



# Statement of Environmental Effects

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Integrated Development-  
Subdivision- Boundary adjustment between  
2 Torrens title allotments at 102 and 100A  
Wakehurst Parkway,  
Elanora Heights 2101

4 May 2023

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## **1. Introduction**

The Development Application proposes a subdivision- Boundary adjustment between 2 Torrens title allotments at 102 (Lot 12) and 100A (Lot 2) Wakehurst Parkway, Elanora Heights 2101.

The development proposal is also defined as integrated development under Section 4.46 of the EP & A Act 1979, since Section 100B of the Rural Fires Act 1997 calls upon a separate approval from the Rural Fire Service as the proposal is defined technically as a subdivision.

The development proposal is permissible in the C4 Environmental Living zone under the provisions of Pittwater Local Environmental Plan 2014.

The main body of this report will review the key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and recommends approval.

## **2. Site Details**

### **2.1. Location**

The subject sites are 2 large rectangular allotments located on the northern side of Wakehurst Parkway and are known as 102 (Lot 12) and 100A (Lot 2) Wakehurst Parkway, Elanora Heights 2101.

The sites are legally identified as Lot 12 in DP 1177671 and Lot 2 in DP 1177671.

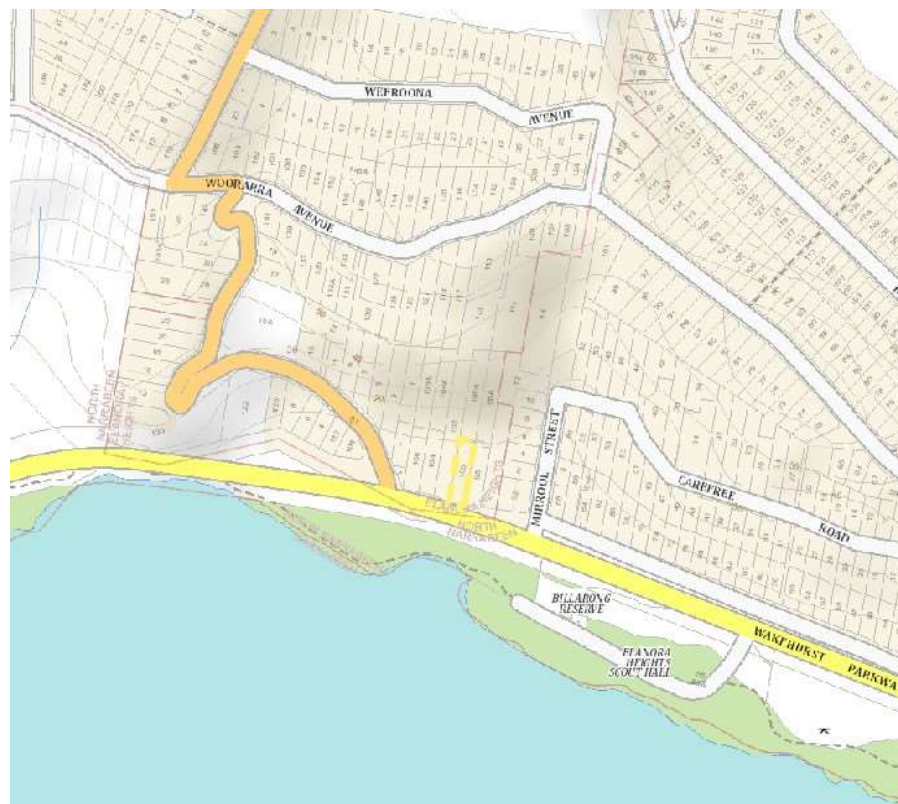
Lot 12 is a conventional allotment with direct road frontage and access to Wakehurst Parkway and a surface area of 2191sq.m. A frontage of 15.94 metres is available to Wakehurst Parkway. Site improvements consist of a 2-storey dwelling house and sheds.

Whilst Lot 2 is a non-conventional allotment without a direct road frontage and access is provided via a right of carriageway over the adjoining property to the south being 100 Wakehurst Parkway and has a surface area of 1299sq.m.

Lot 2 benefits from existing easements for services, drainage and access. There is also a restriction on the use of the land, and these are shown as (A), (B), (C) and (D). Site improvements consist of a 3-storey dwelling house.

Several trees are located over the 2 parcels of land and these trees are to remain intact.

A location plan of the site is provided below.



*Subject site*



*Subject site*

The site falls within a large residential holding land use context that is surrounded by bushland with a steep slope.

The immediate study area and the configuration of the allotments are tucked behind other land holdings that run alongside the northern side of Wakehurst Parkway and at first glance they appear to be land locked.

On closer examination, these allotments that are tucked away are generally categorised as being oversized and right of carriageways or access handles provide access to these properties onto Wakehurst Parkway.

## 2.2. Zoning

The site is located within the C4 Environmental Living and SP2 Infrastructure zones pursuant to Pittwater Local Environmental Plan 2014.

A zoning map is provided below.



*Subject site*

## 3. Development Proposal

The Development Application seeks consent the following:

- Subdivision- Boundary adjustment between 2 Torrens title allotments.

Lot no.	Existing size	Proposed size	Difference
Lot 12	2191sq.m	916sq.m	- 1275sq.m
Lot 2	1299sq.m	2574sq.m	+1275sq.m

- There will be no increase in the number allotments and will remain as 2 allotments.
- Existing easements and restrictions remain unchanged.

The relevant subdivision plans, survey plan and other supporting documents accompany the Development Application.

#### **4. Permissibility & Integrated Development Requirements**

The proposed development is permissible in the C4 Environmental Living zone under the provisions of Pittwater Local Environmental Plan 2014.

The land is identified as being bush fire prone land.

Because of this, the development proposal is also defined as integrated development under Section 4.46 of the EP & A Act 1979, since Section 100B of the Rural Fires Act 1997 calls upon a separate approval from the Rural Fire Service as the proposal is defined technically as a subdivision.

We anticipate a referral and consultation will naturally occur with the Rural Fire Service.

#### **5. Matters of Consideration**

##### **5.1. Section 4.15(1)(A)(I) – any environmental planning instruments**

###### **State Environmental Planning Policies (SEPPs)**

###### SEPP Resilience and Hazards

###### *Contamination*

The subject site has been used continually for residential habitation purposes with no prior other land uses.

In this regard, it is considered that the site poses no risk of contamination and therefore, no further consideration is needed, and the land is suitable for the continued residential land use.



### *Coastal Management*

The proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the locality given the scope of the proposal.

The development is not considered likely to cause increased risk of coastal hazards on the land or other land given the nature of the works being a new boundary line without physical works.

### **Pittwater Local Environmental Plan 2014**

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
The aims of the LEP?	Yes
The zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	Complies
Lot size	550sq.m	Lot 12= 916sq.m*  *Possible road widening may be needed.  Deduct road widening (339sq.m) = 577sq.m  Lot 2= 2574sq.m	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	N/A
5.1 Relevant acquisition authority	Yes (Consultation with Transport for NSW is likely to occur)

5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.5 Coastal risk planning	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

## 5.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)

There are no known draft environmental planning instruments which affect the development proposal.

## 5.3. Section 4.15(1)(A)(iii) – any development control plan(s)

The proposed development being a boundary adjustment between 2 parcels of residential land does not compromise the core objectives of Pittwater Development Control Plan 2014.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.5 Elanora Heights Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	N/A	N/A
B3.1 Landslip Hazard	Yes  See advice from expert.	Yes
B3.2 Bushfire Hazard	Yes	Yes

	See advice from expert.	
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	N/A	N/A
B3.13 Flood Hazard - Flood Emergency Response planning	N/A	N/A
B4.6 Wildlife Corridors	N/A	N/A
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.13 Development on Waterfront Land	N/A	N/A
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	N/A	N/A
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	Yes
D10.8 Side and rear building line	Yes	Yes

(excluding Newport Commercial Centre)		
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	N/A	N/A
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

**5.4. Section 4.15(1)(A)(iiia) – any planning agreement or draft planning agreement**

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affects the proposal.

**5.5. Section 4.15(1)(A)(iv) – the regulations**

The proposal is viewed sufficient to enable a proper evaluation to be carried out by Council under the planning regulations and under Section 4.55 of the EP & A Act 1979.

**5.6. Section 4.15(1)(B) – the likely impacts of the development**

The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.

The proposed development is consistent with the dominant future residential character in the locality.

The proposal will not result in detrimental social or economic impacts on the locality.

**5.7. Section 4.15(1)(C) – the suitability of the site**

There are no significant or iconic views affected by the development proposal and it is anticipated Council will impose relevant prescribed conditions of consent to control the development.

The proposal meets the desired character for the Elanora Heights precinct to remain low density in nature.

The site is considered suitable for the proposed development and to allow a land swap to occur between 2 landowners.

**5.8. Section 4.15(1)(D) – any submission made**

Council will review any submissions made during the exhibition process and we welcome the opportunity to comment on any such submissions.

**5.9. Section 4.15(1)(e) – the public interest**

The proposal is not contrary to the public interest and there are no matters to warrant refusal of development consent to allow the boundary adjustment.

**6. Conclusion and Recommendation**

The main body of this report reviewed key planning considerations for a consent authority under the matters of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979.

In accordance with the Pittwater Local Environmental Plan 2014, boundary adjustments with existing residential accommodation are permitted with consent in the C4 Environmental Living zone.

The assessment of this application has found the proposal to be consistent with the zone objectives, including providing residential development of a low density and scale integrated with the landform and landscape.

It is considered that the development and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties.

The proposal meets the desired outcomes of the DCP and LEP and is considered acceptable.

On this basis, it is recommended that the development proposal be approved subject to conditions.

**Momcilo (Momo) Romic**

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*NSW Builder Licence No. 252856C*