DEVELOPMENT PROPOSAL FOR PUBLIC COMMENT

The following development proposal has been submitted to the Council and although not designated under the Environmental Planning & Assessment Act, 1979, is notified for public comment:

Portal Application Number	DA No.	Location	Proposal
PAN-524242	83/2025	LOT: 41 DP: 785703, 200 Torryburn Road TORRYBURN Applicant: Perception Planning PTY LTD Owners: Maxman Pty Ltd Consent Authority: Dungog Shire Council	Change of Use to Dual Occupancy

Details of the above proposal are available for inspection on the NSW Planning Portal website from 9 May 2025.

https://www.dungog.nsw.gov.au/Council/Council-Advertisements/Development-Applications

Submissions can be made via the NSW Planning Portal until **23 May 2025**. If you require assistance making a submission via the Planning Portal, please contact Council.

In accordance with Section 10.4 of the Environmental Planning & Assessment Act 1979, a person who makes a public submission to Council in relation to this application is required to disclose all reportable political donations within two years prior to the submission being made and ending when the application is determined.

If the submission includes an objection to the proposal, the grounds of objection must be given. Council may also be obliged to release your submission as required by the Government Information (Public Access) Act 2009 and the Environmental Planning and Assessment Act 1979.

Further, as stipulated in Council's Public Submissions Policy C1.19, Council will not place any weight on anonymous submissions when determining the respective development application.

DUNGOG SHIRE COUNCIL EXHIBITED COPY

Commencement Date 9 May 2025

Closing Date 23 May 2025



STATEMENT OF ENVIRONMENTAL EFFECTS

CHANGE OF USE TO DUAL OCCUPANCY

200 TORRYBURN ROAD, TORRYBURN NSW 2421 LOT 41 DP785703

Harrison Drewer	Phone: 0419 682 418
Strategic and Development Planner	Email: harrison@perceptionplanning.com.au
PO Box 107	
Clarence Town, NSW 2321	
PP Reference	J004695
Prepared for (client)	Maxman Pty Ltd

Document Versions and Control

Statement of Environmental Effects – 200 Torryburn Road, Torryburn

Version	Date	PP ref	Author	Reviewed by
1 (draft)	20/03/2025	SEE – 200 Torryburn Road, Torryburn	HD	ED
2	31/03/2025	SEE – 200 Torryburn Road, Torryburn	HD	HD

Disclaimer:

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Perception Planning and the client. The scope of services by defined in consultation with the client by time and budgetary constraints imposed by the client, and the availability of reports and other data of the site. Changes to information, legislation and schedule are made on an ongoing basis and readers should obtain up to date information.

Perception Planning accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not identified to be suitable for a site-specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

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	Perception Planning	Ref: J004695
I	Assessment		Dated: 20/03/25
2	Architectural Plans	Sorensen Design and	Ref: 2503688
		Planning	Dated: 30/01/25
3	Bushfire Assessment	Newcastle Bushfire	Ref: N/A
3	Report	Consulting	Dated: 17/01/25
4	BASIX Certificate	Sorensen Design and	Ref: 2503688
4		Planning	Dated: 17/03/25
5	Development Consent	Dungog Shire Council	Ref: 239/1999
3			Dated: 26/11/99
6	AHIMS Search Results	NSW Environment and	Ref: J004695
O		Heritage	Dated: 16/01/25
7	Hunter Water Stamped	Hunter Water Corporation	Ref: 152413
1	Plans		Dated: 24/03/25
0	Building Code of Australia	Perception Planning	Ref: J004695
8	Assessment		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	 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
	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	N/A
3	s 201	
	s 205	
	s 219	
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	N/A
	ss 43(b), 48, 55	
	ss 43(d), 55, 122	
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 trafficgenerating 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 runoff 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.



Perception Planning Pty Ltd.
PO Box 107,

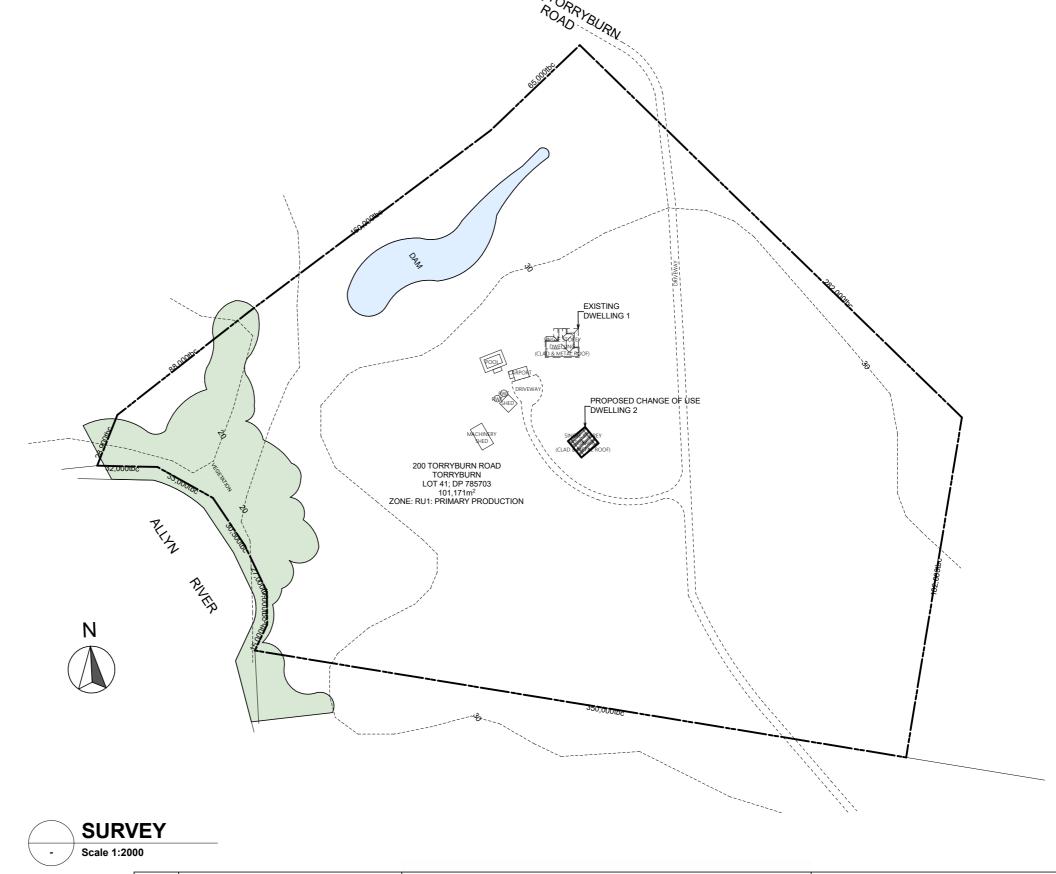
Clarence Town, NSW, 2324

Phone: 0437 195 264

Email: admin@perceptionplanning.com.au

GENERAL NOTES

- 1 ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF COUNCIL, THE BUILDING CODE OF AUSTRALIA AND CURRENT AUSTRALIAN STANDARDS.
- 2 ALL DIMENSIONS AND LEVELS TO BE CONFIRMED PRIOR TO CONSTRUCTION.
- 3 REPORT ANY DISCREPANCIES TO THE DESIGNER.
- 4 DO NOT SCALE OFF THESE DRAWINGS.
- 5 THESE PLANS ARE TO BE READ TOGETHER WITH THE ENGINEERS DRAWINGS AND SPECIFICATIONS.
- 6 SCALES APPLY TO SHEET SIZE SHOWN IN THE TITLE.
- 7 THE BUILDER IS TO CHECK ALL FLOOR, CEILING AND ROOF LEVELS TO ENSURE THAT THE FINISHED ROOF HEIGHT DOES NOT EXCEED THE DA APPROVED RL & HEIGHT LIMIT.
- 8 A REGISTERED SURVEYOR IS TO SET OUT THE BUILDINGS, & CONFIRM ALL LEVELS.



















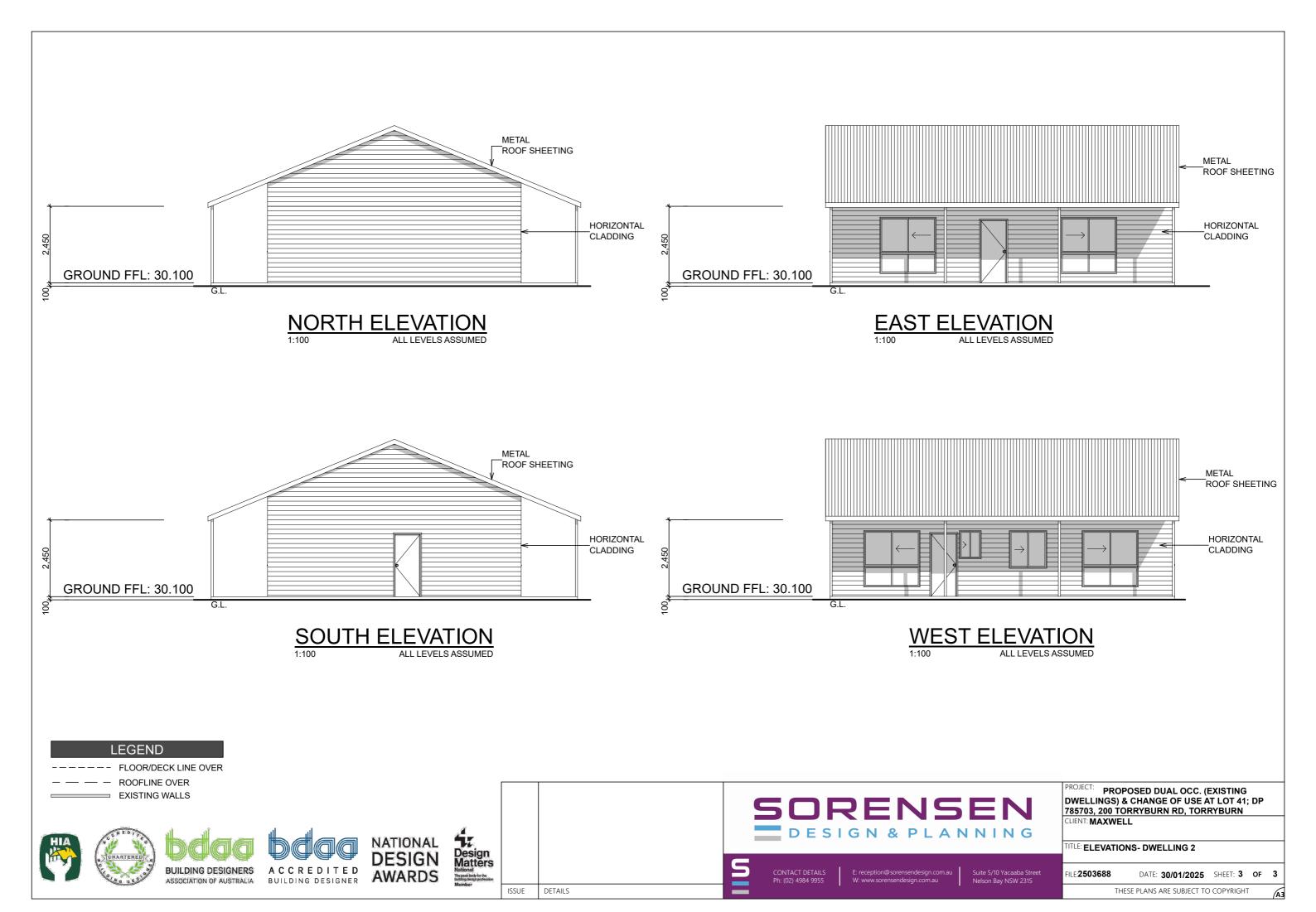
PROPOSED DUAL OCC. (EXISTING DWELLINGS) & CHANGE OF USE AT LOT 41; DP 785703, 200 TORRYBURN RD, TORRYBURN CLIENT: MAXWELL

TITLE: SITE PLAN

FILE:2503688 DATE: 30/01/2025 SHEET: 1 OF 3

Suite 5/10 Yacaaba Street Nelson Bay NSW 2315

THESE PLANS ARE SUBJECT TO COPYRIGHT





Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 1787677S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Monday, 17 March 2025

To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.



Project summary			
Project name	2503688 - Maxwell		
Street address	200 TORRYBURN Road TORRYBURN 2421		
Local Government Area	Dungog Shire Council		
Plan type and plan number	Deposited Plan DP785703		
Lot no.	41		
Section no.	-		
Project type	dwelling house (detached) - secondary dwelling		
No. of bedrooms	2		
Project score			
Water	✓ 40 Target 40		
Thermal Performance	✓ Pass Target Pass		
Energy	✓ 66 Target 66		
Materials	✓ 22 Target n/a		

Certificate Prepared by

Name / Company Name: Sorensen Design

ABN (if applicable):

Version: 4.03 / EUCALYPTUS 03 01 0

Description of project

Project address		
Project name	2503688 - Maxwell	
Street address	200 TORRYBURN Road TORRYBURN 2421	
Local Government Area	Dungog Shire Council	
Plan type and plan number	Deposited Plan DP785703	
Lot no.	41	
Section no.	-	
Project type		
Project type	dwelling house (detached) - secondary dwelling	
No. of bedrooms	2	
Site details		
Site area (m²)	101171	
Roof area (m²)	129	
Conditioned floor area (m²)	66.78	
Unconditioned floor area (m²)	19.0	
Total area of garden and lawn (m²)	10	
Roof area of the existing dwelling (m²)	170	
Number of bedrooms in the existing dwelling	3	

Assessor details and therma	al loads	
NatHERS assessor number	n/a	
NatHERS certificate number	n/a	
Climate zone	n/a	
Area adjusted cooling load (MJ/m².year)	n/a	
Area adjusted heating load (MJ/m².year)	n/a	
Project score		
Water	✓ 40	Target 40
Thermal Performance	✓ Pass	Target Pass
Energy	✓ 66	Target 66
Materials	22	Target n/a

Certificate No.: 1787677S

Version: 4.03 / EUCALYPTUS_03_01_0

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Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 10 square metres of the site.	~	~	
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 6 but <= 7.5 L/min plus spray force and/or coverage tests) in all showers in the development.		~	~
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		V	~
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		~	
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		>	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 1200 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	~	~	~
The applicant must configure the rainwater tank to collect rain runoff from at least 60 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		~	~
The applicant must connect the rainwater tank to:			
all toilets in the development		-	~
Private dam			

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Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must connect the development to a private dam with a surface area no greater than 2280 square metres, and a volume of at least 2.75 cubic metres. The connection must meet the requirements of all applicable regulatory authorities.	~	>	~
The applicant must configure the dam to collect runoff from:			
at least 10000 square metres of pervious catchment area		~	~
The applicant must connect the dam to:			
 at least one outdoor tap in the development (Note: NSWHealth does not recommend that private dam water be used to irrigate edible plants which are consumed raw.) 		_	🗸

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Thermal Performance and Materials commitments		Show on CC/CDC plans & specs	Certifier check
Do-it-yourself Method			
General features			
The dwelling must be a Class 1 dwelling according to the National Construction Code, and must not have more than 2 storeys.	~	~	~
The conditioned floor area of the dwelling must not exceed 300 square metres.	~	~	~
The dwelling must not contain open mezzanine area exceeding 25 square metres.	~	~	~
The dwelling must not contain third level habitable attic room.	~	~	~
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	~	~	~
The applicant must adopt one of the options listed in the tables below to address thermal bridging in metal framed floor(s), walls and ceiling/roof of the dwelling.	~	~	~
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			~

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
floor - suspended floor above enclosed subfloor, hard wood; frame: timber - untreated softwood.	66.7	2 (or 2.7 including construction) (down);not specified	nil	subfloor wall insulation: None
external wall: framed (solid or reconstituted timber weatherboard); frame: timber - untreated softwood.	all external walls	3.00 (or 3.50 including construction);not specified	nil	wall colour: please select
internal wall: plasterboard; frame: timber - untreated softwood.	85.6	not specified	nil	

Department of Planning, Housing and Infrastructure

Construction	Area - m²	Additional insulation required	Options to address thermal bridging	Other specifications
ceiling and roof - flat ceiling / pitched roof, framed - metal roof, timber - untreated softwood.	128.7	ceiling: 3.5 (up), roof: foil/ sarking ;ceiling: fibreglass batts or roll; roof: foil/sarking.	nil	roof space ventilation: unventilated; roof colour: medium (solar absorptance 0.48-0.59); ceiling area fully insulated

Note	Insulation specified in this Certificate must be installed in accordance with the ABCB Housing Provisions (Part 13.2.2) of the National Construction Code.
Note	If the additional ceiling insulation listed in the table above is greater than R3.0, refer to the ABCB Housing Provisions (Part 13.2.3 (6)) of the National Construction Code.
Note	In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.
Note	Thermal breaks must be installed in metal framed walls and applicable roofs in accordance with the ABCB Housing Provisions of the National Construction Code.

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Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Ceiling fans			
The applicant must install at least one ceiling fan in at least one daytime habitable space, such as living room.	~	~	~
The minimum number and diameter of ceiling fans in a daytime habitable space must be installed in accordance with the ABCB Housing Provisions (Part 13.5.2) of the National Construction Code .	~	>	~

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Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazed windows, doors and skylights			
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each glazed window and door.	~	~	~
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.	~	~	~
The following requirements must also be satisfied in relation to each window and glazed door:	~	~	~
• The applicant must install windows and glazed doors in accordance with the height and width, frame and glazing types listed in the table.	~	V	~
• Each window and glazed door must have a U- value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		~	~
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table).	~	~	~

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
East facing					
W01	1200.00	1200.00	aluminium, single glazed (U-value: <=2.5, SHGC: 0.33 - 0.40)	solid overhang 1800 mm, 1800 mm above head of window or glazed door	not overshadowed
W02	1200.00	1200.00	aluminium, single glazed (U-value: <=2.5, SHGC: 0.27 - 0.33)	solid overhang 1800 mm, 1800 mm above head of window or glazed door	not overshadowed
West facing					
W05	1200.00	1200.00	aluminium, single glazed (U-value: <=2.5, SHGC: 0.27 - 0.33)	solid overhang 1800 mm, 300 mm above head of window or glazed door	not overshadowed

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Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
W06	1200.00	1200.00	aluminium, single glazed (U-value: <=2.5, SHGC: 0.27 - 0.33)	solid overhang 1800 mm, 300 mm above head of window or glazed door	not overshadowed
W07	1200.00	1200.00	aluminium, single glazed (U-value: <=2.5, SHGC: 0.33 - 0.40)	solid overhang 1800 mm, 300 mm above head of window or glazed door	not overshadowed

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas storage with a performance of 4.5 stars.	~	~	~
Cooling system	_		
The living areas must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.		~	~
The bedrooms must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.		~	~
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: wood heater; Energy rating: n/a		~	~
The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.		~	~
The wood heater must have a compliance plate confirming that it complies with the relevant Australian standards, and must be installed in accordance with the requirements of all applicable regulatory authorities.			~
Ventilation			
The applicant must install the following exhaust systems in the development:			Τ
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off		-	~
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		~	-
Laundry: natural ventilation only, or no laundry; Operation control: n/a		~	-
Artificial lighting			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		~	~
Natural lighting			•

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Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting.	~	>	~
Other			
The applicant must install a fixed outdoor clothes drying line as part of the development.		~	
The applicant must install a fixed indoor or sheltered clothes drying line as part of the development.		~	

Legend

BASIX

In these commitments, "applicant" means the person carrying out the development.

Commitments identified with a in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).

Commitments identified with a in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.

Commitments identified with a in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.

Department of Planning, Housing and www.basix.nsw.gov.au Version: 4.03 / EUCALYPTUS_03_01_0 Certificate No.: 1787677S Monday, 17 March 2025 page 12/12 Infrastructure

BUSHFIRE CERTIFICATE

PROPOSED BUILDING CHANGE OF USE TO DWELLING

LOT 41 DP 785703 200 Torryburn Road, Torryburn

Date: 17/01/2025

Prepared for: Maxman Pty Ltd

NEWCASTLE BUSHFIRE CONSULTING

5 Chartley Street, Warners Bay NSW 2282 (ph) 02 40230149 (mob) 0423 923284 email: mail@newcastlebushfire.com.au

I hereby declare that I am a BPAD accredited bushfire practitioner.

Accreditation No. BPAD16132

Signature

Date 17/1/2025

Couch Family Trust T/A Newcastle Bushfire Consulting Pty Ltd A.B.N. 96 831 374 298 Bushfire and Building Sustainability Consultants

Document Status

Revision No.	Issue	Description	Reviewed	Approved by Director
1	17/01/2025	Final	C. Couch	P. Couch

Prepared By:



Phillip Couch GIFireE
Bach Info Science
Grad Dip Design for Bushfire Prone Areas
FPAA BPAD – Level 3 Accreditation Number BPD-PA-16132
Director Newcastle Bushfire Consulting



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1.0 EXECUTIVE SUMMARY AND COMPLIANCE TABLES

This report has assessed the proposed building change of use to dwelling against the requirements of Section 4.14 of the Environmental Planning and Assessment Act 1979, AS3959 (2018) Construction of buildings in bushfire-prone areas and Planning for Bush Fire Protection (2019).

This report establishes that the building change of use to dwelling is capable of complying with the acceptable solutions of Planning for Bush Fire Protection (2019).

TABLE 1 - PROPERTY DETAILS AND TYPE OF PROPOSAL

Applicant Name	Maxman Pty Ltd			
Site Address	200 Torryburn Road, Torryburn	Lot/Sec/DP	Lot 41 DP 785703	
Local Government Area Dungog FI		FDI	100	
Bushfire Prone Land	Yes, mapped bushfire prone land			
Type of development	Building change of use to dwelling	Type of Area	Rural	
Special Fire Protection Purpose	No	Flame Temperature	1090К	
Application Complies with Acceptable Solutions	Yes. Relevant specifications and requirements are satisfied	Referral to NSW Rural Fire Service (NSW RFS)required	No	

TABLE 2 – BUSHFIRE THREAT ASSESSMENT

	North	East	South	West
Vegetation Structure	Grassland	Grassland	Grassland	Grassland
Distance to Vegetation	50 metres	50 metres	50 metres	50 metres
Accurate Slope Measure	Upslope	2 degrees downslope	2 degrees downslope	5 degrees downslope
Slope Range	Level/Upslope	1 to 5 degrees downslope	1 to 5 degrees downslope	1 to 5 degrees downslope
AS3959 (2018) Bushfire Attack Level (BAL)	BAL-LOW	BAL-LOW	BAL-LOW	BAL-LOW

The above asset protection zone is determined using Planning for Bush Fire Protection (2019) Sections A1.3, Section 7.9 and Table 7.9a – Grassland deeming provisions.

TABLE 3 - PLANNING FOR BUSH FIRE PROTECTION (2019) COMPLIANCE

Performance Criteria	Proposed Development Determinations	Method of Assessment
Asset Protection Zone	Asset protection zones have been determined in accordance with Planning for Bush Fire Protection (2019). The asset protection zone will be maintained for the life of development and defendable space is provided onsite.	Acceptable Solution
Siting and Design	Buildings have been designed to minimise the risk of bushfire attack.	Acceptable Solution
Construction Standards AS3959 (2018)	Bushfire Attack Levels have been determined in accordance with Planning for Bush Fire Protection (2019). The highest BAL to the subject building was determined to be BAL-LOW. The proposed development increases dwelling density with the development complying with section 8.2.1 of Planning for Bush Fire Protection (2019). All dwellings will be exposed to radiant heat thresholds of less than 29 kw/m2.	Acceptable Solution
Private and or Public Road Infrastructure	The public road system is not affected or changed as part of this application.	Acceptable Solution
Property Access	Property access has been assessed under section 7.9 grassland deeming provisions.	Acceptable Solution
Water and Utility Services	Water, electricity and gas services has been assessed under section 7.9 grassland deeming provisions.	Acceptable Solution
Landscaping	Landscaping to comply with Planning for Bush Fire Protection (2019) Appendix 4.	Acceptable Solution

Bushfire Certification

This report has been prepared by Phillip Couch, a Fire Protection Association, Bushfire Planning and Design - Alternate Solutions Accredited Practitioner (FPAA BPAD-Level 3) and a Graduate Fire Engineer with the Institution of Fire Engineers. Phillip Couch certifies that the proposed development design conforms to the relevant specifications and requirements of AS3959 (2018) Construction of buildings in bushfire-prone areas and Planning for Bush Fire Protection (2019) detailed in Section 4.14 of the Environmental Planning and Assessment Act 1979.

17/01/2025

Phillip Couch GIFireE Bach Info Science

Grad Dip Design for Bushfire Prone Areas

FPAA BPAD – Level 3 Accreditation Number BPD-PA-16132

2.0 INTRODUCTION

2.1 PURPOSE OF REPORT

The purpose of this report is to establish suitable bushfire mitigation measures for the proposed building change of use to dwelling to be constructed at Lot 41 DP 785703, 200 Torryburn Road, Torryburn, in order for the Council to make determination of the proposed development pursuant to the requirements of Section 4.14 of the Environmental Planning and Assessment Act 1979.

<u>Features on or adjoining the site that may mitigate the impact of a bushfire on the proposed development</u>

The site is surrounded by maintained landscaping and grazing pasture.

<u>Likely environmental impact of any proposed bush fire protection measures</u>

No native vegetation removal is required for the development.

The recommendations within this report address the aims and objectives of Planning for Bush Fire Protection (2019) to reduce the risk of ignition of the building change of use to dwelling in a bushfire event.

2.2 PROPOSED DEVELOPMENT

The proposed development includes the change of use of a storage building to a dwelling. An existing approved dwelling is located onsite with the development resulting in a dual occupancy.

3.0 BUSHFIRE ATTACK ASSESSMENT

3.1 VEGETATION CLASSIFICATION

Potential bushfire hazards were identified from Dungog Council's Bushfire Prone Mapping as occurring within the investigation area. Aerial mapping and inspection of the site reveals that the bushfire prone land map is somewhat inaccurate in respect to the current bushfire hazard.

The major vegetative threats have been determined using Keith (2004) to derive vegetation structures listed in Planning for Bush Fire Protection (2019).

Primary vegetation structures have been identified in Figure 1 – Site Constraints Map and separation distances shown in Table 2 – Bushfire Attack Assessment.



PHOTO 1 - SITE PHOTO LOOKING SOUTHEAST

View of the subject site looking southeast towards the current storage building. Managed landscaping surrounds the building.



PHOTO 2 - EASTERN GRAZING PASTURE

View of grazing pasture located east of the buildings. The vegetation was less than 10 centimetres in length at time of site visit however has been conservatively assessed as grassland.



FIGURE 1 – SITE CONSTRAINTS MAP

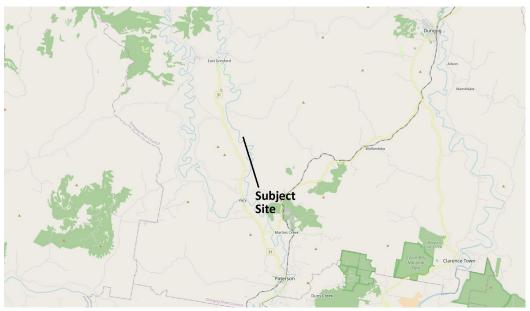


FIGURE 2 – LOCALITY MAP Courtesy of OpenStreetMap

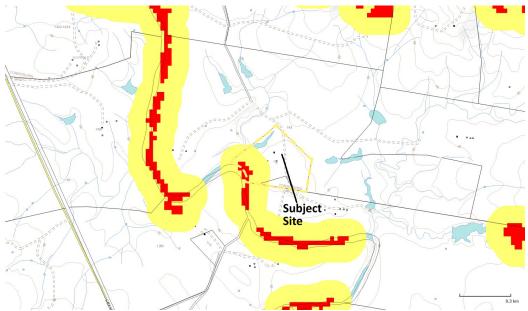


FIGURE 3 – COUNCIL'S BUSHFIRE PRONE LAND MAP

3.2 EFFECTIVE SLOPE

Effective Slope was measured using 2-metre contour data obtained from the Department of Lands and verified by a laser hypsometer on site. The laser hypsometer verified slope within the vegetation, calculating effective fire run slope from 5 separate measurements in each dominant direction.

Effective Slopes have been identified in Figure 1 – Site Constraints Map and slope ranges are shown in Table 2 – Bushfire Threat Assessment.

3.3 BUSHFIRE ATTACK LEVELS

BALs and relevant construction levels in accordance with Planning for Bush Fire Protection (2019) have been demonstrated in Section 1 Executive Summary and Compliance Tables.

4.0 UTILITY SERVICES AND INFRASTRUCTURE

4.1 WATER SERVICES

Planning for Bush Fire Protection (2019) section 7.9 Grassland Deeming Provisions identifies that where an APZ of 50m can be provided, no further bushfire protection measures (BPMs) are required.

4.2 ELECTRICITY SERVICES

Planning for Bush Fire Protection (2019) section 7.9 Grassland Deeming Provisions identifies that where an APZ of 50m can be provided, no further bushfire protection measures (BPMs) are required.

4.3 GAS SERVICES

Planning for Bush Fire Protection (2019) section 7.9 Grassland Deeming Provisions identifies that where an APZ of 50m can be provided, no further bushfire protection measures (BPMs) are required.

5.0 PROPERTY ACCESS

Property access is by way of Torryburn Road and right of way.

Planning for Bush Fire Protection (2019) section 7.9 Grassland Deeming Provisions identifies that where an APZ of 50m can be provided, no further bushfire protection measures (BPMs) are required.

6.0 LANDSCAPING MAINTENANCE

It is recommended that landscaping is undertaken in accordance with Planning for Bush Fire Protection (2019) Appendix 4 and be maintained for the life of the development.

Trees should be located greater than 2 metres from any part of the roofline of a building. Garden beds of flammable shrubs are not to be located under trees and should be no closer than 10 metres from an exposed window or door. Trees should have lower limbs removed up to a height of 2 metres above the ground.

The landscaped area should be maintained free of leaf litter and debris. The gutter and roof should be maintained free of leaf litter and debris.

Landscaping should be managed so that flammable vegetation is not located directly under windows.

Ground fuels such as fallen leaves, twigs (less than 6 millimetres in diameter) and branches should be removed on a regular basis, and grass needs to be kept closely mown and, where possible, green.

7.0 RECOMMENDATIONS

Based upon an assessment of the plans and information received for the proposal, it is recommended that development consent be granted subject to the following conditions:

- At the commencement of building works and in perpetuity, the property around the building to a distance of 50 metres, shall be maintained as an inner protection area (IPA) as outlined within Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones.
- 2. Planning for Bush Fire Protection (2019) section 7.9 Grassland Deeming Provisions states that where an asset protection zone of 50 metres can be provided, no further bushfire protection measures (BPMs) are required.
- 3. It is recommended that the property owner and occupants familiarise themselves with the relevant bushfire preparation and survival information provided by the NSW RFS.

8.0 CONCLUSION

The final recommendation is that the proposed development offers compliance with Planning for Bush Fire Protection (2019). There is potential for bushfire attack at this site and a list of recommendations has been included in the above assessment to reduce that risk.

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9.0 APPENDIX 1.0 – ASSET PROTECTION ZONES SUMMARY

Below is a summary of Asset Protection Zones outlined in appendix 4 of Planning for Bush Fire Protection (2019) and the NSW Rural Fire Services "Standards for Asset Protection Zones". The property owner(s) should obtain these two documents and familiarise themselves with their content.

Generally

Asset Protection Zones (APZ) refer to the area between the bushfire threat and the asset (i.e. building). The APZ may contain two areas; the Inner Protection Area (IPA) and the Outer Protection Area (OPA). Some areas should be managed entirely as an Inner Protection Area (IPA). Refer to the plans for locations of APZ and distances from Assets.

Inner Protection Area (IPA)

The inner protection area is located adjacent to the asset and is identified as a fuel-free zone.

- **A. Shrubs** (consisting of plants that are not considered to be trees)
 - 1. Create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
 - 2. Shrubs should not be located under trees;
 - 3. Shrubs should not form more than 10% ground cover; and
 - 4. Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- **B. Trees:** Maintain a minimum 2-5 metre canopy separation.
 - 1. Tree canopy cover should be less than 15% at maturity;
 - 2. Trees at maturity should not touch or overhang the building;
 - 3. Lower limbs should be removed up to a height of 2m above the ground;
 - 4. Tree canopies should be separated by 2 to 5m; and
 - 5. Preference should be given to smooth barked and evergreen trees.

Outer Protection Area (OPA)

The Outer Protection Area (OPA) is located adjoining the vegetation. The OPA should be maintained as a fuel-reduced area. This assumes trees may remain but with a significantly reduced shrub, grass, and leaf litter layer. In many situations leaf litter and the shrub layer may not require maintenance at all.

A. Shrubs:

- 1. Shrubs should not form a continuous canopy;
- 2. Shrubs should form no more than 20% of ground cover.

B. Trees:

- 1. Existing trees can be retained.
- 2. Tree canopy cover should be less than 30%; and
- 3. Canopies should be separated by 2 to 5m.

Grass (throughout the entire asset protection zone)

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.

10.0 REFERENCES AND DISCLAIMER

References

Standards Australia AS3959 (2018) Construction of buildings in bushfire-prone areas.

Keith D. "Ocean Shores to Desert Dunes", Department of Environment and Conservation, Sydney, (2004).

Environmental Planning and Assessment Act 1979.

New South Wales Rural Fire Service Planning for Bush Fire Protection (2019).

Disclaimer

Despite the recommendations in this report, it is impossible to remove the risk of fire damage to the building entirely. This report assesses and provides recommendations to reduce that risk to a manageable level. It is of paramount importance that the recommendations are adhered to for the life of the structure and that all maintenance is performed to ensure a level of protection is provided to the building, occupants and firefighters.

Planning for Bush Fire Protection (2019) states that notwithstanding the precautions adopted, it should always be remembered that bushfires burn under a wide range of conditions and an element of risk, no matter how small, always remains.

AS3959 (2018) Construction of buildings in bushfire-prone areas states that the standard is designed to lessen the risk of damage to buildings occurring in the event of the onslaught of bushfire. There can be no guarantee, because of the variable nature of bushfires, that any one building will withstand bushfire attack on every occasion. External combustible cladding is not recommended.



1/04/2025

PERCEPTION PLANNING

BUILDING CODE OF AUSTRALIA REVIEW NCC2022

ADDRESS 200 Torryburn Rd, Torryburn

STRUCTURE(S) Existing Detached Studio

TITLE Lot 41, DP785703

PP REFERENCE J004695

REVISION A

PREPARED CA

REVIEWED Client

CLIENT Maxman Pty. Ltd.

DOCUMENT VERSIONS AND CONTROLS

BCA REPORT - 200 TORRYBURN RD, TORRYBURN 2421

REVISION	DATE	PP REF	AUTHOR	REVIEWED
A (DRAFT)	20/03/2025	J004574 - BCA Review – 200 Torryburn Rd, Torryburn – REV A DRAFT	CA	Client
В	TBC	J004574 - BCA Review – 200 Torryburn Rd, Torryburn – REV B	TBC	TBC

DISCLAIMER:

The information contained in this document is provided for the sole use of the recipient and no reliance should be placed on the information by any other person. In the event that the information is disclosed or furnished to any other person, the applicant accepts no liability for any loss or damage incurred by that person whatsoever as a result of using the information.

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The intention of this reports use is for assisting in compliance with BCA requirements through the initial stages of the development and not intended to be in lieu of a Construction Certificate or other relevant assessment by the person issuing any certificate or approval.

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EXECUTIVE SUMMARY

The following items should be noted, however do not constitute a full and comprehensive BCA assessment of the building:

The subject of this BCA review is based largely on the subject of the proposed use of the building and the relation of the proposed use to existing facilities. An existing, unmodified structure is assumed to have been in compliance before the additions were made

Any previous uses of the building (where applicable) as noted within this report have been used to determine any historical approvals and works that may have been subject to the current use of the premises. These are noted where known however, there exists limitations on what can be extracted by the information sourced from previous files, if available.

The key matters for BCA consideration and potential works, upgrades or similar are referenced below:

PART H1 – STRUCTURE

The structure subject to this report is an existing dwelling and has been in place for over 40 years. The structural components of the existing dwelling have remained largely unmodified during this time. As such, it is considered that consistent weather and live and dead loads over the past 40 years have demonstrated the structural adequacy of the building. No obvious failure of the existing structural components is evident.

PART H2 – DAMP AND WEATHERPROOFING

In accordance with the ABCB HPS 3.3.5, the position and manner of discharge of the stormwater drainage system must be to the satisfaction of the consent authority. It is anticipated that the Dungog Shire Council, as the consent authority, will inform of any changes required to the stormwater system as a part of the BIC process.

PART H3 – FIRE SAFETY

I. Smoke alarms are assumed to be present within the building in accordance with condition 5 of DA239/1999 but were unable to be inspected to confirm compliance. Confirmation of appropriately located and installed smoke alarms in accordance with Part 9.5 of the housing provisions and AS 3786 is required to confirm compliance.

PART H4 – HEALTH AND AMENITY

I. No works are noted as being required in order for compliance with Part H4.

- ii. It is recommended that the builder/contractor provide confirmation of compliance with AS 3740 for any new/altered wet areas. Existing wet areas which have not had their waterproofing altered are assumed to be in compliance with their original approval.
- iii. The presence of a pliable building membrane nor other condensation management systems was able to be confirmed. It is recommended that the condensation management provisions of Part 10.8 of the housing provisions are implemented where deemed as required by the Consent Authority. Compliance with the below standards form compliance with Part 10.8 of the Housing Provisions:
 - **a.** AS 4200.1 and
 - **b.** AS 4200.2

Refer to part H4D9 of this report for further information.

- iv. Building membranes should be confirmed (where installed) to comply with AS 4200.1 and 2 and be located on the exterior side of the primary insulation layer of wall assemblies that form the external envelope of a building.
- V. Building membranes should also be confirmed (where installed) to have a vapour permeance of not less than 0.143 µg/N.s (micrograms per newton-second); (Newcastle; Climate Zone 5).

PART H5 – SAFE MOVEMENT AND ACCESS

ii. No works are noted as being required in order for compliance with Part H5.

PART H6 – ENERGY EFFICIENCY

i. A BASIX Certificate has been provided for the building, satisfying performance requirements H6P1 and H6P2 of Part H6. As such, Part H6 has not been assessed.

PART H7 – ANCILLARY PROVISIONS

i. No provisions noted as applying.

INTRODUCTION

This report is a review of the associated plans for the enclosure of an existing deck attached to a childcare centre to determine how the proposal generally complies with the (NCC/BCA) Building Code of Australia 2022. The building and its proposed uses are considered, being assessed against the Deemed-to-Satisfy (DTS) Provisions of the BCA as applicable.

The sections of the BCA addressed are generally limited to the items required to be addressed by this class of building and is based off a review of the below documentation for the structures, identified as:

Architectural Plans - File No. 2503688; Issue N/A; Sheets 1 - 3, as prepared by Sorensen Design, and dated 30/01/25)

The assessment predominantly relates to the BCA/NCC 2022, and NSW Environmental Planning and Assessment legislation current at the time the report is prepared. The assessment relates specifically to the existing cottage / detached studio building (the subject of this report and extracted from the above-mentioned plans) and therefore should not be construed to apply to any other building.

The assessment is based upon a review of the architectural plans only. The assessment generally relates to the specific works noted on associated plans or applications noted and should not be considered to be an assessment of any existing structures unless noted otherwise.

COOPER ASHTON

BUILDING AND DEVELOPMENT PLANNER

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04 TERMS & ABBREVIATIONS

Ambulatory Disability	an impairment that prevents, or impedes walking
Accessible	means having features to enable use by people with a disability.
Accessway	means a continuous accessible path of travel (as defined by AS1428.1) to, into or within a building
AS	Australian Standard
ВСА	Building Code of Australia
Building Works	means any physical activity involved in the erection of a building. (S 6.1 EP&A Act 1979)
Critical Flux Index	is an index tabling the lowest thermal load per unit area capable of initiating a combustion reaction on a given material (either flame or smoulder ignition).
DTS	Deemed to satisfy (prescriptive provisions of the BCA)
EP&A Environmental Planning and Assessment Act and Regulation	
Fire Source Feature	the far side of a boundary of a road; the rear or side boundary of an allotment or the external wall of another building on the same allotment.
FRL	Fire Resistance Level
Housing Provisions	The ABCB Housing Provisions Standards
Lightweight Construction	construction that incorporates, sheet or board material, concrete containing pumice, perlite, vermiculite or the like and masonry less than 70mm thick
Mezzanine	An intermediate floor within a room
NCC	National Construction Code
Photoluminescent the light produced by the absorption of infrared radiation, vision or ultraviolet radiation ("glow in the dark")	
Smoke-Developed Index	means the index number for smoke as determined by AS/NZS 1530.3.
Spread-of-Flame Index	means the index number for spread of flame as determined by AS/NZS 1530.3.
Waterproof	Does not allow moisture to penetrate through it (when tested in accordance with AS4858).
Water Resistant	Restricts moisture movement and will not degrade under conditions of moisture.

05

SITE DETAILS AND ANALYSIS

The site is located at 200 Torryburn Rd, Torryburn, NSW 2421; and is legally identified as Lot: 41 DP: 785703 ('the site') (*figure 1*). The site has a total area of approximately 10.12 ha and is accessible from Torryburn Rd via Tocal Rd.

The site is zoned RU1: Primary Production. The subject site contains an existing residential dwelling, the cottage studio subject to this review, several ancillary farm sheds and a swimming pool.

06

DESCRIPTION OF BUILDING

200 TORRYBURN RD, TORRYBURN

PROPOSED USE OF BUILDING NCC/BCA USE CLASSIFICATION	Dwelling House Class 1a (A6G2)
TYPE OF CONSTRUCTION	1 N/A – Class 1a building.
EFFECTIVE HEIGHT	Less than 12m
FLOOR AREA(S)	 Internal Additions (Living and dining areas) – 177.8 m² External Additions (Balcony) – 190.6 m² Existing - 465 m² Approx.
KNOWN PREVIOUS USES	Dwelling House (with capped services as of 1999, coinciding with DA approval)

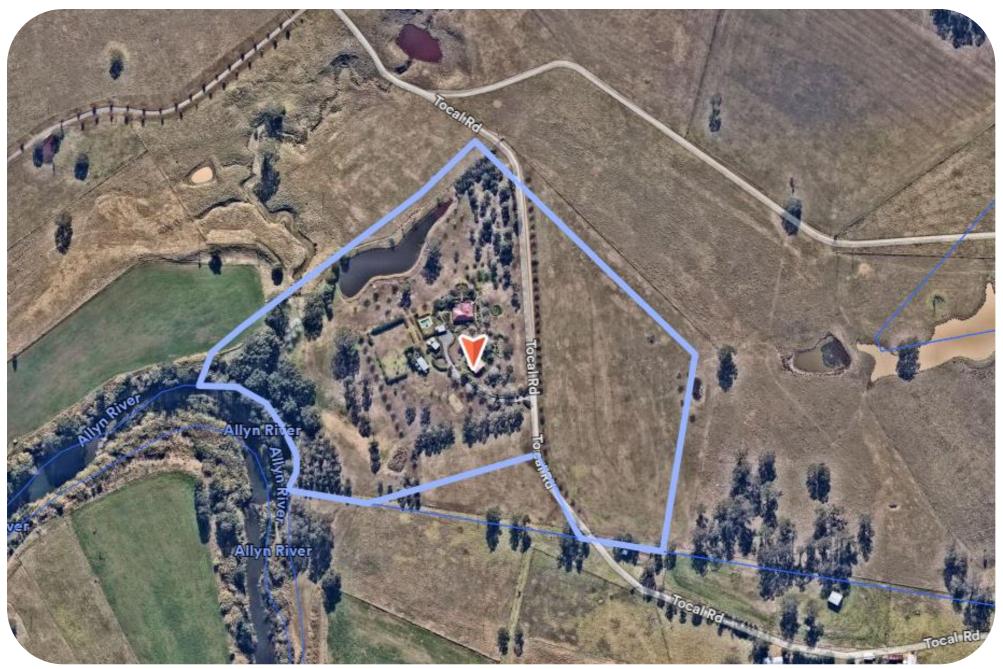


Figure 1 – Locality Map (Nearmaps, Imagery dated 20/06/23)



NCC/BCA ASSESSMENT

The following table provides an assessment of the building against the relevant parts of the (NCC/BCA) Building Code of Australia 2022, Volume 2.

Table 1 - NCC/BCA Volume 2 Assessment

PART H1

STRUCTURE

PART H1D2 - STRUCTURAL PROVISIONS

◆ The structure subject to this report is an existing dwelling constructed from hardwood and has been in place for over 40 years. The framing of the existing studio has remained largely unmodified during this time. As such, it is considered that live and dead loads over the past 40 years have demonstrated the structural adequacy of the building. No obvious failure of the existing framework is evident.

PART H1D3 – SITE PREPARATION

- No recent earthworks nor earth retaining structures are noted on site which are relevant to the development. Any earthworks are assumed to have been done in accordance with the NCC relevant at the time of construction.
- Primary building elements of the dwelling appear to be constructed from hardwood, which is assumed to be naturally termite resistance in accordance with appendix C of AS 3660.1. As such, no termite management system is considered to be required. Where the consent authority deems that further confirmation is required, it is recommended that information is extracted from the original plans, or an inconspicuous part of the internal or external wall cladding is removed to verify the nature of the framing.

PART H1D4 - FOOTINGS AND SLABS

◆ The structure subject to this report is an existing dwelling constructed upon a concrete slab and has been in place for over 40 years. The foundation of the existing dwelling has remained largely unmodified during this time. As such, it is considered that live and dead loads over the past 40 years have demonstrated the structural adequacy of the building.

PART H1D5 – MASONRY

 N/A – No masonry construction is noted. Any masonry building elements present (such as brick piers) must be confirmed to comply with AS 3700 where applicable.



PART H1D6 - FRAMING

◆ The structure subject to this report is an existing dwelling constructed from hardwood and has been in place for over 40 years. The framing of the existing dwelling has remained largely unmodified during this time. As such, it is considered that live and dead loads over the past 40 years have demonstrated the structural adequacy of the building. No obvious failure of the existing framework is evident.

PART H1D7 - ROOF AND WALL CLADDING

◆ The structure subject to this report is an existing dwelling with weatherboard cladding and a sheet metal roof and has been in place for over 40 years. The framing of the existing dwelling has remained largely unmodified during this time. As such, it is considered that live and dead loads over the past 40 years have demonstrated the structural adequacy of these elements within the building. No obvious failure of the existing framework is evident.

PART H1D8 – GLAZING

◆ The structure subject to this report is an existing dwelling with glazed sliding windows in place for over 40 years. The glazing of the existing dwelling has remained largely unmodified during this time. As such, it is considered that live and dead loads over the past 40 years have demonstrated the structural adequacy of the building. No obvious failure of the existing framework is evident.

PART H1D9 - EARTHQUAKE AREAS

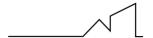
◆ Most domestic structures are not required to be specifically designed for earthquakes. Class 1 and 10 buildings constructed in areas subject to seismic activity are compliant with Performance Requirement H1P1 where they are constructed in accordance with Section 2 of the ABCB Housing Provisions.

PART H1D10 - FLOOD HAZARD AREAS

♦ N/A – The building subject to this review is not considered to be within a flood hazard area.

PART H1D11 – ATTACHMENT OF FRAMED DECKS AND BALCONIES TO EXTERNAL WALLS OF BUILDINGS USING A WALING PLATE

The structure subject to this report is an existing dwelling with a deck on the eastern and western elevations, which has been in place for over 40 years. The decks of the existing dwelling have remained largely unmodified during this time. As such, it is considered that live and dead loads over the past 40 years have demonstrated the structural adequacy of the building. No obvious failure of the existing framework is evident.



PART H1D12 – PILED FOOTINGS

◆ N/A – No piled footings.

COMPLIANCE

CAN COMPLY – CONFIRMATION/CERTIFICATION REQURIED

COMMENTS

1. The structure subject to this report is an existing dwelling and has been in place for over 40 years. The structural components of the existing dwelling have remained largely unmodified during this time. As such, it is considered that consistent weather and live and dead loads over the past 40 years have demonstrated the structural adequacy of the building. No obvious failure of the existing structural components is evident.

PART H2

DAMP AND WEATHERPROOFING

PART H2D2 – DRAINAGE

- ◆ The surface surrounding the concrete slab of the structure generally falls 50 mm within the first metre from the building (slopes away from the building).
- ◆ In accordance with the ABCB HPS 3.3.5, the position and manner of discharge of the stormwater drainage system must be to the satisfaction of the consent authority. The existing stormwater system of the house appears to be unmodified from the original approval. It is anticipated that the consent authority, Dungog Shire Council, will advise of any alterations required to the existing stormwater system in order to comply.

PART H2D3 – FOOTINGS AND SLABS

◆ Compliance with H2D3 and Performance Requirement H2P3 are satisfied by compliance with H1D4. Refer to H1D4.

PART H2D4 - MASONRY

 N/A – No masonry construction is noted. Any masonry building elements present (such as brick piers) must be confirmed to comply with AS 3700 where applicable.

PART H2D5 – SUBFLOOR VENTILATION

♦ N/A – No subfloor; slab on ground.

PART H2D6 - ROOF AND WALL CLADDING

The existing guttering and stormwater system appears unaltered from the original approval. It is anticipated that the consent authority, the Dungog Shire Council, will advise of any alterations required to the existing stormwater system in order to comply.

PART H2D7 – GLAZING

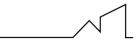
◆ The requirements of this clause are satisfied where glazing complies with H1D8
 (1). Compliance with AS 2047 should be confirmed; refer to H1D8.

PART H2D8 – EXTERNAL WATERPROOFING

◆ N/A – no areas present to which this clause applies.

COMPLIANCE

CAN COMPLY – FURTHER INFORMATION REQUIRED



COMMENTS

1. In accordance with the ABCB HPS 3.3.5, the position and manner of discharge of the stormwater drainage system must be to the satisfaction of the consent authority. The existing stormwater system of the house appears to be unmodified from the original approval. It is anticipated that the consent authority, Dungog Shire Council, will advise of any alterations required to the existing stormwater system in order to comply.

PART H3

FIRE SAFETY

PART H3D2 - FIRE HAZARD PROPERTIRES AND NON-COMBUSTIBLE BUILDING **ELEMENTS**

◆ No sarking-type materials have been added to the roof of the structure.

PART H3D3 – FIRE SEPARATION OF EXTERNAL WALLS

No external walls are exposed to a fire-source feature.

PART H3D4 – FIRE PROTECTION OF SEPARATING WALLS AND FLOORS

◆ N/A – No separating walls nor floors present in the structure.

PART H3D5 – FIRE SEPARATION OF GARAGE-TOP DWELLINGS

◆ N/A – The structure is not a garage-top dwelling.

PART H3D6 - SMOKE ALARMS AND EVACUATION LIGHTING

 Smoke alarms are assumed to be present within the building in accordance with condition 5 of DA239/1999 but were unable to be inspected to confirm compliance. Confirmation of appropriately located and installed smoke alarms in accordance with Part 9.5 of the housing provisions and AS 3786 is required to confirm compliance.

COMPLIANCE

CAN COMPLY - WORKS / CONFIRMATION REQUIRED

COMMENTS

1. Smoke alarms are assumed to be present within the building in accordance with condition 5 of DA239/1999 but were unable to be inspected to confirm compliance. Confirmation of appropriately located and installed smoke alarms in accordance with Part 9.5 of the housing provisions and AS 3786 is required to confirm compliance.



PART H4

HEALTH AND AMENITY

PART H4D2 – WET AREAS

 Any new/altered wet areas must comply with AS 3740. Existing wet areas which have not had their waterproofing altered are assumed to be in compliance with their original approval.

PART H4D3 – MATERIALS AND INSTALLATION OF WET AREA COMPONENTS AND **SYSTEMS**

 Any new/altered wet areas must comply with AS 3740. Existing wet areas which have not had their waterproofing altered are assumed to be in compliance with their original approval.

PART H4D4 - ROOM HEIGHTS

Heights of rooms are compliant with Part 10.3 of the Housing Provisions (2450 mm).

PART H4D5 - FACILITIES

- Adequate facilities must be provided to satisfy Part 10.4 of the Housing Provisions. Facilities required are:
 - > Kitchen sink and facilities for the preparation and cooking of food
 - > A bath or shower
 - > Clothes washing facilities, comprising at least one washtub and space in the same room for a washing machine
 - A closet pan (toilet)
 - Washbasin (for hand washing exclusively)
- Based upon review of the architectural plans and DA239/1999, it is assumed that only a washbasin is provided. The remaining facilities above must be re-installed in order to comply with requirements for a discrete dwelling.

PART H4D6 - LIGHT

- Adequate natural light is provided to all habitable rooms.
- Artificial lighting is provided throughout the building, including sanitary facilities and laundries, in addition to adequate natural light.

PART H4D7 – VENTILATION

Sliding windows which are openable 50% are provided throughout the building.



PART H4D8 - SOUND INSULATION

♦ N/A – No walls which separate Class 1 buildings nor a Class 1 building from a non-associated Class 10a building.

PART H4D9 - CONDENSATION MANAGEMENT

- ◆ The presence of a pliable building membrane nor other condensation management systems was able to be confirmed. It is recommended that the condensation management provisions of Part 10.8 of the housing provisions are implemented where deemed as required by the Consent Authority.
- ◆ Compliance with the below standards form compliance with Part 10.8 of the Housing Provisions:
 - > AS 4200.1 and
 - > AS 4200.2
- Building membranes should be confirmed to comply with AS 4200.1 and 2 and be located on the exterior side of the primary insulation layer of wall assemblies that form the external envelope of a building (e.g. on the outside of the innermost insulation layer). Building membranes should also be confirmed to have a vapour permeance of not less than 0.143 μg/N.s (micrograms per newton-second); (Newcastle; Climate Zone 5). Information on the vapour permeance of a building membrane can be sourced from the supplier/manufacturer.

COMPLIANCE

CAN COMPLY - CONFIRMATION/CERTIFICATION REQUIRED

- It is recommended that the builder/contractor provide confirmation of compliance with AS 3740 for any new/altered wet areas. Existing wet areas which have not had their waterproofing altered are assumed to be in compliance with their original approval.
- 2. The presence of a pliable building membrane nor other condensation management systems was able to be confirmed. It is recommended that the condensation management provisions of Part 10.8 of the housing provisions are implemented where deemed as required by the Consent Authority. Compliance with the below standards form compliance with Part 10.8 of the Housing Provisions:
 - a. AS 4200.1 and
 - b. AS 4200.2

Refer to part H4D9 of this report for further information.

- 3. Building membranes should be confirmed (where installed) to comply with AS 4200.1 and 2 and be located on the exterior side of the primary insulation layer of wall assemblies that form the external envelope of a building.
- 4. Building membranes should also be confirmed (where installed) to have a vapour

COMMENTS

PERCEPTION PLANNING - BCA REVIEW

permeance of not less than 0.143 μ g/N.s (micrograms per newton-second); (Newcastle; Climate Zone 5).

PART H5 SAVE MOVEMENT AND ACCESS PART H5D2 – STAIRWAY AND RAMP CONSTRUCTION N/A - No stairways nor ramps present. PART H5D3 – BARRIERS AND HANDRAILS No barrier to prevent falls is required, as no part of the attached deck is more than 1 m above the ground below. COMPLIANCE COMPLIES SUBJECT TO SUBCONSULTANT REPORT 1. No requirements noted under this part.

PART H6 PART H6D2 – APPLICATION OF PART H6 A BASIX Certificate has been prepared for the building, satisfying performance requirements H6P1 and H6P2 of Part H6. It is anticipated that the sections of Part 13 of the Housing Provisions as relevant under Specification 42 Clause S42C4 will be assessed as part of the BASIX and NatHERs assessment by an energy consultant. As such, Part H6 has not been assessed. COMPLIANCE SUBJECT TO THERMAL ASSESSMENT BY ENERGY CONSULTANT 1. A BASIX Certificate has been provided for the building, satisfying performance requirements H6P1 and H6P2 of Part H6. As such, Part H6 has not been assessed.

PART H7	ANCILLARY PROVISIONS AND ADDITIONAL CONSTRUCTION REQUIREMENTS N/A - No ancillary provisions are noted as applying to the building.
COMPLIANCE	N/A
COMMENTS	N/A



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