



16 May 2022

**David Casson  
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Dear Mr Casson,

**Pre-lodgement Meeting, Subdivision of Lot 58 DP 1276946, Northview Estate,  
Muswellbrook**

I refer to your pre-lodgement meeting with Council on Wednesday 4 May 2022 regarding the preparation of a development application for the subdivision of Lot 58 DP 1276946:

I note the following Council Officers were in attendance at the meeting

- Peter Chambers – Chief Engineer
- Anup Halder – Development & Design Engineer
- Kugan Thiru – Engineer Water and Sewer
- Shahzad Khizer – Asset Manager Waster and Waste
- Hamish McTaggart – Development Coordinator

Prior to the meeting the following information and plans were made available to Council Officers:

- Proposed Layout Stages 4, 5 & 6 – Revision A
- Stage 7 Layout – Revision A

The following matters are matters discussed at the meeting or additional matters which Council wishes to draw to your attention to as key considerations for the preparation of a development Application for the site:

- **Integrated Development** – the proposal would meet the criteria for integrated development under the *Environmental Planning Assessment Act 1979* as a type of development requiring referral to and General Terms of Approval from the following public authorities:
  - **NSW Rural Fire Service**, as development involving the subdivision of bushfire prone land and thereby requiring A Section 100B permit pursuant to the *Rural Fires Act 1997*.
  - **NSW Natural Resources Access Regulator**, as a development involving the carrying out of works on water front land requiring a controlled activity permit pursuant to the *Water Management Act 2000*.
  - **NSW Subsidence Advisory**, as a development involving the subdivision of land within a subsidence district requiring approval from this authority pursuant to the *Coal Mine Subsidence Compensation Act 2017*.

- **Transport for NSW Referral** – while legislation may not require the referral of the proposed development to Transport for NSW, Council Officers are likely to refer the development to this authority to consider and provide advice on its proximity to the Muswellbrook Bypass.
- **Development Design – Site Analysis** – any person designing a proposed development for the site must have regard to the requirements of the Muswellbrook Development Control Plan. Particular consideration should be given to
  - Section 3 – Site Analysis and a site analysis plan prepared demonstrating relevant site characteristics have been taken into consideration to inform the development design and lot layout
  - Section 5 – subdivision the plans prepared should be in accordance with all relevant development controls for subdivision under this section. Where there is an issue achieving a significant relevant development control further consultation should be undertaken with Council in relation to that issue and it will be necessary for further plans and information to be submitted to inform Council in its assessment of the merit of varying the control with regard to the development.
  - Site contours/building envelope considerations – the site slope will need to be considered in the information submitted. The information package should include details to demonstrate that a suitably sized and sloped area for residential development will be available on each of the proposed lots, through a building envelope plan or similar. Where additional earthworks are required or proposed to level out a building pad on steeper lots details of those works and any related retaining structure or soil batters should be included in the application.
  - Undeveloped part of the site – in preparing final plans for the site consideration will need to be given to the part of the site zoned R5 Large Lot Residential not included in the concept plan of subdivision provided. Road frontage should be provided to this residual lot to enable its incorporation into any future subdivisions (if proposed to be retained as a development lot).
  - Muswellbrook bypass – the final design plans should have regard to the proposed Muswellbrook bypass location.
  - Consider the provision of pedestrian pathways and cycleways through the development in accordance with the Development Control Plan, Council's Walking and Cycle Plan and Council Community Infrastructure footpath design requirements.
  - Consider the requirement for street lighting and the provision of underground electricity in accordance with the Muswellbrook Development Control Plan requirements
  - Include design details for the creek crossing/culvert to connect stage 6 with the approved stage 5 development. The design of the creek crossing should be informed by stormwater and flooding information and ensure that it does not impede the flow of water in the creek and be an adequate design to provide vehicle and pedestrian access.
- **Bushfire Threat Assessment** – A bushfire threat assessment will need to be prepared by an appropriately qualified bushfire consultant in accordance with the provisions of *Planning for Bushfire Protection 2019* to inform the design and assessment of the proposed development.
- **Soil Contamination Assessment** – an appropriately qualified person will need to be engaged to investigate the likelihood of the land being subject to any soil contamination requiring remediation pursuant to the *State Environmental Planning*

*policy (Resilience and Hazards) 2011*. A preliminary soil investigation will need to be prepared with the development application and a more detailed investigations completed where any potential contamination requiring further investigation or remediation as part of the development of the land is identified.

- **Aboriginal Cultural heritage Assessment** – An appropriately qualified person should be engaged to prepare a due diligence aboriginal cultural heritage assessment to consider the likelihood of the proposed development impacting on any aboriginal artefacts or areas of cultural significance. Where Aboriginal artifacts are identified or considered likely to be located within the site further investigations may be required and/or the lodgement of the application as an integrated development application requiring an Aboriginal Impact Permit from NSW Heritage.
- **Biodiversity Development Assessment Report** – an ecologist will need to be engaged to consider the impact of the proposed development on native species of flora and fauna and the relationship of the proposed development with the *Biodiversity Conservation Act 2016*. Where clearing of native vegetation exceeds the biodiversity offset scheme threshold a Biodiversity Development Assessment Report will need to be prepared in relation to the proposed development.
- **Traffic Impact Assessment** – A Traffic Impact Assessment will need to be prepared by an appropriately qualified traffic engineer to inform the assessment of the proposed development and its impact on the existing road network.
- **Stormwater Management Plan** – a Stormwater management plan will need to be prepared for the proposed development by a suitably qualified Civil Engineer. This plan should be informed by the stormwater requirements of the Muswellbrook Development Control Plan and should inform the design of stormwater infrastructure for the proposed development.
- **Flooding** – through the preparation of the stormwater management plan or within an individual flood management plan consideration must be given to any flood liability to the site and the impact that the increase in stormwater to the existing water catchment will have on the flood liability of the development and adjoining locality. The proposed development should not increase the flood liability of residential properties downstream of the development during the 1%AEP flood event. Stormwater detention measures should be incorporated into the development to mitigate any downstream flooding where required.
- **Water Cycle Strategy/nomination and handover of drainage reserves** – a Water Cycle Strategy should be prepared in relation to all areas to be handed over to Council as drainage reserves in accordance with Section 25.5 of the Muswellbrook Development Control Plan. The information accompanying the development application should also include information around the intended timing for the handover of drainage reserve, ie. at what stage of the development.

In addition to the above Council Roads and Drainage Engineers are interested in consideration being given to the safety of the drainage reserve through a risk assessment or similar to review and identify suitable warning measures to remind the public not to enter the drainage reserve during periods of heavy rainfall and ensure that suitable safety measures are provided to assist providing any individual caught in the gully during heavy rainfall a means of escape and avoid being swept into culverts.

- **Landscaping Plan** – a landscaping plan should be included with the development application including the installation of street trees within the proposed road reserves. Council Roads and Drainage Engineers have a document that lists approved street trees within the LGA, this document can be provided on request to assist with the preparation of the landscape plan.
- **Servicing Strategy** – essential services are to be provided to all lots in the subdivision in accordance with Council Development Control Plan requirements. A servicing strategy should be prepared detailing that this can be achieved for the proposed development.

Any civil engineer developing a plan for the delivery of water services for the development should be mindful that Council's gravity service will not provide effective water pressure for properties above the 182m AHD contour and that a solution will need to be developed to provide pressurised water to the properties above this contour. Per the water serving plan for previous development in the locality, High Pressure zone and a low pressure zone are required to be established for Stage 5 and later Stages of the development.

- **Noise Impact Assessment** – an acoustic engineer should be engaged to prepare a Noise Impact Assessment or alternate suitable information to consider the relationship of the proposed development with the NSW Government's document development near rail corridors and busy roads interim guideline, specifically in relation to the Northern Rail Line, New England Highway/Muswellbrook Bypass.
- **Statement of Environmental Effects** – a Statement of Environmental Effects will need to be prepared in accordance with the *Environmental Planning and Assessment (EP&A) Act 1979* requirements. This document must consider all relevant assessment criteria under Section 4.15 of the *EP&A Act 1979*. In preparing this document and the proposed plans particular regard should be given to the requirements of the Muswellbrook Local Environmental Plan 2009 and the Muswellbrook Development Control Plan 2009.
- **Urban Release Area** – the subject site is not identified as an 'urban release area' by the Muswellbrook Local Environmental Plan 2009 maps. Accordingly, the Muswellbrook Local Environmental Plan 2009 Part 6 provisions related to the development of these areas will not affect the development of the site.
- **Section 7.11 (EP&A Act) and Section 64 (Local Government Act) Contributions**, In accordance with the above legislation contributions would be applicable for the subdivision and development of the site in accordance with Council's Developer Contributions and Servicing Plans. These Contributions will be applied via conditions of consent and will need to be paid prior to the issue of a Construction Certificate. The contributions payable are indexed to increase annually in line with the CPI. The contributions payable in accordance with Council's current Contributions Plans per additional Lot would be as follows:

<b>Contribution</b>	<b>Amount</b>
Section 94 (open spaces and community facilities)	\$2,052.00
Section 94 (Roads and Drainage)	\$1,106.00
Section 64 (Sewer headworks)	\$8,558.00

- **Muswellbrook Local Environmental Plan 2009**, the information submitted with any development application should demonstrate that the proposal would be in accordance with the development standards and provisions prescribed by the Muswellbrook LEP 2009.
- **Muswellbrook Development Control Plan**, it would be relevant for any development application to account for the provisions of the Muswellbrook Development Control Plan. Where any development standard is to be varied detailed justification should be provided to Council substantiating why it should support the variation of the development standard respective to this development application.

Council thanks you for using its development application pre-lodgement meeting service and engaging with Council to identify key issues relevant to the preparation and assessment of a development application for the site.

The above dot points are not intended as an exhaustive list of issues or matters that may be relevant to the assessment of a development application, but a list of key issues identified discussed through the course of the pre-lodgement meeting and following the review of the preliminary development plans by Council Officers. Where a development application is lodged with Council for the proposed or a modified development it will be necessary for Council to assess and determine the application in accordance with the relevant assessment criteria prescribed by Section 4.15 of the Environmental Planning and Assessment Act 1979.

If you require any further information or clarification about the information contained in this letter feel free to contact the undersigned on 6549 3860 or via email at [hamish.mctaggart@muswellbrook.nsw.gov.au](mailto:hamish.mctaggart@muswellbrook.nsw.gov.au).

Yours faithfully,



Hamish McTaggart  
**Development Coordinator**