



Statement of Environmental Effects

Stage 1 Subdivision and Development of Dwelling Houses

Ironbark Ridge Extension Urban Release Area

Lots 101 & 103 Ironbark Road, Muswellbrook

29th May 2024 (Revision B)

ppd | planning consultants

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APPENDICES

Appendix 1 – LEP Compliance Table

Appendix 2 – DCP Compliance Table

1 Introduction

PPD Planning Consultants has been engaged to prepare this Statement of Environmental Effects (**SEE**) to accompany a development application for Stage 1 development of Lots 101 & 103 Ironbark Road, Muswellbrook, more commonly referred to as the Ironbark Ridge Extension Urban Release Area.

This SEE has been prepared pursuant to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and Clause 50 of the *Environmental Planning and Assessment Regulation 2000*.

In preparing the SEE, PPD Planning Consultants has relied upon the adequacy and accuracy of the assessments and advice contained in the reports, plans, diagrams, tables and so forth prepared by consultants engaged to provide necessary specialist advice in their respective fields of expertise. These reports and plans accompany this development application.

The DA has been prepared in accordance with Council's requirements for the submission of DAs.

2 Background

Planning Proposal (PP) 2021-1055 to rezone land at Lots 101 and 103 Ironbark Road, Muswellbrook was approved and subsequently published on 30th June 2021.

The proposal title was:

Amendment to Muswellbrook Local Environmental Plan 2009 - Ironbark Ridge.

The proposal summary was:

The Planning Proposal will determine whether the subject land should be rezoned from E3 Environmental Management to part R1 General Residential and part R5 Large Lot Residential under the Muswellbrook Local Environmental Plan 2009.

The subject land has an area of 80ha and has a potential yield of approximately 600 allotments. This will consist of 550 residential and 40 rural residential allotments with a minimum area of 4000sm.

Figure 1 provides a copy of the conceptual lot layout that was provided as part of PP 2021-1055. It was noted in the PP “...that this plan is conceptual only to provide an indicative lot layout. Further consultation will be undertaken with Council prior to lodgement of a development application in the future to identify recommended modifications.”

The stated objectives or intended outcomes of the PP where:

- *allow development into a range of residential lot sizes, consistent with adjoining land use.*
- *provide land which will allow for a variety of residential development to be undertaken and thereby contribute towards addressing housing affordability*
- *enable the logical extension of, and connection between existing residential and large lot residential zones.*
- *provide for the efficient use of existing and proposed servicing infrastructure*
- *provide continuing choice and selection of land use types and locations within the local government area.*

The following was provided by Council in relation to the need for the Planning Proposal

The planning proposal is supported by the identification of the subject land as “Category 1” land within the Muswellbrook Residential and Rural Residential Strategy (MRRRS) adopted by Council at its ordinary meeting on 10 March 2014.

The MRRRS identifies land suitable for residential and large lot residential and prioritises rezoning of such land. The subject land is within an area identified as “Category 1” land in the above strategy. (Refer to below Figure 3).

The Strategy states that ‘Category 1’ land as “land that is a logical extension of and located in close proximity to existing developed areas, building upon existing services and amenities and requires the augmentation of infrastructure”. The MRRRS confirms that Category 1 land may be investigated in the short term.

Ironbark Ridge Extension Urban Release Area (Stage 1)

Figure 1. Conceptual lot layout



Source: Muswellbrook Council

3 Site Analysis

3.1 Site Description

Street Address	Ironbark Road, Muswellbrook
Legal Description	Lot 101 and 103 DP 1170190
Site Area	81.23 hectares
Brief Site Description	<p>The site (outlined in red in Figure 2) is an extension of the existing residential area of South Muswellbrook and is an irregular shaped piece of land.</p> <p>The site is currently cleared for grazing and contains pasture, stands of trees, isolated trees, farm dams and creek lines. Figure 3 provides a view of the site.</p>
Topography	The Survey Plan accompanying this application details the topography of the land that can be described as being a gently undulating landscape.

Figure 2. Subject site



Figure 3. View of site (from end of Acacia Drive)



3.2 Locality

The **Social Impact Statement** that accompanies this application provides a detailed analysis of the site's locality summarised as follows:

Surrounding land uses

- Land to the east and southeast is currently used for grazing.
- The area to the north of the proposed development is developed for separate houses with lot sizes ranging from 600 m² to 1,000 m².
- The area to the west and southwest is developed for separate houses with lot sizes ranging from 4,000 m² to 10,000 m².

Overview of the locality

- The site is located around five kilometres southeast of Muswellbrook Central Business District.
- The site forms part of an urban growth area for Muswellbrook.

Services and facilities in the locality

- Rutherford Road shops are located around two kilometres or three minutes' drive from the proposed development and will provide daily and weekly needs to people living in the proposed development.
- The Muswellbrook CBD provides access to a wide variety of shops and services located around 4 kms from the proposal site, or 7 minutes by car.

Parks and open space areas in the locality

- The concept master plan for the site includes seven parks with an area of 11.96 ha that will be enhanced with barbeque areas, walking trails, dog park, market garden, bike trail, fitness station, children's bike track, toilet blocks and play equipment.

- A large recreation complex is located at Olympic Park, approximately 3.6 km from the proposal site, that includes the Muswellbrook Aquatic Centre and Fitness Centre, Ron King Velodrome, bowling greens, tennis courts and playing fields.

Public transport accessibility

The residential areas to the north and southwest of the proposed development are serviced by the 413 Muswellbrook Town Centre to Highbrook (Loop Service) and the 418 Muswellbrook Town Centre to Muswellbrook Eastlinks (Loop Service).

Completion of the proposed development will deliver a road connection between Bimbadeen Drive and Ironbark Road and will provide opportunities to rationalise and/or extend services 413 and 418 to include the proposed development.

Muswellbrook Railway Station is approximately 4km from the site and provides access to rail and coach services. Rail services are via the Hunter Line which provides two morning and two evening services to and from Newcastle on weekdays, and one morning and one evening service on weekends and Public Holidays.

4 Development Application

4.1 Proposal

Approval is sought for:

Development of Stage 1 Ironbark Ridge Extension Urban Release Area including subdivision into 23 lots and construction of 94 dwelling houses with associated infrastructure, public open space and communal open space.

The following plans accompany this application and provide greater detail of the proposed development:

Architectural Plans - provide comprehensive detail of the proposed concept subdivision and development of the dwelling houses.

Concept Plans - provide detail of the concept subdivision and staging of the concept subdivision.

Stage 1 Subdivision Plan - provide detail of the proposed subdivision of Stage 1 into 23 lots.

Landscape Plans – provide detail of landscaping for the concept subdivision and Stage 1 development.

4.2 Stage 1 Development

4.2.1 Concept Master Plan

Stage 1 development forms part of a 14-stage concept master plan of the site at lot 101 and lot 103 Ironbark Road, Muswellbrook as detailed in the **Concept Plans** accompanying this application. This application does not seek approval for the concept master plan. Each identified stage of development identified in the concept master plan will be subject to a future separate detailed development application.

The concept master plan has been designed having due regard to the concept master plan prepared and exhibited for the site as part of the Planning Proposal to rezone the site for residential development.

Key elements of the concept master plan, as reproduced in **Figure 4**, include:

Three hundred and twenty-seven (327) general residential lots in land zoned *R1 General Residential* ranging in size from 603m² to 1,192m² and averaging 734m².

Fifty-seven (57) large lots in land zoned *R5 Large Lot Residential* ranging in size from 2,000m² to 22,400m² and averaging 4,076m²

One hundred and twenty (120) sites on 'super lots' in land zoned *R1 General Residential*. Each site ranges in size from 429m² to 684m² (averaging 456m²) and will accommodate two (2) dwelling houses.

One (1) lot in land zoned *R1 General Residential* that will accommodate child-care centre.

One (1) lot in land zoned *R1 General Residential* that will accommodate café.

Public open space in land zoned *C3 Environmental Management*.

There are three (3) large lots (identified as item 17 in **Figure 4**) that incorporate land zoned *C3 Environmental Management* to ensure long-term protection, conservation and management of the C3 land.

A total estimate of six hundred and twenty-four (624) dwellings will be accommodated on the site.

The land identified as open space in the *C3 Environmental Management* zone will be dedicated to Muswellbrook Council.

Site Landscape Plans that accompany this application provide preliminary concept proposal for landscaping throughout the proposed public domain.

Figure 4. Concept master plan



4.2.2 Subdivision

Stage 1 development, the subject of this application, seeks subdivision of Stage 1 development into 24 lots and associated infrastructure as detailed in the accompanying **Stage 1 Plan of Subdivision** and summarised as follows:

- 17 general residential lots ranging in size from 641m² to 790m² and identified as Lots 5 & 7-16.
- 2 large residential lots with lot sizes of 4,003m² to 4,080m² and identified as Lots 23 & 24 respectively.
- 2 residential super lots approximately with lot sizes of 4,682m² and 24,888m² identified as Lots 4 & 6 respectively.
- 1 lot of 2,242m² identified as Lot 3 accommodating future child-care centre.
- 1 lot of 923m² identified as Lot 2 accommodating future café (or similar subject to further discussion with Council).
- 1 lot of 10,617m² identified as Lot 1 accommodating remaining public open space to be dedicated to Muswellbrook Council.

Note:

Approval for the construction of dwellings on both the 17 general residential lots and 2 large residential lots, construction of child-care centre and café will be the subject of separate development applications.

4.2.3 Residential Development

Stage 1 application seeks approval for the construction of 94 'dwelling houses' on 2 residential 'super lots' (Lots 3 & 5) with associated private open space, communal open space and public open space.

The proposed dwellings are defined as a 'dwelling house' because:

- There will be no subdivision of the proposed super lots,
- Dwelling house is defined in the Dictionary appended to the Standard Instrument as "...a building containing only one dwelling", and
- 'Building' is defined in the Environmental Planning and Assessment Act 1979 as "including part of a building".

Subsequently, each building has two (2) parts that each contain one 'dwelling house'.

There are a total ten (10) adaptable/accessible units as detailed in the Architectural Plans..

Each dwelling unit has a gross floor area of 77m², and the adaptable/accessible units have a gross floor area of 87m².

The development on super lot 3 (4,682m²) comprises 16 dwellings (including 2 adaptable/accessible units). This development has a gross floor area of 1,252m² and a 0.27:1 floor space ratio.

The development on super lot 5 (24,888m²) comprises 78 dwellings (8 adaptable/accessible units) and associated communal open space. This development has a gross floor area of 6,089m² and a 0.25:1 floor space ratio.

Architectural plans provide details of the 4 distinct versions of dwelling houses that are all single storey development with 2 x bedrooms, 2 x bathrooms, kitchen/dining/living area and single carport. **Figure 5** provides a perspective view of proposed dwellings.

Each dwelling is provided with a minimum 60m² private open space and 76m² landscape area.

Stage 1 Landscape Plans accompany this application and provide details for the development of both the public open space, private open space and communal open space as follows:

Public Open Space – incorporating planting of trees, shrubs and ground cover, dog park master plan, walking /bike trail, children's play area with shade sails over and general open lawn and grass areas.

Communal Open Space – incorporating planting of trees, shrubs and ground cover, walking/bike trail, garden area, lawn area, BBQ area with pergola over, table seating and 50 visitor car parking spaces.

Private Open Space – incorporating planting of trees, shrubs and ground cover, clothesline, letter box.

Ironbark Ridge Extension Urban Release Area (Stage 1)

Figure 5. Perspective views of dwelling houses





4.3 Supporting Documentation

Having due regard to Council's development matrix, the following plans, reports and statements are provided in support of this application:

1. Statement of Environmental Effects
2. Architectural Plans & Urban Design Statement
3. Stage 1 Plan of Subdivision
4. Super Lot Plan & Layout
5. Concept Plan

6. Site-specific Development Control Plan
7. Stormwater Plans
8. Site Landscape Plans
9. Stage 1 Landscape Plans
10. Flora and Fauna Report
11. Survey Plan
12. BASIX Certificate (including Stamped Plans, NaTHERS Certificate & Assessor Construction Summary)
13. Waste Management Plan
14. BCA Report
15. Preliminary Environmental Site Investigation
16. Traffic Report
17. Functional Layout Plans
18. Bushfire Assessment Report
19. Servicing Strategy Report
20. Stormwater Servicing Strategy
21. Water and Wastewater Servicing Report
22. Social Impact Statement
23. Cost Summary Report
24. Erosion and Sediment Control Plan
25. Owners Consent

4.4 Servicing Strategy

Application is accompanied by a **Servicing Strategy Report** providing infrastructure servicing advice for the site having particular regard to:

- Roads
- Drainage
- Sewer
- Water
- Electricity
- Telecommunications

4.5 BCA Compliance

Application is accompanied by a **BCA 2022 Indicative Compliance Report** assessing the proposed construction of 94 single-storey dwellings as part of the first stage of development.

It is noted that Council or Certifier has an obligation to consider whether the application, as lodged, is indicatively capable of complying with the BCA, without significant modification to those plans for which approval is sought.

The report recommends the following conditions of Development Consent be imposed by Muswellbrook Shire Council with respect to compliance with the BCA;

- All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

- Access and services for people with disabilities shall be provided to the buildings, in accordance with the requirements of the Access to Premises Standard 2010 and the National Construction Code. Detailed plans, documentation and specification must accompany the application for a Construction Certification to the satisfaction of the Certifying Authority.

Subsequently, the report concludes compliance with the deemed to satisfy provisions of the Building Code of Australia is achievable subject to obtaining the certificates requested in the recommendation's component of the report (and verification that the certificates are suitable and are prepared to an acceptable standard).

4.6 Cost Estimate

Application is accompanied by a detailed **Cost Report** prepared in accordance with Council's requirements. The estimated cost for construction of 94 single-storey dwellings is \$20,393,314 + \$8,958,000 for civil works. These figures are inclusive of GST.

5 Compliance Assessment

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (the **Act**) details the following matters of relevance that a consent authority is to take into consideration in determining a development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the 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

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement a developer has offered to enter into under s 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

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

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

The following provides an assessment of how the proposed development complies with the relevant matters detailed in Section 4.15(1) of the EP&A Act 1979.

5.1 Environmental Planning Instruments

In accordance with the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (the Act) the development proposal has been assessed for compliance with the provisions of the following relevant environmental planning instruments:

- Environmental Planning & Assessment Act 1979
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport & Infrastructure) 2021
- Muswellbrook Local Environmental Plan 2009

5.1.1 Environmental Planning & Assessment Act 1979

Objects of the Act

The objects of the Act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

- (ii) the promotion and co-ordination of the orderly and economic use and development of land,
- (iii) the protection, provision and co-ordination of communication and utility services,
- (iv) the provision of land for public purposes,
- (v) the provision and co-ordination of community services and facilities, and
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
- (vii) ecologically sustainable development, and
- (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposed development will provide for future orderly and economic use of vacant land identified as an urban release area for urban purposes in accordance with the provisions and objects for the zones that apply to the site.

Integrated development

Pursuant to the provisions of cl4.46 of the Act, the proposed development is defined as integrated development requiring the following approvals:

Act	Provision	Approval
National Parks and Wildlife Act 1974	S90	Grant of Aboriginal heritage impact permit
Rural Fires Act 1997	S100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes
Water Management Act 2000	S89, s90, s91	Activity approval under Part 3 of Chapter 3 (40m within waterfront land).

5.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

This policy requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

The proposed development is accompanied by a **Preliminary Site Investigation (PSI)** that investigates potential contaminant sources, pathways and receptors in relation to the subject site as well as inform preliminary consideration of potential risks to human health and/or the environment within the context of the most sensitive potential land use.

Key findings of the **PSI** based on available information pertaining to the Site's historical use and through thorough site inspection were:

1. Potential contamination sources at the Site are limited to historical agricultural land use and potential application of herbicides/pesticides;

2. No current contamination sources were observed during the Site inspection;
3. Visible signs of gross contamination were not observed during Site inspection; and
4. No visible signs of ecological stress were observed during the Site inspection.

In summary, the PSI has concluded

- gross contamination was not observed to be present at the subject site
- no obvious risk to future sensitive human or ecological receptors was apparent
- no further investigative works are recommended, and the subject site is considered suitable for the proposed future development.

An unexpected finds protocol will be utilised during any proposed future earthworks at the subject site. The presence of any unexpected finds will be highlighted during development works by the observation of any unusual physical (e.g. staining, fill material, asbestos-containing material) or sensory characteristics of the soil. In the event that any significant unknown type of material is identified, site works will be stopped in that area and an assessment of the material and its likely impact on the CSM will be undertaken by an appropriately qualified environmental consultant immediately to prepare a suitable response to the occurrence. All additional works should be documented and detailed in the validation report.

5.1.3 Biodiversity Conservation Act 2016

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future consistent with the principles of ecologically sustainable development.

This application is accompanied by a **Flora and Fauna Assessment** that addresses the relevant provisions of this Act. In summary, the assessment concludes no candidate species and ecological communities (SAIL entities) were found to be present within the subject land thus no obligation for development refusal would be applicable to this proposed development from relevant regulatory bodies.

5.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

This application is accompanied by a **Flora and Fauna Assessment** that details how the proposal adequately addresses the relevant provisions of this Policy, including:

- Chapter 4 Koala Habitat Protection 2021
- Biosecurity Act 2015
- Commonwealth Environment Protection and Biodiversity Conservation Act 1999
- Licensing

5.1.5 State Environmental Planning Policy (Transport & Infrastructure) 2021

the proposed Masterplan application is classified as a traffic generating development, as the proposal comprises more than 200 new allotments and more than 300 future dwellings.

Referral to Transport for NSW (TfNSW) is therefore required for the Masterplan application, however, not the Stage 1 DA as it does not meet the thresholds for referral.

It is noted a response from the Roads and Maritime Services (now Transport for NSW) to the original Planning Proposal confirmed no objection to the (then) proposed (and now gazetted) rezoning of the site.

5.1.6 State Environmental Planning Policy (Sustainability Buildings) 2022

The NSW Government has established the BASIX scheme to encourage sustainable residential development. The stated aims of this Policy are as follows—

- (a) to encourage the design and delivery of sustainable buildings,
- (b) to ensure consistent assessment of the sustainability of buildings,
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
- (d) to monitor the embodied emissions of materials used in construction of buildings,
- (e) to minimise the consumption of energy,
- (f) to reduce greenhouse gas emissions,
- (g) to minimise the consumption of mains-supplied potable water,
- (h) to ensure good thermal performance of buildings.

A **BASIX Certificate**, **Assessor Construction Summary** and **Stamped Plans** accompany this application. Subject to carrying out development in accordance with the schedule of BASIX commitments for the proposed dwellings, the project scores for the development are as follows:

Water	40 (Target 40)
Thermal Comfort	Pass (Target Pass)
Energy	62 (Target 61)

In summary, BASIX water commitments include:

- Showers low flow 4 star 6 to 7.5 L/min
- Toilets 4-star
- Kitchen taps 5-star
- Bathroom taps 6-star
- 20% low water species private landscape
- 2500 L rainwater tanks each collecting at least 95m² of roof and used for landscape, cold tap in laundry and toilet flushing

and BASIX energy commitments include:

- Electric instantaneous hot water
- Air-conditioning 1 phase 2.5 star ducted
- Induction cook-top & electric oven
- 3 kW solar electric (PV) to at least 16 dwellings – other configurations are possible.

Subject to carrying out development in accordance with the schedule of BASIX commitments, the proposed development will provide for sustainable residential development.

5.1.7 Muswellbrook Local Environmental Plan (MLEP) 2009

An assessment of the proposed development's compliance with the relevant clauses of Muswellbrook LEP 2009 has been undertaken and can be found at **Appendix 1**.

This assessment confirms the proposed development complies with all the relevant provisions of Muswellbrook LEP 2009.

5.2 Development Control Plans

In accordance with the provisions of Section 4.15(1)(a)(iii) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of the Muswellbrook DCP 2009 that applies to the subject site. A copy of the compliance table can be found at **Appendix 2**.

As much as practicable, the assessment in the compliance table addresses the development of Stage 1 for 23 lots and 94 attached dwellings with associated common open space.

It is noted that, in relation to residential development, section 6 of the DCP acknowledges:

Muswellbrook Local Government Area allows for a wide range of residential development. This development ranges from single dwellings, dual occupancies and residential flat buildings. This type of development is important to create a streetscape for newly release urban areas.

It is noted that the DCP includes provisions to allow flexibility in the application of development control standards, particularly in relation to allowing alternative solutions to otherwise strict numeric compliance to achieve the objectives of the DCP control.

This is in general compliance with Section 4.15(3A) of the EP&A Act, 1979, that provides requirements which govern the application of controls within development control plans and seeks to provide flexibility and an outcome based approach to the achievement of the objectives expressed by specific controls. Section 4.15(3A) provides as follows:

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development,

and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, “standards” include performance criteria.

This assessment confirms the proposed development complies with all the relevant provisions of the Muswellbrook DCP 2009.

5.3 Environmental Impacts

In accordance with the provisions of Section 4.15(1)(b) of the EP&A Act 1979 the following provides an assessment of the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

5.3.1 Heritage

The Site has not been identified as containing any Historic (European) Heritage.

The site adjoins a heritage site to the south identified as ‘Yammanie’ cottage at 307 Denman Road. This cottage is approximately 2.4 to 2.5km from the site and will not be impacted by the proposed development.

An **Aboriginal Heritage Archaeological Assessment** undertaken by Eco Logical Australia (ELA) accompanies this application, the stated purpose of which is:

- to establish whether any known or additional unrecorded Aboriginal objects are present,
- to assess the likelihood of archaeological deposits within the study area, and
- determine whether further archaeological investigations are required.

The following provides a summary of assessment findings:

- *The desktop review and previous due diligence assessment identified three isolated Aboriginal objects within the study area, indicating a sensitive landform with a moderate potential for further Aboriginal objects.*
- *The archaeological survey resulted in the identification of two new Aboriginal sites, an isolated find and an artefact scatter with subsurface archaeological potential. Ironbark IF2 (AHIMS ID 37- 2-6618) could not be located however the site was previously identified in a disturbed context and was assessed as having low significance.*
- *The archaeological survey re-assessed a previous Aboriginal object as not being an Aboriginal site (Ironbark IF1 - AHIMS ID 37-2-6617).*
- *The impact assessment has identified that the proposed works are likely to have an impact on the identified Aboriginal sites within the study area.*
- *Test excavations will be required to investigate the nature and extent of the artefact scatter (Ironbark AS 1 – AHIMS ID Pending) and the potential for further Aboriginal objects to be identified in the two areas identified in this assessment as having subsurface archaeological potential, to assess the potential impacts to Aboriginal cultural heritage values.*
- *An Aboriginal Cultural Heritage Assessment (ACHA) will also be required to assess the impacts to the cultural heritage values and provide management and mitigations measure for the identified Aboriginal sites within the study area. The ACHA would support an application for an Aboriginal Heritage Impact Permit (AHIP).*

5.3.2 Bushfire

This development falls within bush fire affected land within the Muswellbrook Shire Council bush fire prone land map and subsequently this application is accompanied by a **Bushfire Assessment Report (BAR)** consistent with the requirements of *Planning for Bushfire Protection, 2019*.

In accordance with the provisions of *Planning for Bushfire Protection 2019*, the BAR makes recommendations that will reduce the risk of damage and/or harm in the event of a bushfire event to acceptable levels. The recommendations have informed the planning of the development to obtain development consent and relate specifically to the following:

- Asset Protection Zones
- Landscaping
- Construction
- Access
- Water Supply
- Electricity Services
- Energy Management

5.3.3 Flora and Fauna

The entire subject site had been subject to historic native vegetation clearance and ongoing cattle grazing.

As part of the rezoning of the subject site, a total of 11.96ha of offset land is zoned C3 – *Environment Management* and these areas have been established over areas of better-quality vegetation and habitat.

This application is accompanied by a **Flora and Fauna Assessment** prepared in accordance with the requirements of the *Environmental Planning and Assessment Amendment Act 2017 (EP&A*

Act 2017), the *Biodiversity Conservation Act 2016* (BC Act 2016) and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999).

In conclusion, the assessment has found “*the proposed subdivision of the 81.23ha subject site (Lots 101 & 103 DP 1170190) will result in an incremental reduction of habitat within the local area. However, given the retention of a number of areas of better-quality habitat within zoned C3 – Environment Management and taking the mitigation measures into consideration, is unlikely to have a significant impact on any addressed threatened species, endangered populations or threatened ecological communities considered within this report*”.

5.3.4 Landscaping

Site Landscaping Plans and **Stage 1 Landscaping Plans** accompany this application and provide details of how the proposal will comply with the landscape controls prescribed in Council’s DCP.

The Landscaping Plans provide a general landscaping strategy for the conceptual subdivision plan for the site and a more detailed landscape strategy for proposed Stage 1 development.

The Landscaping Plans provide details on:

- Landscape master plan, including
 - street tree master plan
 - street tree layout
 - street tree planting details
 - Public domain details
- Stage 1 landscape site plan, including
 - fence layout
 - communal open space master plan and planting plan
 - dog park master plan and planting plan
 - market garden master plan and planting plan
 - communal open space master plan and planting plan
 - landscaping for dwelling houses and corner lots
- Landscape material
- Landscape specification

The landscaping on the site will result in greater aesthetic quality and amenity for the occupants of the development and neighbours. The landscaping is of high quality and contributes positively to its context and site.

The proposed public open space will be dedicated to Muswellbrook Council.

5.3.5 Stormwater Management

A **Stormwater Plans** and **Stormwater Servicing Strategy** accompanies this application and details how drainage and storm water management systems are designed and constructed in accordance with the relevant provisions of s25 of Muswellbrook DCP.

In particular, the strategy details how the proposed development can manage the stormwater runoff leaving the site with

- Peak flows coming from the site managed by routing all stormwater from the site through retardation basins at each low point to then be discharged at pre-development 1% AEP rates,

- The minimum size of retardation basins in order to release at pre-development rates has been nominated for each catchment, however the size, shape, and elevations on each basing will be determined through detailed design phase of this development. A preliminary layout of how these basins can be achieved has been provided, and
- Every outlet into basins will need to discharge via a GPT to promote stormwater quality.

In summary, the strategy *“demonstrates at a high level that the proposed development is feasible and that there are no major drainage issues that cannot be addressed to ensure that the development can be successfully completed”*.

5.3.6 Water & Wastewater

Application is accompanied by a **Water and Wastewater Servicing Report** assessing options available for water and wastewater servicing of the proposed development.

Following review and assessment of the subject property against Muswellbrook Shire Council (MSC) and water supply codes, standards and policies, water and wastewater servicing of the subject property is considered feasible.

It is anticipated that existing MSC water and wastewater assets will support connection and servicing of the subject property, however, further detailed assessment and consultation with MSC will be necessary to determine existing capacity and future loading on the existing water and wastewater networks.

This report has identified water and wastewater network supply alignments that are considered in-line with MSC's and WSA requirements and minimum standards.

Application is accompanied by **Functional Layout Plans** detailing how Stage 1 will be provided with suitable access to water and sewer services.

5.3.7 Traffic and Parking

A **Traffic and Parking Assessment Report** accompanies this application and provides an assessment of “...the traffic, parking, access, transport and servicing characteristics of the Masterplan and Stage 1 DA, and the associated impacts of the proposal on the surrounding road network, parking and transport environment”.

Based on the findings contained within this assessment report, the following conclusions are made:

- *the site is located within 400m walking distance to the nearest bus stops which are located on Ironbark Road, Bloodwood Road, and John Howe Circuit, and serviced by route 418 loop service, operating from Muswellbrook Town Centre to Muswellbrook Eastlinks.*
- *the proposed development is expected to result in approximately 544 vehicle trips during the weekday morning peak period (including 95 Stage 1 trips) and 576 vehicle trips during the weekday afternoon peak period (including 101 Stage 1 trips), 25% of which is expected to comprise internal trips within the subdivision.*
- *When compared to the gazetted Planning Proposal for the subject site, the proposed Masterplan represents a theoretical nett increase of 108 external vehicle trips during the morning peak period and 115 external vehicle trips during the afternoon peak period.*
- *The existing New England Highway & Bimbadeen Drive has a significant amount of spare capacity in it, and should comfortably accommodate the proposed Masterplan*

traffic, noting there are two other existing options which provide access to the arterial road network.

- *the proposed road design and sections the future internal roads are all in accordance with Council's requirements.*
- *the proposed amendments to the approved internal road concept layout are minor and acceptable.*

In summary, the assessment concludes "...the proposed Masterplan and Stage 1 DAs, involving the subdivision of the site and construction of duplexes within Stage 1 is supportable on vehicular access, traffic, parking and servicing grounds and will not result in any unacceptable implications".

5.3.8 Erosion and Sediment Control

An **Erosion and Sediment Control Plan** accompanies this application and provides details on how the proposed development will be managed to ensure there is no detrimental impact on environmental functions and process, neighbouring uses, or features of the surrounding land.

All erosion and sediment control measures or works and rehabilitation measures will conform to or exceed the specifications or standards set out in the Managing Urban Stormwater: Soils and Construction manual prepared by Landcom.

5.3.9 Waste Management

A **Waste Management Plan (WMP)** accompanies this application and describes in detail the manner in which all waste and other materials resulting from the construction and on-going operational use of the buildings on the site, are to be dealt with.

The stated aims and objectives of this **WMP** are to: -

1. Satisfy all State and Local Government regulatory controls regarding waste management and minimisation practices,
2. Promote the use of recyclable materials in the excavation, construction, and on-going operation of the building,
3. Maximise waste reduction, material separation, and resource recovery in all stages of the development,
4. Ensure the design of waste and recycling storage facilities are of an adequate size, appropriate for the intended use of the buildings, hygienic with safe and manoeuvrable access, and,
5. Ensure that the provision of waste and recycling services to the completed buildings are carried out in an efficient manner, which will not impact negatively on the health, safety, and convenience of all stakeholders.

This **WMP** is prepared in accordance with: -

- Muswellbrook Local Environment Plan 2009,
- Muswellbrook DCP 2015, and relevant waste management guidelines,
- All Conditions of Consent issued under the approved DA for the project,
- Current industry standards and practices for the storage and collection of waste within Commercial Developments, specifically for Child Care Centres, and,
- The objective of ensuring that all waste management facilities and collection services will provide an outcome that will be effective and efficient, as well as promote the principles of health, safety, and convenience.

In summary, the measures set out in the **WMP** demonstrate that all waste management activities will be carried out effectively and efficiently, in a healthy, safe and convenient manner, to acceptable community standards, and to the requirements of Muswellbrook Shire Council.

5.3.10 Social Impacts

This application is accompanied by a **Social Impact Assessment** that addresses the following key social indicators:

- Demographic and Housing Context
- Likely Profile of the Proposed Development
- Housing Affordability
- Need for a Child Care Centre
- Crime Context
- Amenity
- Open Space Provision

In regard to likely social impacts, the assessment concludes

- There is likely to be considerable benefit in terms of housing supply, diversity (type and tenure) and affordability from the provision of 254 dwellings (40%) as two bedroom attached dwellings in the context of the local housing market.
- The provision of a reasonable component of the development as this type of housing is also in line with local and regional strategic planning objectives.
- The amenity of these dwelling will be enhanced by their location adjacent to high quality open space.
- The provision of open space within the development more generally is well above relevant standards, likely to be of high amenity and enhancement, and is quite dispersed through the development.
- There is also likely to be benefit from the provision of the proposed childcare centre, both in terms of meeting demand from the proposed development and unmet need for places within the locality.
- The subdivision will connect Ironbark Road and Bimbadeen Drive, provides opportunities to extend and rationalise bus routes 413 and 418.

In summary, the assessment concludes:

1. There are unlikely to be any significant adverse social impacts in relation to amenity, crime or safety, and the site's location within a growth area, and the likelihood that public transport services will be expanded in this context, is also favourable to the proposed development.
2. The balance of social impacts is likely to be positive in consideration of these factors.

5.3.11 Economic Impacts

The provision of residential development, including land subdivision in an area identified as an urban release area, has long been a key part of state and local planning policies. The proposed development will provide for the co- location of residential population within established area of economic, employment and cultural activity that is adjacent to existing public transport infrastructure. This is seen as economically efficient and conducive to the building of stronger and healthier communities.

Of particular importance, the following economic impacts are expected:

- The increase in the residential population will result in an increase in available retail spending, floorspace expansion and employment opportunities associated with additional spending,
- ongoing employment opportunities during the construction of the various stages of the subdivision and subsequent dwellings, and
- Council rate revenue can be expected to increase.

5.4 Suitability of the Site

In accordance with the provisions of Section 4.15(1)(c) of the EP&A Act 1979 the suitability of the site for the proposed development has been assessed.

The **PP** to rezone the subject site was supported by the Muswellbrook Residential and Rural Residential Strategy (MRRRS).

The MRRRS identifies land suitable for residential and large lot residential and prioritises rezoning of such land. The site is within an area identified as “Category 1” land and described as *“land that is a logical extension of and located in close proximity to existing developed areas, building upon existing services and amenities and requires the augmentation of infrastructure”*.

Council’s Developer Servicing Plans also identifies the site as being suitable for the extension of new, and augmentation of existing services for water and sewer infrastructure to service the subject land and other adjoining land which is being developed.

The **PP** also identifies the site as being suitable for accommodating a range of residential lot sizes and a variety of residential development that will contribute towards the supply of housing in Muswellbrook.

5.5 Public Interest

In accordance with the provisions of Section 4.15(1)(e) of the EP&A Act 1979 the development proposal has been assessed for the public interest.

This proposal is in the public interest because it is consistent with the intended outcomes of the **PP** to rezone the subject site, and in particular

- Will allow subdivision into a range of residential lot sizes, consistent with adjoining land use;
- Will provide land for a variety of residential development to be undertaken and thereby contribute towards the supply of housing in Muswellbrook;
- Will enable the logical extension of and connection between existing residential areas; and
- Will provide for the efficient use of existing and proposed servicing infrastructure.

6 Conclusion

Approval is being sought for

Development of Stage 1 Ironbark Ridge Extension Urban Release Area including subdivision into 23 lots and construction of 94 dwelling houses with associated infrastructure, public open space and communal open space.

Subject to Section 4.15(1) of the EP&A Act 1979, the proposed development has been assessed having regard to the relevant matters that a consent authority is to take into consideration in determining a development application.

Based on this assessment, we consider the proposed development:

- Is a permissible development with consent from the relevant authority;
- Is consistent with the objectives of the relevant environmental planning instruments;
- Meets the development controls/objectives set down in the development control plan;
- Has no adverse impacts on both the natural and built environments;
- Has no adverse social and economic impacts in the locality;
- Is suitable for the site; and
- Is in the public interest.

Development of Stage 1 achieves many of the objectives of Council's Local Strategic Planning Statement 2020-2040 and Community Strategic Plan, including providing residential housing, providing employment opportunities (during construction), and promoting a happy and healthy lifestyle.

Stage 1 development proposal has been designed having due regard to the concept master plan prepared and exhibited for the site as part of the Planning Proposal to rezone the site for residential development. This Planning Proposal confirmed the suitability of the site for the proposed subdivision and development of the site for residential purposes.

Stage 1 DA will provide for:

- A range of residential lot sizes.
- A variety of residential development that will make a significant contribution towards addressing housing affordability.
- A logical extension of, and connection between, existing residential and large lot residential zones.
- An efficient use of existing and proposed servicing infrastructure.
- A continuing choice and selection of land use types and locations within the local government area.

In conclusion, it is considered this development application for development of Stage 1 as proposed does not detrimentally impact on:

- the existing character of the locality; and
- the ability of the site to accommodate the existing development; and
- residential development in the future on the site (subject to Council consent and in accordance with the objectives of the land zones in which it is located).

The proposal for the first stage of development at Lots 101 & 103 Ironbark Road, Muswellbrook warrants Council approval.

APPENDIX 1
LEP Compliance Table

Muswellbrook LEP 2009 Compliance Table

Relevant Clause	Comment	Complies
2.3 Zone objectives and land use table	<p>The site for Stage 1 is zoned <i>R1 General Residential, R5 Large Lot Residential</i> and <i>E3 Environmental Management</i>.</p> <p>The subdivision plan for Stage 1 provides for general residential development in the R1 zone, large lot residential development in the R5 zone and public open space in the E3 zone in accordance with the objective and land use provisions of the respective zones.</p> <p>In addition, Stage 1 proposes development of 94 'dwelling houses' that are permissible in the R1 zone and will be development in accordance with the following relevant objectives of the zone:</p> <ul style="list-style-type: none"> • To provide for the 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. • To meet the housing needs of the community within a low density residential environment. • To provide a variety of housing types and densities. • Allow future sensitive infill development of other housing types. 	✓
2.6 Subdivision—consent requirements	<p>The site may be subdivided because it is land to which the Muswellbrook LEP applies.</p> <p>Subdivision is proposed on land that does not have a secondary dwelling.</p>	✓
4.1 Minimum subdivision lot size	The minimum size of any lot resulting from the subdivision of land proposed in Stage 1 development is not to be less than the relevant minimum sizes shown on the Lot Size Map in relation to the site.	✓
4.3 Height of buildings	The height of all dwellings forming part of Stage 1 development does not exceed the maximum 8.5m height shown for the land on the Height of Buildings Map.	✓
4.4 Floor space ratio	The maximum floor space ratio of all dwellings forming part of Stage 1 development is a maximum 0.27:1 and does not exceed the maximum 0.5:1 FSR shown for the land on the Floor Space Ratio Map.	✓

Ironbark Ridge Extension Urban Release Area (Stage 1)

4.5 Calculation of floor space ratio and site area	Floor space has been calculated in accordance with the provisions of this clause.	✓
5.10 Heritage conservation	Adequately addressed in s5.3.1 of the SEE.	✓
6.1 Arrangements for designated State public infrastructure	The project is within a special contributions area (urban release area) and the consent authority apply a condition to the development consent that directs the developer to satisfying the arrangements for designated State public infrastructure.	✓
6.2 Public utility infrastructure	Public utility infrastructure that is essential for the proposed development is available or adequate arrangements have been made to make that infrastructure available when required (refer s4.5 and s5.3.6 of the SEE).	✓
6.3 Development control plan	A development control plan that provides for the matters specified in subclause (3) accompanies this application.	✓
7.1 Terrestrial biodiversity	The subject land is identified on Council's Terrestrial Biodiversity Mapping as containing a small area of 'biodiversity' that is adequately protected in the E3 Environmental Management zoning of the site.	✓
7.6 Earthworks	<p>Earthworks is minimal and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land because the assessment in the SEE confirms:</p> <ul style="list-style-type: none"> • Minimal earthworks will ensure minimal disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, • the proposed development will not detrimentally impact on the likely future use or redevelopment of the land as proposed in the concept master plan, • the quality of the fill or of the soil to be excavated, or both, is high with no current contamination sources identified or visible signs of contamination, • little or no effect of the proposed development on the existing and likely amenity of adjoining properties, • the source of any fill material or the destination of any excavated material will be documented to ensure there is contaminated fill coming to the site or leaving the site, • there is little or no likelihood of disturbing relics and processes will be in place to address any finds, and • the site is not in proximity to any watercourse, drinking water catchment or environmentally sensitive area and the potential for adverse impacts is very low. 	✓

APPENDIX 2

DCP Compliance Table

MUSWELLBROOK SHIRE DCP 2009 COMPLIANCE TABLE

Section 2 Submitting an Application

Controls	Comment	Complies
2.1. Overview	Noted.	
2.2 Pre-lodgement	Pre-lodgement meetings with Council Officers to discuss the proposal have been undertaken obtain feedback on the likely issues that need to be addressed by the application has been provided and taken into consideration in the preparation of this application.	✓
2.3 The Development Application Process	Noted	
2.3 Information to Accompany a Development Application	<p>Having due consideration to the nature of the proposed development, the development application is accompanied a</p> <ul style="list-style-type: none"> Statement of Environmental Effects (SEE) explaining the proposal, the site and its context, the likely impacts of the proposal and, if required, details of any measures proposed to minimise these impacts, and Additional information as described in s4.4 of the SEE. 	✓

Section 3 Site Analysis

Controls	Comment	Complies
3.1. Overview	Noted.	✓
3.2. Site Analysis Required	Site analysis is provided in both plan form (refer Architectural Plans) and in statements (refer SEE).	✓
3.3 Site Analysis Plan	The Site Analysis Plan has been drawn having due regard to the provisions of the DCP requirements.	✓
3.4. Site Analysis Statements	SEE includes details of the site including site characteristics, photographs etc.	✓

Section 5 Subdivision

Controls	Comment	Complies
5.1. Introduction	Noted.	
5.2. Approval Process	Noted.	
5.3. General subdivision requirements	<p><u>5.3.2. Special Considerations</u></p> <p>The site is not located within a Proclaimed Mine Subsidence District.</p> <p>A Bushfire Assessment Report, Flora and Fauna Assessment Report and Preliminary Site Investigation Report accompany this application.</p>	✓

Ironbark Ridge Extension Urban Release Area (Stage 1)

	<p>The site does not connect directly to a classified road or require concurrence under the provisions under State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p><u>5s.3.3 Adoption of AUS-SPEC</u></p> <p>Preliminary engineering drawings of the work to be carried out for the proposed subdivision works in Stage 1 of the development accompany this development application and indicate general compliance with the relevant provisions of AUS- SPEC.</p> <p><u>5.3.4 Buffers</u></p> <p>No requirement for buffers because there is no potential for land use conflicts with existing development on adjoining land. The agricultural potential or residential amenity of land will not be diminished as a result of the proposed subdivision.</p>	
5.4 Rural/ Rural-residential subdivision	<p><u>5.4.1 Lot Size and Shape</u></p> <p>The three (3) proposed lots in the R5 zone of Stage 1 have a minimum site area of 4,004m² and are able to accommodate a building envelope of 2000m² with a minimum dimension of 30m.</p> <p>There are no significant trees and other significant vegetation or landscape features on the proposed lots.</p> <p>Building envelopes include the area for the siting of the dwelling-house, outbuildings, landscaping and on-site effluent treatment and disposal areas (if required and permitted).</p> <p>The width to depth ratio of allotments does not exceed 1:4.</p> <p><u>5.4.2 Roads and Access</u></p> <p>Civil engineering plans accompany this application and provide details on how roads that are to revert to Council's care and control will be designed and constructed in accordance with Council's AUS-SPEC No 1 (as varied by Council) Development Specification.</p> <p><u>5.4.4 Soil and Water Management</u></p> <p>Refer following sections 20 and 25</p> <p><u>5.4.5 Effluent Disposal</u></p> <p>Effluent disposal from the proposed R5 subdivision lots will be the subject of separate applications for development of dwelling houses.</p> <p><u>5.4.6 Flora and Fauna</u></p> <p>As part of the rezoning of the subject site, a total of 11.96ha of offset land is zoned C3 – Environment Management and these areas have been established over areas of better-quality vegetation and habitat.</p> <p><u>5.4.7 Visual Amenity</u></p> <p>There are no significant views or vistas that is impacted by the proposed development.</p> <p><u>5.4.8 Heritage</u></p> <p>Refer s5.3.1 of the SEE.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	<p><u>5.4.9 Utility Services</u></p> <p>All lots created will have an adequate provision of utility services and not result in a detrimental impact on the environment.</p> <p>The provision of utility services will not detrimentally impact on the landscape character of an area, or detrimentally impact vegetation corridors.</p> <p>Application is accompanied by a Water and Wastewater Servicing Report assessing options available for water and wastewater servicing of the proposed development (refer s4.6 of the SEE).</p> <p><u>5.4.10 Hazards</u></p> <p>This development falls within bush fire affected land within the Muswellbrook Shire Council bush fire prone land map and subsequently this application is accompanied by a Bushfire Assessment Report consistent with the requirements of Planning for Bushfire Protection, 2019.</p> <p>Land is not identified as being potentially subject to landslip, flooding or is adjacent to a rail corridor.</p>	<p>✓</p> <p>✓</p>
5.5. Residential subdivisions	<p><u>5.5.1 Local Street Design</u></p> <p>Design of public streets is in accordance with the DCP specifications.</p> <p>The carriageways, verges and road reserves are designed in accordance with Council's AUS-SPEC No 1 (as varied by Council).</p> <p>Subdivision roads are designed in accordance with AUS-SPEC No 1 (as varied by Council) Development Specification.</p> <p><u>5.5.3 Pedestrians and Cyclists</u></p> <p>A walking and cycling path will be provided as detailed in the concept subdivision plan.</p> <p><u>5.5.4 Utility Services</u></p> <p>All residential lots will have adequate provision of services and not result in a detrimental impact on the environment (refer s4.6 of the SEE).</p> <p>The design and provision of public utilities will conform to the cost effective criteria of the relevant servicing authority.</p> <p>Compatible public utility services will be located in common trenches so as to minimise the land required, soil erosion and the cost of providing the services.</p> <p>Adequate buffers will be maintained between utilities and houses to protect residential amenity and health.</p> <p><u>5.5.5 Stormwater Management</u></p> <p>Storm water management systems are designed and constructed in accordance with section 25 of this DCP (refer s5.3.5 of the SEE).</p> <p><u>5.5.6 Lot Size and Shape</u></p> <p>Application is accompanied by a Plan of Subdivision detailing the proposed subdivision of Stage 1 into 21 lots.</p> <p>All allotments in Stage 1 have a minimum width of 18 metres at the building line.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	<p>No allotment is less than 20 metres in depth to ensure there is some flexibility in the choice of housing design and siting as well as the availability of suitable space for other activities normally associated with a dwelling.</p> <p>There are no battle-axe shaped allotments in the proposed subdivision of Stage 1:</p> <p>There are no private access ways proposed.</p> <p>Vegetation which adds significantly to the visual amenity of the locality and/or which is environmentally significant or of habitat value and should be conserved has been identified and appropriately zoned for environmental management.</p> <p>Lots are designed as much as practicable to allow the construction of a dwelling with a maximum cut or fill of 1 metre from the natural ground level.</p> <p>All proposed general residential lots are able to accommodate building envelope of 200m² with a minimum dimension of 10 metres.</p> <p>No lots have direct access to rivers, creeks, or streams.</p> <p><u>5.5.7 Solar Access and Lot Orientation</u></p> <p>Lot sizes reflect reasonable consideration of the impact of topography and aspect to maximise solar access.</p> <p>Lots are of a suitable shape to permit the location of dwellings with suitable solar access and private open space.</p> <p>As much as practicable, roads are orientated east-west for good orientation of lots for solar access to dwellings and private open space.</p> <p>Road and lot design provide, as much as practicable, for dwellings to be generally parallel with the contours of the site to minimise earthworks.</p> <p><u>5.5.8 Heritage</u></p> <p>Refer s5.3.1 of the SEE.</p> <p><u>5.5.9 Site Works</u></p> <p>Site works will be undertaken in accordance with the relevant controls in the DCP to ensure</p> <ul style="list-style-type: none"> • subdivision earthworks maintain existing topography and contours, and • appropriate provisions are incorporated into the subdivision to minimise any environmental impacts associated with changes to natural ground levels. <p><u>5.5.10 Open Space</u></p> <p>Stage 1 development includes local public open space in accordance with the relevant DCP controls.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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Section 6 Residential Development

Controls	Comment	Complies
	This Section of the DCP applies to residential development of the two (2) proposed super lots in the R1 zone of Stage 1.	

Ironbark Ridge Extension Urban Release Area (Stage 1)

<p>6.1 Built form</p>	<p><u>6.1.1 Context</u></p> <p>Site analysis in accordance with Section 3 of the DCP has been undertaken and due consideration has been given to designing the development to respond to the issues identified in the site analysis.</p> <p><u>6.1.2 Front Setbacks</u></p> <p>Setbacks for the proposed dwellings are a consistent 4.5m in accordance with DCP controls. This setback establishes a characteristic setback pattern and provides a consistent and landscaped setback that reduces the visual impact of buildings on the public domain.</p> <p>Dwellings on corners have</p> <p><u>6.1.3 Side and rear setbacks</u></p> <p>Adequate side and rear building setbacks for landscaping, privacy, natural light and ventilation between dwellings are provided in accordance with the DCP requirements, including a minimum 0.9m side boundary setback and minimum 7.8m rear setback.</p> <p>Carports are setback from a side boundary to ensure they do not encroach upon adjoining properties.</p> <p><u>6.1.4 Building Height and Scale</u></p> <p>All dwellings are single storey reflecting and reinforcing, and complementary to, the existing character of the locality.</p> <p><u>6.1.5 Front Fencing and Retaining Walls</u></p> <p>Fencing is not proposed forward of the building line.</p> <p><u>6.1.6 Garages, Carports and Sheds</u></p> <p>Each dwelling has a single carport complimenting the colour and roof form of the dwelling and do not dominate the streetscape.</p> <p><u>6.1.7 Dwelling Entry</u></p> <p>Each dwelling has an entry that is readily apparent from the street and conveys a sense of address. The entry will be well lit providing safe access to dwellings and security for residents.</p> <p><u>6.1.8 Accessibility and Adaptability</u></p> <p>A minimum 10% (or part thereof) of dwellings are provided as adaptable housing designed in accordance with the provisions of AS4299.</p> <p><u>6.1.9 Reflective Materials</u></p> <p>Architectural plans provide a schedule of materials to be used for the proposed dwellings. Extensive use of highly reflective glass, highly reflective metal cladding (such as Zincalume and white Colorbond) and plastics on the exterior of buildings is avoided.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p>6.2 Urban landscape</p>	<p><u>6.2.1 Usable Open Space</u></p> <p>All dwellings have a minimum 60m² of principal private open space at ground level with a minimum dimension of 3m. The principal private open space is provided at or near ground level and directly accessible from the living area.</p>	<p>✓</p>

Ironbark Ridge Extension Urban Release Area (Stage 1)

	<p><u>6.2.2 Carparking</u></p> <p>Each dwelling is provided with an adequate 1 car parking space to a standard that ensures safe and convenient manoeuvring of vehicles.</p> <p><u>6.2.3 Landscaped area</u></p> <p>Each dwelling has from 76m² to 90m² of landscaped area that can be used for growing plants, grasses and trees.</p> <p><u>6.2.4 Landscaping</u></p> <p>Section 4.5 of the SEE details how proposed landscaping is sustainable and appropriate to the site and contributes positively to the character of the locality.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
6.3 Environmental	<p><u>6.3.1 Topography</u></p> <p>Finished ground levels are generally no greater than 1.5 metres below or 1 metre above ground level (existing).</p> <p>Retaining walls are no greater than 1.5 metres below or 1 metre in height above ground level (existing).</p> <p><u>6.3.2 Solar Access</u></p> <p>Dwellings receive 4 hours of sunlight between 9am and 3pm on June 21 to the principal area of ground level private open space.</p> <p><u>6.3.3 Visual Privacy</u></p> <p>Visual privacy for all residents is maintained because all dwellings are single storey and there is 1.8m high fencing between neighbouring dwellings.</p> <p><u>6.3.4 Acoustic Privacy</u></p> <p>Site layout and design ensures that development will not result in adverse amenity impacts arising from noise generation.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
6.4 Site operation	<p><u>6.4.1 Energy Conservation</u></p> <p>A site analysis as referred to in Section 3 of the DCP has been undertaken.</p> <p>The requirements of the BASIX certificate issued for the proposed development will be complied with and ensure residences have year round comfort and reduce total energy consumption for heating and cooling.</p> <p><u>6.4.2 Stormwater Management</u></p> <p>All stormwater runoff will be discharged to the street drainage system. The system will be “gravity” drained.</p> <p>The development site shall provide an overland flow path for the major storm event (1% AEP).</p> <p><u>6.4.4 Security, Site Facilities and Services</u></p> <p>Each dwelling will be provided with open air clothes drying facility in a sunny location, which will be adequately screened from streets and public places and receives no less than 2 hours of direct sun per day.</p>	<p>✓</p> <p>✓</p> <p>✓</p>

	<p>Each dwelling will be provided with a lockable mail box complying with the requirements of Australia Post.</p> <p>The design and provision of public utilities, including sewerage, water, electricity, street lighting, telephone and gas services will conform to the cost- effective performance measures of the relevant servicing authority.</p> <p>Adequate light will be provided to all pedestrian paths, shared areas, parking areas and building entries.</p>	
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Section 16 Car Parking and Access

Controls	Comment	Complies
16.2 Residential development	<p>Car parking is provided on site in accordance with the requirements of 16.6 of this section of the DCP.</p> <p>The location and construction of car parking complies with Section 6 of this DCP.</p> <p>On site parking facilities are designed and constructed to comply with the provisions of AS2890.1.</p>	✓
16.6 Car parking schedule for specific land uses	Each proposed dwelling is less than 125m ² GFA and is provided with 1 car parking space located in accordance with Section 6 of this DCP.	✓

Section 20 Erosion and Sediment Control

Controls	Comment	Complies
	Application is accompanied by an Erosion and Sediment Control Plan, a Water Management Plan and Landscape Plan with a schedule of works.	✓
20.1 Legal requirements	Noted.	✓
20.2 Erosion and sediment control planning	Erosion and Sediment Control Plan prepared in accordance with the provisions of this DCP.	✓
20.4 Management of erosion and sediment control	<p>Proponent accepts responsibility for full compliance and will minimise erosion and retain sediment eroded by water or wind on the development site in accordance with the relevant provisions of this DCP, including</p> <ul style="list-style-type: none"> • Installation and maintenance of the erosion and sediment controls set out in the approved Erosion and Sediment Control Plan, • Providing adequate access requirements, • Installing and maintaining a turf filter strip as detailed in this DCP, • installed and connected all roof guttering and downpipes to Council's drainage system immediately after roof material fixing to Council's drainage system immediately after roof material fixing. • Installing a sediment fence to provide a temporary barrier or filter geotextile structure that captures sediment from the sheet flow runoff. 	✓

	<ul style="list-style-type: none"> Installing sediment traps to provide a temporary sediment control measure to intercept and retain sediment laden runoff in an excavation and/or an embankment located at all points where stormwater can leave a construction site or enter a drainage system. Use water runoff detention and sediment interception measures, where required. Sediment detention basins will be installed if total sediment volume calculated for the proposal catchment exceeds 150 cubic metres in the design Annual Recurrence Interval (ARI) 5-year storm event. These basins will be maintained until consent conditions are fulfilled. Where the subsoils within the development site contain more than 10% dispersal soils material, all runoff will be captured and treated to a level specified by the Department of Environment and Climate Change (DECC) before discharge to receiving waters. Wind erosion mitigating practices and associated sediment interception structures will be applied to the land to reduce wind erosion where required. Appropriate water and wind erosion control measures will be in place before land is disturbed and maintained until effective land stabilisation is completed. During the implementation of any approved work covered by this section, the sediment eroded by water will be retained on the development site in accordance with the provisions of this DCP. Progressive land surface stabilisation will be carried out on all disturbed areas until the site is satisfactorily rehabilitated, and where appropriate, landscaped to the satisfaction of Council. Topsoil and stockpile management, erosion and sediment control maintenance will be undertaken in accordance with the relevant provisions of this DCP. 	
20.5 Environmental bond	For Council consideration.	✓
20.6 Exempt works	No exempt works proposed.	✓

Section 24 Waste Minimisation and Management

Controls	Comment	Complies
24.1 Site waste minimisation and management	Noted.	
24.2 Submission/application requirements	Application is accompanied by a Site Waste Minimisation and Management Plan.	✓
24.3 Assessment criteria/controls for all development	<p><u>24.3.1 Demolition of Buildings or Structures</u></p> <p>No demolition is proposed as part of this application.</p>	✓

	<p><u>24.3.2. Construction of Buildings or Structures</u></p> <p>A completed Site Waste Minimisation and Management Plan (SWMMP) accompanies this development application.</p> <p>The SWMMP identifies all waste likely to result from the construction process, and the opportunities for the reuse and recycling of these materials.</p> <p>Construction will incorporate the use of prefabricated components and recycled materials as much as practicable.</p> <p>All waste will be transported to a place that can lawfully be used as a waste facility. All records will be retained demonstrating lawful disposal of waste and will be kept readily accessible for inspection by regulatory authorities such as council, Environment Protection Authority or WorkCover NSW.</p>	✓
24.4 Development-specific assessment criteria/controls	<p><u>24.4.1 Single Dwellings, Semi-Detached and Dual Occupancy</u></p> <p>A completed Site Waste Minimisation and Management Plan (SWMMP) accompanies this development application.</p> <p>Each dwelling has ample kitchen cupboard space for indoor waste/recycling bins.</p> <p>Each dwelling will have an onsite waste/recycling storage area in the rear yard, that is of sufficient size to accommodate Council's waste, recycling and garden waste bins.</p> <p>The waste storage area is easily accessible and has unobstructed access to Council's usual collection point on the road.</p>	✓

Section 25 Stormwater Management

Controls	Comment	Complies
25.1 Preamble	Noted.	
25.2 All development	<p><u>25.2.1 Applications</u></p> <p>Development Application is accompanied by Stormwater Servicing Strategy demonstrating compliance with the relevant requirements of this section of the DCP.</p> <p><u>25.2.3 Flooding and Runoff Regimes</u></p> <p>Development is designed in accordance with "Australian Rain Fall and Run off" and the NSW Floodplain Development Manual.</p> <p>Designs have been prepared in accordance with the Muswellbrook Shire Council Handbook for Drainage Design Criteria and the quality assurance requirements of AUS-SPEC are satisfied.</p> <p><u>25.2.4 Overflow disposal</u></p> <p>Development has been designed to ensure that stormwater discharges do not cause excessive nuisance to adjoining or neighbouring lands</p> <p><u>25.2.5 Pollutants</u></p> <p>Development has been designed to ensure stormwater generated from development does not result in pollution of water courses or receiving waters.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

Ironbark Ridge Extension Urban Release Area (Stage 1)

	Stormwater management system is designed to capture and remove all litter larger than 5mm in size and pollution reduction devices will be installed.	
25.3 Residential development	<p>Stormwater drainage complies with AS 3500.3;</p> <p>Development complies with BASIX where it applies</p> <p>Gutters and down pipes will be installed to collect roof water.</p> <p>Pits will be installed to collect water from the low points in yards;</p> <p>Down pipes and pits will be connected to the 'discharge controls' for the site.</p> <p>Soil and erosion plans are submitted in accordance with the provisions of section 20 of this DCP;</p> <p>The Stormwater Servicing Strategy provides a water cycle strategy plan that responds to relevant issues and opportunities for achieving sustainable water cycle outcomes</p>	✓
25.5 Subdivisions	<p>Development Application is accompanied by Stormwater Servicing Strategy demonstrating compliance with the relevant requirements of this section of the DCP.</p> <p>25.5.1 Stormwater Collection</p> <p>Surface levels will be graded such that the sites are generally free draining.</p> <p>Where necessary, drainage pits are to be installed so that nuisance water does not collect at low points</p> <p>Gutters, down pipes and pits will be connected to the stormwater management system for the site. Australian Standard 3500.3 will be followed and AUS-SPEC is used in the subdivision design.</p> <p>Public use areas satisfy relevant flood safety criteria as assessed with reference to the NSW Floodplain Development Manual.</p>	✓ ✓
25.6 Plans	Erosion and Sediment Control Plans are provided in accordance with the provisions of section 20 of this DCP.	✓