushfire Protection' (Table 7.4a – Performance criteria and acceptable solutions for residential infill development).

Electricity and Gas Supplies

7. New electricity and gas supplies shall be installed in accordance with the NSW RFS, 2019, 'Planning for Bushfire Protection' (Table 7.4a – Performance criteria and acceptable solutions for residential infill development).

Construction

New works shall be constructed to Sections 3 and 7 (BAL-29) of Australian Standard AS3959-2018– 'Construction of buildings in bushfire prone areas' or NASH Standard (1.7.14) – National Standard Steel Framed Construction in Bushfire Areas – 2014', except where varied to be consistent with the RFS, 2019, 'Planning for Bushfire Protection' (Clause 7.5.2 – NSW State Variations).

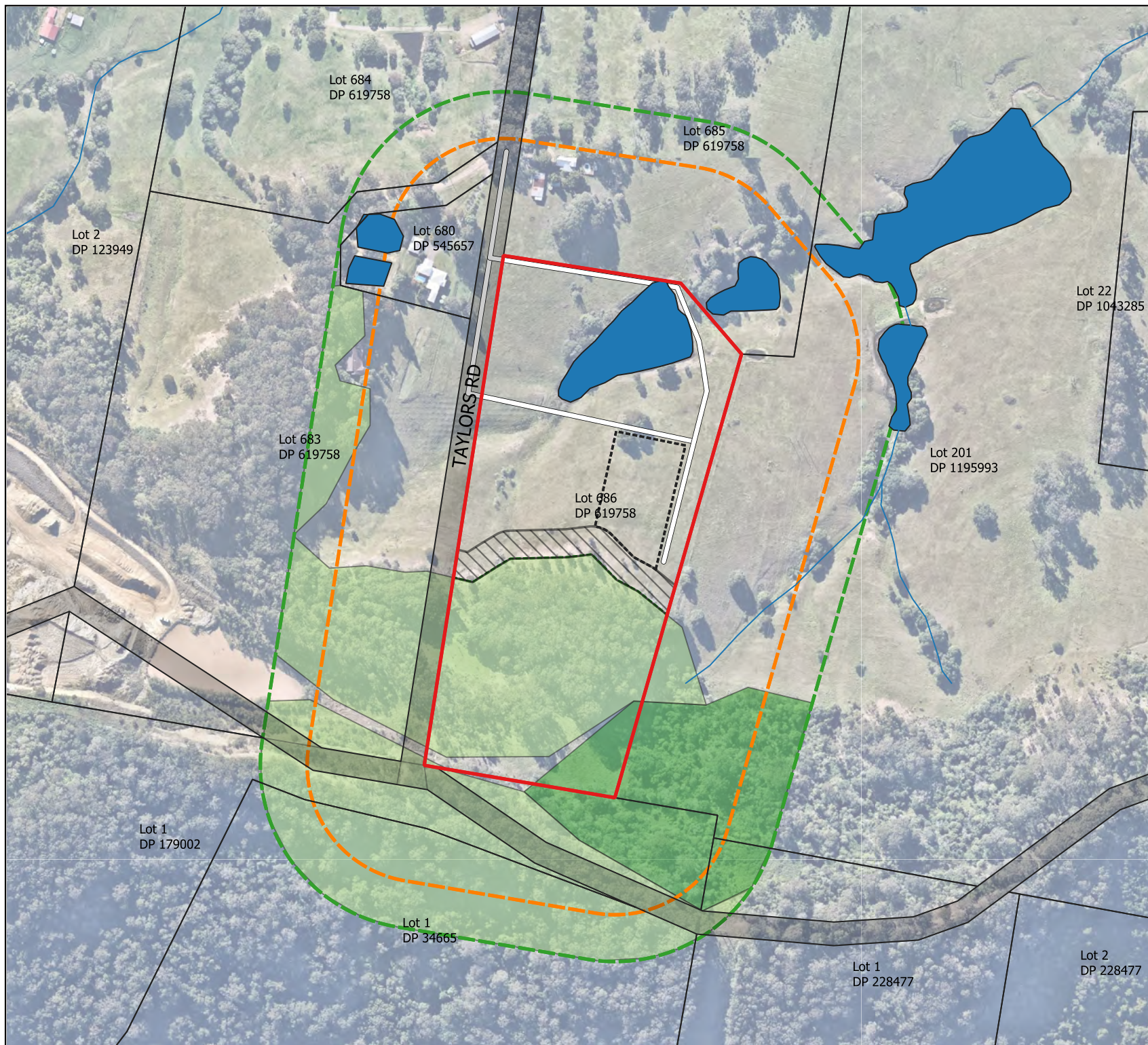
Landscaping

8. A landscape plan should be prepared that is consistent with the requirements of NSW RFS, 2019, 'Planning for Bushfire Protection' (Appendix 4 – Asset Protection Zone Requirements)

Emergency Management

9. The need to formulate an emergency evacuation plan is suggested. To do so, occupants can complete a Bush Fire Safety Plan on the NSW RFS Website (www.rfs.nsw.gov.au) under publications/bushfire safety.

Note: The above are recommendations of the BAR. Any development approval is to comply with the Conditions listed on the Council Notice of Determination, not the above recommendations. The above recommendations are only intended to assist Council in their assessment of the DA.



58 Taylors Rd, Black Hill

Figure 7 - Bushfire Protection Measures Map



- Site Boundary
- Cadastre
- Roads
- Waterways
- Waterbodies
- Slope Buffer - 100m
- Vege Buffer - 140m
- Forest
- Rainforest
- Unmanaged Vege Line
- Property Access
- Indict Building Enve
- APZ - 24m



0 75 150 m

Disclaimer: While every effort is made to ensure this map is free of errors, there is no warrant the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied.

Job No: J001291

Date: 20/09/2020

5.0 CONCLUSION

This BAR identifies that the predominant bushfire hazard is located to the south of the site (**FIGURE 6**). This hazard is classified as Forest and is situated on land that has an effective upslope or 0 degrees. The BAR provides a series of recommendations for the different Bushfire Protection Measures (BPM)s. In relation to Asset Protection Zones (APZs), it identifies:

Table 3– BAL Table

Direction	Vegetation	Surface Fuel (t/ha)	Overall Fuel (t/ha)	Rise (m)	Run (m)	Slope (°)	Separation(m)	BAL
Transect 1 (N)	Low Threat - Managed	-	-	-	-	-	-	BAL-LOW
Transect 2 (E)	Low Threat - Managed	-	-	-	-	-	-	BAL-LOW
Transect 3 (S)	Forest	22	36.1	25	77	-18	25	BAL-29
Transect 4 (W)	Forest	22	36.1	10	26	-21	100>	BAL-LOW

Based on the above, the future dwelling house is to be would experience 29Kw/sqm or less in accordance with AS3959 except for the construction requirements of the PBP (Clause 7.5.2 – NSW State Variations. The removal of native flora or fauna will not be required.

Notwithstanding the precautions adopted, it should always be remembered that bushfires burn under a wide range of conditions and an element of risk, no matter how small, always remains and although the standard is designed to improve the performance of such buildings, there can be no guarantee because of the variable nature of bushfires that any one building will withstand bushfire attack on every occasion.

This BAR provides the above required information to assist Council and the RFS in determining compliance in accordance with the PBP and AS 3959-2018.

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ATTACHMENT 1 – AHIMS RESULTS

A basic search of the AHIMS database identified zero sites and/or places.



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 58 Taylors Road

Client Service ID : 502840

Erin Daniel
PO Box 61
Dungog New South Wales 2420
Attention: Erin Daniel
Email: erin@perceptionplanning.com.au

Date: 07 May 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 686, DP:DP619758 with a Buffer of 0 meters, conducted by Erin Daniel on 07 May 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

ATTACHMENT 2 – INFORMATION TO BE PROVIDED IN A BAR

The checklist below demonstrates that this BAR is in accordance with PBP (Appendix 2) (p.96).

No	General	Response
1	A statement that the site is Bush Fire Prone Land (BFPL).	Please refer to Part 1 – Introduction.
2	The location, extent and vegetation formation of any bushland on or within 140 metres of the site.	Please refer to Part 2 – Assessment.
3	The slope and aspect of the site and of any BFPL within 100 metres of the site.	Please refer to Part 2 – Assessment.
4	Any features on or adjoining the site that may mitigate the impact of a bush fire on the proposed development.	Please refer to Part 1 – Introduction.
5	A statement assessing the likely environmental impact of any proposed Bushfire Protection Measures (BPM)s.	Please refer to Part 1 – Introduction.
6	A site plan showing access, water supplies, APZs, BAL requirements and building footprint in relation to the bush fire hazards.	Please refer to Figures.
7	Calculated BAL construction levels.	Please refer to Part 2 – Assessment.

ATTACHMENT 3 – AIMS AND OBJECTIVES OF PBP

The below table demonstrates consistency with the aims and objectives of PBP.

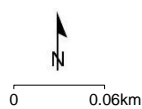
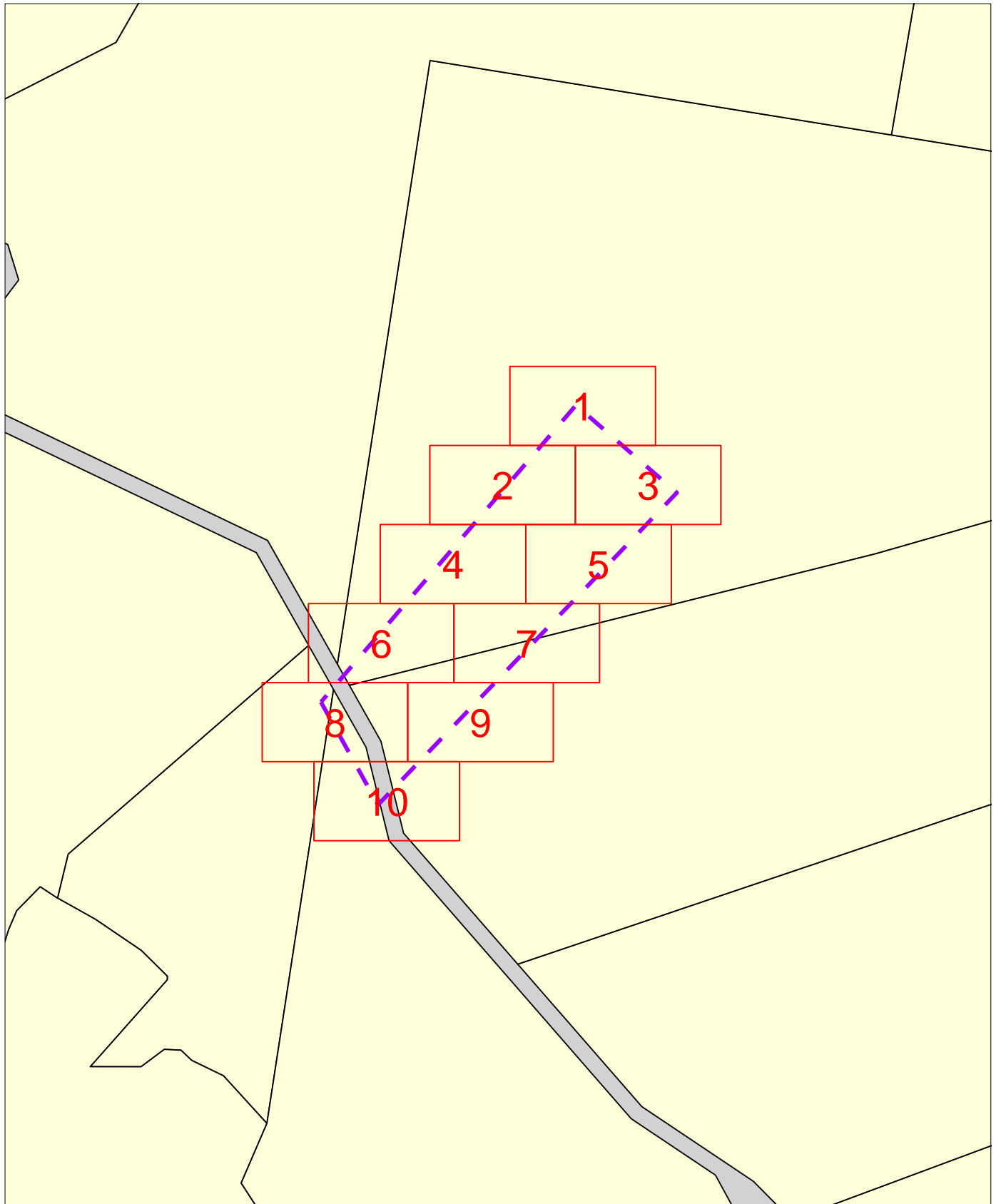
Aims and Objectives – General (p.10)		
No	Objective	Bushfire Assessment Report (BAR)
1	Afford occupants of any building adequate protection from exposure to bush fire.	Please refer to Part 4 – Recommendations.
2	Provide for defensible space to be located around buildings.	Please refer to Part 4 – Recommendations.
3	Provide appropriate separation between a hazard and buildings, which, in combination with other measures, prevent the likely spread to buildings.	Please refer to Part 4 – Recommendations.
4	Ensure that safe operational access and egress for emergency service personnel and residents is available.	Please refer to Part 4 – Recommendations.
5	Provide for ongoing management and maintenance of bush fire protection measures.	Please refer to Part 4 – Recommendations.
6	Ensure utility services are adequate to meet the needs of firefighters.	Please refer to Part 4 – Recommendations.
Specific Objectives – Infill Development (p.64)		
No	Objective	Bushfire Assessment Report (BAR)
1	Provide a defensible space to enable unimpeded access for firefighting around the building.	Please refer to Part 4 – Recommendations.
2	Provide better bush fire outcomes on a redevelopment site than currently exists, commensurate with the scale of the works proposed.	Please refer to Part 4 – Recommendations.
3	Design and construct buildings commensurate with the bush fire risk.	Please refer to Part 4 – Recommendations.
4	Provide access, services and landscaping to aid firefighting operations.	Please refer to Part 4 – Recommendations.
5	Not impose an increase bush fire management and maintenance responsibly on adjoining landowners.	Please refer to Part 4 – Recommendations.
6	Increase the level of bush fire protection to existing dwellings based on the scale of the proposed work and level of bush fire risk.	Please refer to Part 4 – Recommendations.

ATTACHMENT 4 – WATER AND ELECTRICITY



Overview Map

Sequence No: 101775510
230 Wallaringa Road Wallarobba











LEGEND:



























Hunter Water Corporation DBYD Asset Legend

Electrical Assets



















-  High Voltage
-  Low Voltage
-  Electrical Pole
-  Distribution Transformer
-  Air Break Switch
-  Circuit Breaker
-  High Voltage
-  Low Voltage

Water Assets

























-  Contol Valve
-  Hydrant Control Valve
-  Reflux Valve
-  Stop/Scour Valve
-  Tee & Stop Valve
-  Hydrant
-  Cluster Box
-  End Cap
-  Flushing Tap
-  Manhole
-  Scour
-  Water Meter
-  Water Network Structure
-  Other Main
-  Trunk Main
-  Reticulation Main
-  Water Encased Mains
-  Water Prelaid Service





-  HWC Rain Gauge
-  HWC Stream Flow Gauge
-  Radio Base
-  Weather Station
-  Piezometer
-  Bore Site











RecycledWater Assets

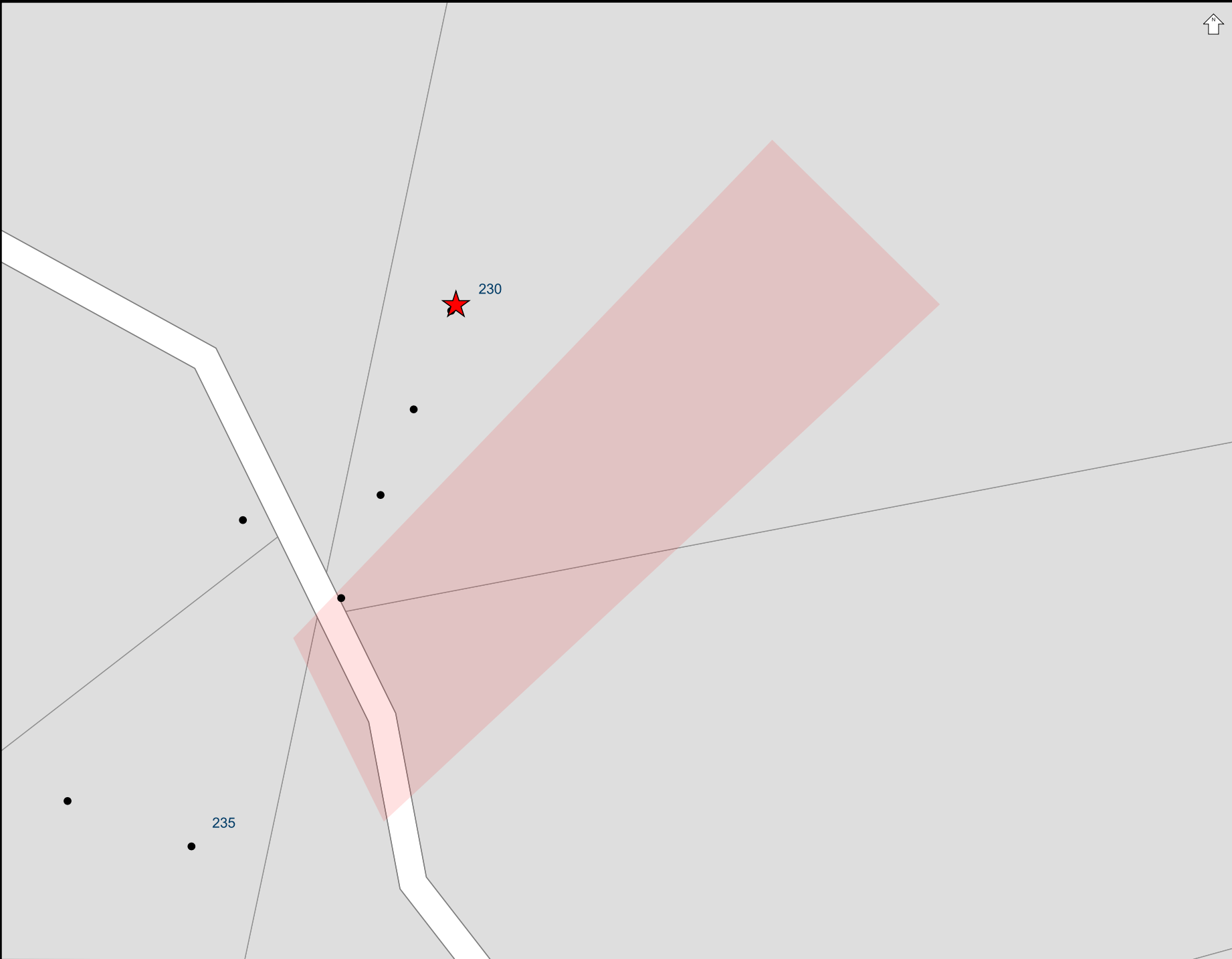
-  Air Valve
-  Reflux Valve Open
-  Stop Valve Open
-  RecycledWater Hydrant
-  Cluster Box
-  End Cap
-  Flushing Tap
-  Manhole
-  Scour
-  RecycledWater Meter
-  RecycledWater Network Structure
-  Other Main
-  Reticulation Main
-  Reticulation Main Encased/Conduit
-  Trunk Main
-  Trunk Main Encased/Conduit
-  RecycledWater Encased Mains
-  RecycledWater Prelaid Service

Sewer Assets

-  Air Valve
-  Stop/Butterfly/Ball Valve
-  Gate Valve
-  Manhole
-  Cap
-  Dead End
-  Flushing Tank
-  H&V Bend
-  Junction Connection
-  Outfall
-  Overflow
-  Sewer/Valve Pit
-  Tangent Point
-  Sewer Meter
-  Sewer Vent
-  Sewer Network Structure
-  Other Main
-  Gravity Main
-  Pressure/Vacuum Main
-  Effluent Main
-  Outfall
-  Overflow Main
-  Rising Main
-  Sewer Encased Mains

-  StormWater Assets
-  StormWater Network Structure
-  StormWater Mains
-  Mains Abandon

-  Area of Interest
- Land Details**
-  Easement Non HWC
-  Fence Line
-  Non-HWC Easement
-  HWC Easement
-  Parcel
-  Road
-  Water Parcels
-  Hazardous Material
-  Map Sheet Index



Overhead wires not shown
LOOK UP & LIVE!

LEGEND

- LV Underground Cable
- HV Underground Cable
- Underground Pipe
- ★ Underground Earth or Wires
- ▲ Ground Substation
- Pole
- ⊠ Cubicle
- Pit
- Area of Interest

Critical Assets

- Contact Essential Energy
on 13 23 91
- Zone Substation
 - Underground Cable
 - Underground Fibre

Proposed Works

- Area of proposed works
- Proposed assets are shown as
orange symbols

THE INFORMATION ON THIS
MAP MAY NOT BE
ACCURATE.
If details are
incorrect, please
notify
Essential Energy on
13 23 91
(or fax 1800 354 636)

ISSUE DATE: 14/09/2020

You must resubmit your
request if you have not
started work within 4 weeks
of the 'Issue Date' above

A4 SCALE: 1:3631



ATTACHMENT 5 – DEPOSITED PLAN

1st April, 1982.

58 Taylors Rd, Black Hill

Attachment 6 - Site Plan



- Site Boundary
- Cadastre
- Roads
- Waterways
- Waterbodies
- Indict Building Enve
- Property Access
- Unmanaged Vege Line



0 75 150 m

A horizontal scale bar with black and white segments, representing distances of 0, 75, and 150 meters.

Disclaimer: While every effort is made to ensure this map is free of errors, there is no warrant the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied.

Job No: J001291

Date: 20/09/2020





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