

Statement of Environmental Effects & Bushfire Risk Assessment

Section 4.55 (2) Modification Application: -

Amendment to NSW Rural Fire Service requirements
at no.'s 100A and 102 Wakehurst Parkway,
Elanora Heights

Approved under Notice of Determination No. DA2023/1123
(PAN-360459),
dated 27 February 2024

Dated- 28 September 2025

For- Mr Zelimir Milovic

Author's note, for the purposes of this Report:

- Lot 12 means no. 102 Wakehurst Parkway, Elanora Heights
- Lot 1 means no. 100 Wakehurst Parkway, Elanora Heights
- Lot 2 means no. 100A Wakehurst Parkway, Elanora Heights

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1. Introduction

On 27 February 2024, Council issued Notice of Determination No. DA2023/1123 which approved a boundary realignment at no.'s 100A and 102 Wakehurst Parkway, Elanora Heights.

A Subdivision Certificate application is currently before Council for determination as we are in the process of having the boundary realignment between the properties registered.

We observe Condition 2 of the development consent requested compliance with various Regulatory Departments and along with their recommendations.

One of these Departments included recommendations from the NSW Rural Fire Service.

We feel the requirements imposed by the NSW Rural Fire Service in their General Terms of Approval/ Bush Fire Safety Authority (BFSA) dated 5 February 2024 under Section 100B of the Rural Fire Act 1997 (See Section 8 for a copy) are too onerous given the scope of the proposal for a boundary change and is now holding up the registration of the boundary realignment.

We understand the boundary change from a surveying legal definition point of view is technically a subdivision, however we feel this is inconsistent with the intent of the planning regulations where there is no increase in the density of the land holding or number of allotments and the planning outcome on the two parcels of land is a neutral outcome.

We also feel its impractical to also include the property at no. 100 Wakehurst Parkway (Lot 1) which was not part of the small boundary change.

The purpose of this Modification Application is to amend the requirements imposed by NSW Rural Fire Service, and we provide our reasoning to have these amended and to enable the current a Subdivision Certificate to be released and completion of the land transfer between the private landowners.

This Modification Application seeks to amend the conditions of the BFSA relating to water supply and property access requirements under the Planning for Bush Fire Protection 2019 (PBP 2019).

Condition 4 of the BFSA specifies property access road (driveway) requirements for reconfigured Lot 2, including a minimum 4 metre carriageway width and a suitable turning area.

Condition 5 of the BFSA specifies reticulated water requirements, including compliance with the relevant fire hydrant standard.

This Modification Application seeks to rely on firefighter pedestrian access rather than fire truck (vehicular) property access into proposed Lot 2 in a lower bushfire risk location as a performance-based solution.

An additional pump and hose will be provided for the static water supply, allowing firefighter personnel to conduct property protection by pedestrian access.

We will lean on Council to be a facilitator in allowing a formal consultation with the NSW Rural Fire Service in this instance as the proper means of communication as the amendments affects this Department directly.

In consideration of the proposal and the merit consideration of the modified development, the proposal is in our opinion:

- Consistent with the objectives of the DCP,
- Consistent with the objectives of the C4 Environmental Living zone,
- The proposed performance based solution can assist in a reasonable level of providing a satisfactory level of protection with Planning for Bush Fire Protection 2019 (PBP 2019), and
- Consistent with the objectives of the relevant planning instruments.

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.

2. Modification Proposal

The Section 4.55 (2) Modification application submitted to Council is to amend the requirements imposed by NSW Rural Fire Service in their General Terms of Approval/ Bush Fire Safety Authority (BFSA) dated 5 February 2024 for a simple boundary readjustment at no.'s 100A and 102 Wakehurst Parkway, Elanora Heights.

The advice of the NSW Rural Fire Service concerns the following themes: -

- Asset Protection Zones,
- Construction Standards,

- Access- Property Access,
- Water and Utility Services, and
- General Advice – Consent Authority to Note.

A copy of the General Terms of Approval dated 5 February 2024 issued by the NSW Rural Fire Service is held at Section 8 of this Report.

We have no objections in satisfying the practical improvements such as meeting the asset protection zones, minor vegetation removal, and the upgrades to the dwellings for ember protection.

However, the items relating to water supply and property access requirements in our view are too onerous for the intent of the approved simple boundary change.

We say this because there is no change to the carrying capacity of the lands or increase to densities.

The application was for the purposes of a simple boundary change, with no changes intended for the improvements found on the lands except for themes concerning water supply and property access requirements, which in our view makes enhancements to the management bushfire risk.

We observe the existing dwellings on no. 100 Wakehurst Parkway and no. 102 Wakehurst Parkway are not impacted by access considerations, and this Modification Application deals with the access considerations for 100A Wakehurst Parkway.

3. Threshold Test

The development as proposed to be modified is substantially the same as that originally approved and the changes sought relate to amending conditions imposed by a Regulatory Agency.

We feel the proposed performance based solution by us results in an acceptable environmental outcome on merit.

4. Justification for the changes

The following reasons are put forward to support the changes:

- For economic and practical reasons,
- To remove arduous requirements that do not reflect the intent of the proposal for a small boundary change,
- There is no increase to the density or carrying capacity of the land,
- To provide a performance based solution in meeting the intent of the property access road requirements. Our reasoning is set out in Section 6 of this Report, and
- We understand that any future development applications for any allotments will require separate bushfire reports relating to any development applications outside of this small boundary change and is another suitable precaution in these circumstances.

5. Matters of Consideration

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

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

There are no further considerations for this Modification Application.

For completeness, we note any minor clearing is justified to meet the intent of the Terms and Conditions of the NSW Rural Fire Service.

The Modification Application is not likely to cause increased risk of coastal hazards on that land or other land.

Chapter 4 – Remediation of Land

There are no further considerations for this Modification Application and the opinion afforded on the original Development Proposal remains the same.

Pittwater Local Environmental Plan 2014

There are no further considerations for this Modification Application and the opinion afforded on the original development proposal remains the same on compliance with minimum lot size, heritage, flooding, services, hazards and biodiversity considerations.

We note, we have provided a discussion on bushfire management matters in in Section 6 of this Report.

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 proposal.

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

The proposal does change compliance with the objectives of Pittwater 21 Development Control Plan.

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 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 modified development on the natural and built environment result in a neutral outcome in our view.

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

Given the proposal relates to amending conditions of the BFSA relating to water supply and property access requirements under the Planning for Bush Fire Protection 2019 (PBP), we feel our performance based solution demonstrations the site is suitable.

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 modified development is not contrary to the public interest.

6. Bushfire Prone Land

We feel the intent of the proposal for a boundary change should not fall strictly within the category of a subdivision under a stern interpretation of this definition.

The definition of a subdivision covers boundary changes, however, in this instance there is no increase to allotments as we see with other typical subdivisions, and in terms in the use of the land, the proposal is a neutral outcome in our view.

We also understand it is difficult to navigate the complex web of land use planning regulations, and the intricacy in achieving a compliant development for a strictly deemed to satisfy approach is not always possible and especially where we have existing improvements as unfortunately our controls are for new development.

Some flexibility in our view is warranted since we have a subdivision of two lots into two lots.

The proposal is to increase the size of no. 100A Wakehurst Parkway by adding the adjacent or rear half of no. 102 Wakehurst Parkway does change the allotment areas, and we note considerations about transport and traffic management, access driveways and off-street parking facilities under Pittwater Development Control Plan to both properties remain unchanged and is compliant.

A copy of the General Terms of Approval/ Bush Fire Safety Authority (BFSA) dated 5 February 2024 issued by the NSW Rural Fire Service is held at Section 8 of this Report.

Condition 4 of the BFSA specifies property access road (driveway) requirements for reconfigured Lot 2 and including a minimum 4 metre carriageway width and a suitable turning area.

Condition 5 of the BFSA specifies reticulated water requirements, including compliance with the relevant fire hydrant standard.

This modification application seeks to rely on firefighter pedestrian access rather than fire truck (vehicular) property access into Lot 2 in a lower bushfire risk location as a performance-based solution.

An additional pump and hose will be provided for the static water supply, allowing firefighter personnel to conduct property protection by pedestrian access.

Proposed performance-based solution

Water Supply

The distance between the nearest fire hydrant and the existing dwelling on Lot 2 exceeds the maximum distances under AS 2419.1.

To overcome this contention, a static water supply (SWS) will be provided as an alternative to the reticulated water supply.

Based on the property size of Lot 2, a 10,000 litre SWS will be provided in accordance with Table 5.3d of PBP.

In addition, a pump and hose will be provided as a proportionate response in not having to rely on fire truck access due to unavoidable property access constraints.

In this regard, Condition 5 of the BFSa is requested to be amended in the following manner:

The provision of water supply for the existing dwelling on Lot 2 must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- *A 10,000 litre static water supply must be provided for the existing dwelling on Lot 2,*
- *A connection for firefighting purposes is located within the Inner Protection Area (IPA) or non-hazard side, and away from the structure,*
- *A 65mm Storz outlet with a ball valve is fitted to the outlet,*
- *Ball valve and pipes are adequate for water flow and are metal,*
- *Supply pipes from tank to ball valve have the same bore size to ensure flow volume,*
- *Above-ground tanks are manufactured from metal,*
- *Raised tanks have their stands constructed from non-combustible materials,*
- *Unobstructed access be provided at all times,*

- *Tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,*
- *A minimum 5hp or 3kW petrol or diesel-powered pump must be provided, and are shielded against bush fire attack,*
- *A hose and reel for firefighting must be connected to the pump with a 19mm internal diameter,*
- *Fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005, and*
- *All above-ground water pipes for the SWS are metal.*

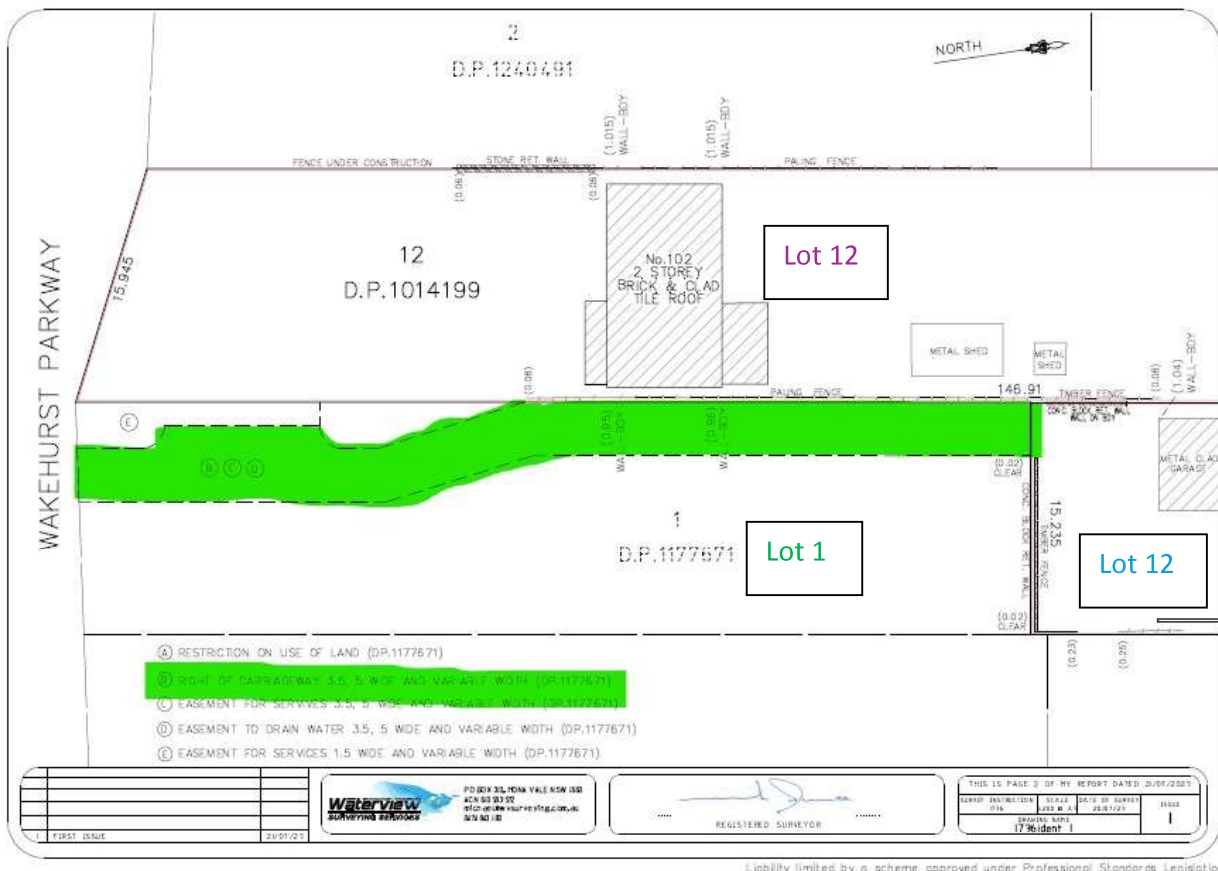
Where new services are installed for either lot, the provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- *All above-ground water service pipes are metal, including and up to any taps,*
- *Where practicable, electrical transmission lines are underground,*
- *Where overhead, electrical transmission lines are proposed as follows:*
 - *Lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas, and*
 - *No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.*
- *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,*
- *Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used,*
- *All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side,*
- *Connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used, and*

- Above-ground gas service pipes are metal, including and up to any outlets.

Property Access

The property access for Lot 2 is afforded by an existing driveway and is an existing Right of Carriage (ROW) with a variable width of 3.5 metres and 5 metres (shown in green tone below).



Extract of the Right of Carriage (ROW) with a variable width of 3.5 metres and 5 metres (shown in green tone)

A copy of the identification survey is held at Section 9 of this Report.

We point out that we did not seek to widen this existing driveway/ROC as part of the approval process for a simple boundary adjustment.

To comply with the 4 metre property access condition, it would mean that existing dwellings and improvements at no. 100 Wakehurst Parkway (Lot 1) and 102 Wakehurst Parkway (Lot 12) would require invasive and costly demolition works.

We observe the small boundary line adjustment between properties no.'s 102 Wakehurst Parkway (Lot 12) and 100A Wakehurst Parkway (Lot 2) never included the property at no. 100 Wakehurst Parkway (Lot 1)

In all, we feel doing any invasive works for either no.'s 102 Wakehurst Parkway (Lot 12) and 100 Wakehurst Parkway (Lot 1) for the benefit of a boundary change at no. 100A Wakehurst Parkway (Lot 2) is totally impractical.

We also observe the dwelling at 100A Wakehurst Parkway (Lot 2) is not on Bush Fire Prone Land and is of a BAL- Low classification.

And any destructive works for existing improvements is considered onerous and not the spirit of the planning regulations for a small boundary change between two existing properties at no.'s 100A Wakehurst Parkway (Lot 2) and 102 Wakehurst Parkway (Lot 12).

This Modification Application seeks to demonstrate that firefighter pedestrian access for Lot 2, instead of fire truck (vehicular) access, is suitable as a performance-based solution under section 5.3.2 of PBP.

Our justifications to support the performance solution are as follows:

- The location of the existing dwelling for Lot 2 is not on Bush Fire Prone Land,
- Based on the RFS guidance document, Application of section 100B of the Rural Fires Act 1997 (Bush Fire Safety Authority), the application of specific bush fire protection measures for the existing dwelling on Lot 2 is arguably not technically required,
- The vegetation to the north is not categorised on the Bush Fire Prone Land map, which was updated on 7 August 2020 based on the current Guide to bush fire prone land mapping, version 5b,
- I purport a lack of categorisation of the vegetation acknowledges a level of low bushfire threat that was not warranted to be broadly identified as such,
- The vegetation to the north is low bushfire risk due to its limited size and limited connectivity to broader bushland areas, and is broken up by improvements such as roads, dwellings, structures and managed lands,

- Bushland to the south is over 100 metres from the existing dwelling on Lot 2,
- We feel ember-proofing of the existing dwelling on Lot 2 will improve the bushfire safety,
- A pump and hose will be provided in addition to the 10,000L SWS on Lot 2, relieving the need for fire trucks to enter the property,
- Lot 2 is found in a metropolitan area and is well served by both Fire & Rescue NSW and NSW RFS resources,
- The partial demolition of the existing dwelling and improvements on either Lot 1 and Lot 12 is not a realistic or a practical solution,
- A dwelling already exists on Lot 1 and was never part of the small boundary adjustment to begin with,
- Lots 12, 1 and 2 are located on a through road with a safe evacuation route available to the east, away from the main bushfire threat further west,
- The boundary adjustment does not increase density between the Lots,
- Should an additional water supply be required, fire hydrants are available at multiple points along the Wakehurst Parkway, and
- A turning area is not required as fire truck access into Lot 2 and will not be relied upon.

The proposed 10,000L SWS with an additional pump and hose, available for use by firefighters via pedestrian access on Lot 2, satisfies the intent and performance solution under sections 5.3.2 and 5.3.3 of PBP.

Therefore, the land owners request Condition 4 is deleted as it has been demonstrated that fire truck (vehicular) access into Lot 2 is not required based on the low bushfire risk and there is no increase in density.

7. 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.

Given the proposal relates to amending conditions of the BFSa relating to water supply and property access requirements under the Planning for Bush Fire Protection 2019 (PBP), we feel our performance based solution demonstrates the site is suitable and the Modification Application proposal results in the substantially the same development.

We feel by relying on firefighter pedestrian access rather than fire truck (vehicular) property access into proposed Lot 2 in a lower bushfire risk location as a performance based solution is acceptable. And an additional pump and hose will be provided for the static water supply, allowing firefighter personnel to conduct property protection by pedestrian access.

On balance, it is considered the modified development does not result in any greater unreasonable impacts on surrounding, adjoining, and nearby properties and the precautions adopted for controlling bushfire risk will assist.

It is recommended that the development proposal be approved subject to revised conditions as specified in Section 6 of this Report and namely conditions that reflect the updated performance based solution.

We trust the Council will consult Commissioner of the NSW Rural Fire Service under Section 4.14 (1A) of Environmental Planning and Assessment Act 1979 in light of our recommendations and findings.

Momcilo (Momo) Romic
Town Planning Consultant

BTP (UNSW), MEM (UNSW)
NSW Builder Licence No. 252856C

8. General Terms of Approval/ Bush Fire Safety Authority (BFSA)

A copy of the General Terms of Approval/ Bush Fire Safety Authority (BFSA) issued by the NSW Rural Fire Service (RFS) on 5 February 2024 under Section 100B of the Rural Fire Act 1997.

9. Identification Survey by Waterview Surveying Services

A copy of the identification survey prepared by Waterview Services and dated 21 July 2023.

Sent: 5/02/2024 5:14:08 PM
Subject: NSW RFS Determination - Your Reference - CNR-59026 DA2023/1123
Attachments: DA20231019004709-Original-1 - 05-02-2024 14_40_07 - Determination Letter.pdf;



NSW RURAL FIRE SERVICE



Attention: Northern Beaches Council

Your Reference: CNR-59026 DA2023/1123

Application Details: s100B – Subdivision – Original

Site Address:

102 Wakehurst Parkway
Elanora Heights NSW 2101

Please find attached correspondence relating to the above development.

Should you wish to discuss this matter please contact Craig Casey on 1300 NSW RFS and quote DA20231019004709-Original-1.



Planning and Environment Services

NSW RURAL FIRE SERVICE

Locked Bag 17 Granville NSW 2142

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PREPARE. ACT. SURVIVE.



NSW RURAL FIRE SERVICE

Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Your reference: CNR-59026 DA2023/1123
Our reference: DA20231019004709-Original-1

ATTENTION: Northern Beaches Council

Date: Monday 5 February 2024

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Boundary adjustment
102 Wakehurst Parkway Elanora Heights NSW 2101, 12//DP1014199, 2//DP1177671

I refer to your correspondence dated 23/10/2023 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site proposed Lot 12, must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

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

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NSW Rural Fire Service
Locked Bag 17
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Street address

NSW Rural Fire Service
4 Murray Rose Ave
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- leaves and vegetation debris should be removed.

2. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the site around the existing building on Lot 2, must be maintained as an inner protection area (IPA) as follows:

- South up to to the lots site boundary;
- West up to the lots site boundary;
- North for a distance of 10m beyond the furthest extent of the existing dwelling being retained and a minimum of 17m beyond the illustrated building envelope as detailed in the updated Bushfire Consultants report; and,
- East up to the lots site boundary.

When establishing and maintaining an IPA the following requirements apply in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

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

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. The existing dwelling located on proposed Lot 2 and being retained, must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Access – Property Access

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

4. Property access road (driveway) to access the reconfigured Lot 2, must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- property access roads are two-wheel drive, all-weather roads;
- minimum 4m carriageway width;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- provide a suitable turning area in accordance with Appendix 3; and,
- 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.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

5. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;

- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- 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;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

General Advice - Consent Authority to Note

- Future development application lodged for land in this subdivision may be subject to the requirements of *Planning for Bush Fire Protection 2019*. Provision of Asset Protection Zones within the lots boundaries and construction to AS3959 2018 Construction of Buildings in Bushfire Prone Areas standards may be required. In this regard it is noted that the subdivision assessment has been based on a performance solution, using bush fire attack modelling and Dry Sclerophyl Forest fuel loads set out in *Planning for Bush Fire Protection 2019*. Future dwelling proposals may need to adopt a similar performance solution to determine construction requirements and will not qualify as complying development.
- The APZs and separation distances, for lot has been based on site specific modelling of potential bush fire impacts provided by Bushfire Planning Services Pty Ltd, Bushfire Risk Assessment, Matthew Willis and report dated 21 December 2023. The Bushfire Consultant has provided an indicative building envelope, on proposed Lot 2 using the same building footprint as the existing dwelling on lot 12. AS 3959 2018, **Method 2 calculations** have been used to justify the BAL of 29 for the indicative building envelope. Desktop Verification of the Bushfire Consultants modelling confirms that any proposed future dwelling located in the illustrated hatched building envelope, as illustrated within Bushfire Planning Services Pty Ltd, Bushfire Risk Assessment, Matthew Willis and letter dated 21 December 2023, would have the ability to accommodate a proposed future dwelling to BAL 29.

For any queries regarding this correspondence, please contact Craig Casey on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Boundary adjustment

102 Wakehurst Parkway Elanora Heights NSW 2101, 12//DP1014199, 2//DP1177671

RFS Reference: DA20231019004709-Original-1

Your Reference: CNR-59026 DA2023/1123

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Nika Fomin

**Manager Planning & Environment Services
Built & Natural Environment**

Monday 5 February 2024



21/07/2023

Mr Zelimir Milovic
102 Wakehurst Parkway
NORTH NARRABEEN NSW 2101

Ref:1736

RE: IDENTIFICATION SURVEY-100A & 102 WAKEHURST PARKWAY, NORTH NARRABEEN NSW 2101

I have undertaken a survey of the land comprised in Folio Identifiers 2/1177671 and 12/1014199 being lot 2 in Deposited Plan 1177671 and lot 12 in Deposited Plan 1014199, in the Local Government area of Northern Beaches, Parish of Narrabeen, County of Cumberland.

The survey is for identification purposes. This report must not be used for any other matter or purpose.

The date of survey was 20/07/2023

Upon Lot 12 stands a two storey brick and clad residence roofed in tile. The property is known as number 102 Wakehurst Parkway.

Upon Lot 2 stands a two storey concrete, steel and metal clad residence with timber balconies roofed in metal, a metal clad garage and a timber deck at rear. The property is known as number 100A Wakehurst Parkway.

In my opinion:

- The relationship between improvements and the boundaries of the land are shown on the plan attached.
- Lot 12 is affected by reservations and conditions in the Crown Grant(s)
- Lot 2 is affected by
 - Reservations and conditions in the Crown Grant(s)
 - Restriction(s) on the use of land referred to and numbered (1) in the s.88b instrument (DP.1177671) relating to inspections and maintenance (see 88B DP1177671)
 - Restriction(s) on the use of land referred to and numbered (2) in the s.88b instrument (DP.1177671). This condition states any future building must be confined generally to the area designated A. The building as constructed is generally constructed within this area with a minor encroachment of 0.3 metres at the south-eastern corner.
 - Right of Carriageway 3.5 and 5 metres wide and variable width denoted B on the plan attached.
 - Easement for Services 3.5 and 5 metres wide and variable width denoted C on the plan attached.
 - Easement to Drain Water 3.5 and 5 metres wide and variable width denoted D on the plan attached.
 - Easement for Services 3 metres wide and variable width denoted E on the plan attached.

Regards
Michael Joyce

A handwritten signature in blue ink, appearing to read 'Michael Joyce', with a stylized flourish at the end.

Registered surveyor

