

STATEMENT OF ENVIRONMENTAL EFFECTS

CHANGE OF USE TO DUAL OCCUPANCY

**200 TORRYBURN ROAD, TORRYBURN NSW 2421
LOT 41 DP785703**

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|--|------------|--|--------|-------------|
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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Maxman Pty Ltd (the client) to prepare a Statement of Environmental Effects (SEE) for a change of use to dual occupancy (the development) at 200 Torryburn Road, Torryburn NSW 2421 (Lot 41 DP785703) (the site). It is noted that the site also contains Lot 1 DP1177996, however the development primarily relates to Lot 41 DP785703 and as such 'the site' refers specifically to that lot.

The site is located within Torryburn, in the Dungog Local Government Area (LGA). The property is comprised overall of two lots (as discussed above), and contain two dwellings, as well as ancillary structures.

Development consent is specifically sought for the change of use of a dwelling on the site to dual occupancy.

The key reasons why the proposed development should be considered acceptable include:

- The proposal is permitted with consent in the land use zone and is consistent with relevant zone objectives.
- The proposal complies with the specific design requirements for dual occupancy controls, where applicable.
- The proposal will result in no negative social and economic impacts.
- There are no significant issues or impacts arising from the proposal.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. These issues have been addressed throughout the SEE to ensure potential environmental issues have been suitably managed or mitigated where possible to allow the proposed development to be approved by the Consent Authority.

TERMS & ABBREVIATIONS

| | |
|----------|---|
| AHIMS | Aboriginal Heritage Information Management System |
| ASS | Acid Sulphate Soils |
| EP&A Act | Environmental Planning & Assessment Act 1979 |
| EPI | Environmental Planning Instrument |
| FFL | Finished Floor Level |
| DA | Development Application |
| DCP | Development Control Plan |
| LEP | Local Environmental Plan |
| LGA | Local Government Area |
| SEPP | State Environmental Planning Policy |
| SEE | Statement of Environmental Effects |

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

| Appendix | Document | Prepared by | Reference |
|----------|---------------------------------------|-------------------------------|----------------------------------|
| 1 | DCP Compliance Assessment | Perception Planning | Ref: J004695 Dated: 20/03/25 |
| 2 | Architectural Plans | Sorensen Design and Planning | Ref: 2503688 Dated: 30/01/25 |
| 3 | Bushfire Assessment Report | Newcastle Bushfire Consulting | Ref: N/A Dated: 17/01/25 |
| 4 | BASIX Certificate | Sorensen Design and Planning | Ref: 2503688 Dated: 17/03/25 |
| 5 | Development Consent | Dungog Shire Council | Ref: 239/1999 Dated: 26/11/99 |
| 6 | AHIMS Search Results | NSW Environment and Heritage | Ref: J004695 Dated: 16/01/25 |
| 7 | Hunter Water Stamped Plans | Hunter Water Corporation | Ref: 152413 Dated: 24/03/25 |
| 8 | Building Code of Australia Assessment | Perception Planning | Ref: J004695 Dated: 20/03/25 |

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1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Maxman Pty Ltd (the client) to prepare a Statement of Environmental Effects (SEE) for a change of use to dual occupancy (the development) at 200 Torryburn Road, Torryburn NSW 2421 (Lot 41 DP785703) (the site).

This SEE has been prepared in coordination with the client and other sub-consultants to demonstrate the relevant matters associated with the proposed development. The SEE examines the existing site location and conditions, how the proposed relates to the location and the environment, and the planning merits of the proposal with respect to the relevant legislation, policies and related requirements.

The site is located within Torryburn, of the Dungog LGA. The site is zoned RU1 Primary Production, under the Dungog Local Environmental Plan (LEP) 2014, and the proposal is permitted with consent of the Council.

The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

1.1 PURPOSE OF THE STATEMENT

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure and Environment (now DPIE) guide to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) (s4.15).

The objectives of this SEE area as follows:

- To provide a description of the site and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPIs);
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

1.2 SITE DETAILS

| | |
|------------------------------|---|
| Property Address | 200 Torryburn Road, Torryburn NSW 2421 |
| Lot and DP | Lot 41 DP785703 |
| Local Government Area | Dungog Shire Council |
| Current Use | Two dwelling houses, ancillary structures |
| Zoning | RU1 Primary Production |
| Size | 10.12ha (per DP) |
| Site Constraints | <ul style="list-style-type: none">• Bushfire Prone Land – Vegetation Category 1 & Vegetation buffer• Minimum Lot Size – 60ha• Biodiversity Values Map – Mapped Land |
| Owner | Owner's consent has been provided on the Application Form for the DA. |
| DP and 88B Instrument | The site does not have any restrictions preventing the proposed development from occurring on the Title or 88B Instrument. |

1.3 SITE DESCRIPTION

The site particulars are detailed in the table above with the site constraints reviewed against the Dungog Local Environmental Plan (LEP) 2014. The site is located within Torryburn, of the Dungog LGA. The site consists of two lots, Lot 41 DP785703 and Lot 1 DP1177996 (latter not being part of this application). Currently, the site consists of two dwelling houses, associated ancillary structures and landscaping.

The site is overall clear of vegetation, owing to rural lifestyle living. The site is heavily landscaped. The site adjoins the Allyn River. The river and riparian vegetation is identified on the Biodiversity Values Map. Further, the riparian vegetation is identified as bushfire prone land, as well as the buffer area around the riparian vegetation.

Development in the surrounding area is generally classified as rural residential development. Properties are of a narrow shape and contain single and double storey dwelling typologies. It is noted that immediately to the south of the site is the Tilligerry National Park.

The site is connected to, electricity and communications. Water and sewer are currently provided through on-site means.



Figure 1: Locality Plan, site outlined in dotted yellow (Nearmaps, 2024)

1.4 CURRENT USE AND SITE HISTORY

A review of the Dungog Shire Council online DA tracker identifies the following application for the site. This is provided in **TABLE 1** below. There are no known compliance orders or Council actions relevant to the site.

Table 1: Recent Applications

| DA Reference | Description of Development | Approval Date |
|--------------|--|--------------------|
| 239/1999 | Development Application – Dwelling | 26/11/99 |
| 239/1999 | Occupation Certificate – Dwelling – brick veneer, septic | Withdrawn 04/04/19 |

In this instance, the original Development Application is of key importance, due to Condition 5, being:

The existing dwelling on the allotment is to be converted to it is not usable as a single dwelling by removing the kitchen and laundry facilities. Hardwired smoke alarms are to be installed within the building.

This application seeks to formalise the use of the older dwelling as a dwelling house, resulting in a dual occupancy. It is noted that water supply was removed from the older dwelling, to ensure that it could be used as a single dwelling. For reference, this consent is provided at **APPENDIX 5**.

2.0 THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

Development consent is sought for the establishment of a dual occupancy on the site, as discussed above for context. This will result in a detached dual occupancy where each dwelling is less than 100m from each other. No construction works are proposed. Further detail is provided at **APPENDIX 2**.

3.0 PLANNING FRAMEWORK

Section 4.15(1) of the EP&A Act outlines the matters for consideration when determining a Development Application. The following section will address the matters of consideration listed under Section (1)(a).

3.1 ACTS

All Acts have been reviewed, with the following considered relevant to the proposed development.

3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning & Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section

4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this Statement below.

- **Section 4.14 Consultation and development consent – certain bush fire prone land**

This section stipulates that development consent cannot be granted for the carrying out of 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 development aligns with *Planning for Bush Fire Protection 2019* (PBP 2019). A Bushfire Assessment Report has been prepared for the proposed development at **APPENDIX 3**, demonstrating capability of compliance with PBP 2019.

- **Section 4.46 What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, for it to be carried out, requires development consent and one or more of the approvals listed within **TABLE 2** below. The proposed development is nominated as an integrated development at this stage.

Table 2: Integrated development

| Integrated development | Section | Assessment |
|--|---|--|
| Fisheries Management Act 1994 | s 144 s 201 s 205 s 219 | N/A |
| Heritage Act 1977 | s 58 | N/A |
| Coal Mine Subsidence Compensation Act 2017 | s 22 | N/A |
| Mining Act 1992 | s 63, 64 | N/A |
| National Parks & Wildlife Act 1974 | s 90 | N/A – The AHIMS search conducted on 16 January 2025 (attached as APPENDIX 6) did not identify any Aboriginal sites or places within a 200m buffer. |
| Petroleum (Onshore) Act 1991 | s 16 | N/A |
| Protection of the Environment Operations Act 1997 | ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122 | N/A |
| Roads Act 1993 | s 138 | N/A – no change to the existing driveway access is proposed. |
| Rural Fires Act 1997 | s100B | N/A |
| Water Management Act 2000 | ss 89, 90, 91 | N/A |

3.1.2 HUNTER WATER ACT 1991

The subject site is not serviced by Hunter Water assets. Stamped plans from Hunter Water Corporation are provided at **APPENDIX 7**.

3.1.3 RURAL FIRES ACT 1997

As previously identified, the site is identified as Vegetation Category and Vegetation Buffer for the purposes of bushfire prone land.

The Bushfire Assessment Report at **APPENDIX 3** found that the proposed subdivision is able to comply with *Planning for Bush Fire Protection 2019 (PBP 2019)* through acceptable solutions.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and are discussed in further detail below.

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

3.2.1 RESILIENCE AND HAZARDS 2021

Chapter 4 – Remediation of Land

This Chapter applies to the whole of NSW to ensure land is fit for the intended purpose. The legalisation states a consent authority must not consent to the carrying out of development on land unless it has given consideration as to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development or alternatively determine that the land would be suitable once remediated.

The site is currently zoned for rural purposes. A review of the EPA Contaminated Sites Register has found that the site is not identified on this register.

3.2.2 TRANSPORT AND INFRASTRUCTURE 2021

Section 2.122 – Traffic Generating Development

In accordance with Section 2.122, development listed in Schedule 3 is identified as traffic-generating development. The proposed development is not identified under Schedule 3 and therefore does not warrant referral to TfNSW. A net increase of one dwelling is not likely to cause noticeable traffic impacts to Squire Street or the surrounding public road network.

3.2.3 SUSTAINABLE BUILDINGS 2022

A BASIX Certificate has been provided for the older dwelling at **APPENDIX 4**.

3.3 LOCAL ENVIRONMENTAL PLAN

The Dungog Local Environmental Plan (LEP) 2014 is relevant to the site for the purposes of the proposed development and provides principal development standards to guide development within the Dungog LGA.

Permissibility

The site is zoned RU1 Primary Production under the provisions of LEP 2013. The proposed dual occupancy is permitted with consent in this zone.

Zone objectives

The land use table of LEP 2014 identifies the following objectives for the RU1 zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To provide for recreational and tourist activities that are compatible with the agricultural, environmental and conservation value of the land.*
- *To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.*

The proposed development displays broad consistency with the objectives of this zone. The proposed development will not adversely impact resource lands. Further the proposed development is a compatible land use with land uses on the site and in the surrounding area. The rural amenity and scenic values of the site and surrounding area will not be adversely affected by the proposed development. The proposed development will present a building typology that is not out of place within a rural context.

- **Clause 4.2A – Erection of dwelling houses and dual occupancies on land in certain rural and conservation zones**

The site is located within the RU1 Primary Production zone. As noted, the site is 10.12ha. This is less than the minimum lot size of 60ha minimum lot size. As such, further consideration of this clause is required. We note that a development consent for a dwelling house was granted on 26 November 1999 (**APPENDIX 5**). Because of this, a dwelling entitlement was established in a prior application, and the attached dual occupancy that is the subject of this application can be permitted on this undersized lot.

- **Clause 5.10 – Heritage Conservation**

The site does not contain nor is it adjacent to any items of heritage significance, nor is it located within a heritage conservation area (HCA).

Further, the AHIMS search conducted on 16 January 2025 (attached as **APPENDIX 6**) did not identify any Aboriginal sites or places within a 200m buffer.

- **Clause 5.16 – Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

This clause is intended to minimise the potential for land use conflict between existing and proposed development on land in the concerned rural, residential and conservation zones. As the site is zoned RU1 Primary Production, and a dwelling is proposed to be erected, consideration of this clause is required.

The proposed development is generally compatible with existing land uses on the site. Further, surrounding land uses do not indicate any potential for land use compatibility. The proposed development is appropriately sited, in terms of its potential impacts on surrounding land uses and vice versa. As such, no further consideration of this matter is required.

- **Clause 6.2 – Earthworks**

Minor earthworks associated with establishment of building foundation, provision of services and drainage infrastructure. There shall be no impacts on adjoining allotments. All water run-off is to be directed to the existing stormwater system.

- **Clause 6.8 – Essential Services**

The proposed dual occupancy will take advantage of existing servicing arrangements on the site.

- **Clause 6.11 – Dual occupancies (detached) in Zone RU1**

This clause applies to the proposed development as it is for a detached dual occupancy within the RU1 Primary Production zone. The proposed development will generally provide a visually consistent built form. The proposed dual occupancy is not of a radically different architectural style compared to existing development on the site. Further, the proposed development will be within 100m of existing development on the site. The land is suitable for the proposed development, as there is substantial space, and access onto the site is appropriate.

- **Clause 6.12 – Protection of rural landscapes in rural and conservation zones**

This clause applies to development occurring in the RU1 Primary Production zone, among others. Due to the location away from existing viewpoints, the proposed development will be screened from public view. This will lessen its overall visual impact. Further, the proposed development is not located on a ridgeline, thus satisfying this clause.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

The Dungog Development Control Plan (DCP) outlines the relevant design controls applicable to the site. Assessment of the development against the relevant parts of DCP 2014 is provided in the DCP Compliance Assessment at **APPENDIX 1**.

3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN

Development contributions will be calculated and charged in accordance with the Dungog Council Section 7.11 Development Contributions Plan.

4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES

This Section will address the following matters of consideration as outline by Section 4.15 of the EP&A Act:

- (a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (b) the suitability of the site for the development,*
- (c) any submissions made in accordance with this Act or the regulations,*
- (d) the public interest.*

4.1 LIKELY IMPACTS OF THE DEVELOPMENT

Overall, it is considered that the proposed development is unlikely to have any significant adverse impacts on the site or surrounding locality. The site conditions and constraints have been identified within this SEE and have been managed or mitigated where necessary. The following sections detail the major potential impacts and constraints in greater detail, in accordance with Section 4.15(1) of the EP&A Act 1979.

4.1.1 BUILT ENVIRONMENT

It is not anticipated that the proposed development will have any negative built environmental impacts. It is noted that no construction works are proposed, and as such there will be no visual impacts associated with the proposed development. Any increase in demand for services is considered to be minimal and appropriate for the scale of this development.

4.1.2 NATURAL ENVIRONMENT

It is noted that there is no clearing proposed in relation to the proposed development. Additionally, no works are proposed, resulting in no erosion and sediment impacts.

4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY

As no physical changes are proposed, it is not considered that there are any adverse social or economic impacts on the locality in relation to the proposed development. The proposed development will continue to provide housing in a growth area and will continue to directly address housing affordability.

4.4 CUMULATIVE IMPACTS

There are no tangible cumulative impacts arising from the proposal, given the small-scale nature of the proposal and its appropriateness within the context of the site and surrounding area.

4.5 SUITABILITY OF THE SITE

The proposal is permitted with consent in the RU1 zone and is consistent with the zone objectives and the intent of relevant requirements contained within LEP 2014 and the DCP. While there is a variation to DCP 2014, it is a minor variation in the context of the development and is acceptable on merit.

No changes to access and services are proposed, and the proposed development broadly reflects existing development in the area. As there are no anticipated negative impacts on the locality, the site is suitable for the proposed development.

4.6 CONSULTATION

Formal notification of development applications is a requirement of legislation. There are different requirements for different development types. Designated, state significant, integrated and advertised development types have specific notification and consultation requirements under the EP&A Act.

Any submission received as a result of notification will be considered. We welcome the opportunity to respond to any submissions to address any concerns expressed by the public.

4.7 THE PUBLIC INTEREST

The subject site is located within a residential precinct and is clear of vegetation. The site has access to all relevant services and the proposed development is compatible with existing and approved development and makes good use of the land. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development. To this extent, the site is suitable for development. The proposed development is in the public interest.

5.0 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic, and environmental perspective. The proposed subdivision is the most suitable options for the development of the site. Any relevant matters have been addressed through this SEE.

The key reasons why the proposed development is appropriate are as follows;

- The proposal is permitted with consent in the land use zone and is consistent with relevant zone objectives.
- The proposal complies with the specific design requirements for dual occupancy controls, where applicable.
- The proposal will result in no negative social and economic impacts.
- There are no significant issues or impacts arising from the proposal.

An assessment of the proposal has been carried out within this SEE pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979* and supports the proposal.



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