




STATEMENT OF ENVIRONMENTAL EFFECTS
TWO LOT SUBDIVISION
LOT 10 DP1295733
BYLONG VALLEY WAY, WIDDEN
For
Restbox Pty Limited

Our Ref:	22/141
Project Name:	Two Lot Subdivision – Lot 10 DP1295733 Bylong Valley Way, Widden
Client:	Restbox Pty Limited
Author:	Sally Cottom Planner DipTwnPln
Certification:	<i>I hereby certify that this Statement of Environmental Effects has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and its associated Regulations. I certify to the best of my knowledge the information contained within this report is neither false nor misleading.</i>
Signature:	

This report was prepared by Upper Hunter Planning a business of RA PEASLEY Consulting Pty Ltd.

Revision	Date	Revision Details	Author
Draft	10/07/2023	Draft	SC
Client Review	13/12/2023	Client Review	Client
Final	14/12/2023	Final	SC

Disclaimer

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APPENDIX A: PROPOSED SUBDIVISION PLAN

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1. INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of the applicant Restbox Pty Limited by Upper Hunter Planning to accompany a Development Application to Muswellbrook Shire Council for a Proposed Subdivision of one lot into two lots of land at Bylong Valley Way, Widden comprised within Lot 10 DP 1295733 (the site).

The proposed development is consistent with the relevant strategies of the *Muswellbrook Local Government Area*, objectives of the development standards under *Muswellbrook Local Environmental Plan 2009* and the relevant development controls under *Muswellbrook Development Control Plan 2009*.

The subject site is zoned **RU1 Primary Production** with the proposed development being permissible with consent under this zone.

This Statement of Environmental Effects and Development Application addresses the matters required to be considered by the consent authority in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 OWNER AND SITE DETAILS

The Owner(s):

The site is located at Bylong Valley Way, Widden, Lot 10 DP 1295733 and is owned by Restbox Pty Limited.

The Applicant:

Restbox Pty Limited
C/- Upper Hunter Planning
10 Top Knot Place
Muscle Creek NSW 2333

Contact:

Sally Cottom
Phone: (0400) 168 996

1.2 LOCATION AND CONTEXT

The site is located at Bylong Valley Way, Widden in the Muswellbrook Local Government Area (MLGA). The site is 96.32 hectares in area (refer **Figure 1**).



Figure 1: Location of Site (Source: Six Maps)

The site contains cattle yards, farm dams and agricultural land used for primary production purposes by Restbox Pty Limited with existing access to Bylong Valley Way.

The site is surrounded by land used for the purposes of Primary Production and Environmental Management (refer **Figure 2**).

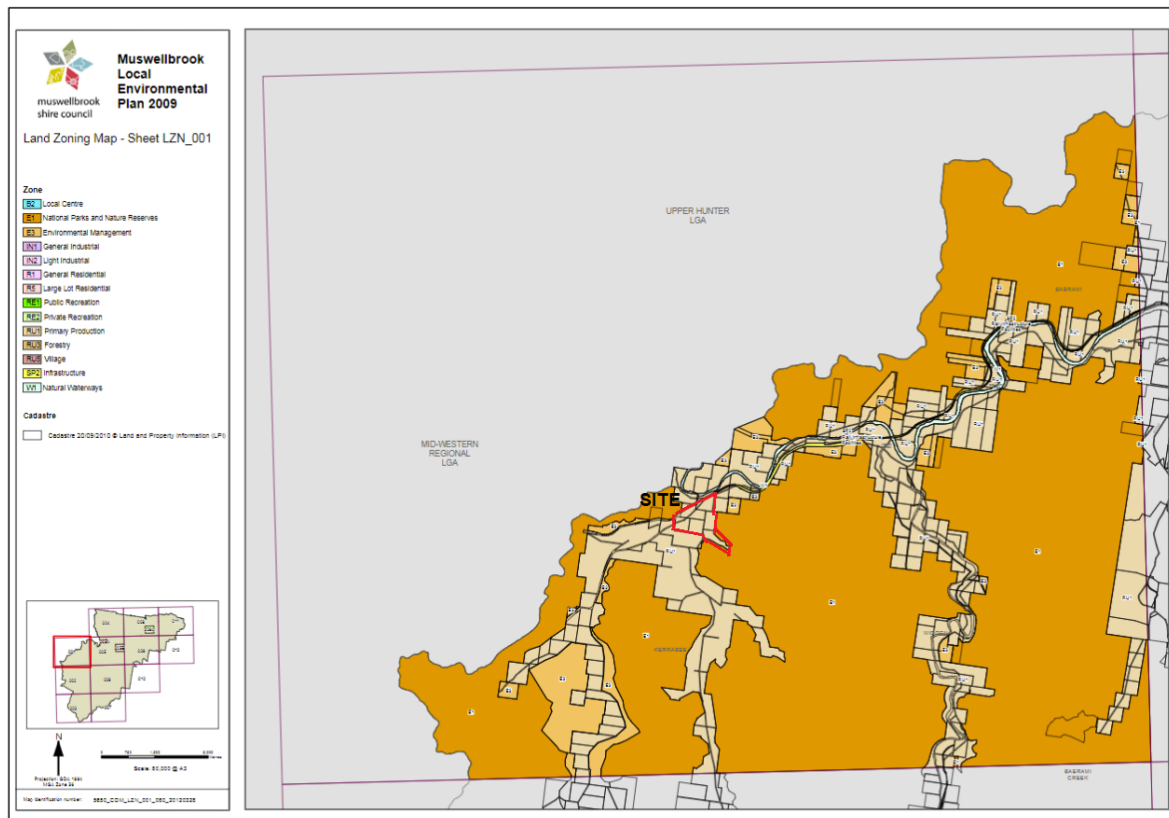


Figure 2: Land Zoning Map (Source: Muswellbrook LEP 2009)

2. PROPOSED DEVELOPMENT

The proposed development involves the Subdivision of one lot into two lots of land at Bylong Valley Way, Widden comprised within Lot 10 DP 1295733 (refer **Figure 3** and **Appendix A**).

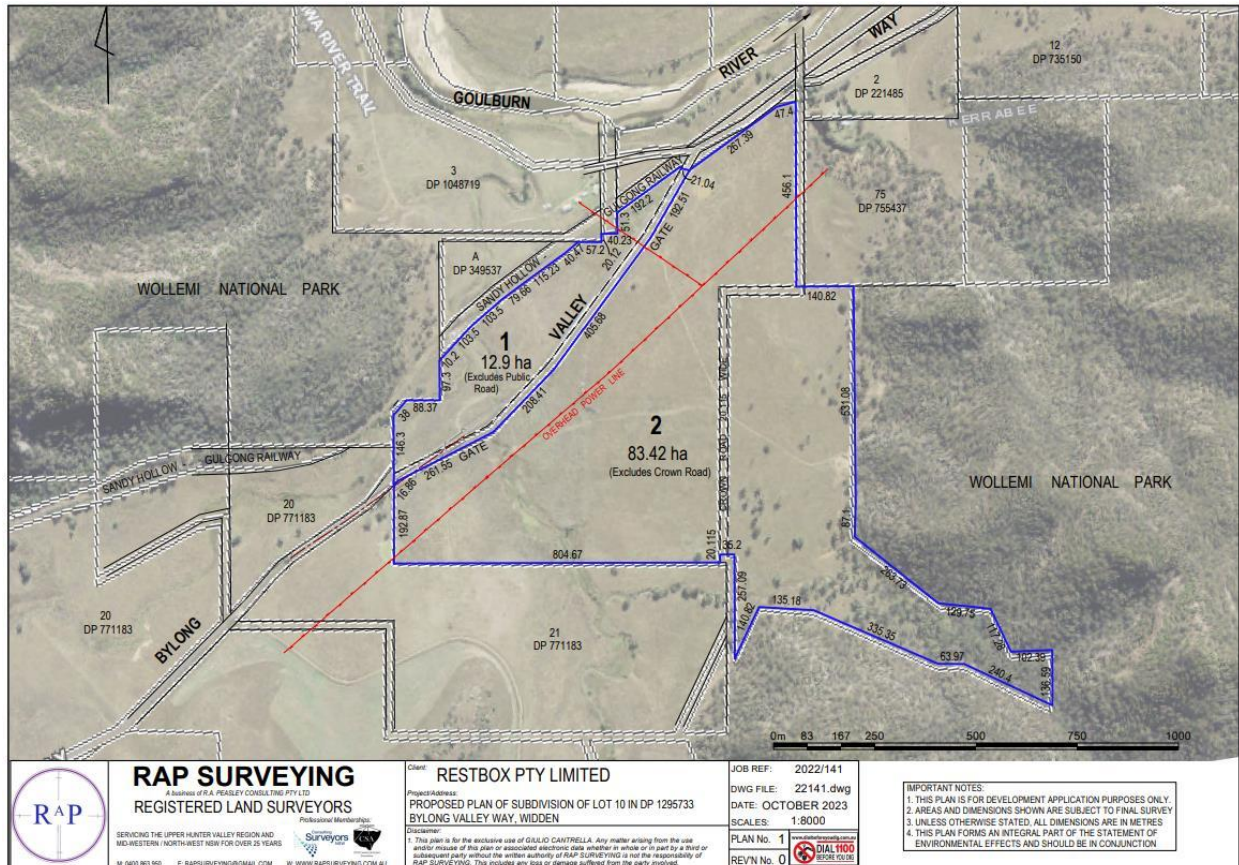


Figure 3: Proposed Subdivision Plan (Source: RAP Surveying)

Proposed Lot 1 is 12.9 hectares in area which contains:

- Cattle Yards

Proposed Lot 2 is 83.42 hectares in area which contains:

- Agricultural Land
- Farm Dams

Each new lot will retain existing access to Bylong Valley Way and have provision to connect to electricity and telecommunications supply where relevant (refer **Figure 3** and **Appendix A**).

3. PLANNING CONSIDERATIONS

The proposed development is being determined under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), subject to determination by Council. Section 3 of this report identifies the statutory planning provisions that apply to the subject site.

3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.15 of the EP&A Act specifies the matters for consideration required for the evaluation of a development application as outlined below. Relevant headings of this report detail the proposed development against the relevant heads of consideration in Section 4.15(1), EP&A Act.

(1) Matters for consideration—general

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—

- (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 Planning 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 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) (Repealed)**

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.*

These matters have been addressed under the relevant headings below.

3.1.1 Environmental Planning and Assessment Act 1979 Clause:

4.15(1)(A)(I) - Provision of any Environmental Planning Instrument that apply to the Land

State Environmental Planning Policies

Consideration of the State Environmental Planning Policies that are applicable to the development type and the land has been undertaken.

SEPP (Biodiversity Conservation Act) 2021

In accordance with the Preliminary Ecological Assessment (refer **Appendix C**), the proposed development is unlikely to exceed relevant clearing thresholds under the Biodiversity Conservation Act.

Local Environmental Plans

The *Muswellbrook Local Environmental Plan 2009* applies to the land. The relevant provisions of the plan have been addressed in **Table 1**.

Table 1 – Muswellbrook Local Environmental Plan 2009

SECTION	PROVISION	STATEMENT OF COMPLIANCE
PART 1	Preliminary	Noted
PART 2	Permitted or Prohibited Development	
2.1	Land use zones.	The land is zoned RU1 Primary Production.
2.2	Zoning to which Plan applies.	RU1 Primary Production.
2.3	Zone objectives and Land Use Tables Zone RU1 Primary Production <ul style="list-style-type: none">• 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 the fragmentation and alienation of resource lands.• To minimise conflict between land uses within this 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 and services.• 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)	Under this zone the proposed subdivision is permissible with consent and complies with the Zone objectives and Land Use Tables.

SECTION	PROVISION	STATEMENT OF COMPLIANCE
	<p>or open cut mines (other than open cut mines from the surface of the flood plain), will not—</p> <ul style="list-style-type: none"> (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. <ul style="list-style-type: none"> • To protect or conserve (or both)— <ul style="list-style-type: none"> (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. 	
2.6	Subdivision consent requirements.	The proposed development is for a subdivision which requires subdivision consent.
PART 3	Exempt and Complying Development	Part 3 does not apply to the proposed development.
PART 4	Principal Development Standards	Part 4 applies to the proposed development.
4.1	<p>Minimum subdivision lot size</p> <p><i>(1) The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"> <i>(a) to ensure that new subdivisions reflect characteristic lot sizes and patterns in the surrounding locality,</i> <i>(b) to ensure that lot sizes that create a dwelling entitlement are consistent with lot sizes on adjoining lands,</i> <i>(c) to ensure that lot sizes have a practical and efficient layout to meet intended use,</i> <i>(d) to prevent the fragmentation of rural lands.</i> <p><i>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</i></p>	<p>Consistent</p> <p>The proposed subdivision creates a lot which is 83.42 hectares in area which is consistent with the desired lot sizes in the locality and with lot sizes on adjoining lands.</p> <p>The size of the lot meets the minimum lot size to contain a future dwelling and can continue to be used for primary production purposes.</p> <p>Refer Advice at Appendix D regarding Clause 4.1 Minimum Subdivision Lot Size and the exception under Clause 4.2 Subdivision in Rural Zones.</p>

SECTION	PROVISION	STATEMENT OF COMPLIANCE
	<p>(3) <i>The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p>(4) <i>This clause does not apply in relation to the subdivision of any land—</i></p> <p>(a) <i>by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</i></p> <p>(b) <i>by any kind of subdivision under the Community Land Development Act 2021.</i></p>	
4.2	<p>Rural subdivision.</p> <p>(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot</p>	<p>Consistent</p> <p>The proposed subdivision creates a lot which is 12.9 hectares in area. Land in the RU1 Primary Production zone can under Clause 4.2 Rural Subdivision be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum lot size on the lot size map, provided that the lot does not contain a dwelling, which in this instance the undersized lot does not contain a dwelling.</p> <p>Refer Advice at Appendix D regarding Clause 4.1 Minimum Subdivision Lot Size and the exception under Clause 4.2 Subdivision in Rural Zones.</p>

SECTION	PROVISION	STATEMENT OF COMPLIANCE
	<p>Size Map in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p> <p>(5) A dwelling cannot be erected on such a lot.</p> <p>Note 1— A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).</p> <p>Note 2— This Plan does not include Zone RU2, RU4 or RU6.</p>	
PART 5	Miscellaneous Provisions	Part 5 applies to the proposed development.
5.10	Heritage conservation.	<p>Consistent</p> <p>Muswellbrook Shire Council's Heritage Inventory 1996 and the Muswellbrook LEP mapping have identified the following local heritage items: -</p> <p><u>Lot 4 DP755437</u></p> <p><i>Former post office – local</i> Former Kerrabee House – Local</p> <p><u>Lot 5 DP755437</u></p> <p>Former post office – local</p> <p>Confirmation was received from Muswellbrook Shire Council that these Heritage Items are not located within the subject site and are identified on 3179 Bylong Valley Way, Kerrabee which comprises of Lot 2 DP221485 and Lots 75 and 84 DP 755437</p> <p>The site is not affected by any State or Aboriginal Heritage Items or Places (Appendix E).</p>

SECTION	PROVISION	STATEMENT OF COMPLIANCE
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones.	<p>Consistent</p> <p>The proposed subdivision creates Proposed Lot 2 which meets the minimum lot size for a future dwelling.</p> <p>Refer Advice at Appendix D regarding Clause 4.1 Minimum Subdivision Lot Size and the exception under Clause 4.2 Subdivision in Rural Zones.</p> <p>Surrounding development consist of rural and rural/residential uses and the proposal is unlikely to have a significant impact on these uses.</p>
PART 6	Urban Release Areas	Part 6 does not apply to the proposed development.
PART 7	Additional Local Provisions	Part 7 applies to the proposed development.
7.2	<p>Subdivision in Zone RU1 Primary Production and Zone E3 Environmental Management.</p> <p>(1) <i>The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</i></p> <p>(2) <i>This clause applies to land in Zone RU1 Primary Production and Zone E3 Environmental Management that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation.</i></p> <p>(3) <i>Development consent must not be granted to the subdivision of a lot in a strata plan or community title scheme on land to which this clause applies.</i></p>	<p>Consistent</p> <p>The proposed subdivision of land creates Proposed Lot 2 which enables one dwelling entitlement in accordance with Clause 4.1 and Clause 7.5 of the LEP. The proposal does not create a lot that could be further subdivided.</p> <p>Refer Advice at Appendix D regarding Clause 4.1 Minimum Subdivision Lot Size and the exception under Clause 4.2 Subdivision in Rural Zones.</p>
7.5	Erection of dwelling houses on land in certain rural and environmental protection zones	<p>Consistent</p> <p>Proposed Lot 2 is created in accordance with Clause 4.1 of the LEP.</p>

SECTION	PROVISION	STATEMENT OF COMPLIANCE
	<p>(1) <i>This clause applies to any of the following zones—</i></p> <p>(a) <i>Zone RU1 Primary Production,</i></p> <p>(b) <i>Zone RU3 Forestry,</i></p> <p>(c) <i>Zone E3 Environmental Management.</i></p> <p>(2) <i>Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is—</i></p> <p>(a) <i>a lot created in accordance with clause 4.1, or</i></p> <p>(b) <i>a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or</i></p> <p>(c) <i>a lot created before this Plan commenced that is at least the minimum lot size specified for that lot by the Lot Size Map, or</i></p> <p>(d) <i>a lot for which subdivision approval was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible immediately before that commencement, or</i></p> <p>(e) <i>an existing holding.</i></p> <p>Note—</p> <p><i>A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.</i></p> <p>(3) <i>Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if—</i></p> <p>(a) <i>there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or</i></p> <p>(b) <i>the land would have been a lot or a holding referred to in subclause (2) had it not been affected by—</i></p>	<p>Refer Advice at Appendix D regarding Clause 4.1 Minimum Subdivision Lot Size and the exception under Clause 4.2 Subdivision in Rural Zones.</p>

SECTION	PROVISION	STATEMENT OF COMPLIANCE
	<p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose.</p> <p>(4) In this clause—</p> <p>existing holding means all adjoining land, even if separated by a road or railway, held in the same ownership—</p> <p>(a) on 11 April 1974, and</p> <p>(b) at the time of lodging a development application for the erection of a dwelling house under this clause, and includes any other land adjoining that land acquired by the owner since 11 April 1974.</p> <p>Note—</p> <p>The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.</p>	

3.1.2 Environmental Planning and Assessment Act 1979 Clause:

4.15(1)(A)(II) - Provisions of any Proposed Instrument that is or has been the Subject of Public Consultation under this Act and that has been Notified by the Consent Authority

Draft State Environmental Plans

There are no draft State Environmental Plans that apply to this development.

Draft Local Environmental Plans

There are no draft Local Environmental Plans that apply to this development.

3.1.3 Environmental Planning and Assessment Act 1979 Clause:

4.15(1)(A)(III) - Provision of any Development Control Plan that apply to the Land

Development Control Plans

The *Muswellbrook Development Control Plan 2009* applies to the land. The relevant development controls of this plan have been addressed in **Table 2**.

Table 2 – Muswellbrook Development Control Plan 2009

SECTION	DEVELOPMENT CONTROL	STATEMENT OF COMPLIANCE
1	Introduction	Noted.
2	Submitting an application	Noted.
3	Site Analysis	Refer Appendix A .
4	Notification	Noted.
5	Subdivision	Part 5 applies to the proposed development.
5.1	Introduction.	Noted.
5.2	Approval Process.	Noted.
5.3	General Requirements for Subdivision.	Consistent
5.3.1	Development Standards – Muswellbrook LEP	<p>The proposed subdivision of land is consistent with Muswellbrook LEP 2009.</p> <p>Clause 4.1 Minimum Subdivision Lot Size – The development creates a lot which is the minimum subdivision lot size of 80 hectares to be used for the purposes of primary production and a future dwelling.</p> <p>Clause 4.2 Rural Subdivision – The development creates a lot that is less than the minimum lot size and to be continued to be used for primary production.</p> <p>Refer Advice at Appendix D regarding Clause 4.1 Minimum Subdivision Lot Size and the exception under Clause 4.2 Subdivision in Rural Zones.</p> <p>Therefore, the proposed development is consistent with the Muswellbrook LEP 2009.</p>
5.3.2	Special Considerations	<p>The land is not identified within a Mine Subsidence District, is not identified as flood prone land is not registered on the NSW EPA or POEO register as containing any land contamination. The land is not adjacent to a classified road.</p> <p>The land is identified as bushfire prone land, a Bushfire Threat Assessment has been undertaken (refer Appendix B).</p>

SECTION	DEVELOPMENT CONTROL	STATEMENT OF COMPLIANCE
		The land is identified as containing non-epi biodiversity values, a Preliminary Ecological Assessment has been undertaken (refer Appendix C)
5.3.3	Adoption of AUS-SPEC	No construction works apply to this proposed development.
5.3.4	Buffers	Bushfire Buffers will be implemented in accordance with the recommendation of the bushfire assessment (refer Appendix B) and any request from NSW Rural Fire Service General Terms of Approval.
5.4	Rural / Rural-Residential Subdivision.	Part 5.4 applies to the proposed development.
5.4.1	Lot Size and Shape	Consistent The development creates: - Proposed Lot 1 which has a lot size of 12.9 ha which contains existing cattle-yards used and continued to be used for primary production purposes. Proposed Lot 2 which has a lot size of 84 ha has adequate area for the location of a building envelope 2000m ² located outside the zone of influence of any significant vegetation and reduced bushfire risk.
5.4.2	Roads and Access	Consistent Proposed Lot 1 and Lot 2 have direct access to Bylong Valley Way, refer Appendix A .
5.4.3	Crown Roads	This part does not apply to the proposal.
5.4.4	Soil and Water Management	Consistent No change to the quality of water runoff after the completion of the proposed development as it does not include any building works. Any future development on Proposed Lot 2 would be required to submit the relevant plans.
5.4.5	Effluent Disposal	Can Comply The proposed development creates Proposed Lot 2 which can contain a future, there is adequate area for a future onsite effluent disposal system.

SECTION	DEVELOPMENT CONTROL	STATEMENT OF COMPLIANCE
5.4.6	Flora and Fauna	<p>Consistent</p> <p>A Preliminary Ecological Assessment has been undertaken by MJD Environmental and demonstrates that the proposed development will have minimal impact on the flora and fauna identified on this site refer Appendix C.</p>
5.4.7	Visual Amenity	<p>Consistent</p> <p>The proposed development is unlikely to have an adverse impact on the visual amenity of the locality as it does not propose any building works.</p>
5.4.8	Heritage	<p>Consistent</p> <p>Muswellbrook Shire Council's Heritage Inventory 1996 and the Muswellbrook LEP mapping have identified the following local heritage items: -</p> <p><u>Lot 4 DP755437</u></p> <p><i>Former post office – local</i> Former Kerrabee House – Local</p> <p><u>Lot 5 DP755437</u></p> <p>Former post office – local</p> <p>Confirmation received from Muswellbrook Shire Council confirmed that these Heritage Items are not located within the subject lots and are identified on 3179 Bylong Valley Way, Kerrabee which comprises of Lot 2 DP221485 and Lots 75 and 84 DP 755437</p> <p>The site is not affected by any State or Aboriginal Heritage Items or Places (refer Appendix E).</p>
5.4.9	Utility Services	<p>Consistent and Can Comply</p> <p>Utility services are available in the locality.</p>
5.4.10	Hazards	<p>Consistent</p> <p>The land is identified as Bushfire Prone Land, recommendations are provided for the development in the Bushfire Threat Assessment refer Appendix B to minimise bushfire hazards</p>

SECTION	DEVELOPMENT CONTROL	STATEMENT OF COMPLIANCE
		to the proposed development and adjoining land.
15	Heritage Conservation	Consistent Refer Part 5.4.8 - unlikely to have an adverse impact on any registered heritage items located near the development, confirmation required from Muswellbrook Shire Council regarding the misdescription of heritage inventory.
16	Car Parking and Access	Consistent Both lots have direct access to a public sealed road.

3.1.4 Environmental Planning and Assessment Act 1979 Clause:

4.15(1)(A)(IIIA) - Provisions of any Planning Agreement that has been entered into under Section 7.4, or any Draft Planning Agreement that a Developer has offered to enter into under Section 7.4

To our knowledge there has been no Planning Agreement or Draft Planning Agreement that a Developer has entered or offered to enter into under Section 7.4.

3.1.5 Environmental Planning and Assessment Act 1979 Clause:

4.15(1)(A)(IV) - Provisions of the Regulations that apply to the Land

There are no sections of Regulations that apply to the land at the time of this report.

3.1.6 Environmental Planning and Assessment Act 1979 Clause:

4.15(1)(B) - The Likely Impact of the Development including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality.

Context and Setting

The proposed development is consistent with the context and setting of the site. The development creates one lot below the minimum lot size which can demonstrate the continued use for primary production and the creation of one lot above the minimum lot size which can contain a future dwelling and be continued to be used for primary production purposes. The proposed development is unlikely to reduce the productivity of the land.

Soils and Geology

The site is located in the Sandy Hollow Soil Landscape. This soil landscape covers smooth and gentle rises and slopes in the central Goulburn Valley, the south-eastern part of the Merriwa Plateau and the northern part of the southern mountains. The main soils are Red and Yellow Solodic Soils (Dr4.22, Dy3.42) on the upper and midslopes with Yellow and Brown Solodic Soils (Dy3.43, Db4.43) on the lower slopes. Red Earths (Gn2.15) occur midslope directly adjacent to sandstone benches with Siliceous Sands (Uc1.22). Alluvial Soils occur along major drainage lines. The proposed development is unlikely to affect the soils and geology in the locality as the development does not include any building or excavation works.

Earthworks

The proposed development does not include any earthworks.

Hydrology, Flooding and Water Quality

The site is not identified as flood prone land or groundwater vulnerability and is approximately 100 metres south of Goulburn River. It is unlikely that the proposed subdivision of land would have an impact on this watercourse as it does not include any building works.

Flora and Fauna

The land is a relatively cleared agricultural lot with some heavily timbered areas at the south-east corner of the lot. The proposed development does not include the removal of any significant vegetation. A desktop search was undertaken using Bionet Atlas and DCCEE Protected Matters Search Tool to identify any endangered threatened species on this site. The search resulted in the following species of flora and fauna being identified on the site.

Name of Species	Observation Date
Eurasian Skylark	8 November 1981
Eastern Snake-Necked Turtle	8 November 1981
Red-rumped Parrot	8 November 1981
Nankeen Kestrel	8 November 1981
Laughing Kookaburra	8 November 1981
Willie Wagtail	8 November 1981
Australian Magpie	8 November 1981
Magpie-Lark	8 November 1981
Bare-nosed Wombat	8 November 1981

The species identified on the site are not registered as endangered or threatened species (**Appendix E**).

Bushfire

The site is identified as bushfire prone land – vegetation category 1 and 3. In accordance with the Bushfire Threat Assessment dated 20 November 2023 (**Appendix B**), the proposed development can be undertaken in accordance with the NSW Rural Fire Service Planning for Bushfire Protection 2019 to reduce risk of damage or harm in the event of a bushfire by implementing mitigation measures.

Aboriginal and Cultural Heritage

The site does not contain any State or Aboriginal Heritage items or places.

Muswellbrook Shire Council's Heritage Inventory 1996 and the Muswellbrook LEP mapping have identified the following local heritage items: -

Lot 4 DP755437

Former post office – local

Former Kerrabee House – Local

Lot 5 DP755437

Former post office – local

Confirmation was received from Muswellbrook Shire Council which confirmed that these Heritage Items are not located within the subject lots and are identified on 3179 Bylong Valley Way, Kerrabee which comprises of Lot 2 DP221485 and Lots 75 and 84 DP 755437.

Acoustic

The proposed development is unlikely to have any adverse noise impacts.

Air Quality / Energy / Climate

The proposed development does not include any building works and is unlikely to have an adverse impact on the air quality, energy, or climate in the locality.

Access, Traffic and Transportation

The proposed development is unlikely to have an adverse impact on the access, traffic, or transport in the locality. Each lot has existing frontage access to a public sealed road.

Visual Characteristics

The proposed development does not include any building works and is unlikely to have an adverse visual impact on the characteristics in the locality.

Social / Economic

The proposed development will have a minor social and economic impact on the locality during the subdivision stage.

Waste Management

The proposed development does not include any building works; therefore, no waste is being created as part of this development.

Cumulative Environmental Impacts

The proposed development is consistent with the relevant planning controls and is unlikely to cause any cumulative environmental impacts.

3.1.7 Environmental Planning and Assessment Act 1979 Clause:

4.15(1)(C) - The Suitability of the Site for the Development

The proposed development is consistent with the context and setting of the site and the adjoining development, it is consistent with the relevant planning controls and standards as well as being consistent with the objectives of the RU1 Primary Production zone. It is considered that on this basis the site is suitable for the proposed development.

3.1.8 Environmental Planning and Assessment Act 1979 Clause:

4.15(1)(D) - Any Submissions made in accordance with this Act or the Regulations

The development application will be notified in accordance with the Development Control Plan that applies to the Land and at Council's discretion. Any submissions received will be addressed and any additional information provided to the consent authority to enable the assessment of the application.

3.1.9 Environmental Planning and Assessment Act 1979 Clause:

4.15(1)(E) - The Public Interest

The public interest is best served through the orderly use of the land for purposes which it is zoned and in accordance with Planning Controls and Policies that apply to the Land. The proposed development is consistent with the Planning Controls and Policies, is permissible with consent and complies with the relevant controls and policies governing the land.

3.2 OTHER LEGISLATION

Consideration was afforded to the following legislation:

- Fisheries Management Act 1994
- Threatened Species Conservation Act 1995 and Biodiversity Conservation Act 2016
- Heritage Act 1977
- Coal Mine Subsidence Compensation Act 2017
- Contaminated Land Management Act 1997
- National Parks and Wildlife 1974
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Rural Fires Act 1997
- Water Management Act 2000

It was considered on review of the abovementioned legislation that the proposed development is deemed Integrated Development in accordance with Rural Fires Act 1997 as the proposal creates a lot that could contain a future dwelling.

4. CONCLUSION

This report has been prepared to accompany a Development Application to Muswellbrook Shire Council for a Proposed Subdivision of one lot into two lots of land at Bylong Valley Way, Widden comprised within Lot 10 DP 1295733.

It is recommended that the proposed development be supported on the following grounds:

- The proposal is considered acceptable in terms of the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979;
- The proposal is permissible with consent and consistent with the relevant development standards and provisions of the Muswellbrook Local Environmental Plan 2009;
- The proposal complies with the relevant provisions of the Muswellbrook Development Control Plan 2009;
- The proposal shall support the continuation of existing uses on the site;
- The proposed development is not anticipated to generate any adverse impacts in the locality; and
- The proposed development is considered suitable for the site and its surrounds.