

Statement of Environmental Effects

Staged Residential Subdivision creating 58 residential lots

Property:

Northview Circuit, Muswellbrook
Lot 544 DP1310460

Applicant:

Northview REIT Pty Ltd

Date:

November 2024

Our Ref:

22035

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1 Introduction

1.1 Development Outline

Focus Town Planning has been engaged by Northview REIT Pty Ltd prepare and lodge a development application ("Council") for a staged residential subdivision at Northview Circuit, Muswellbrook, over land described as Lot 544 DP1310460 ("the site").

This Statement of Environmental Effects (SoEE) has been prepared pursuant to the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and accompanying regulations. It addresses the necessary issues that require assessment to assist the assessment authority in making a determination on the subject application.

The development comprises Stages 6 and 7 of the Northview Estate land release and seeks to create 58 serviced residential lots to be released in two stages and in no particular order of sequence. The subdivision will achieve:

- 35 lots zoned R1 - General Residential
- 23 lots zoned R5 - Large Lot Residential
- 1 residue lot (land is subject to stage approved subdivision).

The subdivision will include the following works:

- Removal of vegetation
- Bulk Earthworks and lot regrading
- Construction of internal roads
- Creation of asset protection zones
- Site landscaping
- Stormwater infrastructure
- Connection to required utilities including sewer, water, stormwater, telecommunications, and power
- Creation of necessary easements.

A plan of the proposed subdivision is shown as **Figure 1** and is provided within **Appendix A**.

Stage 5 of the Northview Estate land release is also located within Lot 544 DP1310460. At the time of writing, Stage 5 civil works were being carried out.

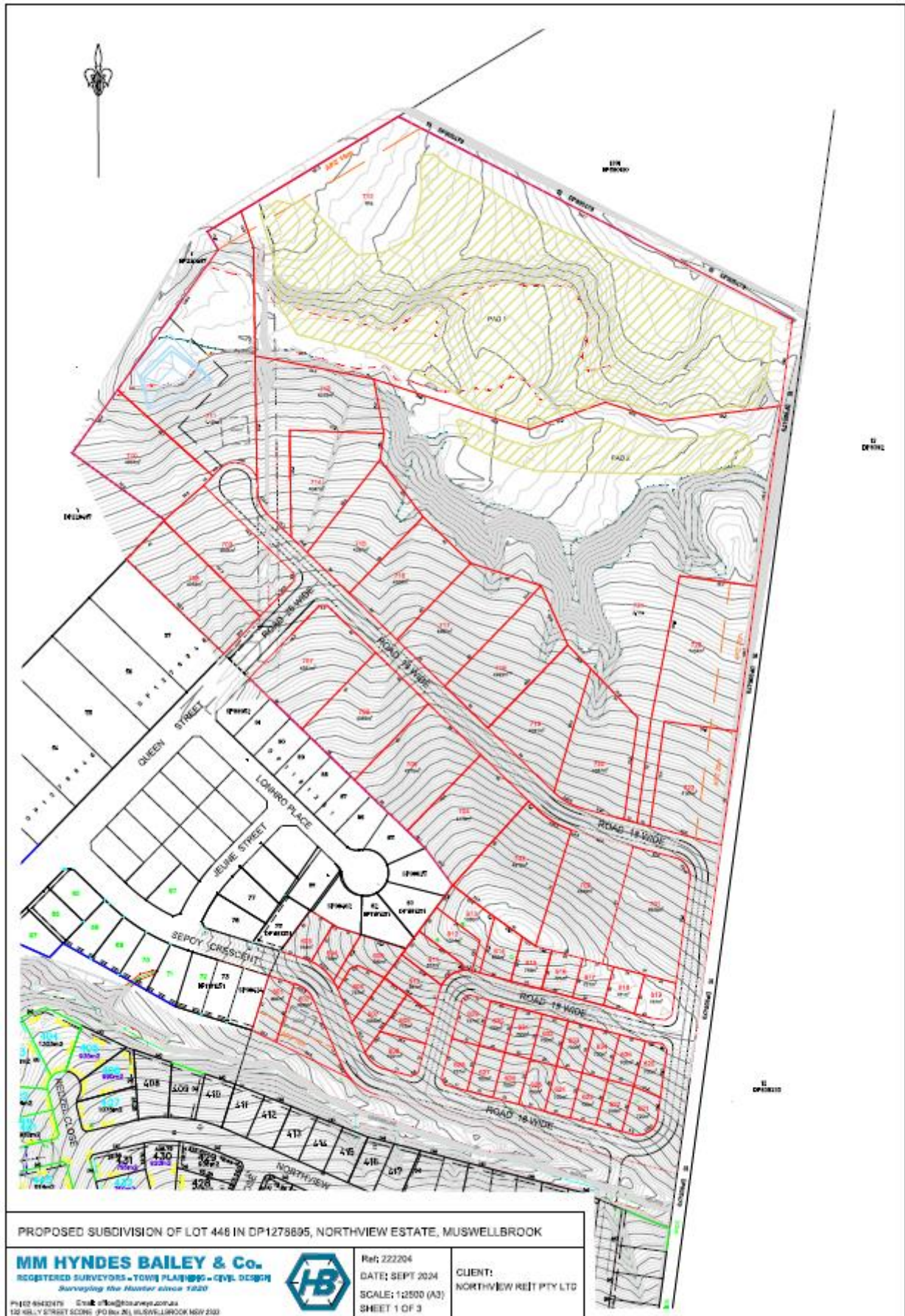


Figure 1. Proposed Subdivision

1.2 Supporting Documentation

This application is supported by the following reports and documentation that will be uploaded separately to the NSW Planning Portal for assessment.

Appendix A.	Subdivision Plan
Appendix B.	Landscape Plans
Appendix C.	Concept Civil Engineering Package
Appendix D.	Stormwater Management Report
Appendix E.	Bushfire Assessment Report
Appendix F.	Biodiversity Development Assessment Report
Appendix G.	Aboriginal Cultural Heritage Assessment
Appendix H.	Traffic Impact Assessment
Appendix I.	Noise Assessment
Appendix J.	Preliminary Site Investigation
Appendix K.	Waste Management Plan
Appendix L.	Pre-DA Meeting Minutes

1.3 Integrated Referrals

The proposed development is identified as integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979* for the following purposes:

- *Rural Fires Act 1997* (s100B)
Referral to the Rural Fire Service relevant to the proposed subdivision of bush fire prone land.
- *Water Management Act 2000* (s91)
Referral to DPE – Water relevant to a requirement for a controlled activity approval over waterfront land.

2 The Site

2.1 Location

The site is located on the eastern side of the New England Highway and the Hunter Rail Line and is positioned approximately 2.7km northeast of the Muswellbrook Town Centre. **Figures 2 - 3** identify the site in its broader context and its direct locality.

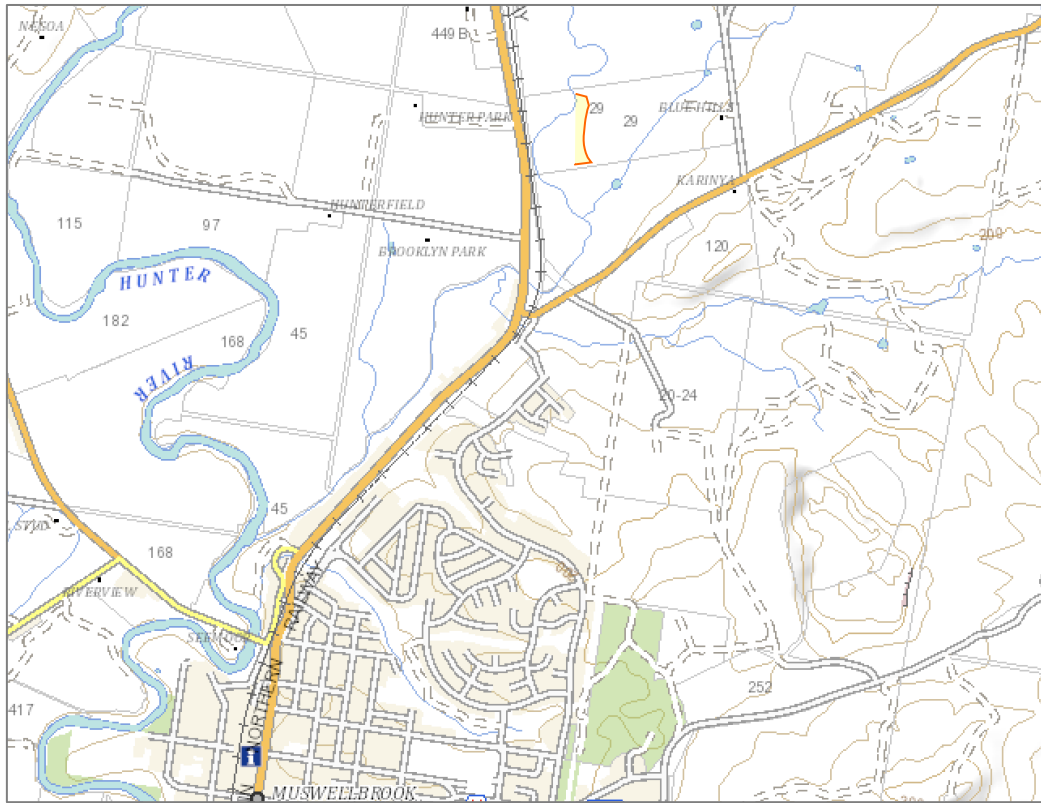


Figure 2. Wider Locality Map

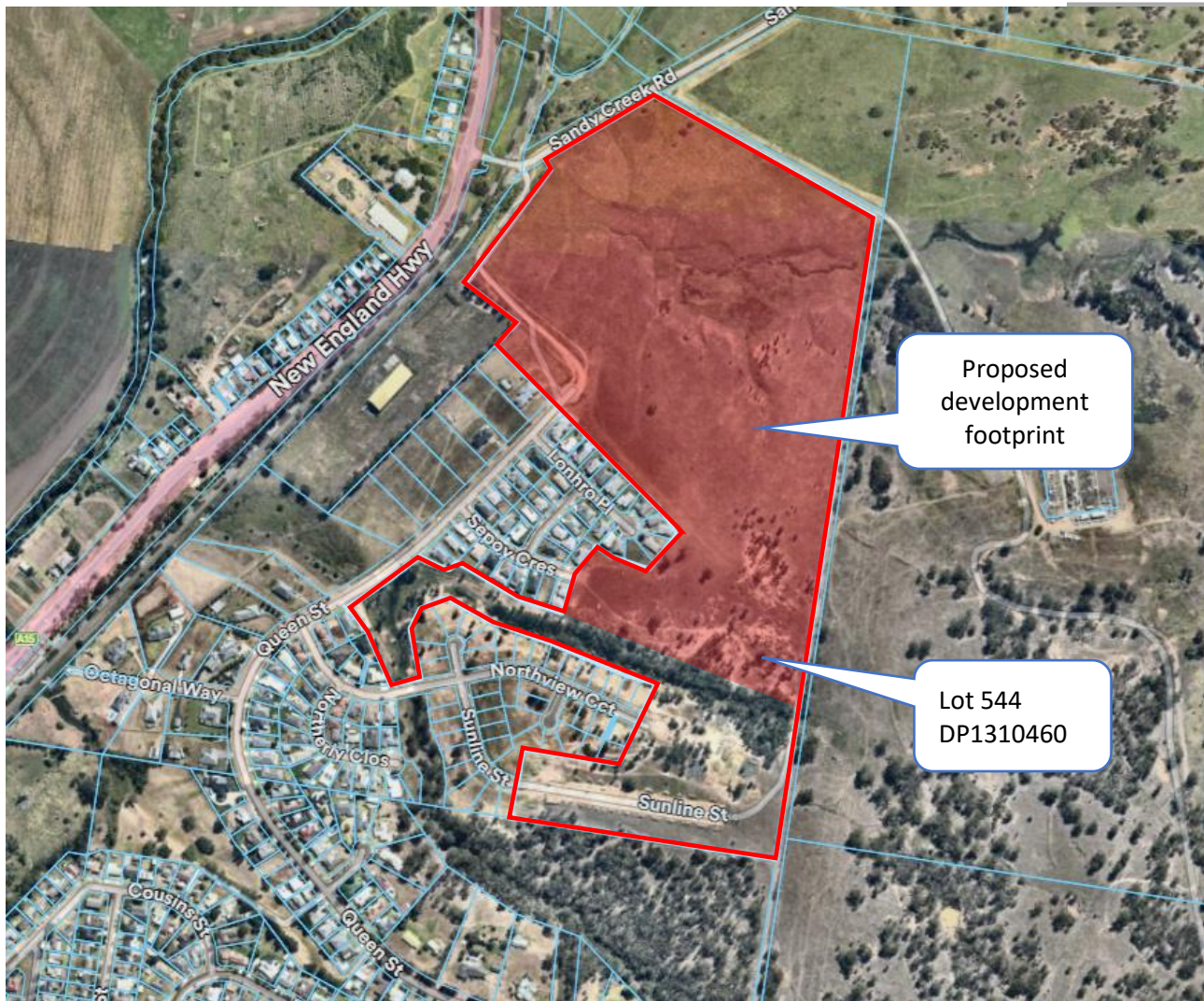


Figure 3. Proposed development footprint

2.2 Land Title and Ownership

The subject site is identified as comprising Lot 544 DP1310460 and is under the ownership of Northview REIT Pty Ltd.

Landowners consent to lodge this development application has been provided.

2.3 Physical Description

2.3.1 Site

The site is irregular in shape with frontage to the New England Highway to the west and has connectivity to Queen Street and Sepoy Crescent to the west. The southern most portion of the site comprises the Stage 5 residential subdivision that is currently under construction. This connects to (and will ultimately form an extension to) Sunline Street and Northview Circuit.

Lot 544 has a total site area of 34.37ha.

2.3.2 Watercourses

The site does not contain any mapped watercourses.

2.3.3 Topography

Levels on site range from approximately 76m AHD in the northwestern corner to 50m AHD along the eastern boundary, and generally slope at 4% falling from west to east.

2.3.4 Vegetation

The site contains sparse vegetation consisting predominantly of cleared grazing land.

2.3.5 Context

The subject site is located within a residential growth area and is surrounded by the early stages of the Northview residential estate to the south and west and rural land to the north and east.

2.3.6 Site History

The site is currently clear of development and has historically been used for rural pastures and agricultural uses (refer to **Figures 2-3**). It is understood that a dwelling house was located in the northern most section of the site. The dwelling and any associated structures have been demolished.

3 Proposed Development

3.1 Development Particulars

The proponent seeks to complete Stages 6 and 7 of the Residential Development for the Northview Estate which will comprise of the following elements:

- Proposed subdivision to create 58 serviced residential lots resulting in:
 - 35 lots zoned R1 and
 - 23 lots zoned R5
 - 1 residue lot (comprising land within an approved stage 4 subdivision)
- Removal of vegetation
- Bulk Earthworks and lot regrading
- Construction of internal roads
- Creation of asset protection zones
- Site landscaping
- Stormwater infrastructure
- Connection to required utilities including sewer, water, stormwater, telecommunications, and power
- Creation of necessary easements.

Plans of the proposed development including the site plan, staging plan, detailed lot layouts, servicing plan, cut and fill plan, and landscaping plans have been provided in Appendices A, B and C.

The proposed subdivision will include three interior roads and an APZ along the north-west, east and south sides of the development area.

3.2 Design Considerations

The proposed subdivision layout is shown in **Figure 4** and is provided as **Appendix A**.

Lot Sizes

The proposed lot sizes will range between 700m² – 1,630m² for lots within the R1 General Residential zone and 4,000m²–6,000m² for lots within the R5 Large Lot Residential zone. The broad range in lot sizes allows for a variety of housing types across the site.

Staging

The development is to be carried out in two stages, in no particular order of sequence:

Table 1. Proposed staging and lot yield

Stage	Lot Yield
6	35
7	23
TOTAL	58

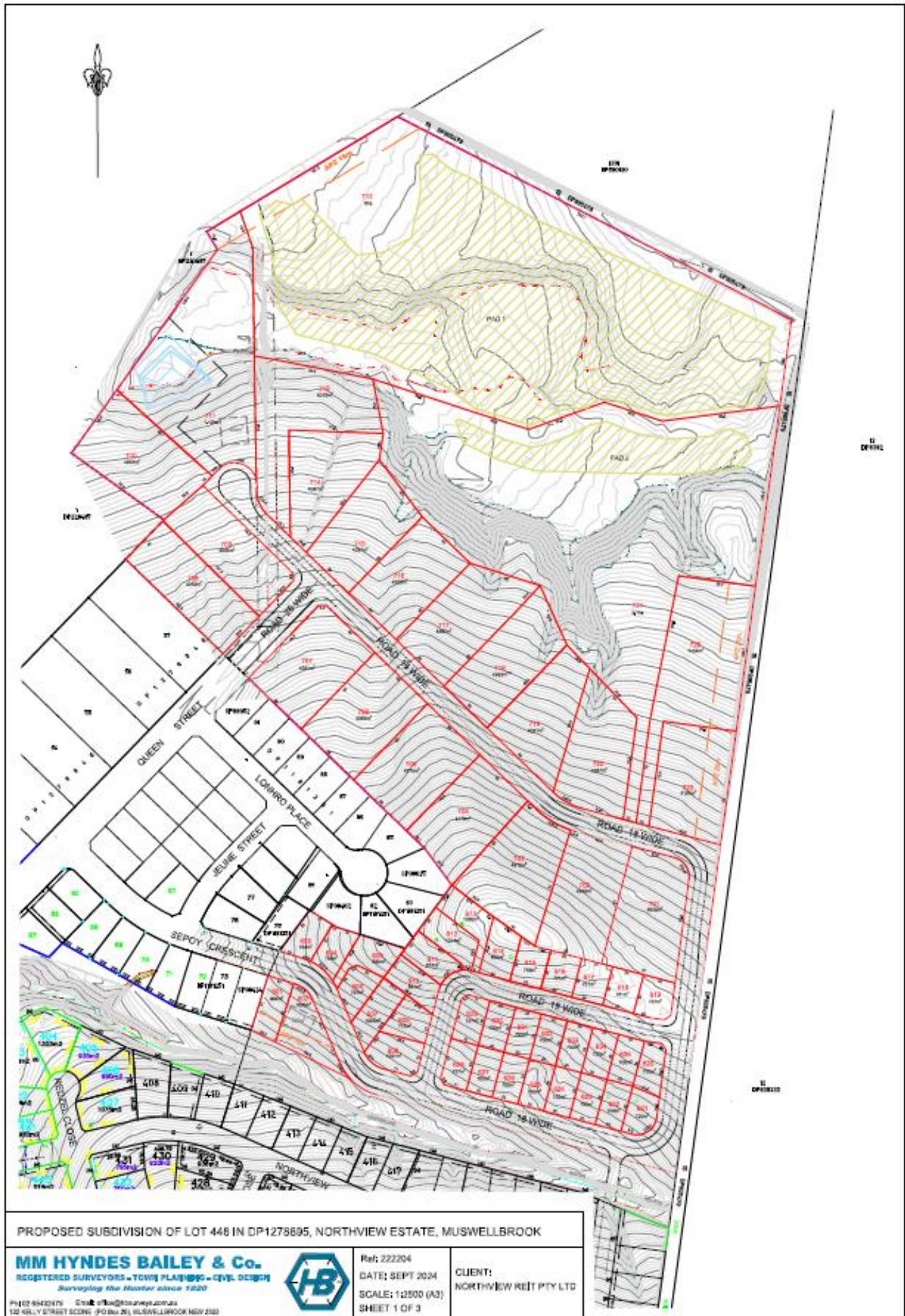


Figure 4. Subdivision Masterplan

Site Regrading

Bulk earthworks and regrading are proposed across the site.

Road Network

The road network has been designed to generally be in accordance with Muswellbrook Council Engineering Design Guidelines and Austroads "Guide to Traffic Engineering Practice". The design provides for local, perimeter and collector roads.

Pedestrian Access

The proposed pedestrian access includes a concrete footpath which will be constructed along one side of the new proposed roads. Refer to the Concept Civil Engineering Package included as **Appendix C**.

Stormwater Management

The proposed development includes water quality management at a subdivision scale. Refer to the Stormwater Management Plan include as **Appendix D**.

Landscaping

Landscape plans are included within the Civil Design Package in **Appendix C** and propose street trees throughout the subdivision.

4 Planning Controls

In accordance with Section 4.15 (1)(a)(i), this section of the SoEE addresses the provisions of the relevant environmental planning instruments.

4.1 Muswellbrook Local Environmental Plan 2009 (MLEP)

Zoning and Permissibility

The subject site is located within the R1 General Residential and R5 Large Lot Residential zones under the Muswellbrook LEP 2009 (see **Figure 5**). The development will include works within both the R1 General Residential and R5 Large Lot Residential zones.

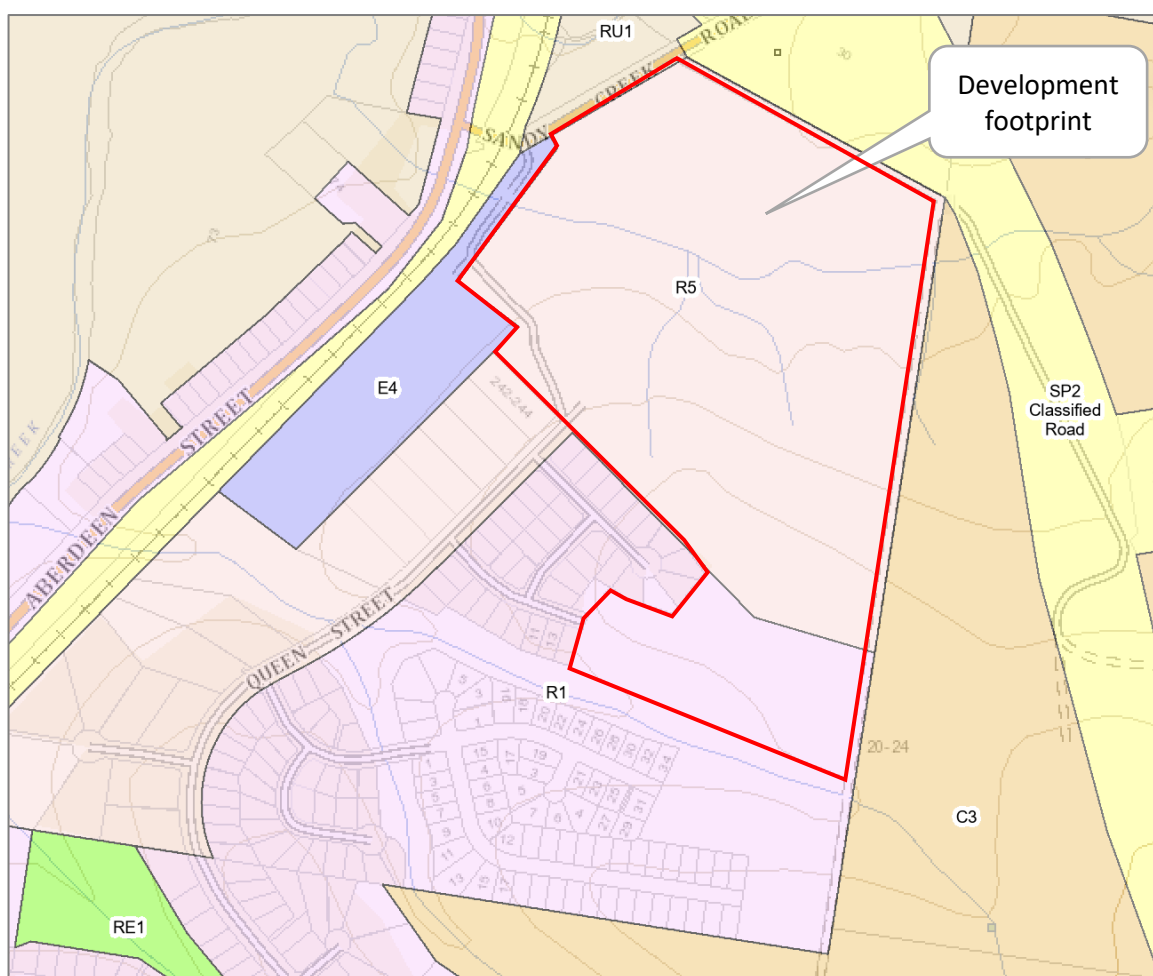


Figure 5. Zoning Map

R1 General Residential zone

Proposed works within the R1 General Residential zone include:

- Subdivision
- Vegetation removal
- Earthworks and lot regrading
- Construction of internal roads
- Creation of asset protection zones
- Landscaping
- Stormwater infrastructure
- Connection utilities including sewer, water, stormwater, telecommunications, and power
- Construction of easements.

The proposed development is defined as ‘subdivision’, which is permissible pursuant of Clause 2.6 of the MLEP 2009. Roads are also permitted within consent in Zone R1 General Residential.

All other land uses are ancillary to the primary purpose of the development, that being a residential subdivision.

Zone R1 General Residential

...

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

R5 Large Lot Residential

Proposed works within the R5 Large Lot Residential zone include:

- Subdivision
- Vegetation removal
- Earthworks and lot regrading
- Construction of internal roads
- Creation of asset protection zones
- Landscaping
- Stormwater infrastructure
- Connection utilities including sewer, water, stormwater, telecommunications, and power
- Construction of easements.

The proposed development is defined as ‘subdivision’, which is permissible pursuant of Clause 2.6 of the MLEP 2009. Roads are also permitted within consent in Zone R5 Large Lot Residential.

All other land uses are ancillary to the primary purpose of the development, that being a residential subdivision.

Zone R5 Large Lot Residential

...

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Horticulture; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Respite day care centres;

Roads; Secondary dwellings; Sewage reticulation systems; Tank-based aquaculture; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Relevant Land Use Definitions

water supply system means any of the following—

- (a) a water reticulation system,*
- (b) a water storage facility,*
- (c) a water treatment facility,*
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).*

Zone Objectives

Clause 2.3 of the MLEP, stipulates that the consent authority must have regard to the objectives of a development in a zone when determining a development application in respect of land within the zone.

The relevant objectives of the R1 General Residential zone have been addressed as follows:

- *To provide for housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable sensitive infill development of other housing types.*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities do not adversely affect the living environment of neighbours.*
- *To promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design.*
- *To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.*
- *To ensure that development is carried out in a way that is compatible with the flood risk of the area.*

The proposed development is for a residential subdivision that has been designed in a logical pattern to utilise the space available and maximise the opportunity for future growth. The development has been designed to promote ecological sustainability, water efficient subdivision, and housing design while ensuring that the development remains consistent with the surrounding development pattern.

The relevant objectives of the R5 Large Lot Residential zone have been addressed as follows:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed development is for a residential subdivision that has been designed in a logical pattern to utilise the space available and maximise the opportunity for future growth. The proposed lots will maintain the existing rural character, while minimising impacts on environmentally sensitive and scenic land. The development site is adequately serviced by existing public services and amenities and is therefore unlikely to result in an increase of demand.

Clause 4.1 – Minimum subdivision lot size

The subject site is mapped as having a minimum lot size requirement of 600m² for land zoned R1 General Residential and 4,000m² for land zoned R5 Large Lot Residential. The minimum proposed lot size is 700m² for the R1 zone and 4,000m² for the R5 zone, as shown in **Figure 6**. Consequently, the proposal is compliant with Clause 4.1.

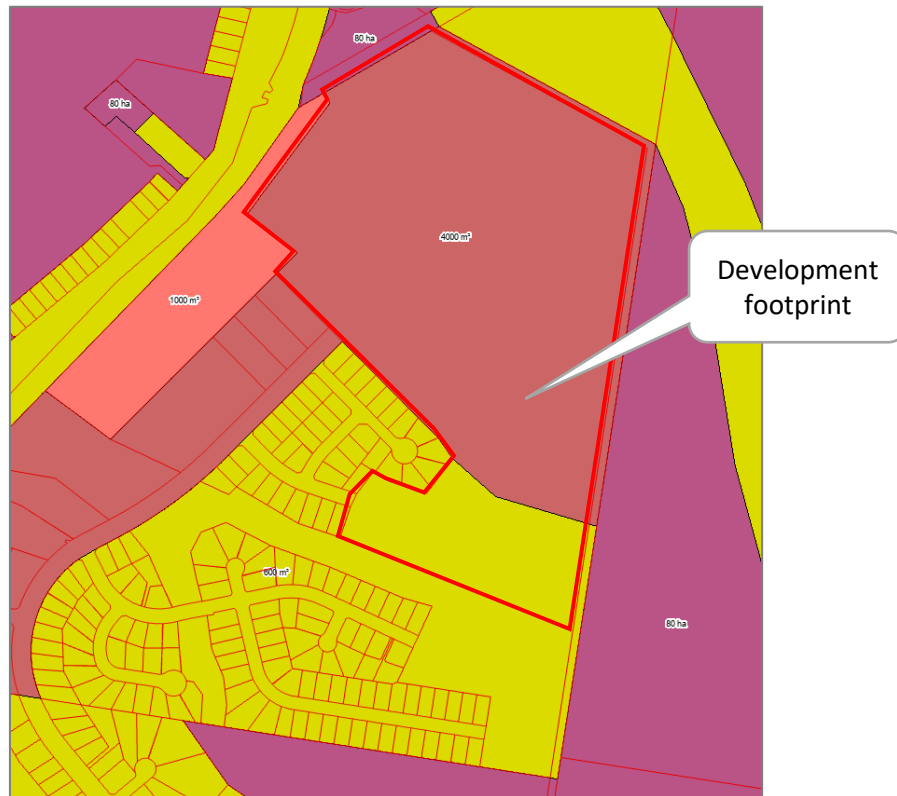


Figure 6. Minimum Lot Size Map

Clause 5.10 – Heritage conservation

Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment has been prepared by McArdle Cultural Heritage and is included as **Appendix G**.

A search of the AHIMS register has shown that 24 known Aboriginal sites currently recorded within two kilometres of the project area and all are artefact sites. There are 7 artefact sites registered sites within the project area and consist of 5 low-density artefact scatters and 2 isolated finds), all in disturbed contexts. Additionally, 2 PADS are located in the project area.

No new sites were identified during the survey and none of the AHIMS sites were located due to vegetation cover. The previously identified PADS remain unchanged and include the northern terraces (PAD1) and the lower, almost flat slope on the southern side of the 3rd order creek (PAD2).

Of the seven sites within the project area, two sites (isolated finds) are located within the proposed development. However, a caveat will be placed on the parcel of land that will ensure no ground disturbance will occur at those locations and that the sites will not be harmed.

European Heritage

The subject site is not identified as a heritage item or as being located within a heritage conservation area.

Clause 5.11 – Bush fire hazard reduction

The subject site is mapped as containing ‘Vegetation Category 3’ on the bushfire prone land map. A Bushfire Assessment Report was conducted in conjunction with the application which found the site suitable for the proposed development. The report provided multiple recommendations which are outlined in **Appendix E**.

Clause 5.16 – Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

The subject site is considered suitable for the proposed development as it is in keeping with the zone objectives and is compatible with the existing and proposed surrounding land uses.

Clause 7.4 – Subdivision in Zone R1 General Residential and Zone RU5 Village

The subject site has access to all required services and utilities including water, sewer, stormwater, electricity, and telecommunications which will be connected during the development.

Clause 7.6 – Earthworks

The proposed development will require bulk earthworks and lot regrading to ensure the site is suitable for development.

The extent of the earthworks proposed is detailed on the Civil Engineering Package provided within **Appendix C**, with appropriate erosion and sediment control and stormwater management incorporated.

4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

1.1.1 Transport

The proposal is neither located on or along a State Classified Road nor identified as traffic generating development.

Schedule 3 of the SEPP identified the triggers for traffic generating development. As the site has frontage to a local road (being a non-classified road); and will have a yield of less than 300 dwellings, the development is not classified as traffic generating development.

1.1.2 Infrastructure

Division 20 ‘Stormwater management systems’ of the SEPP is relevant to the proposed works.

In this Division—

stormwater management system means—

- (a) *works for the collection, detention, harvesting, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and*
- (b) *stormwater quality control systems (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and*
- (c) *stormwater reuse schemes.*

Development for the purpose of a stormwater management system may be carried out by any person with consent on any land.

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* have been considered in the assessment of the development application.

Section 4.6 of the Resilience and Hazards SEPP requires a consent authority to consider whether the land is contaminated, and if contaminated, it is 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 be carried out.

A Preliminary Site Investigation has been prepared by Envirotech and is included as **Appendix J**. The Site is considered to pose a low risk of contamination to the proposed future land uses.

4.4 Muswellbrook Development Control Plan 2009

Section 5 – Subdivision

The chapter provides guidance for developers seeking to subdivide land and provides general procedures and practices in respect to planning and engineering requirements.

Table 2. DCP Assessment

Provisions	Comment
5.4 Rural/Rural-Residential Subdivision	
5.4.1 – Lot Size and Shape	Complies. The proposed development will provide suitable lots sizes and dimension to allow for future dwelling construction. A minimum disturbance area of 1,000m ² will be allocated for all proposed R5 zoned lots and will not impact on the surrounding landscape and vegetation.
5.4.2 – Roads and Access	Complies. The proposed development will include the construction and extension of multiple roads onsite to service the subdivision and all roads have been designed in accordance with Councils Engineering requirements.
5.4.4 – Soil and Water Management	The proposed development will include adequate stormwater management provisions and will comply with section 20 and 25 of the Muswellbrook DCP.
5.4.5 – Effluent Disposal	The proposed development will be serviced by a reticulated sewer system therefore ensuring the proposer disposal and management of effluent waste.
5.4.6 – Flora and Fauna	The proposed development will not result in any vegetation removal.
5.4.7 – Visual Amenity	The proposed development is unlikely to result in any adverse impacts on visual amenity and will be in keeping with the surrounding landscape.
5.4.8 – Heritage	The subject site is listed as contain multiple Aboriginal Heritage site. As a result, a variety of management and preservation procedures will be implemented as part of the proposed development.
5.4.9 – Utility Services	All proposed lots will have access to the required services and utilities as part of the proposed development.
5.4.10 – Hazards	The proposed development site is listed as containing bushfire prone land. A Bushfire Assessment Report was conducted in conjunction with the application which found the site suitable for the proposed development and provided multiple recommendations and requirements to be implemented as part of the development.
5.5 Residential Subdivision	
5.5.1 – Local Street Design	The proposed subdivision achieved the design specifications for public street. Local Roads - 18m wide road reservice with a 9m wide carriageway Urban Collector (Extension to Sepoy Crescent) - 20m wide road reserve with an 11m wide carriageway

Provisions	Comment
	Extension to Queen Street - 26m wide road reserve with a 13.5m wide carriageway.
5.5.2 – Access Way Design	The proposed subdivision has been designed to comply with the provisions of this section. It is also noted that all future dwelling/sites will be constructed to ensure the provisions are met.
5.5.3 – Pedestrians and Cyclists	The subject site is expected to result in over 300 vehicles per day. As a result, the development has been designed to include a footpath on one side of the new proposed roads.
5.5.4 – Utility Services	All proposed lots will have access to the required services and utilities as part of the proposed development.
5.5.5 – Stormwater Management	The proposed development will include adequate stormwater management provisions and be designed and constructed in accordance with section 25 of the Muswellbrook DCP.
5.5.6 – Lot Size and Shape	The proposed subdivision has been designed in accordance with the provisions set out in the DCP and will ensure that all lots will allow for flexibility in housing design.
5.5.7 – Solar Access	The proposed development has been designed to ensure that all lots will receive adequate solar access.
5.5.8 – Heritage	The subject site is listed as contain multiple Aboriginal Heritage site. As a result, a variety of management and preservation procedures will be implemented as part of the proposed development.
5.5.9 – Site Works	The proposed development will require some earthworks as a result of site/lot regrading and cut and fill. The proposed works are considered relatively minor and will not significantly alter the site.
5.5.10 – Open Space	The riparian area to the south of proposed Stage 6 will be dedicated to Council as public open space. An existing sporting oval is located between Lexia Street and Cabernet Street (off Queen Street), to the south of the site.

4.5 Integrated Development

The proposed development is identified as integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979* for the following purposes:

- *Rural Fires Act 1997* (s 100B)
Referral to the Rural Fire Service relevant to the proposed subdivision of bush fire prone land.
- *Water Management Act 2000* (s91)
Referral to DPE – Water relevant to a requirement for a controlled activity approval over waterfront land.

5 Environmental Assessment

This section gives consideration to the likely impacts of development as required under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5.1 Context and Setting

The site is located within an R1 General Residential and R5 Large Lot Residential zone which is surrounded by residential development and rural lands. The site is predominantly clear of vegetation with the exception of some scattered trees throughout.

The proposed development will involve stages 6 and 7 of a residential subdivision which will form an extension to Northview Estate. As such, the context and setting of the site and its surrounds are considered suitable for the development of a residential subdivision.

5.2 Access, Transport and Traffic

The proposed development will include the construction of new internal roads off Queen Street and Sepoy Crescent. Intersect Traffic Pty Ltd has prepared a Traffic Impact Assessment (TIA) relevant to the proposed subdivision.

Public Transport

The subject site is serviced by five public bus routes all operated by Muswellbrook Town Bus Service

Traffic Generation

Traffic generation rates for low density residential dwellings in regional areas provided in TfNSW's Guide to Traffic Generating Developments – Updated traffic surveys were adopted to calculate the daily and average peak hour trips generated by the subject site.

The proposed development is expected to generate 651 daily trips, 62 AM peak hour trips and 69 PM peak hour trips.

Road Design

All internal roads will be designed in accordance with Muswellbrook Shire Council's Engineering Design Guidelines. Access to the new internal roads will be provided off Queen Street and Sepoy Crescent.

12.5m Heavy Rigid Vehicle swept paths show that the proposed road layout is suitable for service vehicle access.

All internal roads will provide kerbside parking consistent with established areas of the adjacent Northview Estate.

Active Transport

Footpaths are proposed on at least one side of all roads within the subject site.

5.3 Stormwater, Drainage and Water Quality

The proposed development includes water quality management at a subdivision scale. Refer to the Stormwater Management Plan include as **Appendix D**.

The objectives of the stormwater quantity management for the site are:

- Provide a stormwater conveyance system in accordance with Australian Rainfall and Runoff's minor/major system philosophy and the requirements of Muswellbrook Shire Council. The minor

stormwater conveyance system will be designed to convey peak flows in the roads for the 20% Annual Exceedance Probability (AEP) storm events and for interallotment drainage systems for the 5% AEP. The major stormwater conveyance system will be designed to convey the peak flows from the 1% AEP storm events.

- Provide stormwater detention to reduce the peak flows from the site to or below the current peak runoff from the site.

The minor stormwater conveyance system for the Stage 6 development will be via a traditional pit and pipe system. The minor stormwater conveyance system for the Stage 7 development will be via road side drains, pits and pipes.

Major system stormwater conveyance for the proposed development will be via overland flow. This will be via traditional trunk drainage utilising the road carriage way and footpath reserve in Stage 6, and road side drains in Stage 7.

The existing detention basin at Queen Street will provide detention for the proposed Stage 6 development. Stormwater drainage flows from Stage 6 will discharge into the existing stream to the south which flows west into the existing detention basin at Queen Street.

Stage 7 is to be serviced by a new drainage basin, to be located toward the north western site boundary. Its design has reduced the post developed peak flows below the predeveloped peak flows for most of the AEPs.

The proposed water quality improvement devices for the site will include:

- Rainwater tanks
- Grass swales
- Humegard GPTs
- Bioretention basin.

The above water quality improvement devices act as a treatment train, progressively reducing pollutants as they pass through each one.

The MUSIC modelling undertaken has shown that the proposed treatment train of rainwater tanks, vegetated swales, a GPT and a bioretention basin has sufficiently reduced the mean annual pollutants loads from the proposed Stage 7 development.

During the construction phase of the development, an Erosion and Sediment Control Plan will be implemented to minimise the water quality impacts. Erosion and Sediment Control Plans and details will need to be prepared at the Construction Certificate design stage.

5.3.1 Erosion and Sediment Control

The proposed development will involve bulk earthworks and site regrading which will be constructed in accordance with a Sediment and Erosion Control Plan. Further details in this regard are provided in the Concept Civil Engineering Package included as **Appendix C**.

5.4 Biodiversity

Wildthing Environmental Consultants were engaged to undertake a Biodiversity Development Assessment Report (BDAR) for the proposed subdivision. This report has been prepared in accordance with the Biodiversity Assessment Method (BAM) to assess the biodiversity impact and offsetting obligation of the proposal under the Biodiversity Conservation Act 2016 (BC Act) and Biodiversity Conservation Regulation (BC Regulation).

The study area had been subject to previous disturbance from agricultural practices, past cattle grazing,

weed incursion and ongoing slashing over a large area. Native vegetation was present throughout the majority of the study area in the form of one Plant Community Type (PCT) 3431 Central Hunter Ironbark Grassy Woodland. The majority of this PCT 3431 within the subject land was largely void of trees and was composed of derived grassland. Smaller areas of PCT 3431 in the far south contained remnant trees and areas of younger regrowth. The dominant canopy species was Eucalyptus crebra (Narrow-leaved Ironbark).

The majority of the study area was covered in derived native grassland with smaller areas of native trees. Areas of non-native vegetation were present in the far north-west of the subject land where a residence was previously located. One Plant Community Type (PCT) PCT 3431 Central Hunter Ironbark Grassy Woodland was identified within the subject land (Refer to Table 3 below). This PCT was consistent with the State listed Endangered Ecological Community Central Hunter Grey Box-Ironbark Woodland in the New South Wales North Coast and Sydney Basin Bioregions. Smaller areas in far south were also consistent with the Nationally listed Critically Endangered Ecological Community Central Hunter Valley eucalypt forest and woodland. Areas of native derived grassland were excluded from this CEEC.

Table 3. PCTs and EECs identified within the subject land

PCT ID	PCT name	TEC	Subject land area (ha)
PCT 3431	Central Hunter Ironbark Grassy Woodland	Central Hunter Grey Box-Ironbark Woodland in the New South Wales North Coast and Sydney Basin Bioregions	8.37
Total area			8.37

Threatened Species

Targeted threatened species surveys identified three threatened species listed under the BC Act within the subject land:

- *Miniopterus orianae oceanensis* (Large Bent-winged Bat) was recorded during bat call surveys. This species is being offset as ecosystem credit species but not as an ecosystem credit species because no breeding habitat or signs of a breeding were present on site or within 2km.
- *Petaurus norfolcensis* (Squirrel Glider) was found to occur within the southern area of the subject land and will require offsetting as a Species Credit Species. Species Polygon includes all vegetation zones containing suitable canopy species (PCT 3431_Moderate and PCT 3431_Remnant Trees). The area of the species polygon for Squirrel Glider is 2.37ha.
- *Delma vescolineata* (Hunter Valley Delma) was recorded in the subject land and will require offsetting as a Species Credit Species. This species has recently been listed as Endangered under the BC Act and EPBC Act. This species has recently been described and identified as a separate species from the species credit species *Delma impar* (Striped Legless Lizard). However, under the BAM-Credit Calculator this species is still offset as *Delma impar* (Striped Legless Lizard) as of 26 November 2024.

Serious and irreversible impacts (SAIL)

One candidate SAIL entities *Miniopterus orianae oceanensis* was recorded within the subject land; however no preferred breeding habitat was present on site or within 2km. Therefore, the proposal was not found to impact these SAIL entities. No other candidate SAIL entities were found to be present within the study area thus no obligation for proposal refusal would be applicable to this proposed subdivision area from relevant regulatory bodies.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999 & Matters of National Environmental Significance

Considerations have been made under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 & Matters of National Environmental Significance. The nationally listed Endangered Ecological Community Central Hunter Valley eucalypt forest and woodland was found to occur in the subject land and one nationally listed species *Delma vescolineata* (Hunter Valley Delma) was found to occur

on site due to targeted surveys.

Taking into consideration the retention of areas of Central Hunter Valley eucalypt forest and woodland in the south of the study area, mitigation measures to protect the retained vegetation from edge effect and recommended rehabilitation of vegetation under a VMP, the removal of 1.91ha of TEC for the proposal is unlikely to significantly impact the community.

Taking into consideration that the proposal will retain 11.40ha of habitat for *Delma vescolineata* (Hunter Valley Delma) and the presence of large areas of habitat for this species to the east and north of the study area, the removal of 8.37ha of native vegetation is not likely to have a significant impact on the Hunter Valley Delma.

It was therefore concluded that it is unlikely that any of the nationally addressed or migratory listed species will be significantly impacted by the proposal.

Koala

The subject land was found to fall under 'Chapter 4 Koala Habitat Protection 2021' of the SEPP (Biodiversity and Conservation) 2021. The majority of the canopy species within the subject land were *Eucalyptus crebra* (Narrow-leaved Ironbark) which is considered a koala use trees species in the Central Coast Koala Management Area under Schedule 3 of SEPP (Biodiversity Conservation) 2021. Therefore the treed areas of the subject land meet the criteria for highly suitable habitat. Given that there is suitable koala habitat and a valid koala record within 2.5km of the subject land the site is considered to constitute Core Koala Habitat. Based on this information, a Koala Assessment Report is likely required.

Direct impacts requiring offsetting

Table 4 lists Ecosystem Credit Species requiring offsetting as a result of the proposal and Table 5 lists Species Credit Species requiring offsetting as a result of the proposal.

Table 4. Impacts that require an offset – ecosystem credits

PCT	TEC/EC	Impact area (ha)	Number of ecosystem credits required
PCT 3431-Central Hunter Ironbark Grassy Woodland	Central Hunter Grey Box-Ironbark Woodland in the New South Wales North Coast and Sydney Basin Bioregions	8.37	88

Table 5. Impacts that require an offset – species credits

Common name	Scientific name	Loss of habitat (ha) or individuals	Number of species credits required
Striped Legless Lizard	<i>Delma impar</i>	8.37ha	67
Squirrel Glider	<i>Petaurus norfolcensis</i>	2.03ha	32

A number of mitigation measures have been given for the construction and operational phase including:

- Clearing limits will be clearly marked to prevent unnecessary clearing beyond the extent of the development footprint. Tree clearing and disturbance will be limited to the development site
- A suitably qualified and experienced ecologist should be engaged to supervise removal of all significant habitat features (habitat trees, dams, ground habitat)
- Habitat salvage within the development footprint should be undertaken prior to and during clearance activities to create a net positive increase of squirrel glider nesting habitat within the locality, a retention of key connections.
- Timing of vegetation clearance should also occur outside of the bird nesting season (late August - December) to avoid critical life cycle events such as breeding for avifauna species.

- A VMP has been recommended for the retained vegetation in the study area. It will prioritize the ongoing ecological viability of the retained areas of vegetation by protecting the ecological biodiversity and habitat values of the land and provide compensatory vegetation planting to retain and improve the quality of the vegetation corridor in the east of the study area

5.5 Bushfire

The subject site is mapped as containing 'Vegetation Category 3' on the bushfire prone land map. Blackash Bushfire Consulting have prepared a Bushfire Assessment Report relevant to the proposed development. The assessment considered and assessed the bushfire hazard and associated potential threats relevant to the proposal and outlines the minimum mitigative measures required in accordance with Planning for Bush Fire Protection 2019 (PBP).

The assessment identified a required Asset Protection Zone and Bushfire Management Plan. The assessment made the following recommendations:

- The entire site shall be managed as an Inner Protection Area in accordance with the NSW RFS Standards for Asset Protection Zones and Planning for Bushfire Protection 2019.
- The proposed road must comply with the non-perimeter road requirements of Section 5.3.2b of Planning for Bushfire Protection 2019.
- Water, electricity, and gas supplies through the proposed development must comply with Section 5.3.3 of PBP 2019.

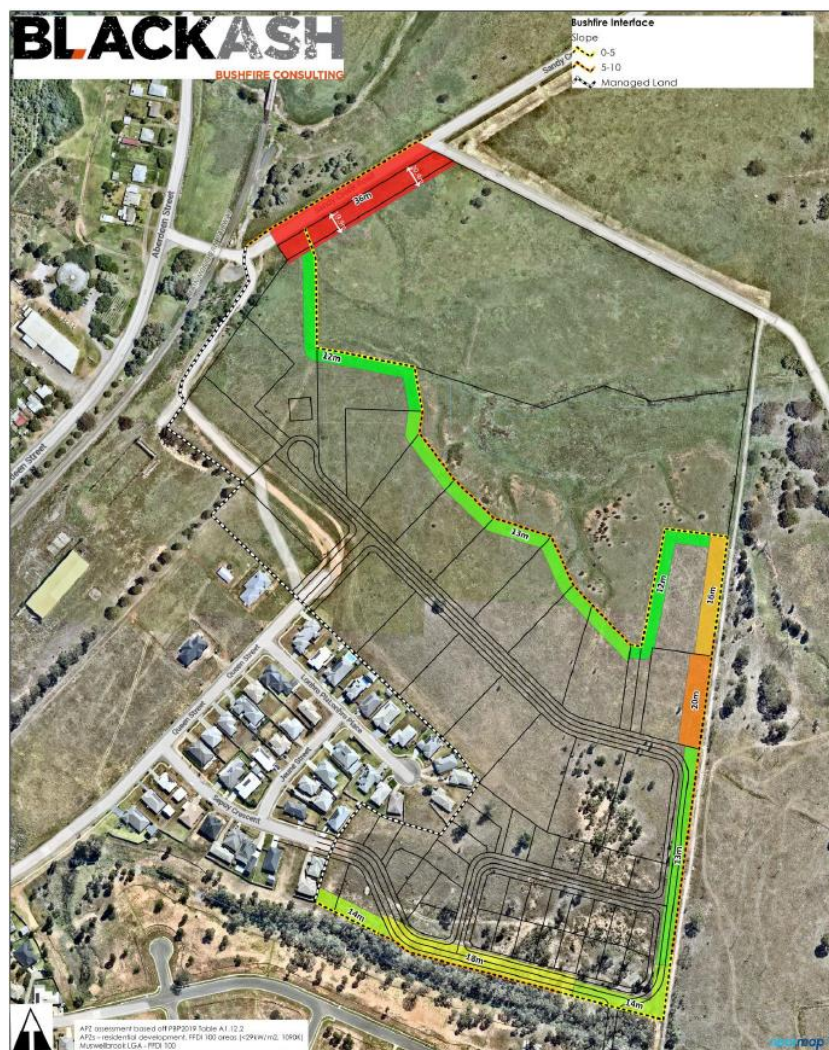


Figure 7. Required Asset Protection Zones

Bushfire Attack Levels

The Bushfire Attack Levels (BAL) is a means of measuring the ability of a building to withstand attack from bushfire. The form of bushfire attack and the severity will vary according to the conditions (FDI, vegetation, slope and setback) on the site.

The BAL ratings are used as the basis for establishing the requirements for construction to improve protection of a proposed building from potential bushfire attack. Detailed BAL determination will be undertaken as part of the assessment of individual buildings, however the assessment determined that all lots can achieve BAL-29 or less.

5.6 Aboriginal Cultural Heritage

In 2024, site investigations were carried out by McCardle Cultural Heritage over an extensive area of land under the ownership of Muswellbrook Council. The area of assessment is shown in **Figure 8**. The survey was carried out with the participation of members from Wanaruah Local Aboriginal Land Council, Aliera French Trading, Corroboree Aboriginal Corporation, Dige Ngunawal Clan, Ungooroo Aboriginal Corporation, Wanaruah LALC, Long Gully Cultural Services and Kevin Duncan.

An indicative overlay of the proposed development footprint is also shown.



Figure 8. Aerial showing identified sites and PADS

The proposed subdivision layout allows for the retention of AHIMS site 32-7-1997 and the identified PADS without disturbance.

Following completion of the collection, the following recommendations were made:

- 1) Muswellbrook Council will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974.

- 2) All AHIMS sites (37-2-1997, 37-2-1998, 37-2-2041, 37-2-2039, 37-2-2038, 37-2-2050, 37-2-2040) and both PADs will be fenced with high visibility fencing to ensure their protection prior to works being undertaken. Once the fencing has been installed, works may commence without harm to the AHIMS site or PADs until additional mitigation measures are in place.
- 3) An Unexpected Finds Procedure for cultural materials and human remains will be implemented during all works.
- 4) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately, the Unexpected Finds Procedure followed and the Environmental Line contacted.
- 5) The involvement of the RAPs in the ongoing management of the Aboriginal cultural materials within the project study should be promoted and included in the Environmental Management Plan.
- 6) A cultural awareness program should be included as part of the site induction program and developed with the RAPs and form part of the Environmental Management Plan.
- 7) If the identified PADs will be impacted upon by any future development an archaeological subsurface investigation will be required in those parts of the PADs that will be impacted on only, in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW prior to any works being undertaken at the PAD locations.
- 8) If site 37-2-1997 will be impacted on by the proposed development, archaeological test excavation must be undertaken to determine the nature and extent of the site. If the test excavation can be undertaken without harming the AHIMS site, it may be undertaken under the Code of Practice. If the exposed site will be harmed during a test excavation program, then the test excavation must be undertaken under an AHIP.
- 9) If sites 37-2-1998, 37-2-2041, 37-2-2039, 37-2-2038, 37-2-2050, or 37-2-2040 will be harmed by any future development an AHIP will be required.
- 10) Aboriginal Site Impact Recording Form(s) (ASIRF) will be completed following all works for those sites harmed.

5.7 Acoustic Impacts

A Noise Impact Assessment has been prepared by Spectrum Acoustics and is included as **Appendix I**. The assessment gave consideration to all potential noise impacts on and from the development, including but not limited to:

- Impact of noise generated from the proposed development on nearby noise sensitive receivers
- Impact of noise from the Main North Rail Line and the New England Highway on the future proposed residential lots
- Impact of noise from demolition, excavation and construction activities on nearby noise sensitive receivers. Reference should be made to the DECC Interim Construction Noise Guidelines.

The assessment determined that:

- There are no significant noise impacts predicted by the proposal. Future residences will not require noise controls to meet the internal noise levels objectives of SEPP (Transport and Infrastructure) 2021
- Construction noise will require a Construction Noise Management Plan (CNMP) to be developed prior to commencement of works.

It is proposed that a condition be applied to the Notice of Determination to require that a Construction Noise Management Plan be prepared prior to the granting of a construction certificate. It is also proposed that all future dwellings be constructed in accordance with the recommendations attached in the acoustic assessment to ensure acoustic impacts on future dwellings are reduced as a result of the Main Rail Line. On this basis, there are no acoustic impacts relevant to the proposed subdivision that would prevent the granting of development consent for the proposed works.

5.8 Air Quality

Construction works are expected to result in short term generation of dust. A Construction Environmental Management Plan will be prepared prior to the commencement of bulk earthworks to ensure potential risks are appropriately managed.

5.9 Contamination

The subject site has historically been utilised for the purpose of rural grazing and light agricultural activities. As a result, the site is unlikely to contain any contamination.

5.10 Site Utilities

All required utilities are available to the site and will be connected as part of the development.

5.11 Mine Subsidence

The site is not identified as being located within a mine subsidence district.

5.12 Social Impact and Economic Impact

The proposed development will have a beneficial impact on the local economy by providing additional housing to the locality.

5.13 Waste Management

A Waste Management Plan has been prepared and is provided as **Appendix K**.

5.14 The Suitability of the Site for the Development

The proposed development is located on a site which is predominantly clear of vegetation and surrounded by rural and residential land uses. The development will not result in any adverse environmental impacts which cannot be mitigated.

For these reasons, the subject site is considered to be entirely suitable for the proposed development.

5.15 Any Submissions made in Accordance with the Act

The proposed development may require public notification in accordance with Council's DCP. If notified, the assessment authority will be required to give consideration to any submissions received during the notification period.

5.16 Public Interest

The proposed development is considered to be in the public interest as it will provide additional housing options to the Muswellbrook region, without compromising the emerging character of the locality.

6 Conclusion

This Statement of Environmental Effects (SoEE) has been prepared pursuant to the relevant provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and accompanying regulations. It addresses the necessary issues that require assessment to assist the assessment authority in making a determination on the subject application.

The proposed subdivision seeks to create 58 serviced residential lots to be released in stages 6 and 7, which will be supported by ancillary works. The proposed development complies with the relevant provisions of Muswellbrook LEP 2009 as well as the relevant aims and objectives of the Muswellbrook DCP 2009.

The proposed development will not adversely impact on the efficiency of the surrounding road network and the context and setting of the site and its surrounds are considered to remain suitable for the establishment of a residential subdivision.

The proposed Subdivision is considered in keeping with the character of this locality. The proposed development will assist in providing greater housing choices and amenity to the Muswellbrook region while ensuring the opportunity for future growth.

Taking the above into consideration, it is requested that consent be granted for application.

7 List of Appendices

Appendix A.	Subdivision Plans
Appendix B.	Landscape Plans
Appendix C.	Civil Engineering Package
Appendix D.	Stormwater Management Plan
Appendix E.	Bushfire Assessment Report
Appendix F.	Biodiversity Development Assessment Report
Appendix G.	Aboriginal Cultural Heritage Assessment
Appendix H.	Traffic Impact Assessment
Appendix I.	Noise Assessment
Appendix J.	Preliminary Site Investigation
Appendix K.	Waste Management Plan
Appendix L.	Pre-DA Meeting Minutes

