

STATEMENT OF ENVIRONMENTAL EFFECTS

283 Fishers Hill Road,
Fishers Hill NSW 2421

Erection of Dwelling House to Create Dual
Occupancy (Detached)

May 2022

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Statement of Environmental Effects				
Rev No	Date	Revision details	Author	Checked
1	23.05.2022	Final	C. Martinez Junior Planner	V. Toose Planning Manager

Buildcert Planning Pty Ltd hereby certify that this Statement of Environmental Effects has been prepared in accordance with the requirement of the Environmental Planning and Assessment Act 1979 and its associated Regulations. It is certified that to the best of our knowledge the information contained within this Report is neither false nor misleading.

This Statement of Environmental Effects accompanies the Development Application to Dungog Shire Council for the erection of a dwelling house to create dual occupancy. It is intended to provide further details, where necessary, on aspects covered in the drawings as well as provide additional information where required. The information following is provided to detail the merit of the proposed development in relation to the provisions set out in the *Dungog Local Environmental Plan 2014* and *Dungog Development Control Plan 2004*.

DEVELOPMENT APPLICATION DETAILS	
Property Address	Lot 1/-/DP1027037 Lot 2/-/DP1027037 283 Fishers Hill Road, Fishers Hill NSW 2421
Local Government Area	Dungog Shire Council
Calculations	Site Area: 52.2ha Existing Dwelling Floor Area: 171.34m ² Proposed Dwelling Floor Area: 58.68m ²
Zone	RU1 Primary Production
Existing Structures	Dwelling house and ancillary structures

The DA and Statement has been prepared on behalf of the applicant and addresses the matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the matters required to be considered by the consent authority. The purpose of this Statement is to:

- *Describe the existing environment to which the DA relates and the character of the surrounding area;*
- *Describe the proposed development;*
- *Outline the statutory planning framework within which the DA is assessed and determined; and*
- *Assess the proposed development in considering the relevant heads of consideration.*

1.0 Site Location and Description



Figure 1: Aerial view, showing subject site (multiple lots) outlined in red. (Source: LPI SIX Maps Viewer)

The subject site (the site) is located on the western side of Fishers Hill Road within a rural and agricultural context.

Surrounding lands within the locality are primarily large lot rural properties and agricultural lands. Surrounding lands are a consistent of pattern of agricultural context and lands containing masses of undisturbed vegetation, identified within east of the site.

The site is irregular in shape and crossed by Fishers Hill Road. The site has an approximate total area of 52.2ha. The majority of site has been historically cleared, containing a cluster of trees within the site boundaries to the east. Access to the site is from Fishers Hill Road (east).

Proposed Development

The applicant seeks consent to establish a single storey dwelling house on the site to create detached dual occupancy on the site. One (1) car parking is proposed with this application.

More specifically the proposal will comprise of the following:

- The dwelling will comprise of the following layout: one (1) bedroom; combined living, kitchen and dining area; bathroom, laundry and external deck area connected to the main living area. Main entry to the proposed dwelling will be from the northern side of the building.
- The dwelling will display an external appearance composed of horizontal cladding and hip Colorbond roofing, with gable feature to the west elevation.
- The dwelling is to have a maximum ridgeline height of approximately 4.81m, measured from existing ground level (EGL).
- The dwelling is proposed upon piers. Site works includes minimal excavation to facilitate the new building on the site, as well as any infrastructure required.

Essential services such as water, electricity, on-site sewage and stormwater management, are able to be configured and be supplied to the site to Council regulation. The site is not serviced by reticulated water supply. The proposal will share the infrastructure on site with the existing dwelling.

Stormwater collected by the roof will be collected by 2,000L rainwater tank and overflow will be discharged to proposed stormwater pit.

Established driveway access will provide vehicular access to the dual occupancy development and the parking area to serve the development proposal.

Overall, the proposal demonstrates a positive and low impact design response to the surrounding environmental rural large lot landscape.

An assessment of the proposed development has not identified any unreasonable adverse environmental impacts likely to arise as a result of the proposal. It is therefore recommended that consent for the proposed development is granted subject to Council's standard conditions.

2.0 Statutory Requirements

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

Commonwealth Legislation - Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, in conjunction with the Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000, provide the basis for national environmental protection and conservation.

The subject site is not situated on or near an area of environmental significance and does not contain any national environmental significance items.

Other Acts

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Biodiversity Conservation Act 2016 No 63

No new or additional clearing will be required for the proposed dwelling house. The proposed location for the erection of dwelling house and parking space is not within areas where Biodiversity Values have been identified.

The proposed development does not conflict with **Part 1 Section 1.3 Purpose of Act** of the Biodiversity Conservation Act 2016.

Rural Fires Act 1977

The site is identified as being within Bushfire Prone land. Therefore, a Bushfire Risk Assessment has been completed and accompanies this development application. The proposed development will be constructed to the minimum standard required in accordance with the guidelines of *Planning for Bushfire Protection 2019* and *AS 3959-2009 Construction of buildings in bushfire prone areas*.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The State Environmental Planning Policy was enacted to ensure buildings are designed to use less potable water and minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.

A BASIX assessment has been undertaken as part of the proposed development, by a qualified Building Sustainability Assessments consultant, and the Certificate is submitted with this application.

State Environmental Planning Policy 55 – Remediation of Land (SEPP55)

SEPP 55 requires that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

To BuildPlan's knowledge there is no identified past contaminating activities on the site.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 of this Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The proposed development does not require the removal of any vegetation to facilitate the works proposed. No further consideration under the SEPP is required.

3.0 Local Environmental Plans (LEP)

Dungog Local Environmental Plan 2014

The site is located in the **RU1 Primary Production** zone as identified by the Dungog LEP 2014.

Objectives of 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 minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *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 proposal is considered consistent with the objectives of the zone in that a low impact, low scale residential use will be established on the site, and will not conflict with any nearby primary industries, land uses or result in the alienation of resource lands.

Further, the proposal does not require the removal of significant declared vegetation and due to its siting, scale and design will not adversely impact upon any scenic landscape values of the local area.

Permitted with consent

The Dungog LEP 2014 permits the following land uses with Council's consent in the zone:

*Airstrips; Animal boarding or training establishments; Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; **Dual occupancies**; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Group homes; Health services facilities; Helipads; Heliports; Highway service centres; Home-based child care;*

Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Kiosks; Landscaping material supplies; Marinas; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Rural industries; Rural supplies; Rural workers' dwellings; Signage; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures

The proposal seeks consent to erect a dwelling house to create a *dual occupancy*, permissible in the RU1 zone with Council consent.

Principal Development Standards

4.1 Minimum Lot Size

No subdivision is proposed as part of this application.

4.2A Erection of dwelling houses on land in certain rural, residential and environment protection zones

(1) The objectives of this clause are as follows:

- (a) to minimise unplanned rural residential development,*
- (b) to enable the replacement of lawfully erected dwelling houses in rural, residential and environment protection zones.*

The proposed development is not considered to be inconsistent with the above objectives as it seeks to lawfully erect a new dwelling house on the site.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production,**
- (b) Zone RU2 Rural Landscape,*
- (c) Zone E3 Environmental Management*

The proposal site is zoned RU1 Primary Production under the Dungog LEP.

(3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot on which the dwelling is to be erected:

- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land on which the dwelling house or dual occupancy is proposed, or*
- (b) is a lot created under this Plan (other than under clause 4.1B or clause 4.2 (3)), or*

(c) is a lot created before this Plan commenced and:

(i) the erection of a dwelling house was permissible on that lot, and

(ii) no development standards limiting the power to grant development consent for the erection of a dwelling house applied to that lot, before that commencement, or

(d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or

(e) is an existing holding, or

(f) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by:

(i) a minor realignment of its boundaries that did not create an additional lot, or

(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or

(iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

Given the consented development of the pre-existing dwelling house, it has been determined development consent may be granted for the erection of a dual occupancy in conjunction with the existing dwelling on the site.

4.3 Height of Buildings

There is no applicable building height standard to the land.

4.4 Floor Space Ratio

There is no applicable floor space ratio to the land.

Part 6 Additional local provisions

6.1 Acid Sulfate soils

The site of the proposed development is not identified as being located within an Acid Sulfate Soils zone as prescribed by the Dungog LEP. It is expected that no investigation is required.

6.2 Earthworks

The proposal will utilise concrete footings to support the piers proposed as the foundation of the dwelling. Groundworks will include the establishment of underground infrastructure and services. No cut or fill is required to facilitate the development.

It is believed that this development will not have any detrimental effect on the environmental features of the surrounding land due to the scale of the development.

6.4 Stormwater Management

The stormwater measures will comply with relevant Council requirements. As such, no adjoining properties, developments native bushland or receiving waters will be adversely impacted by stormwater runoff on site.

Stormwater collected by the roof will be collected by 2,000L rainwater tank and overflow will be discharged to proposed stormwater pit.

The proposed development includes erosion and sediment control management to Council regulation. Erosion and sediment control measures will be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition – Vol. 1 (the ‘Blue Book’) published by Landcom, 2006. Details are provided on the submitted plans.

6.5 Drinking water catchments

The site of the proposed development is identified as located within the Williams Drinking Water Catchment as identified by the Dungog LEP. **Clause 6.5 sub clause (3)** requires Council to consider the following before granting development consent:

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

- the distance between the development and any waterway that feeds into the drinking water storage,
- the on-site use, storage and disposal of any chemicals on the land,
- the treatment, storage and disposal of waste water and solid waste generated or used by the development,

The proposal maintains an approximate 380m separation from the existing Paterson River, sited west of the development. The development will incorporate an appropriately managed and maintained stormwater management system that will minimise the impacts of stormwater on the land – to Council specification.

No chemicals or harmful waste will be disposed of on the land. All waste to be disposed of to Council requirement. No neighbouring properties, developments or waterways will be impacted.

6.6 Riparian land and watercourses

As identified on the Riparian Land and Watercourses Map in the Dungog LEP, the land is affected by a “watercourse”. The proposal is setback >380m from the watercourse that runs to the west of the property – Paterson River.

Consequently, due to the current setback established by the existing dwelling, we have reasonable cause to suspect that the minor natured development will not have any adverse impact on the water quality, any aquatic and riparian species and ecosystems of that watercourse or the stability and future rehabilitation of the watercourse. The development has been designed and sited to avoid any significant environmental impact and is unlikely to impact the water quality or flows of the creek.

The proposal does not seek to extract natural reserve from the Paterson River water source, nor is the proposed development likely to cause instability to the bed and banks of the watercourse or effect riparian species radically.

6.11 Dual Occupancies (Detached) in Zone RU1

The proposal has been sited and designed to satisfy the DLEP provisions, in which the proposal will give the development the appearance of a unified and consistent built form, hence the proximity to the existing dwelling. The two dwellings will share existing infrastructure.

In spite of complying with the provisions, it is also worth of notice that due to the undulating character of the site, the proposal is unlikely to be seen from the main road.

4.0 Development Control Plan (DCP)

Dungog Development Control Plan 2004

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within the DCP. The following DCP Chapters are considered applicable to the proposal.

Part C General

C.1. Residential Development

1.2 Building Height Plane

At the highest point, the dwelling is approximately 4.81m from existing ground level. The height plane at any point inside the envelope will not exceed 9m.

1.3 Set Backs

Discussed further in Part C3 – Building line setbacks.

1.4 Water Supply

The site is not serviced by reticulated water supply. The proposal will connect to the pre-existing water supply system.

1.5 Sewerage

The development will be serviced by a pre-existing on-site sewerage management facility.

1.6 Property Access

Site access to remain as existing.

1.7 Property Identification

In accordance with Council's requirements.

1.8 Energy Efficiency

BASIX assessment has been undertaken as part of the proposed development, by a qualified Building Sustainability Assessments consultant, and the Certificate is submitted with this application.

1.10 Bush Fire Prone Land

The site is identified as being within Bushfire Prone land. Therefore, a Bushfire Risk Assessment has been completed and accompanies this development application. The proposed development will be constructed to the minimum standard required in accordance with the guidelines of *Planning for Bushfire Protection 2019* and *AS 3959-2009 Construction of buildings in bushfire prone areas*.

2. Development in Rural Residential Zones

Habitat Protection

It is expected that no native flora or fauna will be impacted by this development, as there are no significant habitats located on site or on surrounding development sites as identified in the LEP.

2.5 Dwelling Design and Siting

The proposal is compatible with the character of the rural area. The development considers the existing scenic values and landscape form and is appropriate for the rural environment setting. The development additionally takes a sustainable approach to the design and construction of building elements and the siting of the building with respect to the lot.

Although proposed in contemporary materiality, the design is sympathetic to the traditional rural dwelling historically present throughout the locality; Incorporating metal sheeting for the low pitch roof, horizontal cladding and verandah.

The proposal cannot be identified as an unsympathetic rural or rural industrial building as it is in keeping with the rural use of the land and nearby developments.

As the proposal development does not require the removal of vegetation, trees or clearing of land, the natural landscape of the area will not be affected or negatively impacted.

C.3. Building Line Set Backs

Front Property Boundary

The proposal is located in exceedance of 50m from Fishers Hill Road – compliant with the provision for Rural 1(a) land.

3.2 Side and Rear Boundaries

The Dungog DCP states that **side and rear setbacks in land zoned Rural 1(a) must be 40m, for lots with an area of more than 30 ha but less than 60 ha.**

Due to the large nature of the lot, the proposal is in exceedance of 40m from any boundary.

Waste Management

Waste Management both during construction and post construction will be as per Council waste management requirements. A Waste Management Report accompanies the development application.

5.0 Environmental Effects

The proposed development has been evaluated with regard to the matters for consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that have not been addressed elsewhere within this statement.

The Provisions of any Planning Agreement

None applicable to this application or site.

The Provisions of the Regulations

None applicable to this application or site.

Likely Impacts of the Development

Likely Impacts	Assessment
<i>Context and Setting</i>	The proposal is appropriately located within the site and with respect to adjoining properties.
<i>Access, Transport and Traffic</i>	Any additional traffic generated by the proposed development would not create any adverse impact on the surrounding road network and ample local parking exists.
<i>Public Domain</i>	The proposal would not result in any adverse impacts to the public domain.
<i>Utilities</i>	The proposal will be connected to the mains power. Rainwater harvesting tank and on-site waste water treatment will service the dwelling as per Council requirement.
<i>Heritage</i>	Not relevant to the subject site.
<i>Other Land Resources</i>	The proposed development would not alienate other uses within the site or on neighbouring sites and would limit the demands on other lands.
<i>Water Quality</i>	Stormwater management to Council regulations.
<i>Soils</i>	The site of the proposed development is not identified as being located within an Acid Sulphate Soils zone.
<i>Air and Microclimate</i>	The proposal is expected to have a negligible impact on the existing air quality and microclimate.
<i>Ecological</i>	There are negligible ecological impacts anticipated.
<i>Waste</i>	Waste generated will be handled through existing waste collection and recycling services that presently available, with additional services used on occasion
<i>Energy</i>	The proposed development incorporates applicable energy efficient design features.
<i>Noise and Vibration</i>	The proposal is not expected to generate unreasonable levels of noise and vibrations.
<i>Natural Hazards</i>	The site is identified as being within Bushfire Prone Land. A bushfire risk assessment has been completed and accompanies this application.

Likely Impacts	Assessment
<i>Technological Hazards</i>	None exist in respect to this type of development.
<i>Safety, Security and Crime Prevention</i>	The development is designed and located to ensure safety and security would be maintained.
<i>Social Impact in Locality</i>	The proposal does not introduce a type of development or scale of development that would result in an adverse impact.
<i>Economic Impact in Locality</i>	No adverse economic impact expected as the proposal would not restrict the existing economic output of the mixed-use locality.
<i>Site Design and Internal Design</i>	Commensurate to existing built form and context of surrounding rural locality.
<i>Construction</i>	To Council and BCA requirements.
<i>Cumulative Impacts</i>	None are likely to result from this scale of development.

Ecologically Sustainable Development

The principles of ecologically sustainable development (ESD) have been considered in preparing this SoEE. Schedule 2 of the Environmental Planning and Assessment Regulation 2000 note that ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. The principles of ESD have been considered in the preparation of this SoEE and development design. The proposed development is considered to be able to comply with the ESD objectives for the site.

Suitability of the Site for Development

The subject site is considered suitable for the proposed development in this location. The SoEE has demonstrated in detail that the site is suitable for the proposed development. In summary, suitability is achieved given:

- The proposed development is permissible and will be consistent with the relevant zone objectives.
- The development will respect the rural character of the surrounding locality.
- There are no prohibitive constraints posed by the site or those adjacent.

Submissions

Should the application be notified, all reasonable concerns raised in any submissions will be considered and addressed if deemed substantiated by Council.

Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

6.0 Conclusion

The application for development seeks assessment and consent under the provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979*. The development is a permissible use of the land under the *Dungog Local Environmental Plan 2014* and displays compliance with the objectives and controls of the *Dungog Development Control Plan 2004* and the *Clarence Town Local Area Plan 2005*.

It is therefore submitted that Council approve the proposal subject to conditions of consent.