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# Statement of Environmental Effects

7 Bushrangers Hill & 22A Bungan  
Head Rd, Newport

5800

Prepared for  
David Royle

January 2020

## Document Information

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## Document Control

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# 1 Introduction

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## 1.1 Engagement

Mepstead (NSW/ACT) Pty Ltd has been engaged by David Royle to prepare this Statement of Environmental Effects (SEE) to accompany a development application (DA) to The Northern Beaches Council for 7 Bushrangers Hill Rd and 22A Bungan Head Rd, Newport otherwise known as lot 1 in DP 634714 and lot 92 in DP 1052243 in proposed Lots 1 and 2 in unregistered DP. The proposal seeks consent for a boundary adjustment.

## 1.2 Purpose of Statement

The purpose of this report is to provide Council with all the relevant information necessary to assess the development proposal and to determine the DA in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

This SoEE has been prepared in accordance with Clause 2(1)(c) and 4 of schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, together with the relevant planning controls and policies relating to the site and type of development, having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979.

A description of the existing development on the subject site is listed in **Section 4** of this SoEE, and details of the proposed development listed in **Section 5**. An assessment against the relevant Environmental Planning Instruments are set out in **Section 6**.

The proposed development is Local Development pursuant to Part 4 of the EP&A Act.

## 1.3 Project Team

The preparation of the DA has been a collaborative effort by Mepstead's surveyors, engineers and planners.

A site visit was undertaken by Mepstead's Senior Planner on 27<sup>th</sup> November 2019.

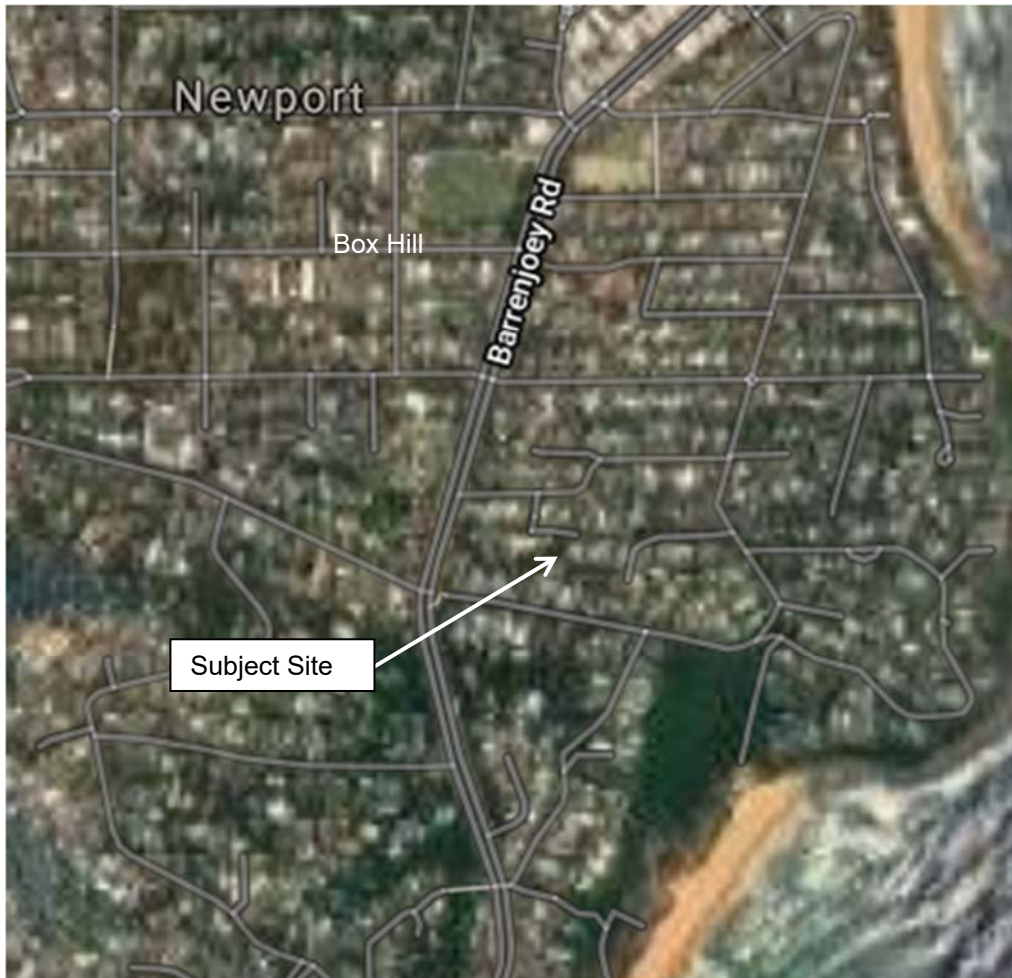
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## 2 Site Description

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### 2.1 Local & Regional Context

The sites are located on the northern side of Bungan Head Rd and at the end of Bushrangers Hill Rd. The nearest cross street is Walworth Ave. The subject site is Zoned E4 Environmental Living the pursuant to Pittwater Local Environment Plan 2014.



**Figure 2-1** General location of Newport



Figure 2-2 7 Bushrangers Hill & 22A Bungan Head Rd

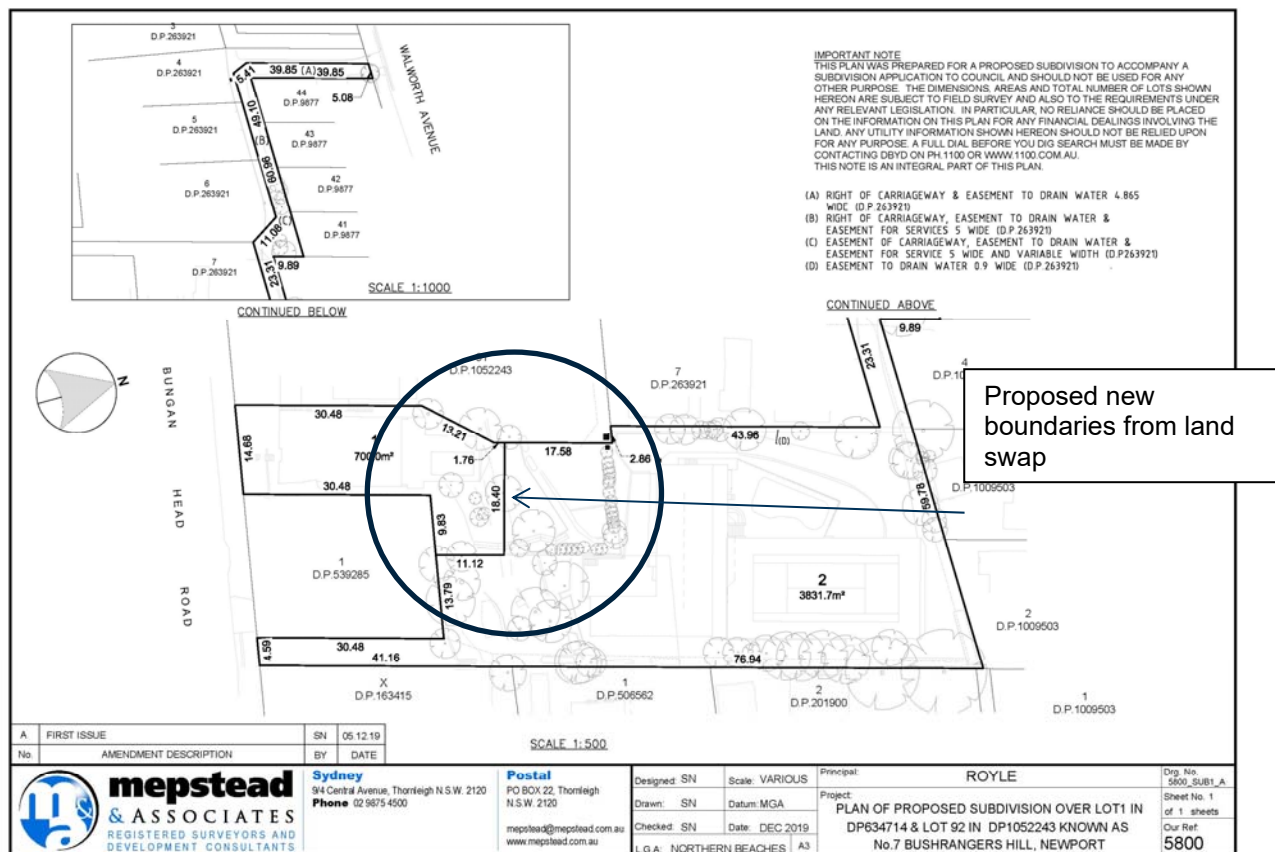


Figure 2-3 Proposed Lot numbers after land swap

### 3 Surrounding Land Uses

The majority of the surrounding neighbourhood has a low-impact residential development with a coinciding land use zone of E4 Environmental Living.

Land immediately to the North is zoned R2 Low Density Residential. Land to the south and east is currently utilised for low impact residential with Betty Morrison Reserve to South East zoned E2 Environment Conservation.





**Figure 3-1 Walworth Ave – looking west**



**Figure 3-2 Walworth Ave – looking west**





**Figure 3-3**      **Bushrangers Hill – looking south**



**Figure 3-4**      **Bungan Head Rd – looking west**

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**Figure 3-5** Bungan Head Rd – looking east



**Figure 3-6** Bungan Head Rd Access Handle – looking north



**Figure 3-7** Bushranger Hill – looking west



**Figure 3-8** Bushranger Hill – looking north





**Figure 3-9** Surrounding development to west of site.



**Figure 3-10** Surrounding development Bungan Head Rd to south of site.

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**Figure 3-11 Surrounding development Bungan Head Rd to south of site.**

## 4 Physical Features

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- The subject site (7 Bushrangers Hill) has a north orientation with a frontage to Walworth Avenue along Bushrangers Hill Road with various side boundaries. Walworth Rd has a total road reserve width of 20.115m with formed kerb and gutter & Bushranger Hill Road has a total road reserve of 5m and variable.
- The highest elevation on the subject site is RL.70.4m AHD which is located at the rear south eastern corner (Bungan Head Road) of the property and the lowest elevation on the site is RL. 32.24m AHD located in the front north western corner. The subject topography generally slopes from the south east to the north west at an un-uniform gradient.
- The accompanying site (22A Bungan Head Rd) has an east orientation with a frontage to Bungan Head Road which has a total road reserve of 20.115m with formed kerb and gutter.
- The highest elevation on the subject site is RL.69.1m AHD which is located at the front western boundary of the property and the lowest elevation on the site is RL. 48.58m AHD located in the front north western corner. The subject topography generally slopes from the south east to the north west at an un-uniform gradient.
- The site is not bushfire prone based on The Northern Beaches Council Bushfire Prone Land Map.

The subject site 7 Bushrangers Hill has an area of 3489m<sup>2</sup> and locates a 1 & 2 storey brick dwelling, tennis court, inground pool, fencing and sewer maintenance shafts. No natural waterways are mapped within the site.

The accompanying site 22A Bungan Head Rd has an area of 1040m<sup>2</sup> and locates a 1 & 2 storey dwelling, inground pool, water tanks, fencing & a sewer maintenance shaft.

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## 5 Proposed Development

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### 5.1 General Description

The proposed subdivision (boundary adjustment) includes 7 Bushrangers Hill and part 22A Bungan Head Road, which will result in 2 allotments.

The proposal primarily involves:

- Boundary Adjustment of the rear of lot 92 in DP1052243 and lot 1 in DP634714

### The Proposal

The proposal is a single stage subdivision (boundary adjustment) consisting of two (2) dwellings located at No. 7 Bushranger Hill and 22A Bungan Head Rd, Newport. The application also seeks approval for the drainage infrastructure.

The plan shown in Fig. 2-3 shows the site split into two lots.

All civil contractors that enter the site are made aware of the importance of preserving trees within the backyard.

Plan of Proposed Subdivision is attached in **Appendix B**.

### 5.2 Calculations

The development indices for the proposal are as follows:

**Table 5-1 Calculations**

	Proposed	Requirement	Compliance
Area of Site	700m <sup>2</sup>	700m <sup>2</sup>	Yes
Area of Dwelling	N/A	N/A	N/A

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### Supporting Documents

The proposal, the subject of this application, is detailed in the following plans and documents:

## 6 PLANNING CONSIDERATIONS

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The following Acts, Regulations and Environmental Planning Instruments have been considered and the proposal assessed accordingly against their controls below.

### 6.1 Environmental Planning & Assessment Act 1979

#### 6.1.1 Part 1 Preliminary

##### 6.1.1.1 **Section 1.3 - Objectives**

*The objects of this Act are:*

*(a) to encourage:*

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
  - (iii) the protection, provision and co-ordination of communication and utility services,*
  - (iv) the provision of land for public purposes,*
  - (v) the provision and co-ordination of community services and facilities, and*
  - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - (vii) ecologically sustainable development, and*
  - (viii) the provision and maintenance of affordable housing, and*
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Comment: The proposal meets the objectives of the Act as it promotes orderly development of the land.
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##### 6.1.1.2 **Section 1.7 – Application of Part 7 of [Biodiversity Conservation Act 2016](#) and Part 7A of [Fisheries Management Act 1994](#)**

The EP&A Act has effect, subject to the provisions of Part 7 of the [Biodiversity Conservation Act 2016](#) and Part 7A of the [Fisheries Management Act 1994](#) that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

Note.

Those Acts contain additional requirements with respect to assessments, consents and approvals under this Act.

N/A
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### 6.1.2 Part 4 Development Assessment (Division 2 The Procedures for Development that needs Consent)

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6.1.2.1      **4.14 Consultation and development consent—certain bush fire prone land**

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:

(a) is satisfied that the development conforms to the specifications and requirements of the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

(1A) If the consent authority is satisfied that the development does not conform to the relevant specifications and requirements, the consent authority may, despite subsection (1), grant consent to the carrying out of the development but only if it has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.

(1B) This section does not apply to State significant development.

(2) In this section:

**special fire protection purpose** has the same meaning as it has in section 100B of the *Rural Fires Act 1997*;

(a) a school,

(b) a child care centre,

(c) a hospital (including a hospital for the mentally ill or mentally disordered),

(d) a hotel, motel or other tourist accommodation,

(e) a building wholly or principally used as a home or other establishment for mentally incapacitated persons,

(f) seniors housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*,

(g) a group home within the meaning of *State Environmental Planning Policy No 9—Group Homes*,

(h) a retirement village,

(i) any other purpose prescribed by the regulations.

Comment: The site is not affected by bushfire.

6.1.2.2      **Section 4.15 – Evaluation**

Section 4.15 of *The Environmental Planning and Assessment Act, 1979*, as amended, states the following

(1) *Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

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(a) *the provisions of:*

(i) *any environmental planning instrument, and*

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

(iii) *any development control plan, and*

(iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

(v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

(c) *the suitability of the site for the development,*

(d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

(2) *Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:*

(a) *is not entitled to take those standards into further consideration in determining the development application, and*

(b) *must not refuse the application on the ground that the development does not comply with those standards, and*

(c) *must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,*

*and the discretion of the consent authority under this section and section 80 is limited accordingly.*

Section 4.15 plays an important role in the development assessment process and in managing change in an environmentally responsible way. It sets broad categories, each of which covers a range of issues that arise when preparing and assessing development applications.

The following matters are of relevance to this development application and have been taken into consideration with the preparation of the proposal.

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#### 6.1.2.3 **Section 4.8 Integrated Development**

This Section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent, Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

Comment: The proposed development is not integrated development.

#### 6.1.2.4 **S.4.15 (1)(a)(i) the provisions of any Environmental Planning Instrument (EPI)**

#### 6.1.3 **State Environmental Planning Policies**

##### 6.1.3.1 **SEPP 55 – Remediation of Land**

###### *Object of this Policy*

(1) *The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.*

(2) *In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

(a) *by specifying when consent is required, and when it is not required, for a remediation work, and*

(b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*

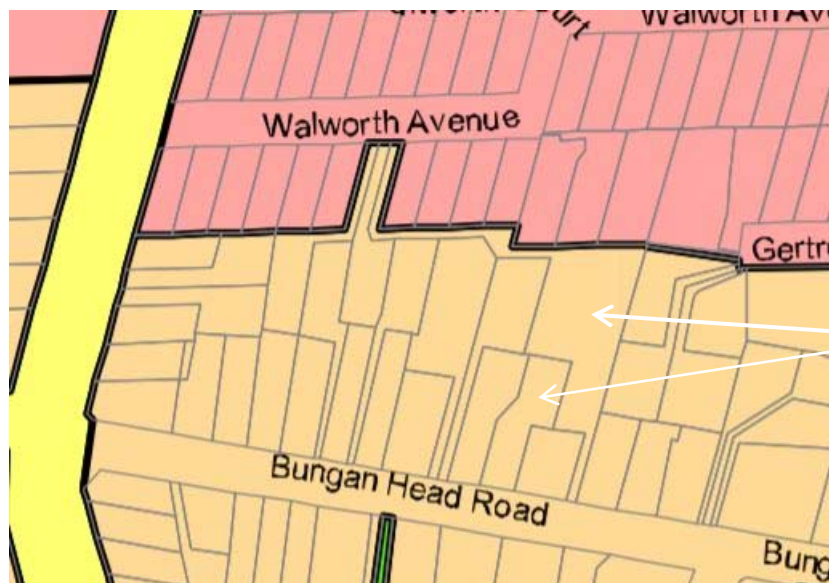
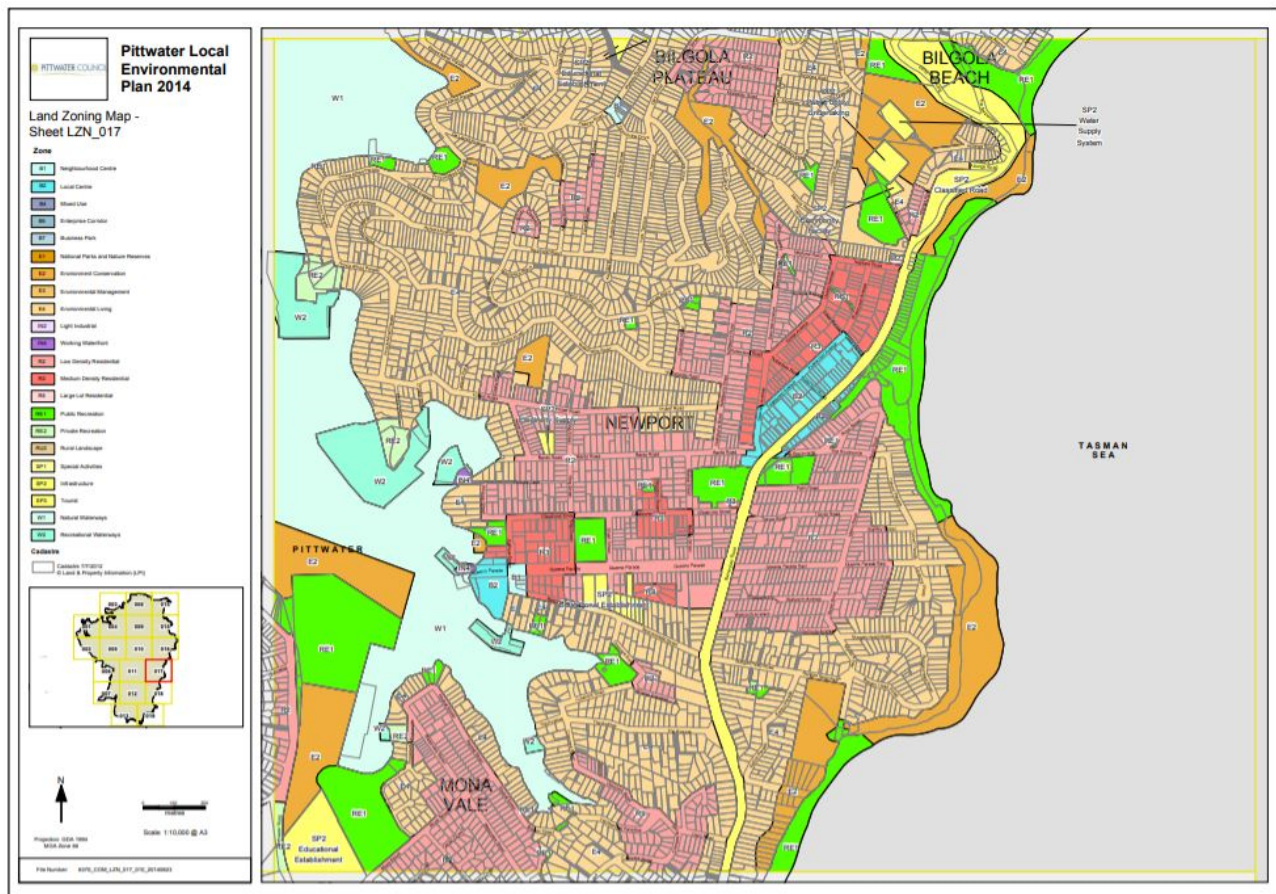
(c) *by requiring that a remediation work meet certain standards and notification requirements.*

The site is not known to be contaminated. However, should any contamination be found on site during the site preparation or construction, works will be stopped, and the site will be remediated in accordance with documentation sought from a qualified professional.

##### 6.1.3.2 **SEPP (Infrastructure) 2007**

Concurrence from the RMS is not required as the proposal does not trigger the threshold requirements for 'traffic generating development' as identified by RMS.

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Land subject to application

Figure 6-1 Land Zoning Maps

The objectives of the E4 zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.



- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

The proposal is consistent with the objectives of the zone.

#### 6.1.4 **Draft State Environmental Planning Policies**

No known Draft SEPP applies to this application.

#### 6.1.5 **Draft Local Environmental Plans**

No known Draft LEP applies to this application.

#### 6.1.6 **Draft Development Control Plans**

No known Draft DCP applies to this application.

#### 6.1.6.1 ***S.4.15 (1)(a)(iii) any Development Control Plan***

#### **Northern Beaches Council – Pittwater 21 Development Control Plan**

The proposed development is to have regard to the provisions within Part C4 – Design Criteria for Subdivision.

#### **Protection from Hazards**

All subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazard

N/A

#### **Access Driveways and Off Street Parking Facilities**

##### Off-Street Parking Requirements

The design of each individual lot created within the subdivision is to provide for off street parking facilities compatible with the proposed development uses for that lot.

##### (ii) Access Driveways (ie; driveway crossings)

A safe and functional access driveway must be designed and constructed from the road edge/kerb and gutter to the lot boundary for each individual lot within the subdivision as part of the subdivision works. Only one driveway access to a public road is permitted for each lot.

##### (iii) Internal Driveways

The design of each individual lot created within the subdivision is to provide for an internal driveway compatible with the proposed development uses for each individual lot.

Where an internal driveway is located within a 'right of way' or proposed 'right of way', the internal driveway is to be designed and constructed as part of the subdivision works.

Adequate access and parking are available as part of the original development.

## Utility Services

Adequate utility services capacity to meet the demands of subdivision development.  
Safety of building occupants being maintained and enhanced.  
Security of utility services is improved.  
Opportunities for street tree planting enhanced.  
Visual pollution by aerial cables is reduced.  
Improved safety by removal of visual clutter.

As both lots are serviced no arrangements for service augmentation are required.

## Amenity and Design

Adequate utility services capacity to meet the demands of subdivision development.  
Safety of building occupants being maintained and enhanced.  
Security of utility services is improved.  
Opportunities for street tree planting enhanced.  
Visual pollution by aerial cables is reduced.  
Improved safety by removal of visual clutter.

The proposed subdivision naturally complies with the outcomes stated above as the site is compliant with its minimum lot size in which is compatible with a low density environment. The site also provides adequate setbacks to developable areas on all boundaries. This provides for sufficient landscaping features and separation between existing and possible future dwellings.

### 6.1.6.2 ***S.4.15 (1)(a)(iii)(a) any Planning Agreement that has been entered into under Section 7.4, or any draft Planning Agreement that a Developer has offered to enter into under Section 7.4***

To our knowledge, no Planning Agreement has been entered into.

### 6.1.6.3 ***S.4.15 (1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and***

Nil.

### 6.1.6.4 ***S.4.15 (1)(a)(v) any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979) that apply to the land to which the development application relates.***

N/A

### 6.1.6.5 ***S.4.15 (1)(b) the likely impacts of the development, including environmental impacts on both the natural & built environments and social and economic impacts in the locality.***

#### **6.1.6.5.1 Context and Setting**

Subdivision of the site is in keeping with the changing nature of the area.

#### **6.1.6.5.2 Access, Transport & Traffic**

Vehicular access is via Bungan Head Rd and Bushrangers Hill via Walworth Avenue.

#### **6.1.6.5.3 Public Domain**

Not relevant

#### **6.1.6.5.4 Utilities**

All services exist and provisions are in place for water, sewer, electricity and telecommunication. A sewer

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extension will be required due to the new boundary arrangement.

#### **6.1.6.5.5 Heritage**

No known heritage items or conservation areas are located on the site. No Aboriginal sites were located within the site area.

#### **6.1.6.5.6 Other Land Resources**

The proposed residential subdivision will not impact other land resources as the site is not currently used for agricultural purposes.

#### **6.1.6.5.7 Water**

The current dwellings are serviced by water.

#### **6.1.6.5.8 Soils**

The site is not known to be contaminated. However, should any contamination be found on site during the site preparation or construction, works will be stopped, and the site will be remediated in accordance with documentation sought from a qualified professional.

No remediation of land is required.

#### **6.1.6.5.9 Air & Microclimate**

Not relevant

#### **6.1.6.5.10 Flora & Fauna**

The site contains minimal vegetation and is not mapped as containing any significant vegetation or wildlife corridors. No native fauna habitation is apparent on the site.

#### **6.1.6.5.11 Waste**

Not relevant

#### **6.1.6.5.12 Energy**

The current dwellings are serviced

#### **6.1.6.5.13 Noise & Vibration**

Not relevant

#### **6.1.6.5.14 Natural Hazards**

The site is not affected by landslip, acid sulphate soils, mine subsidence, flooding or bushfire.

#### **6.1.6.5.15 Technological Hazards**

Not relevant

#### **6.1.6.5.16 Safety, Security & Crime Prevention**

Not relevant

#### **6.1.6.5.17 Social Impact in the Locality**

Not relevant

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#### **6.1.6.5.18 Economic Impact in the Locality**

Not relevant

#### **6.1.6.5.19 Site Design and Internal Design**

The layout of the proposed subdivision is consistent with the intended minimum lot size have been provided in both, area, length and depth.

#### **6.1.6.5.20 Construction**

The construction works will adhere to the EPA Construction Noise Guidelines which require the proponent to take into consideration and employ all reasonable and feasible measures to ensure that the impact on noise receivers are minimised.

Furthermore, appropriate communication methods with stakeholders prior to and during works, processes to deal with complaints, reporting requirements and response procedures will be implemented by the builder, once appointed.

#### **6.1.6.5.21 Cumulative Impacts**

No significant impacts are anticipated.

#### **6.1.6.6 S.4.15 (1)(c) Suitability of the Site for the Development**

##### **6.1.6.6.1 Does the Proposal fit in the Locality**

It is considered the proposal does fit in the transitioning locality.

##### **6.1.6.6.2 Are the Sites Attributes Conducive to Development?**

Site attributes and natural hazards have been assessed and incorporated into the design of the subdivision accordingly.

#### **6.1.6.7 S.4.15 (1)(d) Any Submissions made in accordance with this Act or the Regulations.**

##### **6.1.6.7.1 Public Submissions**

Nil to date.

##### **6.1.6.7.2 Submissions from Public Authorities**

Nil to date.

#### **6.1.6.8 S.4.15 (1)(e) The Public Interest**

##### **6.1.6.8.1 Federal, State & Local Government Interests**

##### **6.1.6.8.2 Community Interests**

Not relevant

##### **6.1.6.8.3 Community and Local Government Consultation**

As the both properties are owned solely by our client no consultation has taken place.

##### **6.1.6.8.4 Additional Government Agency Notification**

No additional agencies are required to be consulted for these works.

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## 7 Conclusion

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The proposal is identified as Local Development under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 4.15 of the Act. In this regard, it is considered that the proposal is consistent with the aims and objectives of the Act.

It is considered that this Statement of Environmental Effects has satisfactorily shown that the proposal generally meets all necessary development requirements

Therefore, we seek Council's consideration and approval of the application..

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