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Statement of Environmental Effects

Development Application for

New Secondary Dwelling on a Property at

28 Hunter St Denman, NSW 2328

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## **1 Introduction**

### **1.1 General**

This Statement of Environmental Effects has been prepared by Dyer Design Company on behalf of Luke Moore for the construction of a new secondary dwelling in accordance with the requirements of Muswellbrook Shire Council.

This project would have been privately certified as a Complying Development Certificate but with investigations it was found that the Zone is RU5 Village and under SEPP (Exempt and Complying Development Codes) 2008 was not able to be approved as a CDC.

Hence the need to submit this development application for these works.

## **2 Site Description**

### **2.1 General**

The subject site is generally rectangular in shape, with the rear boundary abutting a laneway. The site comprises a single lot being legally described as Lot 42 on DP 624157 at No. 28 Hunter Street Denman NSW 2328. The total site area is 1012m<sup>2</sup>.

### **2.2 Topography**

The lot is generally flat. The application does not propose to greatly change the existing site topography with mainly with minimal shaping of the site to facilitate the construction.

The proposal does not require the removal of any trees.

### **2.3 Zoning**

The site is zoned RU5 – Village. The proposal is defined as a Secondary Dwelling which is permitted on the site with consent.

## **3 Existing Structures and Uses**

### **3.1 General**

The existing site is currently a complying residential use. The site has the following existing structures present and they are proposed to be retained:-

- Detached single storey dwelling
- Metal Carport and various sheds

## **4 Detailed Description of Proposal**

### **4.1 Proposal**

The proposal subject of this Development Application is to undertake the construction of a new secondary dwelling.

The full scope of the proposal is contained on the drawings accompanying the Application.

## 5 General Planning

s.4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979: Provision of Relevant Instruments/ Plans/ Policies*

### 5.1 Rural Fires Act 1997

As indicated in the Planning Certificate No 22863 dated 18.02.2021, the site is not bush fire affected.

### 5.2 Sepp (Building Sustainability Index: BASIX) 2004

A BASIX certificate accompanies the application and shows the proposed development achieved compliance with the requirements.

## 6 Muswellbrook LEP 2009

### 6.1 2.1 Land Use

The proposed construction a new secondary dwelling is permitted with consent of council in the RU5 Village Zone.

### 6.2 Clause 2.7 Demolition

Demolition requires development consent; The demolition of a building or work may be carried out only with development consent.

The scope of the demolition required as part of the development application is shown on the drawings accompanying the application.

### 6.3 Clause 4.3 (2) Building Height

From Building Height Maps in the LEP the maximum height of the building is 8.5m.

The proposal is single storey and has a maximum height of 4.5m (at its highest point) as indicated on the drawings accompanying the application and is therefore compliant.

### 6.4 Clause 4.4 (2) Floor Space Ratio

From the Floor Space Maps in the LEP, the FSR is 0.5:1 for this site (506m<sup>2</sup>).

The total floor area of the Principal and secondary dwellings is 137.9m<sup>2</sup>. This equates to an FSR of 0.13:1 and is therefore compliant.

### 6.5 Clause 5.21 – Flood Planning

As indicated in the Planning Certificate No 22863 dated 18.02.2021, the site is not subject to flood related development controls.

## **7 Muswellbrook Shire DCP 2009**

### **7.1 Clause 6.1.3 Side & Rear Boundary Setbacks**

#### **6.1.3 Side & Rear Boundary Setback**

(i) A minimum side or rear setback for all dwellings of:

- 0.9m for walls up to 3m in height;
- 0.9m plus 0.3m for every metre of wall height over 3m and less than 7.2m
- For that part of a wall over 7.2m in height, the minimum setback should be increased by 1m for every metre of height over 7.2m.

The rear boundary setback is proposed to be 5m which is compliant with the setback requirements.

The height of the wall of the proposed secondary dwelling adjacent the side boundaries is 4.5m which would require a side boundary setback of 1350mm. The proposed setback is 1800mm which is compliant.

The drawings accompanying the application indicate the required setback requirements and the building envelope fits well within these parameters.

### **7.2 Clause 6.1.4 Building Height & Scale**

From Building Height Maps in the LEP the maximum height of the building is 8.5m.

The proposal is single storey and has a maximum height of 4.5m (at its highest point) as indicated on the drawings accompanying the application and is therefore compliant.

### **7.3 Clause 6.2.3 Landscaped Area**

- (i) Residential development must not be carried out in a R1 Residential or RU5 Village zone unless a minimum of 35% of the total site area is “landscaped area” as defined in the LEP

The minimum landscaped area required is 354m<sup>2</sup>. The proposal will allow for a total remaining landscaped area of 594m<sup>2</sup> (58%). Therefore, landscaped area is compliant.

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Generally, the design of proposed secondary dwelling reflects and is complementary to, the existing character of the locality. The proposal provides good design which provides continuity of character between the local building forms and new development by using a combination of characteristic elements, massing and materials.

From the report above, the proposed development is compliant with the Council's LEP and DCP requirements. On this basis we would ask that the proposed development be granted consent.

Should you require any additional information, do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ken Dyer', written over a horizontal line.

Ken Dyer

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