

MUSWELLBROOK SHIRE COUNCIL

STATEMENT OF ENVIRONMENTAL EFFECTS

**DEVELOPMENT APPLICATION FOR DWELLING HOUSE AND ASSOCIATED
WORKS**

8440 NEW ENGLAND HIGHWAY MUSWELLBROOK NSW 2333

Prepared by Platinum Planning Solutions

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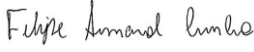
SITE DETAILS

Address	8440 New England Highway Muswellbrook NSW 2333
Lot/Section/Plan	301 and 302/-/DP1295800
Local Authority	Muswellbrook Shire Council
Local Environmental Plan	Muswellbrook Local Environmental Plan 2009
Development Control Plan	Muswellbrook Development Control Plan 2009
Zone	C3 Environmental Management & RU1 Primary Production
Overlays	Local Aboriginal Land Council (Wanaruah), Regional Plan Boundary (Hunter), Lot Size Map (80 ha), Height of Buildings Map (12m), Biodiversity Values (Non-EPI) (Biodiversity Values), Terrestrial Biodiversity (Biodiversity), Environmentally Sensitive Land Map (Environmentally Sensitive Land – Biodiversity), Bushfire Prone Land (Non-EPI) (Vegetation Category 1; Vegetation Category 3) and Special Provisions (SEPP (Sustainable Buildings) 2022: Climate Zones for BASIX Alterations Map; Climate Zones for BASIX Buildings Map; Water Use Map)

DEVELOPMENT PROPOSAL DETAILS

Proposal Summary	Dwelling House and Associated Works
Assessment Controls	Muswellbrook Local Environmental Plan 2009 and Muswellbrook Development Control Plan 2009
Applicant	Meticon Homes Pty Ltd C/- Platinum Planning Solutions

REVISION DETAILS

Version	1.3
Prepared by	Logan White (BRTP)
Signed	
Date	6/06/2025
Reviewed by	Felipe Cunha (MSustEnviron&Planning)
Signed	
Date	6/06/2025

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Platinum Planning Solutions on behalf of Metricon Homes Pty Ltd (the applicant) to accompany a development application to Muswellbrook Shire Council over land located at 8440 New England Highway Muswellbrook (the subject site).

The development application seeks development consent for a dwelling house and associated works as per the attached plans package. This SEE provides the following:

- A description of the subject site and surrounding development;
- Detailed description of the proposed development;
- Assessment of the proposed development in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Assessment of planning considerations related to the proposed development.

The proposal is seen to be a desirable outcome for the subject site and will not impact on the amenity of the surrounding area. This Statement of Environmental Effects is to be read in conjunction with the attached plans and supporting documents.

2.0 SITE DESCRIPTION AND CONTEXT

2.1 Subject Site

The subject site is located at 8440 New England Highway Muswellbrook and 172 Grasstree Ridge Row Muswellbrook and is formally described as Lot 301 & 302 on DP1295800. The subject site has an overall site area of 45.21 ha and is currently improved by dwelling house, which will be demolished under a separate application; as well as metal garages, an inground swimming pool, water storage tanks, agricultural / land management buildings and shipping containers which will be retained and replaced accordingly. The site is a rural conservation lot with primary frontage to New England Highway. Vehicular access is to be provided to the subject site and newly proposed garage via the existing crossover and driveway to the primary frontage; additionally new extension to existing driveway will be provided for access to the new proposed garage. The site is part of a rural conservation area occupied by large (generally >80 ha) lots established with single or double storey dwellings and similar in nature to the proposed dwelling. The location of the subject site is indicated below in Figures 1 and 2.

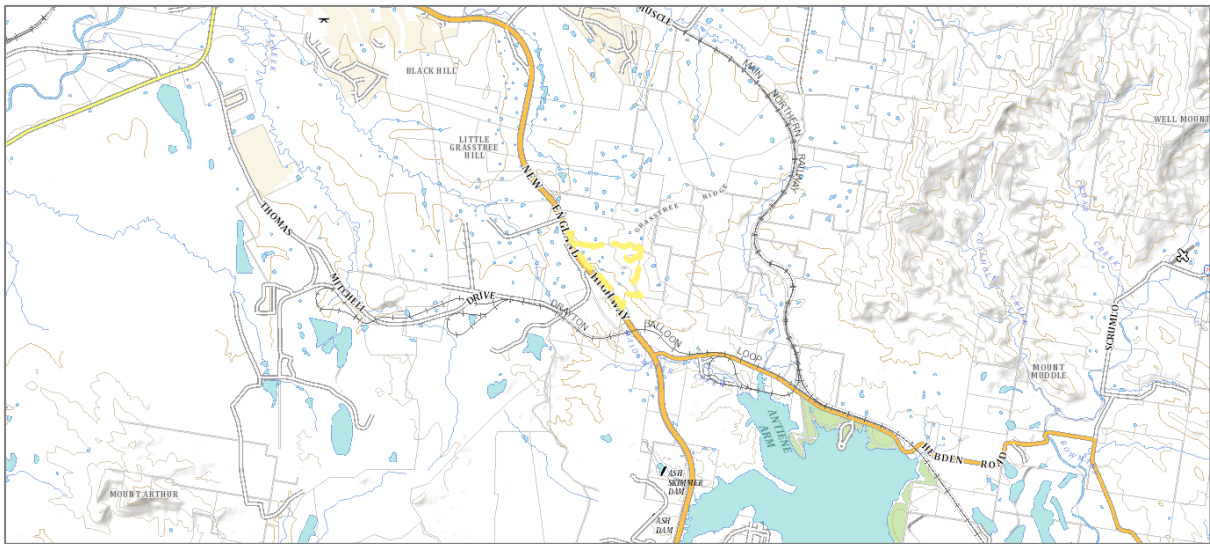


Figure 1: Subject Site Location (Lot 301)

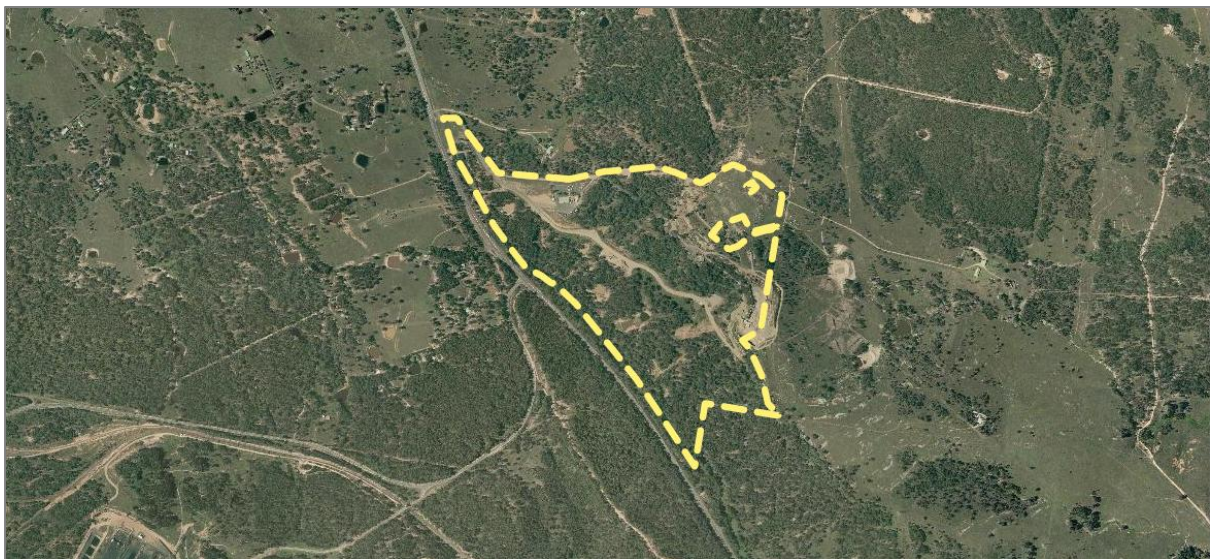


Figure 2: Subject Site Aerial Context

3.0 PROPOSED DEVELOPMENT

The proposed development is for a highly articulated double storey dwelling house and associated ancillary works as per the attached plans package. Please see below an illustration of the front elevation of the proposed dwelling house (Figure 3) and a snapshot of the proposed site plan (Figure 4).

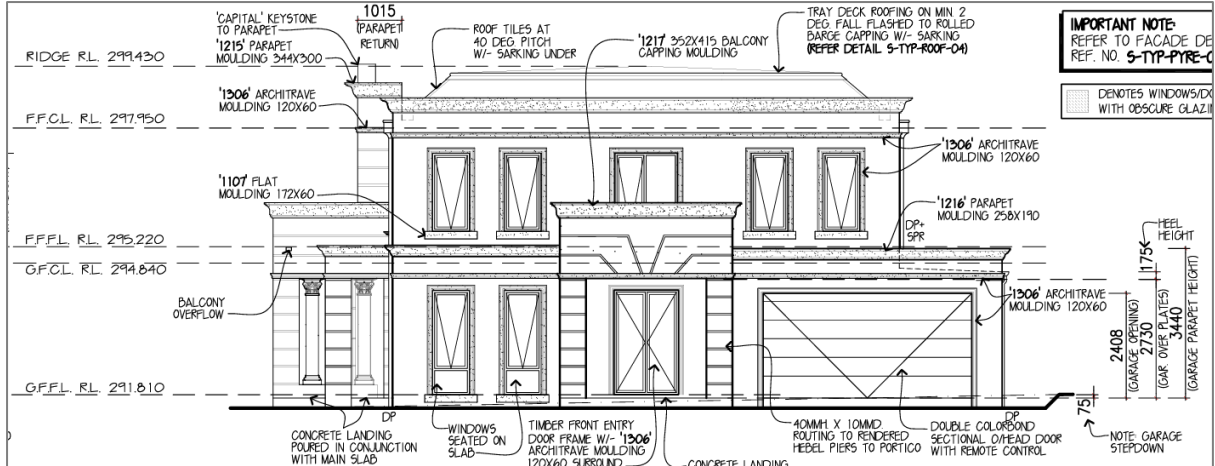


Figure 3: Proposed Front Elevation

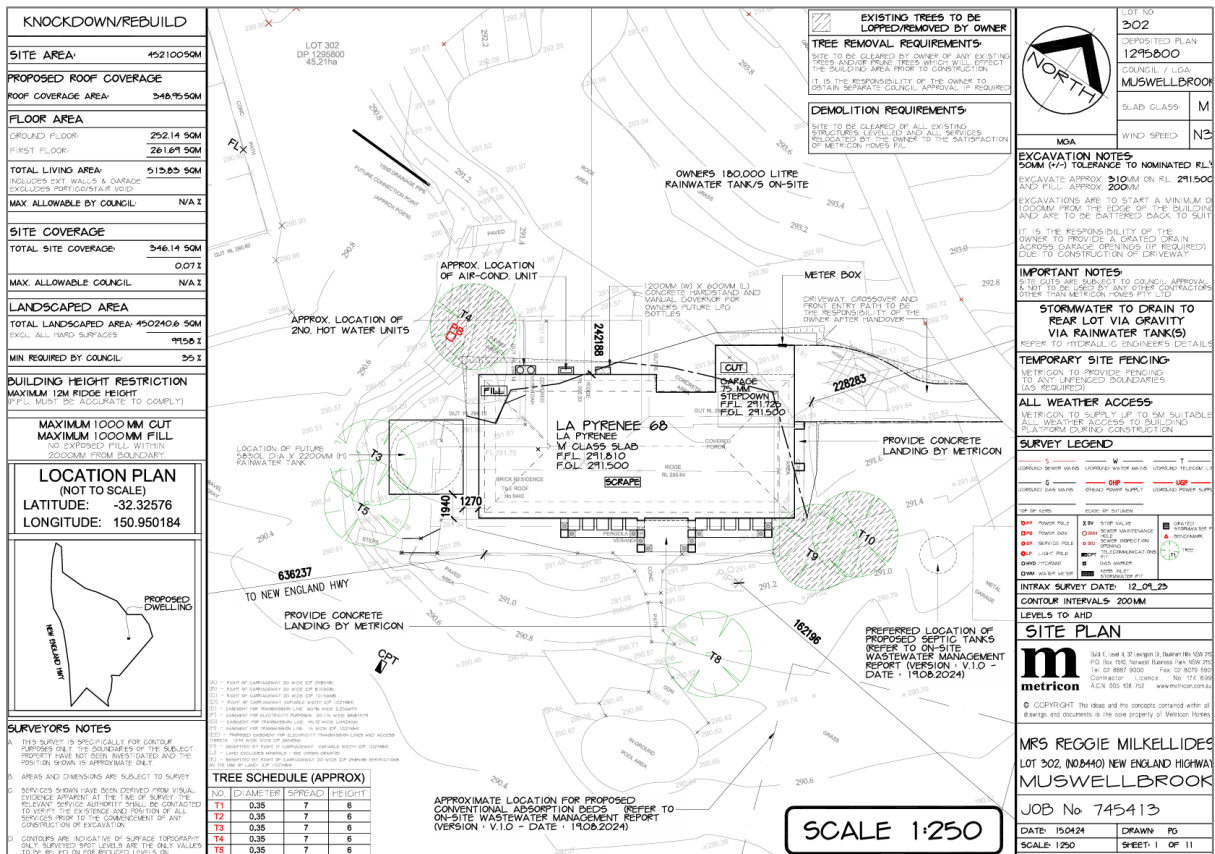


Figure 4: Proposed Site Plan

3.1 EXISTING SITE CONDITIONS

Since the preparation of the original documentation, the following trees have been removed from the site in accordance with the Survey Plan: T3, T4, T5, T6, T9, and T10. These trees were removed due to a combination of factors, including poor health, inappropriate location in relation to the proposed development footprint, and safety considerations.

Vegetation removal complies with the 10/50 Vegetation Clearing Code of Practice. The subject trees are within 10 metres of a habitable dwelling, and the property is confirmed to be within a designated 10/50 entitlement area as per the NSW RFS online mapping tool. No further vegetation removal is proposed as part of this development application.

The updated plans and arboricultural information (if requested) will reflect the current on-site conditions. It is acknowledged that Council may request additional information via a Request for Information (RFI) to confirm or clarify the changes. Please refer to an image below showing the tree removal and existing site conditions:



Figure 4: Existing site conditions

4.0 TOWN PLANNING ASSESSMENT

4.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the Act) is the statutory planning instrument in New South Wales in which Council must use to assess development applications. In determining a development application, Council must take into consideration the following matters under Section 4.15 of the Act:

- 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 Director-General 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*
 - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - vi. *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.*

This Statement of Environmental Effects addresses the relevant provisions of the following planning instruments:

- Muswellbrook Local Environmental Plan 2009
- Muswellbrook Development Control Plan 2009

A detailed Section 4.15 assessment is provided as part of this overall Statement of Environmental Effects and in Section 4.4 of this report.

4.2 Muswellbrook Local Environmental Plan 2009

The Muswellbrook Local Environmental Plan 2009 (LEP) is the principle local planning instrument that applies to the site.

4.2.1 Zoning & permissibility

The subject site is zoned as C3 Environmental Management and RU1 Primary Production under the LEP. The objectives of the C3 Zone are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural, or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

- *To maintain, or improve in the long term, the ecological values of existing remnant vegetation of significance including wooded hilltops, river valley systems, major scenic corridors and other features of scenic attraction.*
- *To limit development that is visually intrusive and ensure compatibility with the existing landscape character.*
- *To allow agricultural activities that will not have an adverse impact on the environmental and scenic quality of the landscape.*
- *To promote ecologically sustainable development.*
- *To ensure that development in this zone on land that adjoins land zoned C1 National Parks and Nature Reserves is compatible with the objectives for that zone.*

Additionally, the objectives of the RU1 Primary Production Zone are as follows:

- *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 conflict between land uses within the zone and land uses within adjoining zones.*
- *To protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities.*
- *To maintain the rural landscape character of the land in the long term.*
- *To ensure that development for the purpose of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain), will not –*
 - (a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or*
 - (b) detrimentally affect in any way the quantity, flow and quality of water in either subterranean or surface water systems, or*
 - (c) visually intrude into its surroundings, except by way of suitable screening.*
- *To protect or conserve (or both)—*
 - (a) soil stability by controlling development in accordance with land capability, and*
 - (b) trees and other vegetation, and*
 - (c) water resources, water quality and wetland areas, and their catchments and buffer areas, and*
 - (d) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits.*

The proposed dwelling house is permissible with consent in both zones zone. The proposal meets the prescribed intent of the zones and is seen as a desirable outcome for the subject site and will not adversely affect the amenity of the surrounding area.

4.2.2 Height of buildings (Clause 4.3)

The proposed complies with the 12m height limit under Clause 4.3 of the LEP.

4.2.3 Floor space ratio (Clause 4.4)

The site is not subject to a floor space ratio requirement, therefore Clause 4.4 is not applicable.

4.2.4 Architectural roof features (Clause 5.6)

The architectural roof features control has not been adopted and is therefore not applicable to this application.

4.2.5 Heritage conservation (Clause 5.10)

The site is not identified as being with a heritage conservation area therefore making Clause 5.10 not applicable to this application.

4.2.6 Flood planning (Clauses 5.21) and Special flood considerations (Clause 5.22)

The subject site is not identified as a being within a flood planning area, therefore Clauses 5.21 and 5.22 are not applicable.

4.2.7 Terrestrial biodiversity (Clause 7.1)

The subject site is identified as containing biodiversity aspects. The proposal involves the removal of the three decorative / ornamental garden trees in close proximity to the building but is not expected to result in adverse impacts on the surrounding fauna and flora. The proposal therefore considered to comply with Clause 7.1 of the LEP. Please refer to attached material for further details.

4.2.8 Earthworks (Clause 7.6)

The proposed dwelling house requires minor earthworks on site to establish the building platform of the dwelling house. The proposed cut will be retained on site where possible with the proposed earthworks not having a detrimental impact on the surrounding land or adjoining properties. Appropriate measures will be put in place to ensure there will be no negative impacts on the environmental values or surround lands. The proposed earthworks therefore comply with Clause 7.6 of the LEP.

4.3 Muswellbrook Development Control Plan 2009

The Muswellbrook Development Control Plan 2009 (DCP) is the planning instrument that provides comprehensive development controls for the local area. The relevant matters to be considered under the DCP for the proposed development are outlined below.

4.3.1 Section 3 – Site Analysis

Control / Objective	Compliance	Comments
3.0 Site Analysis		
3.1 – 3.4 Site Analysis	Complies	The proposed dwelling is responsive to the existing features of the site and is positioned in a way that reduces potential impacts that may be caused. The proposal is consistent with the surrounding built form utilising similar architectural styles and conforming to single storey. Please see attached the Site Analysis Plan and supporting documentation for further details.

4.3.2 Section 8 – Rural Development

Control / Objective	Compliance	Comments
8.2 Built Form		
8.2.1 Scenic Protection and Building Location	Complies	The proposed dwelling house is to replace an existing dwelling house on the lot and will not protrude above the tree line. The proposal will not impact remnant vegetation on the site as it will only remove 3 trees to establish the dwelling, which are ornamental / garden trees. The subject site is not identified as being affected by flooding or

Control / Objective	Compliance	Comments
		contaminated land, however, is affected by Bushfire Prone Land. Furthermore, the proposal will not have any visual privacy impacts as the setbacks are significant. Please see attached supporting documentation.
8.2.2 Setbacks	Complies	<p>The proposed dwelling has a front setback of approximately 636.237m and is therefore seen to comply with the 50m requirement.</p> <p>The building is not within 10m of any boundary and a suitable buffer has been provided between the proposed dwelling and non-residential uses on the site.</p>
8.2.3 Colours and Materials	Complies	The proposed dwelling utilises appropriate colours and is sympathetic to the surrounding developments and land uses does not include reflective materials and therefore complies with this control.
8.2.4 Car Parking and Access	Complies	The site contains an existing access road / driveway on the site which will be retained. An extension to the existing driveway will be provided to provide vehicular access to the new attached double garage. Please refer to attached material for further details.
8.2.5 Temporary Dwelling	N/A	Not proposed.
8.3 Environmental Matters		
8.3.1 Topography	Complies	The proposal is developed with consideration given to the existing topography and characteristics of the site and surrounding area. The proposed development uses materials and finishes that are complementary to the surrounding rural landscape and protect the visual amenity of the area. A selection of natural hues are provided to the dwelling house to ensure that it is considerate of the surrounding landscape.
8.3.2 Vegetation	Complies with intent	<p>The proposal for a two storey dwelling house is to replace an existing dwelling house on the site. It is to be noted that the site is approximately 81.25 ha and has many trees of high ecological value, however there are no trees proposed for removal as part of this Development Application. Since the preparation of the original documentation, the following trees have been removed from the site in accordance with the Survey Plan: T3, T4, T5, T6, T9, and T10. These trees were removed due to a combination of factors, including poor health, inappropriate location in relation to the proposed development footprint, and safety considerations.</p> <p>Vegetation removal complies with the 10/50 Vegetation Clearing Code of Practice. The subject</p>

Control / Objective	Compliance	Comments
		trees are within 10 metres of a habitable dwelling, and the property is confirmed to be within a designated 10/50 entitlement area as per the NSW RFS online mapping tool. No further vegetation removal is proposed as part of this development application. The updated plans and arboricultural information (if requested) will reflect the current on-site conditions. It is acknowledged that Council may request additional information via a Request for Information (RFI) to confirm or clarify the changes. The proposed development is considered to retain the vast majority of ecological capital on the site and is considered to be a beneficial outcome for the site. In addition, complementary landscaping is to be provided as part of the proposed development, and it is seen to offset any impacts caused by the development itself. Please refer to the attached material for further details.
8.3.3 Riparian Areas	N/A	The site is not identified as a riparian area.
8.3.4 Management of Rivers, Creeks, Streams and Drainage	Complies	The subject site has appropriate drainage as shown in the Stormwater Drainage Plan and the Erosion and Sediment Control Plan. Please refer to attached material for further details.
8.3.5 Services	Complies	The site has appropriate on site waste storage and disposal methods and includes an appropriate water supply.
8.3.6 Buffers	Complies	The proposed dwelling house is located where an existing dwelling house is and therefore considers any buffers present in the siting.
8.4 Frost Control Fan		
8.4 Frost Control Fan	N/A	Not proposed.

4.3.3 Section 16 – Car Parking and Access

Control / Objective	Compliance	Comments
16.2 Residential Development	Noted	Noted.
16.6 Car Parking required for specific land uses.	Complies	An attached double garage is provided with the dwelling house. Additionally, other garages and parking spaces exist on the site. Please refer to the attached material for further details.

4.3.4 Section 20 – Erosion and Sediment Control

Control / Objective	Compliance	Comments
Erosion and Sediment Control	Complies	Appropriate measures are provided to ensure appropriate erosion and sediment control as shown in the attached Erosion and Sediment Control Plan. Please refer to attached material for further details.

4.3.5 Section 23 – On-Site Sewage Management Systems

Control / Objective	Compliance	Comments
On-Site Sewage Management Systems	Noted	Appropriate on-site sewage management will be provided to the site. Please refer to attached material for further details.

4.3.6 Section 24 – Waste Minimisation and Management

Control / Objective	Compliance	Comments
Waste Minimisation and Management	Noted	Waste will be managed appropriately as per the Waste Management Plan provided with the application, and compliance with the appropriate waste management procedures and requirements can be conditioned on the DA as considered appropriate.

4.3.7 Section 25 – Stormwater Management

Control / Objective	Compliance	Comments
16.2 Residential Development	Noted	Stormwater will be managed appropriately as per the Stormwater Drainage Plan provided with the application. Please refer to attached material for further details.

4.4 Section 4.15 Assessment

In determining a development application, the consent authority must take into consideration a number of matters under Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment is shown in the below table:

Evaluation	Assessment
<p>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:</p> <p>a) the provisions of:</p> <ul style="list-style-type: none"> (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 93F, or any draft planning agreement that a 	<p>a) The proposal aligns with the relative matters of the LEP and DCP as per the compliance assessment in this Statement of Environmental Effects. The proposal is seen to generally satisfy the objectives of the relative planning controls and is seen as a desirable outcome for the subject site.</p>

Evaluation	Assessment
<p>developer has offered to enter into under section 93F, and</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</p> <p>(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,</p> <p>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,</p> <p>c) the suitability of the site for the development,</p> <p>d) any submissions made in accordance with this Act or the regulations,</p> <p>e) the public interest.</p>	<p>b) The proposal will not have any negative impacts on any surrounding dwellings as the proposed siting and design of the dwelling house and associated works is seen to be a desirable outcome. Appropriate sedimentation, waste management and noise controls will be in place which can be conditioned on the DA as considered appropriate. The proposal will not adversely impact any significant environmental aspects of the surrounding area and is seen as a desirable outcome from an economic and social perspective as part of on-going investment and development.</p> <p>c) The site is located within a residential area which is designed for proposals of this nature. The site has access to the appropriate services required and is accessible from the existing road network. The proposal has been designed to suite the site constraints and is seen to meet the objectives of the relevant planning controls.</p> <p>d) As per the DCP requirements, the development application may be placed on public exhibition to invite submissions, and if applicable Council will assess these accordingly.</p> <p>e) The proposal is in the public interest as it satisfies the objectives of the relevant planning controls.</p>

4.5 Other Considerations

4.5.1 Amenity

The proposal will not have any negative amenity impacts on the surrounding area or adjoining dwellings as the proposed siting and design of the dwelling house and associated works is seen to be compatible with the built form of the surrounding area in terms of height, bulk and scale.

4.5.2 Sedimentation Control

Appropriate sedimentation controls will be in place which can be conditioned on the DA as considered appropriate.

4.5.3 Noise and Vibration

The proposal is not expected to cause any adverse acoustic impacts and compliance with the acoustic requirements of the DCP and any other relevant acoustic requirements and construction hours can be conditioned on the DA as considered appropriate.

4.5.4 Landscaping

The proposal incorporates landscaping to the subject site and is seen as a desirable outcome.

4.5.5 Social and Environmental Impact

The proposal will not adversely impact any significant environmental aspects of the surrounding area and is seen to be a desirable outcome from an economic and social perspective as part of on-going investment and development.

4.5.6 Waste Management

Waste will be managed appropriately as per the Waste Management Plan provided with the application, and compliance with the appropriate waste management procedures and requirements can be conditioned on the DA as considered appropriate.

4.5.7 BCA Compliance

The proposed works will be capable of complying with the BCA which will be part of a detailed assessment prior to the issue of a Construction Certificate and can be conditioned on the DA as considered appropriate.

5.0 CONCLUSION

This Statement of Environmental Effects has reviewed the proposed dwelling house and associated works to the subject site. It is considered that the proposed works, which are permissible with consent, are appropriate for the subject site. The proposal is not expected to have any adverse impacts on the surrounding natural or built environment. Ultimately the proposal complies with the intent and design objectives of the relevant planning controls and represents ongoing investment in the area. For these reasons it is seen that the proposed development should receive full development consent subject to reasonable and relevant conditions.