

## **Statement of Environmental Effects V1.0**

**Change of use of shed to dual occupancy - detached on Lot 6 DP  
1176703, 13 Deptford Close, Clarence Town.**

**March 2025**

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## **1.0 INTRODUCTION**

This Statement of Environmental Effects (SEE) has been prepared on behalf of Mr David & Mrs Susan Goode (Owners) to accompany a development application (DA) seeking consent to the change of use of the existing shed to a dual occupancy-detached on Lot 6 DP 1176703, 13 Deptford Close, Clarence Town.

The DA application has been submitted in response to an Alleged Unauthorised Use of Shed (ref CRM955/2024:MN) and email correspondence from Council's Senior Development Planner, Mr Phil Carroll, dated 12/12/24 requesting the following information to be submitted with the development application;

Your development application (DA) will need to include the following information and be lodged on the NSW Planning Portal:

- Completed DA form.
- Site Plan to scale with dimensions and north point showing the footprints of all improvements to the property and the approved OSSM area.
- Floor Plans to scale with dimensions and notations.
- Elevation Plans to scale with dimensions – north, south, east, west.
- Statement of Environmental Effects.
- Estimated cost of the development letter.

I recommend engaging a drafts person and/or planner to assist with the preparation of the DA.

The SEE addresses the matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, as well as matters required to be considered by Dungog Shire Council.

## **2.0 SUBJECT SITE**

### **2.1 Site Description**

The subject site is legally identified as Lot 6 in DP 1176703 and known as 13 Deptford Close, Clarence Town

The site comprises an elongated irregular shaped parcel of land situated off the south-eastern end of the cul-de-sac of Deptford Close.

### **2.2 Site Dimensions**

The site has a 43.375m frontage to Deptford Close and depth along the south-eastern side boundary of 239.79m. The north-eastern boundary, which has frontage to Williams River, has a length of 85.56m and the north-western side boundary a

length of 170.625m. Overall the site has an area of approximately 10,238m<sup>2</sup>. (refer Image 2).

### **2.3 Topography**

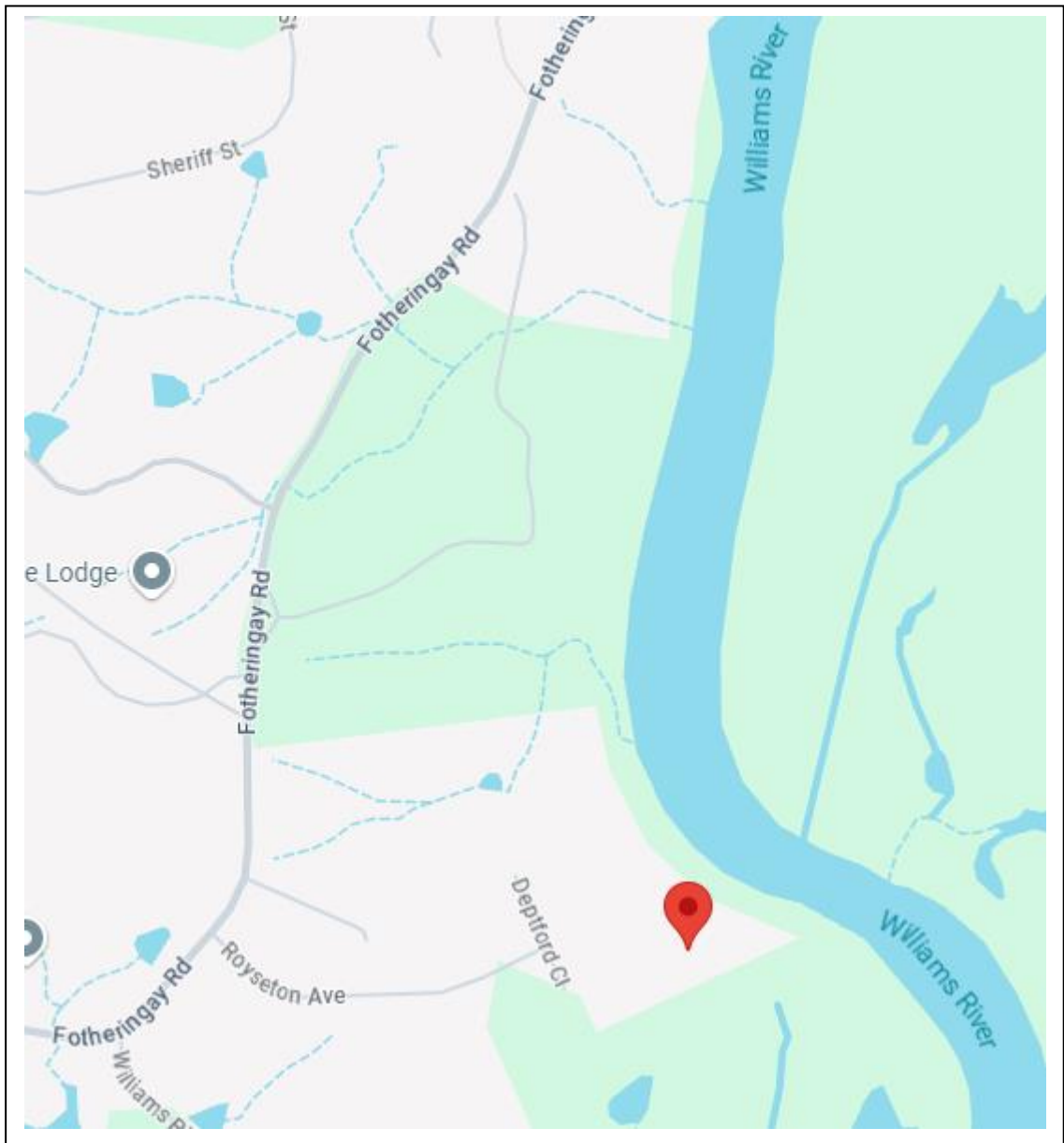
The site is undulating.

### **2.4 Site Improvements/Characteristics**

A single storey dwelling is situated at the eastern end of the property facing the river while a detached two storey shed is centrally located on the site and setback from the north-western side boundary some 10.47m.

A battle-axe allotment incorporating an access handle adjacent to the site's eastern side boundary is situated to the rear of the site and is occupied by two part two storey brick and tile dwelling units.

Older style single storey dwellings of weatherboard construction are situated on the adjoining allotments on the eastern and western side of Kitchener Parade generally built in close proximity to the street alignment.



**Image 1** – Location map courtesy of Google Maps.



**Image 2** – Extract from NSW SIX Maps showing existing site (arrowed) and surrounds.

### **3.0 THE PROPOSED DEVELOPMENT**

The proposed development seeks development approval for the change of use of the existing shed to a dual occupancy-detached.

Details of the proposed works are documented on the architectural plans prepared by Doug Checinski Building Design Consultant.

#### **3.1 Existing Approvals & Change of use and internal layout of shed/dwelling**

The existing shed comprises a rectangular shaped two storey gable roofed building structure with attached balcony situated off the eastern end.

The existing shed measures 12.22m x 12.05m with a height to the eave of 4704mm and overall roof height of approximately 7300mm.

The shed was originally approved under DA127/2013 on the 7 February 2014.

The associated Construction Certificate for a shed (Class 10a) (CC127/2013) was issued on the 17 February 2014.

An Occupation Certificate was issued on the 13 May 2014.

The ground floor component of the shed incorporates the following;

- Kitchen,
- Dining,
- Laundry,
- Bathroom,
- WC
- Covered outdoor area
- Stair to first floor and entry foyer,
- Separate storage space accessible via roller doors and PA door.

The first floor component incorporates the following;

- Two bedrooms,
- Lounge,
- Balcony
- Mezzanine storage

The gross floor area (GFA) of the dwelling totals 112.21m<sup>2</sup> (64.43m<sup>2</sup> – ground floor + 47.78m<sup>2</sup> – first floor)



The majority of the building works to partially convert the approved shed to a dual occupancy were carried out by the previous owner with the current owner carrying out the following works;

- Minor gyprocking to repair damaged living room wall,
- Installation of smoke detectors,
- Installation of new vanity in approved bathroom,
- Mezzanine floor addition – 6m x 4m (24m<sup>2</sup>)
- Replacement of existing decking and installation of balustrade

### **3.2 Site History**

The current owner has provided the following chronological known history of the site;

- 2013/14 - The original owner submitted plans for shed with living quarters and mezzanine prior to the house being built.
- Council requested living quarters be removed from the drawing for approval.
- 2014 - Shed was later approved with some of layout shed/granny flat with shower/toilet/laundry (in concrete slab), but the council wouldn't release them as they had a floor plan ?
- The former owner has completed Shed/Granny flat with mezzanine at some expense (unknown what was actually approved).
- 2018 - 5 years later the previous owner built the new house on the property.
- 2019 - 6 months later sold the property which we bought. One of the main reasons we bought the property was the Granny flat as we planned it to be used by the children, and parents which will require assistance in old age.
- Over the last 5 years I've completed repairs and improvements to the Granny Flat at some expense.(Refer section 3.1 of the SEE for a list of the works)
- Late last year from friends started staying in the Granny flat as their rental agreement was due, are still considering moving back to Tasmania.
- At the same time, one of our neighbours submitted a complaint to Dungog council about people staying in the Granny Flat. As they had been trying to sell their house for 9 months previous, and blamed us for their house not selling previously ? Even though nobody had been the granny flat previously ?
- Council indicated that there is no DA for people to stay in the granny flat, but inspected the Granny flat to ensure it was safe while we looked to change the use of DA to Granny Flat with Dungog Council.

## 4.0 ENVIRONMENTAL PLANNING ASSESSMENT

The proposed development has been assessed having regard to the relevant matters for consideration under the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979, as detailed hereunder.

### 4.1 Statutory Considerations

#### 4.1.1 Dungog Local Environmental Plan (DLEP) 2014

The proposed development constitutes a Dual Occupancy (Detached) which is defined within the Dictionary of DLEP 2014 as follows;

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note—**

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**Note—**

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note—**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

The subject site is zoned R5 Large Lot Residential and C3 Environmental Management under the provisions of the DLEP 2014 and associated Land Zoning Map (LZN\_010AD) and the proposed development is permissible with consent within the R5 zone. (refer Images 3 & 4).

The existing shed is located within the R5 zoned portion of the site.

The zone objectives are reproduced as follows

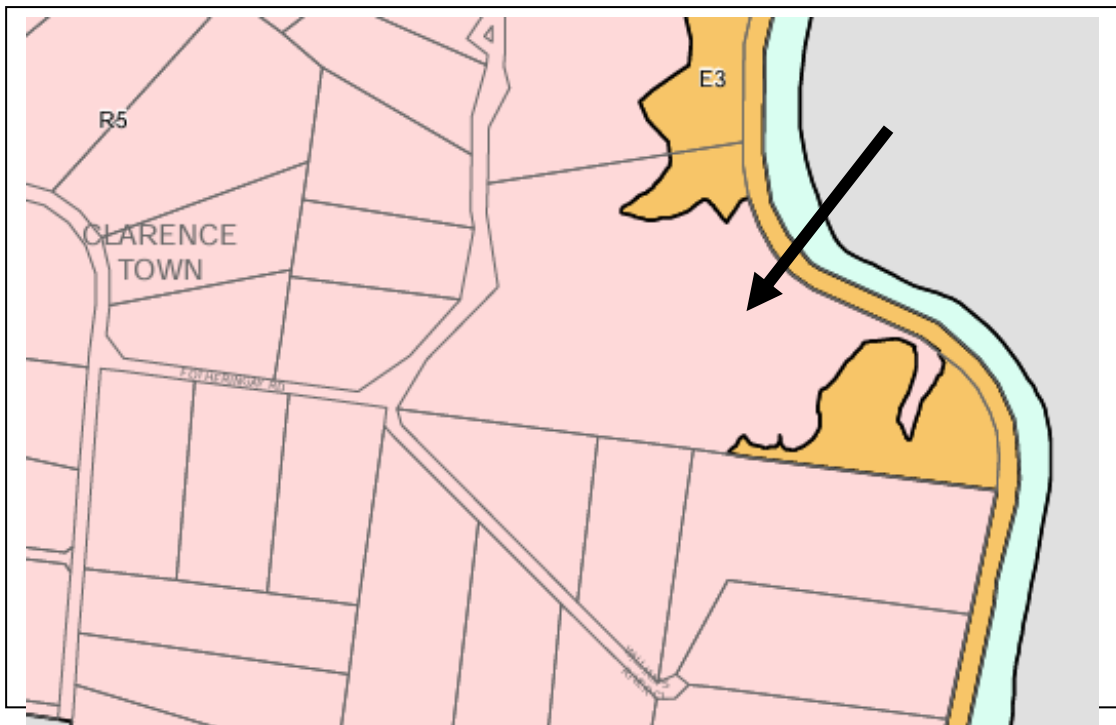
#### Zone R5 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

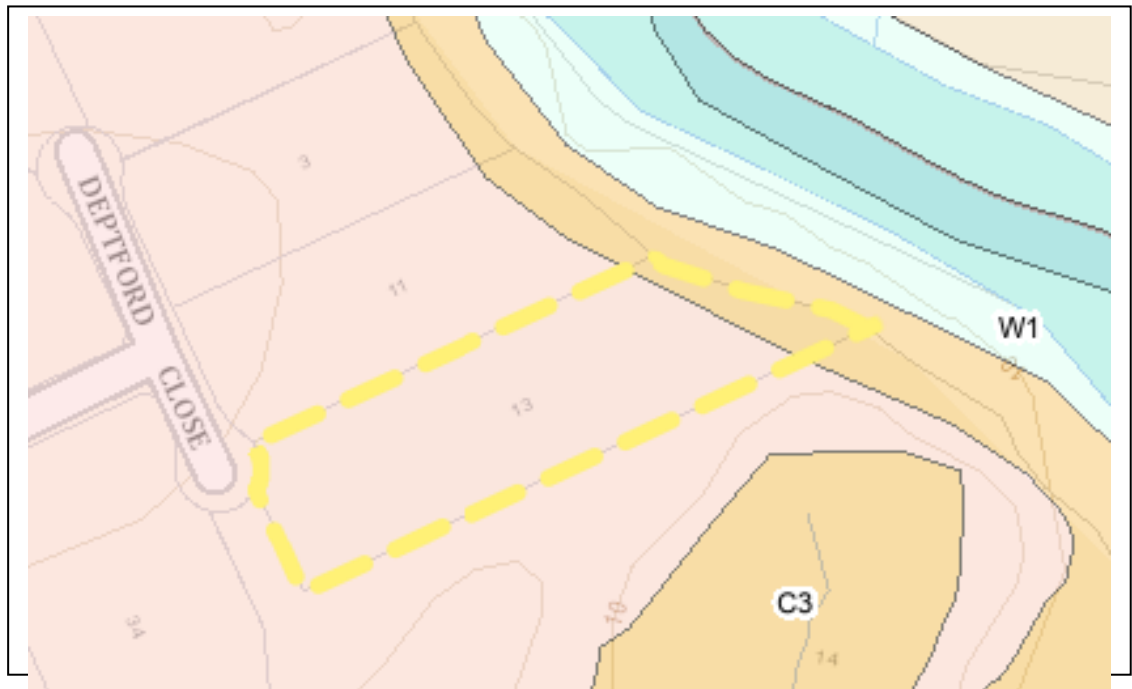
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To isolate housing from existing intensive agriculture or future intensive agricultural areas.

**Zone C3 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.



**Image 3** – Extract from Dungog Local Environmental Plan 2014 Land Zoning Map (LZN\_010AD) showing R5 Large Lot Residential and C3 Environmental Management zone and subject site.



**Image 4** – Extract from NSW Planning Portal Spatial Viewer showing R5 & C3 zone boundaries for the subject site (Lot 13).

#### **Part 4 Principal development standards**

##### **Clause 4.3 Height of buildings**

There are no LEP height restrictions as the clause is not adopted.

##### **Clause 4.4 Floor space ratio**

There are no floor space ratio limits as the clause is not adopted.

#### **Part 5 Miscellaneous provisions**

##### **Clause 5.10 Heritage conservation**

The subject site is not identified within Schedule 5 of DLEP 2014 or associated Heritage Maps (HER\_010AD) as containing any items of heritage significance or being within a heritage conservation area. However, the crown reserve (no street frontage) adjacent to the Williams River is identified as an item (#1150) of local heritage significance and comprises the 'Marshall & Lowe "Deptford" shipyard site, Fotheringaye.

The shed structure is existing and not visually prominent from the Williams River frontage. The change of use does not entail any building works and therefore will have minimal impact on the heritage significance of the shipyard site.

#### **Clause 5.21 Flood planning**

The site is **NOT** identified as being located within a flood planning area on the Flood Planning Map (FLD\_010AD).

### **Part 6 Additional local provisions**

#### **Clause 6.1 Acid sulfate soils**

Clause 6.1 of NLEP 2012 and associated Acid Sulfate Soils Map (ASS\_010AD) identify the subject site as a combination of Classes 5, 4 & 1 acid sulfate soils with the majority of the site located away from the riverfront comprising Class 5.

Clause 6.1 of NLEP 2012 stipulates that development consent is required for the following works within Class 5;

*Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

The proposed development does not involve any building works being a change of use only.

#### **Clause 6.5 Drinking water catchments**

The site is located on the Drinking water Catchment Map (DWC\_010) as being located within the Williams River Drinking Water Catchment.

Clauses 6.5(3) and (4) are applicable to the proposal and reproduced as follows;

(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—

(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following—

(i) the distance between the development and any waterway that feeds into the drinking water storage,

(ii) the on-site use, storage and disposal of any chemicals on the land,

(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,

- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### Comment

The existing shed is serviced by an approved on-site waste water treatment system (OSSM) with the location shown on the site plan.

The proposed change of use does not involve any building works and therefore will not impact the drinking water catchment.

#### **Clause 6.6 Riparian land and watercourses**

The site is not identified on the Riparian Land & Watercourses Map (

#### **Clause 6.10 Williams River catchment**

The site is identified on the Williams River Catchment Map (WRC\_010) as being located within the catchment.

Clause 6.10(3) is applicable and reproduced as follows;

- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
  - (a) promotes the sustainable use of land, water, vegetation and other natural resources within the Williams River Catchment, and
  - (b) promotes the protection and improvement of the environmental quality of the Williams River Catchment, and
  - (c) will have any significant adverse impacts on water quality within the Williams River Catchment, and
  - (d) is consistent with the Williams River Catchment Regional Planning Strategy published in September 1997 by the Department of Planning and Environment.

**Comment**

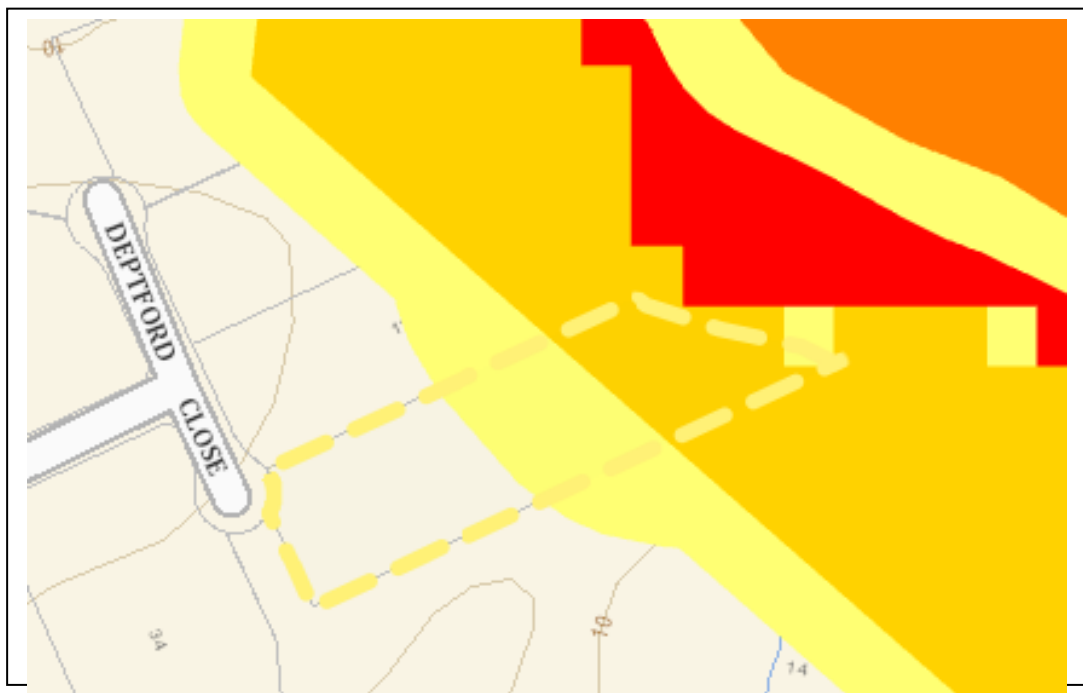
The shed is an approved structure and the building works to convert the structure to a dual occupancy are internal of confined to the envelope of the structure.

The amenities within the shed are approved and connected to the existing OSSM.

The use of the structure as a dual occupancy will not impact on water quality within the catchment.

**Bushfire Prone Land**

The site identified as bushfire prone land (Vegetation Buffer). (Refer Image 6).



**Image 6** – Extract from NSW Planning Portal Spatial Viewer showing extent of bushfire prone land on the site.

The Bush Fire Assessment prepared by Newcastle Bushfire Consulting establishes that the proposed development is capable of complying with the acceptable solutions of Planning for Bushfire Protection (2019).

## **4.2 Merit Considerations**

### **Dungog Development Control Plan (DCP) No.1**

Dungog Development Control Plan No.1 provides, among other things, detailed criteria for the assessment of development applications and is required to be considered by the Council under section 4.15 of the Environmental Planning and Assessment Act 1979 when determining development applications.

There are no specific provisions within DCP No.1 that are particularly relevant to the proposed development. The existing shed is an approved building structure and the proposed change of use to a dual occupancy is confined to the envelope of the existing building. No additions are proposed.

## **5.0 Conclusion**

The proposed development is permissible in the R5 Large Lot Residential zone with development consent and the Statement of Environmental Effects is considered to have satisfactorily demonstrated that the proposed development is not inconsistent with the provisions of Dungog LEP 2014 or DCP No.1.

Having regard to the foregoing it is considered appropriate that the proposed development be approved.

*Simon Pocock*

**Simon Pocock  
Director**