



New England Highway bypass of Muswellbrook

Introduction

Transport for NSW | October 2021

1. Introduction

This chapter introduces the proposal and provides the context of the environmental assessment. In introducing the proposal, the objectives and proposal development history are detailed and the purpose of the report provided.

1.1 Proposal identification

Transport for NSW (Transport) proposes to build a New England Highway bypass of Muswellbrook.

The location of the proposal is shown in Figure 1-1. Chapter 3 provides a detailed description of the proposal.

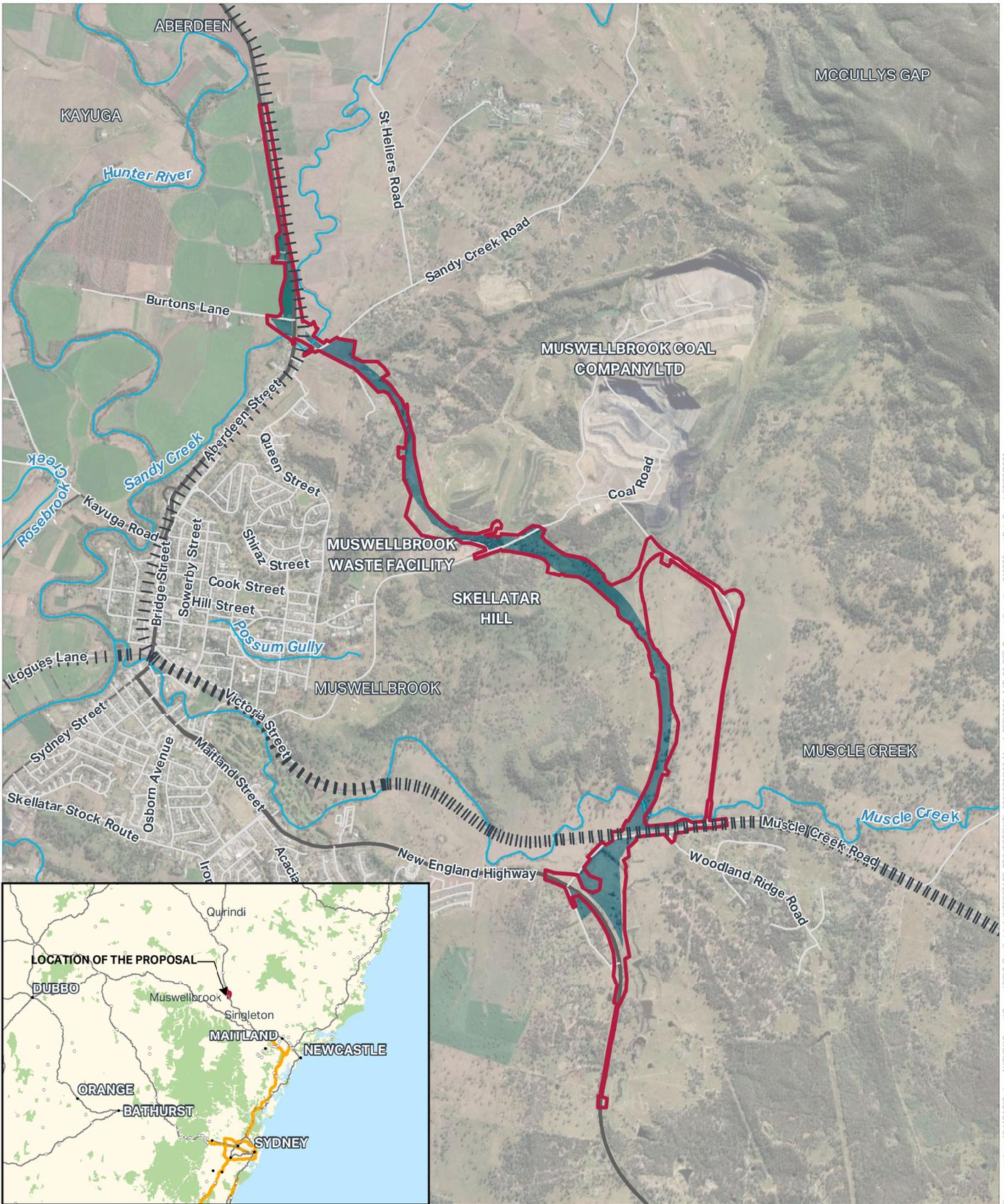


FIGURE 1-1: LOCATION OF THE PROPOSAL

Legend

- Construction footprint
- Proposed road corridor
- State Road
- Regional Road
- Local Road
- Railway
- Watercourse



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1.2 Purpose of the report

This review of environmental factors (REF) has been prepared by AECOM Pty Ltd on behalf of Transport. For the purposes of this work, Transport is the proponent and the determining authority under Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The purpose of the REF is to describe the proposal, to document the likely impacts of the proposal on the environment, and to detail mitigation and management measures to be implemented.

The description of the proposed work and assessment of associated environmental impacts has been carried out in the context of clause 228 of the Environmental Planning and Assessment Regulation 2000, the factors in *Is an EIS Required? Best Practice Guidelines for Part 5 of the Environmental Planning and Assessment Act 1979* (Is an EIS required? guidelines) (DUAP, 1995/1996), *Roads and Related Facilities EIS Guideline* (DUAP 1996), the *Biodiversity Conservation Act 2016* (BC Act), the *Fisheries Management Act 1994* (FM Act), and the *Australian Government's Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In doing so, the REF helps to fulfil the requirements of:

- Section 5.5 of the EP&A Act including that Transport examines and takes into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity
- The strategic assessment approval granted by the Federal Government under the EPBC Act in September 2015, with respect to the impacts of Transport's road activities on nationally listed threatened species, ecological communities and migratory species.

The findings of the REF would be considered when assessing:

- Whether the proposal is likely to have a significant impact on the environment and therefore the necessity for an environmental impact statement to be prepared and approval to be sought from the Minister for Planning and Public Spaces under Division 5.2 of the EP&A Act
- The significance of any impact on threatened species as defined by the BC Act and/or FM Act, in section 1.7 of the EP&A Act and therefore the requirement for a Species Impact Statement or a Biodiversity Development Assessment Report
- The significance of any impact on nationally listed biodiversity matters under the EPBC Act, including whether there is a real possibility that the activity may threaten long-term survival of these matters, and whether offsets are required and able to be secured. The potential for the proposal to significantly impact any other matters of national environmental significance or Commonwealth land and the need, subject to the EPBC Act strategic assessment approval, to make a referral to the Australian Government Department of Agriculture, Water and the Environment for a decision by the Commonwealth Minister for the Environment on whether assessment and approval is required under the EPBC Act.