

Our Ref: 23042 Preliminary Ecological Assessment at Bylong Valley Way, Widden.
Via: email

Date: 5 December 2023

Upper Hunter Planning
10 Top Knot Place
Muscle Creek NSW 2333

Dear Sally,

RE: PRELIMINARY ECOLOGICAL ASSESSMENT – SUBDIVISION OF LOT 10 DP1295733 INTO TWO LOTS

MJD Environmental was engaged by Upper Hunter Planning to provide a Preliminary Ecological Assessment (PEA) for the boundary change associated with a one into two lot subdivision of land located at Lot 10 DP 1295733, Bylong Valley Way, Widden (the Site). This report is made with due regard to the Muswellbrook Shire Council DCP 2009 Part 8 Rural and Environmental Zone Development, Section 8.3 Environmental Matters.

The proposed DA is for a subdivision of land (refer to **Attachment 1**) and has no clearing directly associated with it, which therefore does not trigger the need for any biodiversity assessment, however this letter will assume that with a boundary adjustment a fence will be built, and that is what is being assessed.

The State Vegetation Type Mapping (NSW DPE 2022) identifies Plant Community Types (PCTs) that align partially with state and federally listed Threatened Ecological Communities (see **Attachment 2**). The Site is mapped on the NSW Biodiversity Values Map and Regent Honeyeater Important Areas (see **Attachment 3**).

It is understood that there is no building envelope proposed for lot 1, however, if a dwelling was to be constructed within lot 2 (refer to **Attachment 1**) showing a proposed plan of subdivision), it is feasible that the construction would not trigger the BOS as the proposed location does not fall on or affect high biodiversity land, so long as the clearing threshold for the minimum lot size (1ha) was not exceeded. Additionally, future siting for buildings and APZ must avoid high biodiversity mapped areas (refer to **Attachments 2 and 3**). We note that the building envelope would be accessed via existing tracks on the site and would not require improvement, therefore this would not represent a BOS entry threshold exceedance in and of its own right.

Interrogation of the Native Vegetation Regulatory Map indicates the Lots in question contain a combination of Category 2 – Regulated Land and Category 2 – Vulnerable Regulated Land under the Local Land Services Act 2013 (LLS), therefore a maximum clearing distance of 6m is allowable for rural infrastructure, as allowable rural infrastructure includes the construction of a fence, if one is to be installed along the new boundary line, it would be permissible without formal biodiversity assessment under the *Biodiversity Conservation Act (2016)*.

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Notwithstanding the above, it is worth noting that this proposal is likely to impact a section of land with high biodiversity value associated with Kerrabee Creek, which runs north to south through the centre of the lot. Impacting this land would trigger the BOS if the LLS allowable activities did not apply to the site.

In conclusion, this PEA has found that the Development Application for a subdivision and potential construction of a fence associated with the adjusted boundary will not require any further ecological assessment, so long as fence line construction adheres to LLS regulations regarding allowable activities for landholders.

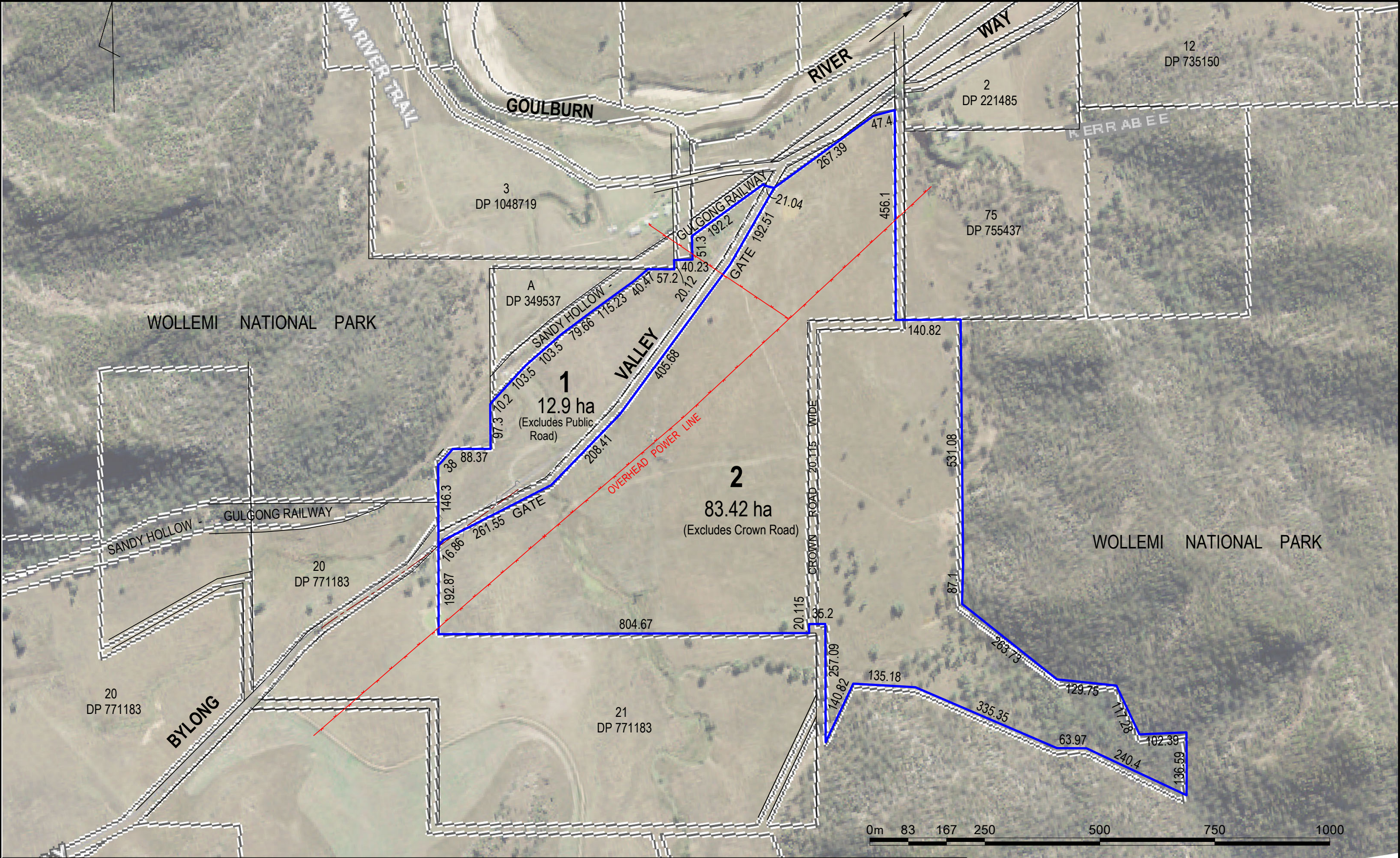
We trust this is sufficient for your purposes, however, should you require any further information or clarification, please do not hesitate to contact Stephanie Sheehy (Ecologist) or the writer.

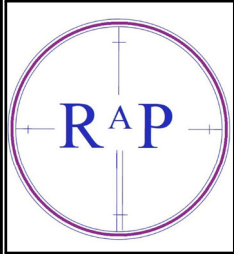
Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Doherty', is displayed on a light blue background.

Matt Doherty
Director
Accredited BAM Assessor # BAAS17044
MJD Environmental

Encl: Attachment 1: Proposed Plan of Subdivision
Attachment 2: Vegetation and Threatened Ecological Communities
Attachment 3: Biodiversity Values Map and Regent Honeyeater Important Areas



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BYLONG VALLEY WAY, WIDDEN

ATTACHMENT 2: VEGETATION AND THREATENED ECOLOGICAL COMMUNITIES

Legend

- Subject Land
- Contours (10m)
- Watercourse
- National Park Estate

Threatened Ecological Communities

- Central Hunter Valley eucalypt forest and woodland (CEEC - EPBC Act)
- Inland Grey Box Woodland (EEC - BC Act); Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands (EEC - EPBC Act)

Plant Community Types

- 3403: Western Hunter Creekflat Apple Grassy
- 3405: Central West Flats Inland Grey Box Grassy Forest
- 3497: Western Hunter Escarpment Slaty Gum-Pine Forest
- 3529: Western Hunter Sandy Colluvial Gully Forest
- 3767: Upper Hunter Escarpment Colluvial Ironbark Forest
- 3775: Western Hunter Escarpment Ironbark Forest
- 3783: Western Hunter Rocky Sandstone Ironbark Forest

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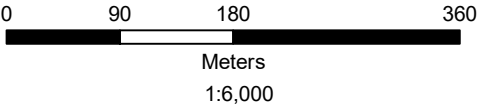
Aerial: © Department of Customer Service 2020 | Data: MJD Environmental, NSW Spatial Services (2023), NSW DPE (2022) | Datum/Projection: GDA 1994 MGA Zone 56 | Date: 5/12/2023 | Version 1 | Z:\23042 - Lot 10 DP 1295733, Bylong Valley Way, Widden\23042_EcoDD_2023\205.mxd | This plan should not be relied upon for critical design dimensions.



BYLONG VALLEY WAY, WIDDEN

ATTACHMENT 3: NSW BIODIVERSITY VALUES MAP AND REGENT HONEYEATER IMPORTANT AREAS

- Legend**
- Subject Land
 - Watercourse
 - Regent Honeyeater Important Area Map
 - Biodiversity Values
 - Biodiversity Values added in the last 90 days



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