



**LE MOTTEE
GROUP**

SURVEYING | CIVIL ENGINEERING | TOWN PLANNING | PROJECT MANAGEMENT
STRATA CERTIFICATION | ECOLOGY | BUSHFIRE ASSESSMENT
Pty Limited ABN 38 136 535 156



PROPOSED DUAL OCCUPANCY
STATEMENT OF ENVIRONMENTAL EFFECTS

LOT 5 DP 727263

1294 SUMMER HILL ROAD, SUMMER HILL

OUR REF: 9416

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LMG Ref: 9416

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1. INTRODUCTION

1.1 BACKGROUND

Le Mottee Group (LMG) has been engaged by Valley Homes to prepare a Statement of Environmental Effects (SoEE) to accompany a Development Application (DA) to Dungog Shire Council (DSC) for the erection of a dwelling, creating a Dual Occupancy upon **Lot 5 DP 727263**.

The proposed development is minor in nature and is of minimal environmental impact.

This SoEE provides details about the site and proposed development as well as making an assessment of the proposed development pursuant to the relevant matters under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

1.2 OVERVIEW

The proposed development subject to this report and development application is the erection of a dwelling creating a detached Dual Occupancy with the existing dwelling upon **Lot 5 DP 727263**.

This report considers the proposed development against the controls of the Dungog Local Environmental Plan (LEP) & Development Control Plan (DCP). Under the Dungog LEP (2014), the proposed development is permitted with consent in the current RU1 Primary Production zone.

There is nothing in the Dungog LEP (2014) or DCP (2018) that prohibits the proposed development.

1.3 SCOPE AND STRUCTURE OF THE REPORT

The remainder of the report is structured as follows:

- **Section 2** – Site Description
- **Section 3** – Proposed Development
- **Section 4** – Planning Provisions
- **Section 5** – Conclusion

1.4 SUPPORTING DOCUMENTS

The following documents are provided as Attachments to this report:

- **Annexure A** – Architectural Plans;
- **Annexure B** – Building and Sustainability Index (BASIX) Certificate;
- **Annexure C** – Nationwide House Energy Rating Scheme (NatHERS Certificate; and
- **Annexure D** – Bushfire Threat Assessment.

2. SITE DESCRIPTION

The following section identifies the subject land, existing development on site and the surrounding development.

2.1 LOCALITY

The subject land is located in Summer Hill, within the Dungog LGA.

Summer Hill is situated approximately 25km west of Dungog, approximately 20km north of Maitland and approximately 30km east of Singleton. The location of the subject land is shown below in **Figure 1**.

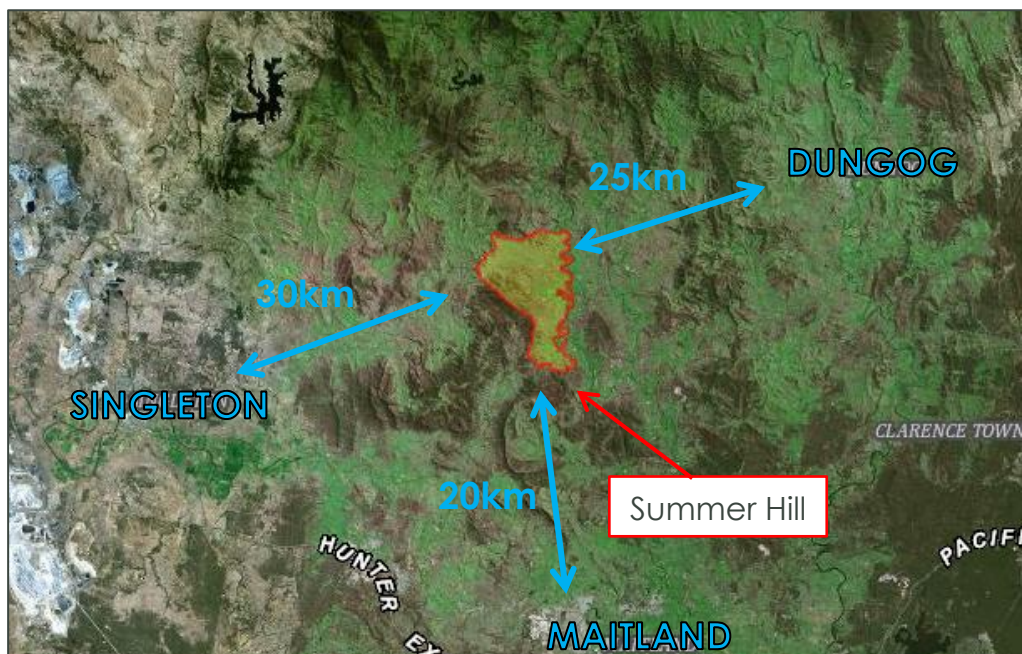


Figure 1: Location of the subject land (source: NSW Six Maps).

2.2 SUBJECT LAND

The subject land is located at 1294 Summer Hill Road, Summer Hill. The land is formally identified as **Lot 5 DP 727263**. For the purpose of this report, Lot 1 shall be referred to as 'the site'.

The site has an area of approximately 78.06ha and is generally flat. Access to the site is from Summer Hill Road.



Figure 2: the site (source: NSW SixMaps)

Uninhabitable Structures

There are several existing structures located on the site which have been made uninhabitable under DA152/2022. These ancillary structures on site are to be retained, and the location of which is shown below.

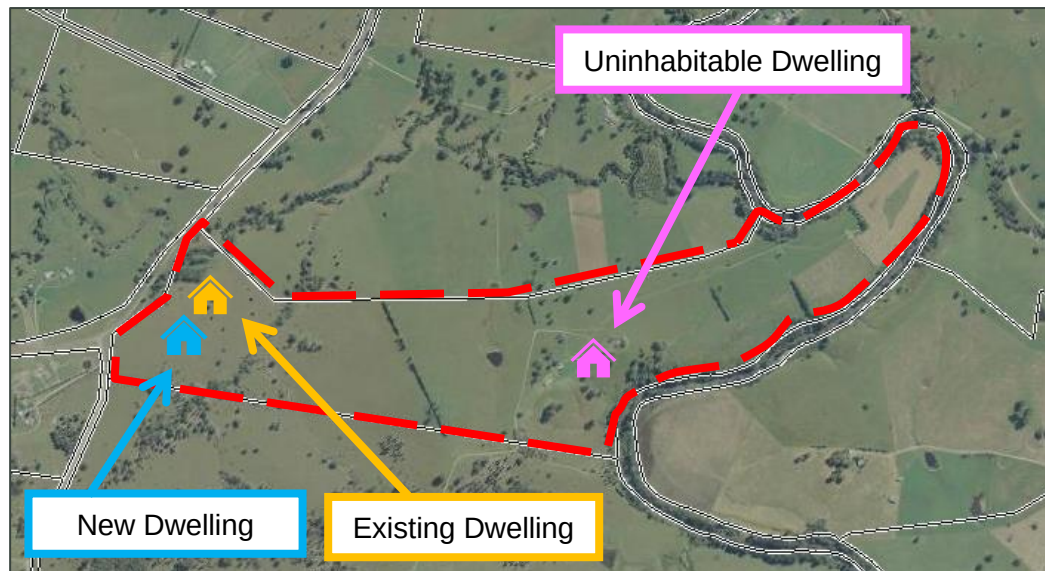


Figure 4: Existing and Proposed structures (source: NSW SixMaps)

2.4 SURROUNDING DEVELOPMENT

Development in the surrounding area is mostly rural and rural residential in nature.

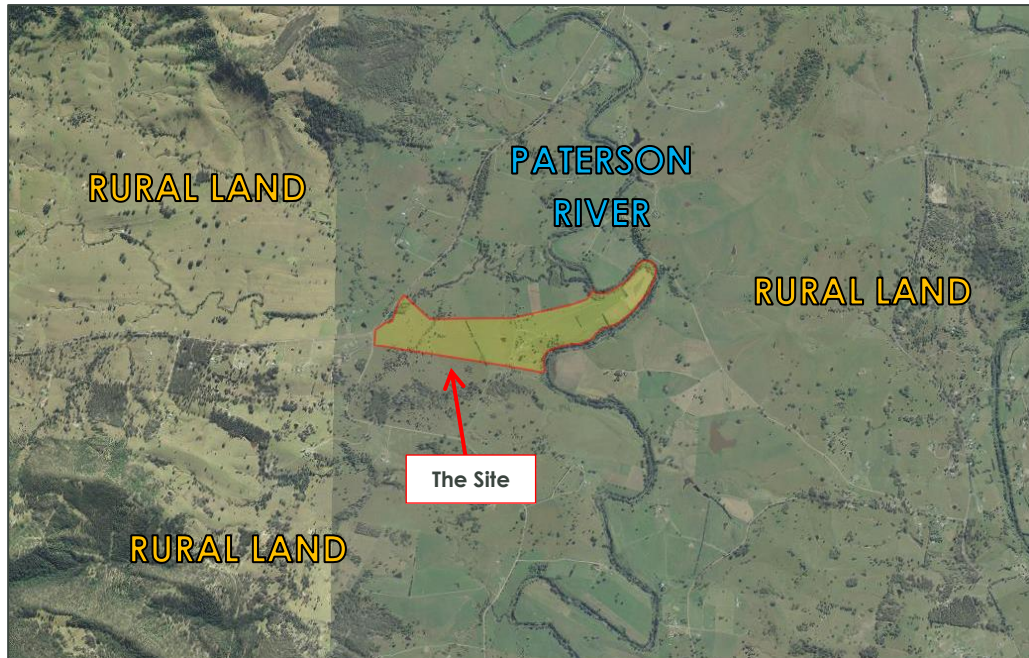


Figure 5: The site and surrounding land (source: NSW Six Map).

The site is located within the rural township of Summer Hill, a rural-residential area nearby several centres within the lower Hunter, including Gresford, Paterson, and larger centres such as Dungog, Clarence Town, Maitland and Singleton. These centres support various retail, business and community uses.

The site is considered suitable for further residential development.

4. PLANNING PROVISIONS

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.15 of the Environmental Planning and Assessment Act, 1979 provides the matters that must be considered in the assessment of any development application.

Section 4.15 of The Environmental Planning and Assessment Act, 1979, as amended, states the following:

'(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

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

The matters of relevance for this application are dealt with in the following sections of this Statement.

4.2 DUNGOG LOCAL ENVIRONMENTAL PLAN, 2014

4.2.1 EXISTING ZONING

Under the *Dungog Local Environmental Plan (LEP) 2014*, the subject site is zoned **RU1 Primary Production**. A copy of the land zoning map extract is included as *Figure 7*.

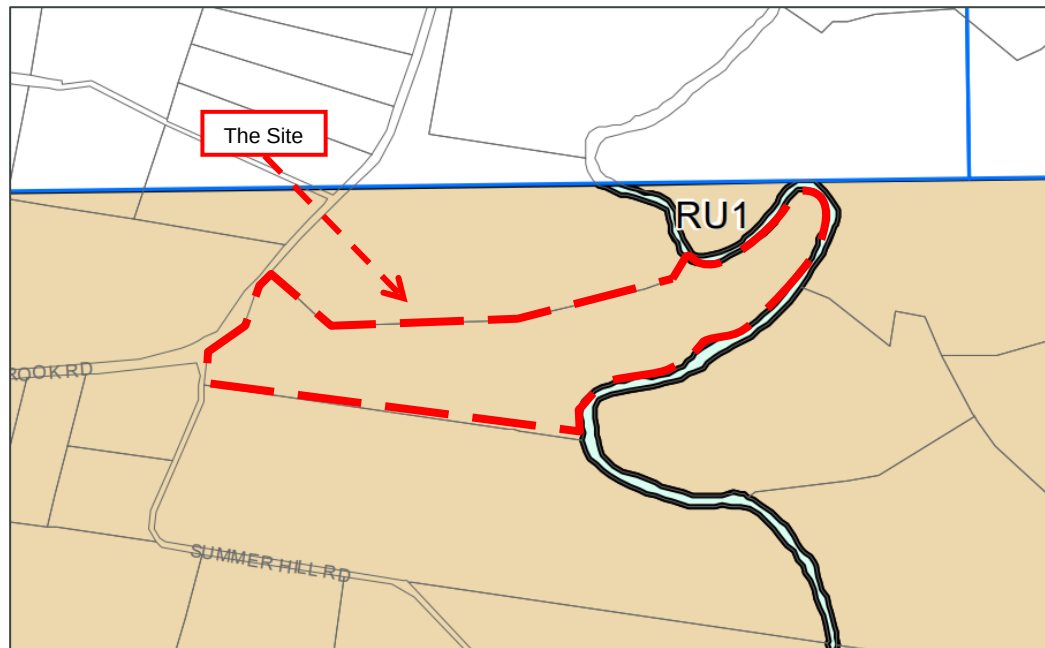


Figure 7: Dungog LEP 2014 land zoning map extract (Map = 005).

ZONE OBJECTIVES:

The objectives of the zone are:

- 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 proposed dwelling will create a detached dual occupancy with the existing dwelling on site. Dual Occupancies are permitted with consent in the RU1 zone. The proposed development does not contravene the objectives of this Clause.

4.2.2 CLAUSE 4.2A – ERECTION OF DWELLING HOUSES ON LAND IN CERTAIN RESIDENTIAL, RURAL AND ENVIRONMENTAL PROTECTION ZONES

(3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is—

A dwelling house has been previously erected on site and is to be retained. Therefore, clause 4.2A (3) is not relevant in this instance.

There are no subclauses that prohibit the erection of a dwelling house where there is also a lawfully erected dwelling house located on the land.

4.2.3 CLAUSE 4.3 – HEIGHT OF BUILDINGS

There is no maximum height restriction mapped by the Dungog LEP (2014) for the specified site. Therefore, this clause is not relevant in this instance.

4.2.4 CLAUSE 4.4 – FLOOR SPACE RATIO

There are no mapped restrictions on floor space ratio in the Dungog LEP (2014) for the specified site. Therefore, this clause is not relevant in this instance.

4.2.5 CLAUSE 5.21 – FLOOD PLANNING

There is no flood planning mapping for this area by the Dungog LEP (2014) for the specified site. Both the new and existing dwellings are sited appropriately and considered compatible with the site and appropriate for the area.

4.2.6 CLAUSE 7.2 – EARTHWORKS

The objectives of the clause are:

- To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

- To allow earthworks of a minor nature without requiring a separate development consent.

The development will not involve any substantial earthworks and the proposed cut and fill is to create a level building pad for the new dwelling. Any minor earthworks that will be required will not have a detrimental impact on the environmental functions of the site or surrounding land.

(2) Development for the purpose of earthworks may be carried out only with development consent unless:

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

The only earthworks involved will be minor cut and fill to achieve a level building pad for the proposed new dwelling house. These earthworks are ancillary to the proposed development.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The only earthworks involved will be minimal cut and fill to create a level building pad. It is envisaged that the cut and fill required will not generate any issues. All relevant erosion and sediment control measures are to be installed prior to work and all retaining walls will be of treated pine and of construction in accordance with the relevant guidelines.

4.2.7 CLAUSE 6.11 – DUAL OCCUPANCIES (DETACHED) ON LAND IN ZONE RU1

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

- (a) to provide alternative accommodation for rural families and workers,*
- (b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land.*

The site currently supports an existing lawfully erected single storey dwelling and rural structures that are to be retained. The proposed additional dwelling will result in a detached Dual Occupancy being located on the site. It is not expected that the proposal will interfere with the rural character of the area.

(2) This clause applies to land in Zone RU1 Primary Production.

The subject site is zoned RU1 Primary Production and therefore this clause applies.

(3) Development consent must not be granted to development for the purpose of a dual occupancy (detached) on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is sited and designed in such a way as to give the development the appearance of a unified and consistent built form, and*
- (b) the dwellings will be located within 100 metres of each other, and*
- (c) the 2 dwellings have shared infrastructure, including fire breaks, water supply, electricity supply, sewage disposal and management, stormwater drainage and suitable vehicle access, and*
- (d) the development is on land that is physically suitable for the erection of the dwellings.*

The proposed dual occupancy represents the best outcome for the site given the siting of existing rural infrastructure and site constraints. Development will not be within proximity of the street frontage, and the proposed and existing dwelling shall share a common access road to Lovedale Road. The new dwelling shall contribute to the existing mosaic of rural structures and uphold the pastoral character of the existing holdings. Further, the proposal will be located over land already cleared for rural residential purposes and physically near the existing dwelling.

The development is sited and designed in such a way as to give the development the appearance of a unified and consistent built form, even though the development will not be significant visible from the public realm. The dwellings will be located within 100 metres of each other, and

the two dwellings will have shared infrastructure where appropriate. Further, the development is located on land that is physically suitable for the erection of the dwellings, having been previously cleared of vegetation and generally flat.

4.2.8 **CLAUSE 7.14 – ESSENTIAL SERVICES**

The development will connect to existing utilities in the area including electricity and telecommunications.

The new dwelling shall be serviced by a 100,000L water tank located to the rear.

An onsite wastewater treatment system is proposed to service the new dwelling and will be subject to separate council approval under Section 68.

4.2.9 **PERMISSIBILITY:**

The proposed development subject to this report and development application is the erection of a dwelling upon **Lot 5 DP 742877** creating a detached dual occupancy with the existing dwelling.

Under the provisions of the Dungog Local Environmental Plan (2014), the site has a current zoning of RU1 Primary Production. The proposed development is permitted with consent under the current zoning.

There is nothing in the Dungog LEP (2014) that prohibits the proposed development.

4.3 DUNGOG DEVELOPMENT CONTROL PLAN, 2014

PART C1 – RESIDENTIAL DEVELOPMENT

1.1 AIM

- *To promote residential development, including tourist accommodation, which is of a high design standard and which is sensitive to and enhances the physical environment and the social fabric particular to Dungog Shire.*

The proposed dwelling is architecturally designed to fit the locality in terms of bulk, scale, aspect and aesthetics. The dwelling will suit the natural environment of the locality through the use of natural materials where possible, good solar use, retention of mature trees wherever possible, the harvesting of water and solar energy, and good design.

- *To accommodate a variety of residential forms to reflect the growing diversity of household types and incomes, lifestyles and tourist needs.*

The proposed dwelling is of a high design standard which aims to integrate the dwelling into the surrounding environment.

The proposed single dwelling has been designed to provide the occupants with a high level of amenity and privacy. The dwelling supports central living and dining along with other indoor and outdoor entertaining spaces. This is a modern style dwelling that enhances the occupant's quality of life in a rural lifestyle setting.

Both dwellings comprising the dual occupancy will not be visible from the public realm at Glendonbrook Road or Summer Hill Road.

- *To encourage infill residential development which is compatible with the existing character and which enhances its surroundings.*

The proposed dwelling makes good use of the site and is designed to enhance the existing character of the area and accommodate the rural environment.

- *To optimise the provision of infrastructure services in the most efficient and effective manner.*

The proposed dwelling will have a connection to mains power and reticulated water offset by a 100,000L rainwater tank. Wastewater will be treated within the site.

- *To ensure adequate access for the disabled, particularly to medium density and non-private residential accommodation.*

The proposed development is for a new single storey dwelling, creating a dual occupancy with the existing dwelling.

- *To provide clear guidelines for residential development in the Dungog Local Government Area.*

Noted.

- *To ensure that residential development does not adversely affect the amenity of the locality.*

The proposed development will not adversely affect the amenity of the locality and will be in keeping with the character of the area.

- *To ensure that residential development meets the expectations of the community and provides health and safety in housing.*

The proposed development makes practical use of the site in a manner that meets the expectations of the community due to its character, footprint and zoning.

1.2 BUILDING HEIGHT PLANE

The proposed dwelling is single story and will be located more than 100m from any boundary and screened from adjacent properties and the street by existing mature vegetation. Therefore, there is no possibility of the proposed dwelling impacting solar access or acoustic and visual privacy of adjoining properties.

Furthermore, the dwelling has been sited to suit the environmental features of the site and the existing dwelling, and the occupants shall enjoy adequate winter sun and summer shade.

1.3 SETBACKS

The proposed dwelling shall be located a significant distance from all external boundaries. All setbacks specified by PART C.3 Building Line Setbacks are exceeded by the proposed design.

1.4 WATER SUPPLY

The site is serviced by Council's reticulated water supply, and a rainwater tank with total storage capacity of 100,000L is proposed.

1.5 SEWERAGE

A new on-site wastewater treatment system shall service the dwelling and shall be approved by Council prior to development.

1.6 PROPERTY ACCESS

Access to the site is direct from Summer Hill Road via the existing driveway.

1.8 ENERGY EFFICIENCY

The proposed dwelling shall satisfy BASIX requirements.

The dwelling has been architecturally designed to maximise solar comfort, capture the breeze, and naturally ventilate all rooms. Please refer to the BASIX Certificate attached.

1.9 BUILDING COMPLIANCE

The proposed dwelling shall comply with the Building Code of Australia.

5. OTHER PLANNING CONSIDERATIONS

5.1 BUSHFIRE PRONE LAND

The site is mapped by Dungog Council as being bushfire prone land, please see mapping extract below:

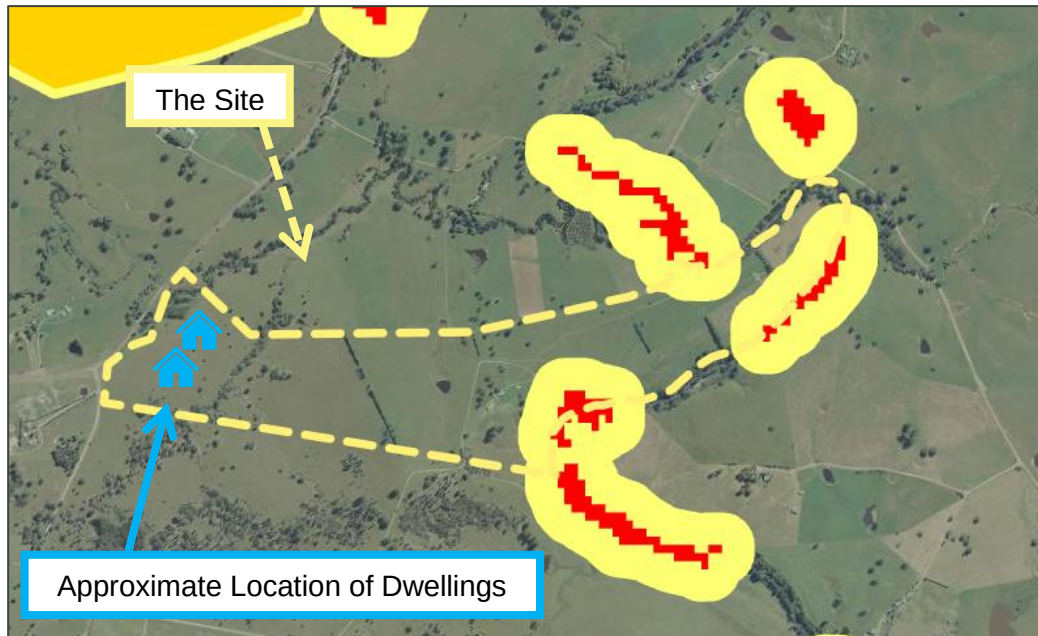


Figure 9: Bushfire Prone Land mapping extract (source: NSW Planning Portal).

The conclusion of the Bushfire Threat Assessment (contained herein as Annexure D) states that the fire hazard present is containable to a level necessary to provide an adequate level of protection to life and property on the site, subject to the following recommendations being implemented for the site:

To ensure the proposed Dual Occupancy satisfies Planning for Bushfire Protection a number of recommendations have been provided. These include:

- *The site is proposed to have a Dual Occupancy.*
- *The property is bushfire prone.*
- *Asset Protection Zone with Inner & Outer Protection Area's already exist on site and are recommended to be continued to be managed in perpetuity.*
- *The site is adequately serviced by water tanks.*
- *The site is adequately serviced by power and infrastructure will be extended to service the subdivided lots.*

- *The site currently has the necessary infrastructure for access for fire fighting and emergency egress.*
- *The proposed Dual Occupancy complies with the acceptable solutions outlined in Chapter 5 of PBP.*

Provided the recommendations stated above are implemented in full it is believed that the proposed dual occupancy shall be able to meet the aims and objectives of PBP (RFS, 2019). Please refer to Annexure C for a copy of the Bushfire Threat Assessment report.

6. CONCLUSION

The proposed development subject to this report and development application is the erection of a single dwelling, creating a dual occupancy with the existing dwelling upon **Lot 5 DP 727263**.

The development is permitted with consent under the provisions of the Dungog Council Local Environmental Plan, 2014. The proposed development makes logical and sensible use of the site, as well as being of minimal environmental impact.

This statement sets out the primary matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act and is accompanied by a number of attachments dealing with specific issues related to the site.

Given that there are no matters which justify refusal of the application, we respectfully request that Council provide a favourable determination.

Annexure A

Architectural Plans

Valley Homes

Annexure B

BASIX Certificate

Valley Homes

Annexure C

Nationwise House Energy Rating Scheme (NatHERS) Certificate

Valley Homes

Annexure D

Bushfire Impact Assessment

Le Mottee Group