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Statement of Environmental Effects

Project: Recreation Area (Drayton Valley Reserve)

Client: North East Wiradjuri Co

Site Address: Bylong Valley Way, Breakfast Creek

11 May 2023

Our Reference : 39246-PR01_A

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Project Name:	Recreation Area (Drayton Valley Reserve) at Bylong Valley Way, Breakfast Creek
Client:	North East Wiradjuri Co
Project Number:	39246
Report Reference:	39246-PR01_A
Date:	11 May 2023

Prepared by:	Reviewed by:
	
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1. INTRODUCTION

1.1. Background

Barnson Pty Ltd has been engaged by North East Wiradjuri Co to prepare information in support of a Development Application (DA) for a recreation area (amenities building and associated carpark and access road) at Drayton Valley Reserve, Bylong Valley Way, Breakfast Creek.

The subject site is located on the western side of Bylong Valley Way and has an area of approximately 94 hectares. The subject site is currently vacant and is heavily vegetated with trees and understorey plants.

The project will consist of the construction of a new amenities building, carpark and driveway access to support the Drayton Valley Reserve recreation use.

The site is zoned RU1 Primary Production pursuant to the provisions under the *Mid-Western Regional Local Environmental Plan 2012*. The proposed development is defined as a 'recreation area' with ancillary building, carpark and access, which is permissible with consent in the RU1 zone.

This application consists of:

- A completed development application form; and
- PDF copy of this written statement, including plans and supporting documents.

1.2. Proponent

The proponent for the DA is North East Wiradjuri Co.

1.3. Consultant

Barnson Pty Ltd

Jack Massey

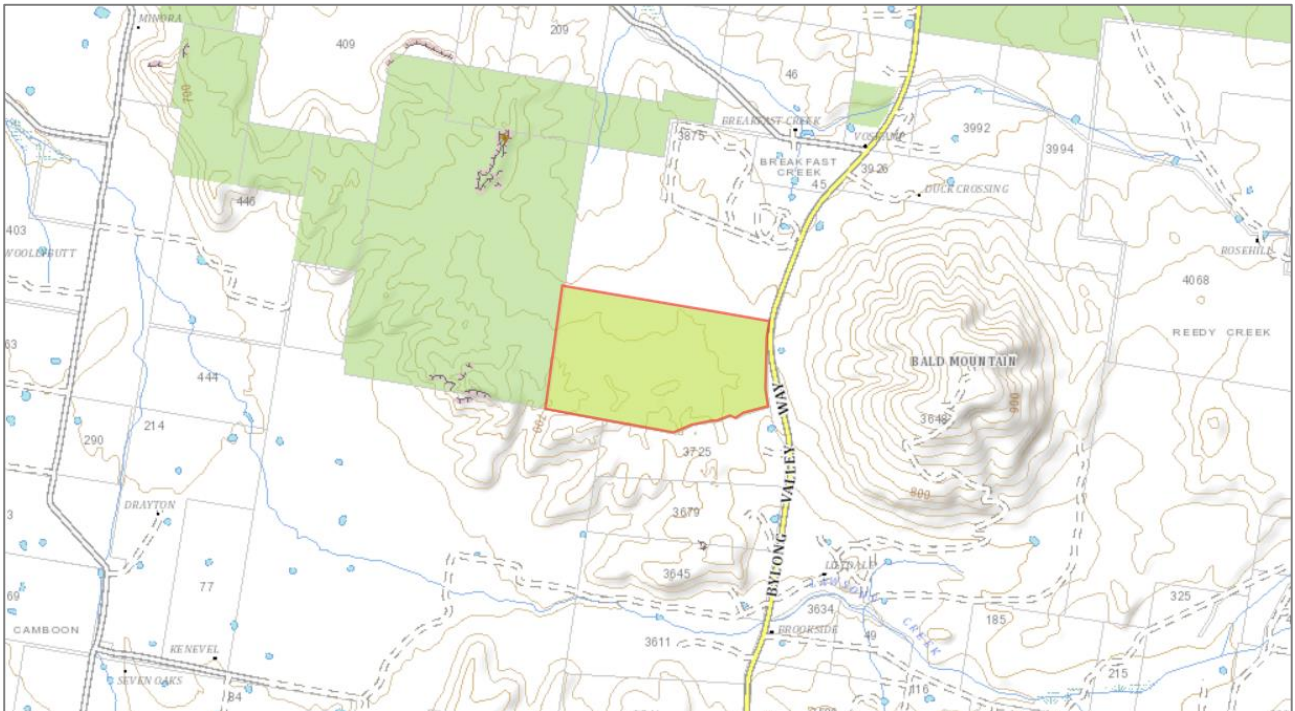
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2. EXISTING ENVIRONMENT

2.1. Location and Title

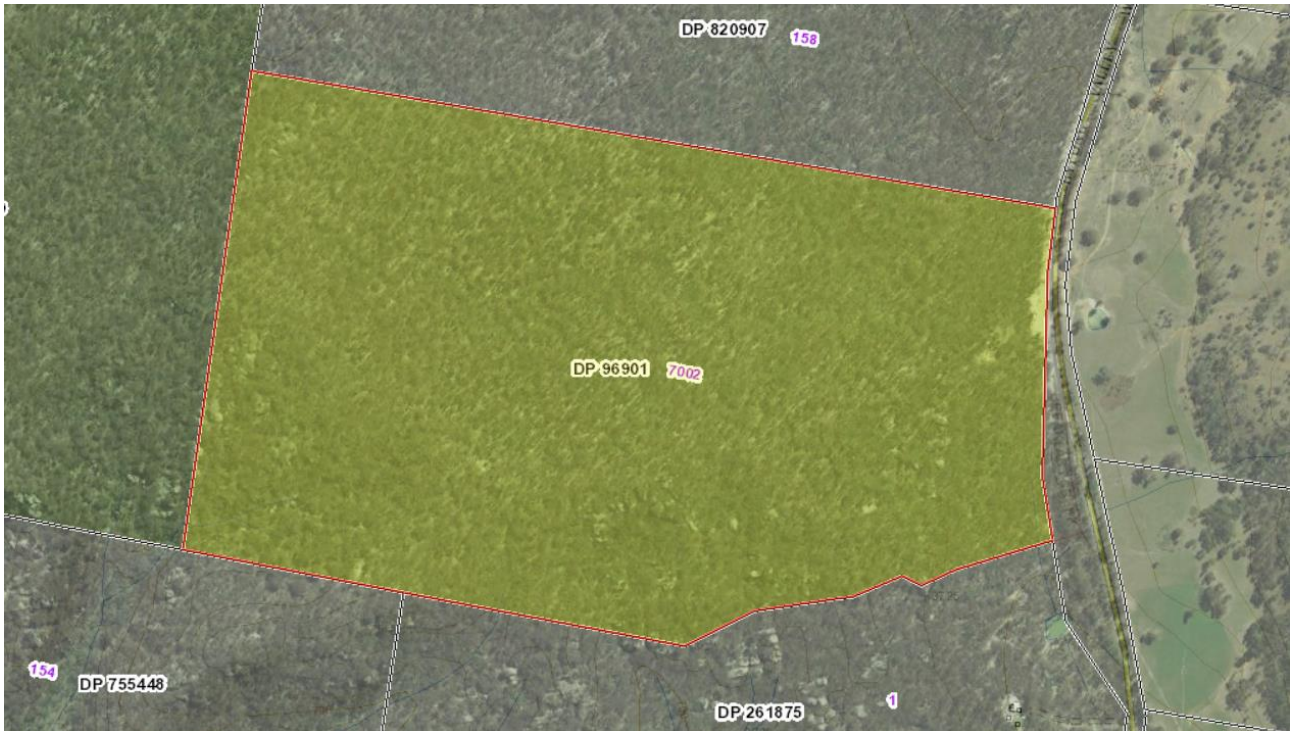
The site the subject of this application is Lot 7002 DP 96901, known as Bylong Valley Way, Breakfast Creek. The site is located on the western side of Bylong Valley way as shown in Figure 1 below.



Source: (NSW Government Spatial Services, 2023)

Figure 1 – Site Location

The site has an overall area of 94 hectares (refer to Deposited Plan in Appendix A of this report). The site has direct frontage to Bylong Valley Way via an unformed access point and dirt track. There are no structures located on the site and the site is predominately made up of forest vegetation. Refer to Figure 2 and Plates 1-3 for images of the site and locality.



Source: (NSW Government Spatial Services, 2023)

Figure 2 – Site Aerial



Plate 1 – View of the subject site from Bylong Valley Way



Plate 2 – View of the existing internal road



Plate 3 – View of the subject site

2.2. Land Use

The subject site has been vacant for an extended period of time and it is unknown as to whether any structures and/or uses have been carried out on the site. The context of the locality generally consists of vacant lands, agricultural farming and forest areas. The site forms part of the Drayton Valley Reserve and is in the ownership of Crown Lands.

2.3. Topography and Soils

The subject site has undulations throughout. The front of the site falls slightly towards Bylong Valley Way.

2.4. Flora and Fauna

The NSW Sharing and Enabling Environmental Data (SEED) map revealed that there are two (2) Plant Community Types present on the land. These are as follows and are shown In Figure 3.

- Western Hunter Escarpment Slaty Gum-Pine Forest – Dry Sclerophyll Forests (Shrub/grass sub-formation); and
- Western Hunter Scribbly Gum-Pine Woodland - Dry Sclerophyll Forests (Shrub/grass sub-formation).

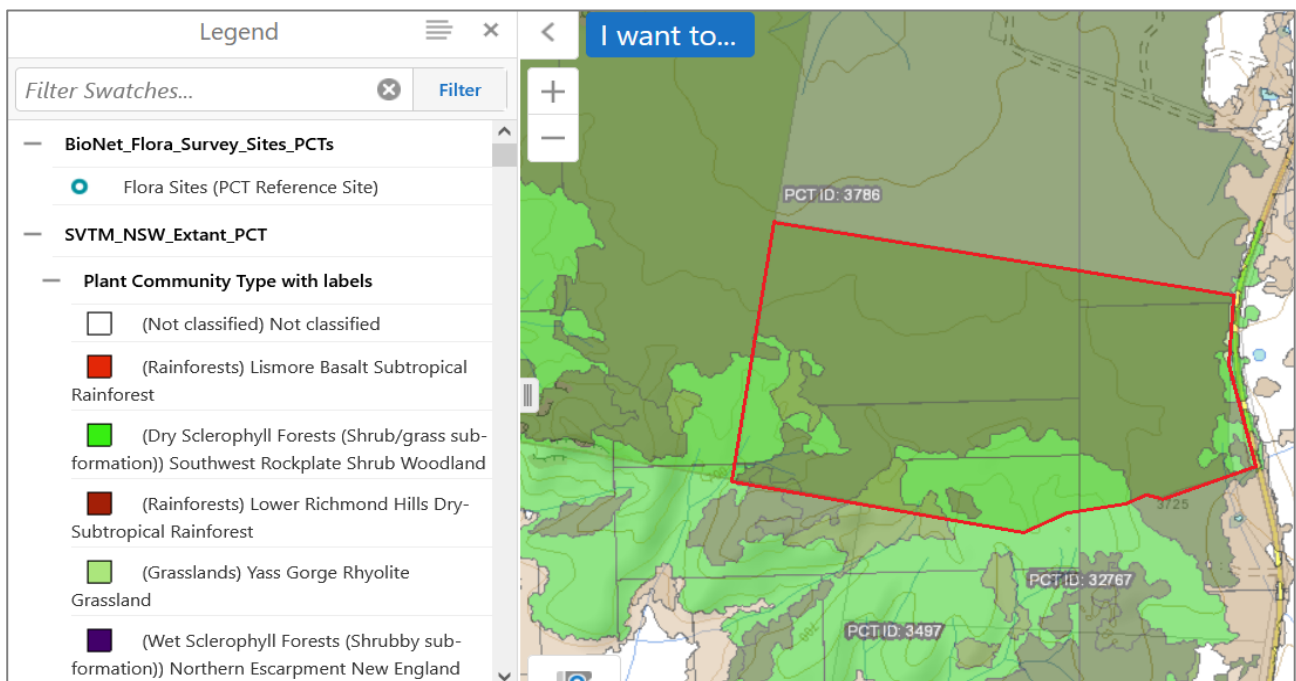


Figure 3 – SEED PCT Mapping

2.5. Natural Hazards

The site is not mapped within a Flood Planning Area under the *Mid-Western Regional Local Environmental Plan 2012* but is mapped as bushfire prone land. As shown in Figure 4 below, the site is subject to Vegetation Buffer and Category 1 and 2 bushfire threats.

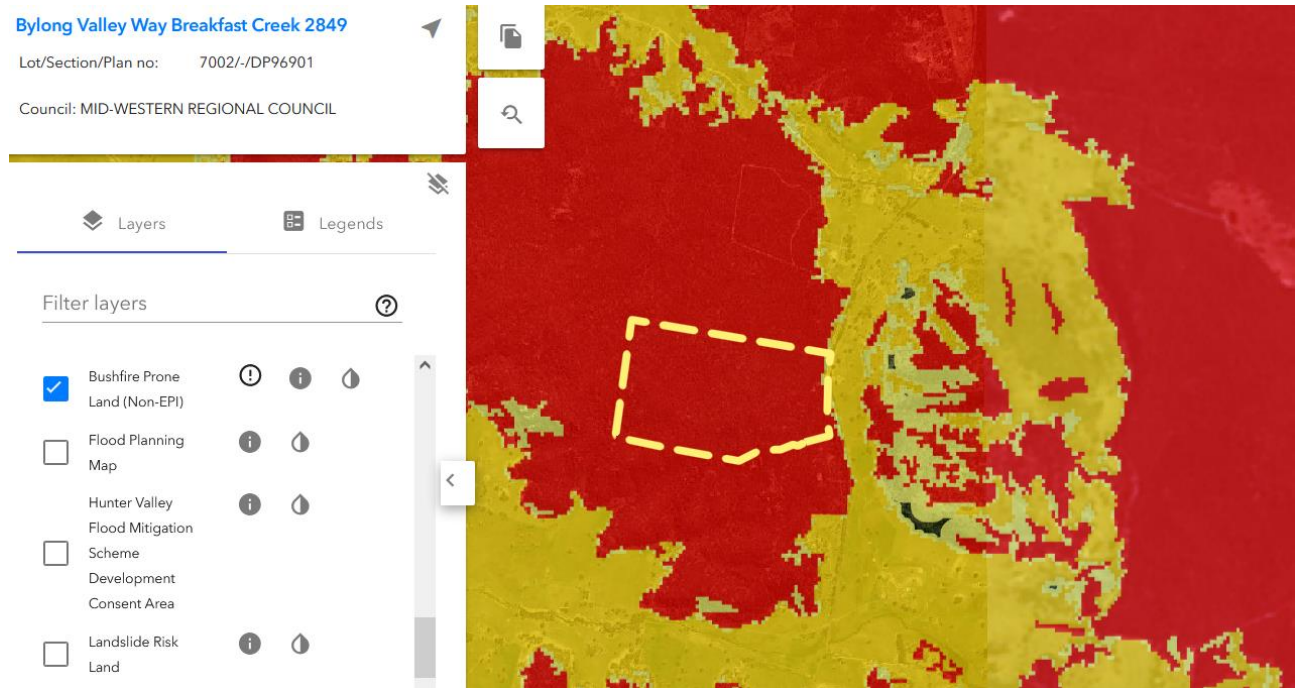


Figure 4 – Bush Fire Prone Land Mapping

2.6. Services

There are no services connected to the site.

2.7. Access and Traffic

Access is gained to the site via an unformed access crossover and dirt track off the western side of Bylong Valley Way. There is no formal access gate present on the site.

2.8. Heritage

The Aboriginal Heritage Information Management System Search (AHIMS) provided in Appendix B reveals that there are no known items of Aboriginal heritage significance located on the subject site.

The site is not identified under Schedule 5 of the LEP or State Heritage Register as containing a heritage listed item.

3. PROPOSED DEVELOPMENT

The proposed development involves the establishment of a recreation area on Lot 7002 DP 96901, known as Bylong Valley Way, Breakfast Creek. The development includes the construction of a new amenities building, carpark and driveway access to support the Drayton Valley Reserve recreation use.

In 2022, North East Wiradjuri Co Ltd were appointed to manage the Drayton Valley Reserve, which forms part of the subject site. The reserve is Crown Land and has been earmarked for heritage protection, environmental protection and recreation. North East Wiradjuri Co propose to establish organised bushwalks and bush tucker tours within the reserve, educational tours, along with the application of traditional indigenous land management practices such as cultural burns to protect the environment and wildlife.

Access to the reserve is limited to bookings only directly through North East Wiradjuri Co. In terms of the organised bushwalks, bush tucker tours and educational tours, a maximum of ten (10) persons shall be able to be within the one tour/group. This ensures a manageable group for North East Wiradjuri Co leaders/tour guides to ensure visitors do not get lost within the reserve. It is anticipated that a maximum of one (1) group/tour shall occur each day, however it is anticipated that on average there would only be 2-3 groups/tours per week.

The proposed development shall be managed by North East Wiradjuri Co, which shall include, but not limited to; regular cleaning of the amenities as required, monitoring of the septic and periodic management, clean-up of leaves and debris from carpark and driveway access, disposal of waste from bins periodically or as required to the nearest waste management facility, and ongoing passive crime surveillance.

The proposed development includes the following main attributes:

- Construction and establishment of a new access crossover and internal driveway. The Access crossover shall be sealed from road edge to property boundary in accordance with Council's requirements, and the driveway shall consist of a compacted gravel finish;
- Construction of a new carparking area providing seven (7) carparks and one (1) disabled space. The carpark shall consist of a compacted gravel finish and the disabled space, shared space and path of travel to the amenities building shall be concrete;
- Construction of a new toilet block that will include one (1) unisex toilet and one (1) disabled unisex toilet and storage space. The toilet block shall be constructed of brickwork or block work with a colourbond roof and situated on a concrete slab;
- The toilets within the proposed amenities shall be composting toilets or long drops (i.e. open septic tank) consistent with other amenities in national parks and state forests across NSW. The system shall be subject to a separate Section 68 application, which will determine the appropriate system via an Effluent Management Report;
- A small water tank shall be positioned within proximity to the amenities block in order to provide potable water for the hand basins. A tap shall also be provided externally. The location and size of the tank shall be determined prior to commencement of works.

Roof water generated from the amenities block shall be directed into the storage tank for storage and reuse;

- Positioning of bins within proximity to the amenities building and, in the carpark, to allow for the appropriate disposal and storage of general rubbish. The bins shall be maintained and emptied as required;
- A new access gate shall be established at the front of the site to restrict access to and from the site. The gate shall be opened as required with relevant personal of North East Wiradjuri Co and Crown Lands as key holders.

Refer also to Development Plans in Appendix C of this report.

4. LAND USE ZONING

The subject site is zoned RU1 Primary Production pursuant to the provisions under the *Mid-Western Regional Local Environmental Plan 2012* (LEP). The proposed development is for a recreation area, which is permissible with consent in the RU1 zone. A 'recreation area' is defined as:

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

(a) a children's playground, or

(b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

In this case, Drayton Valley reserve forms the recreation area and the amenities block, carpark and access are considered ancillary buildings/developments as identified within the definition.

The permissibility of the proposed development is assessed in terms of the heads of consideration in Section 4.15 of the *Environmental Planning & Assessment Act 1979*, which incorporates consideration of the LEP and the objectives and permissible uses outlined in the RU1 zone, as outlined in Section 5 of this report.

5. PLANNING CONSIDERATIONS

5.1. Biodiversity Conservation Act 2016

5.1.1. Is the development likely to significantly affect threatened species?

Clause 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) identifies the following circumstances where a development is likely to significantly affect threatened species:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

Each of these is addressed below.

Section 7.3 Test

To determine whether a development is likely to significantly affect threatened species or ecological communities, or their habitats, the following is to be taken into account in accordance with Section 7.3 of the BC Act:

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) *in relation to the habitat of a threatened species or ecological community:*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

Comment: The proposed development includes some clearing of existing vegetation to allow for the construction of the new access road, amenities building and carpark. The vegetation to be removed is not known to form part of any endangered ecological communities or native vegetation. Further, the site is not mapped on the Biodiversity Values Map as containing land with high biodiversity value.

Therefore, the proposed development is not likely to significantly affect threatened species or ecological communities, or their habitats.

Section 7.4 Test

Section 7.4 of the BC Act states:

- (1) *Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of this Part if it is development of an extent or kind that the regulations declare to be development that exceeds the threshold.*
- (2) *In determining whether proposed development exceeds the biodiversity offsets threshold for the purposes of this Part, any part of the proposed development that involves the clearing of native vegetation on category 1-exempt land (within the meaning of Part 5A of the Local Land Services Act 2013) is to be disregarded.*

Comment: The clearing threshold applicable to the site is 1 hectare or 10,000m² (MLS applicable to the land – 40ha to less than 1000ha). As shown in Figure 5 below, the proposed access driveway, carparking area and amenities building equates to approximately 4,387m²*. The proposed development does not exceed the biodiversity offsets threshold for the purposes of this part

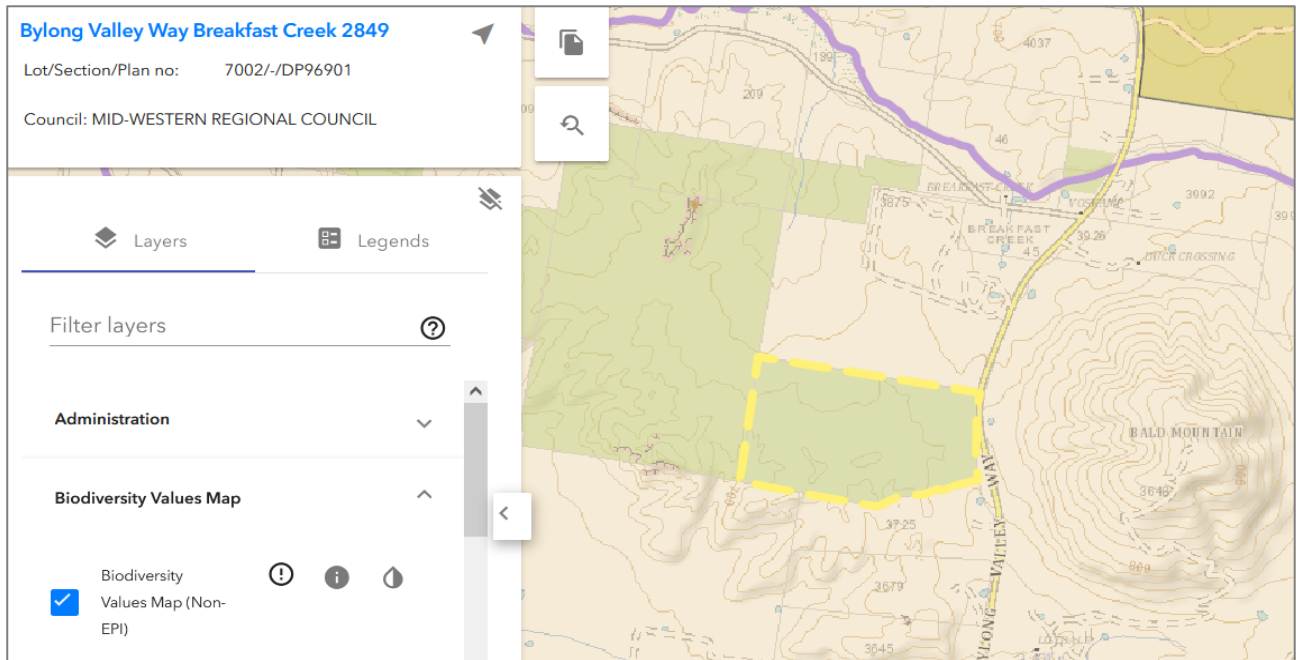
*Note. This calculation is approximate only.



Figure 5 – Development Site Area Calculation

Declared Area of Outstanding Biodiversity Value

The site is not mapped on the Biodiversity Value Map as being land with a high biodiversity value as defined by the BC Act, as shown in Figure 6 below.



Source: (NSW Government, 2023)

Figure 6 – Biodiversity Value Map

5.1.2. Biodiversity Development Assessment Report

As outlined in Section 5.1.1, the proposed development is not likely to significantly affect threatened species as defined by Section 7.2 of the BC Act. Therefore, a Biodiversity Development Assessment Report is not required to accompany the application for development consent.

5.2. Fisheries Management Act 1994

5.2.1. Applicability

The Fisheries Management Act 1994 (FM Act) applies to:

- (a) *in relation to all waters that are within the limits of the State, and*
- (b) *except for purposes relating to a fishery, or a part of a fishery, that is to be managed in accordance with the law of the Commonwealth pursuant to an arrangement under Division 3 of Part 5 and except for purposes prescribed by paragraph (d)—in relation to any waters of the sea not within the limits of the State that are on the landward side of waters adjacent to the State that are within the Australian fishing zone, and*

- (c) *for purposes relating to a fishery, or a part of a fishery, that is managed in accordance with the law of the State pursuant to an arrangement under Division 3 of Part 5—in relation to any waters to which the legislative powers of the State extend with respect to that fishery, whether pursuant to section 5 of the Coastal Waters (State Powers) Act 1980 of the Commonwealth or otherwise, and*
- (d) *for purposes relating to recreational fishing activities engaged in otherwise than by use of a foreign boat (other than recreational activities prohibited or regulated under a plan of management determined under section 17 of the Commonwealth Act)—in relation to any waters to which the legislative powers of the State extend with respect to such activities.*

Comment: Not applicable.

5.2.2. Is the development likely to significantly affect threatened species, population or ecological community?

Section 221ZV of the FM Act requires the following matters to be taken into consideration to determine whether a proposed development or activity is likely to significantly affect threatened species, populations or ecological communities (unless it is carried out in critical habitat):

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered population, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*
- (c) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (d) *in relation to the habitat of a threatened species, population or ecological community:*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the threatened species, population or ecological community in the locality,*
- (e) *whether the proposed development or activity is likely to have an adverse effect on any critical habitat (either directly or indirectly),*
- (f) *whether the proposed development or activity is consistent with a Priorities Action Statement,*
- (g) *whether the proposed development constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

The assessment guidelines under section 220ZZA apply to the determination of whether any such proposed development or activity is likely to significantly affect threatened species.

Comment: Not applicable.

5.3. Environmental Planning & Assessment Act 1979

5.3.1. Application of Biodiversity Conservation Act 2016 & Fisheries Management Act 1994

Section 1.7 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) identifies that Part 7 of the BC Act and Part 7A of the FM Act relate to the operation of the EP&A Act in relation to the terrestrial and aquatic environment. These Acts are addressed in Sections 5.1 and 5.2 of this report respectively.

5.3.2. Evaluation

Section 4.15 of the EP&A Act (as amended) requires the Council to consider various matters in regard to the determination of the Development Application.

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 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*
 - (iv) *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*
 - (v) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (vi) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;*
- (c) *The suitability of the site for the development,*
- (d) *Any submissions made in accordance with this act or the regulations,*
- (e) *The public interest.*

The proposed development has been designed with consideration to the following matters, as outlined below.

5.4. Environmental Planning Instruments

5.4.1. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Whilst the subject site is located within the Mudgee LGA, it is not considered to comprise any koala habitat as defined by *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

An AHIMS Search was conducted and found no Aboriginal significant sites or items on the subject site and the site is not listed as containing a heritage listed item pursuant to Schedule 5 of the LEP or State Heritage Register.

5.4.2. State Environmental Planning Policy (Resilience and Hazards)

Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 requires Council to consider the following before granting consent to a DA:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment: The site and been vacant and relatively untouched for an extended period of time and no contaminating land uses have been carried out on the site. Given this it is reasonable to assume that the land is not contaminated and suitable for the proposed use.

5.4.3. Mid-Western Regional Local Environmental Plan 2021

Land Use Table

The subject site is zoned RU1 Primary Production pursuant to the *Mid-Western Regional Local Environmental Plan 2012* (LEP). The objectives of the RU1 zone are:

- *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 maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.*

- *To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.*

Comment: The proposed development is defined as a 'recreation area', which is considered to be consistent with the zone objectives. It is permissible with consent in the RU1 zone.

Earthworks

Clause 6.3 of the LEP requires the consent authority to consider the following before granting development consent –

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- The effect of the development on the likely future use of redevelopment of the land,*
- The quality of the fill or the soil to be excavated, or both,*
- The effect of the development on the existing and likely amenity of adjoining properties,*
- The source of any fill material and the destination of any excavated material,*
- The likelihood of disturbing relics,*
- The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: The proposed development does not impact on any watercourses, waterways, drainage lines or soil stability in the locality. The proposed development requires minimal earthworks for the establishment of the driveway and carpark, and construction of the footings/slab for the amenities block.

There is a low likelihood of disturbing relics pursuant to the AHIMS and heritage searches conducted on the subject site showing no known relics within 200m of the subject site.

Terrestrial Biodiversity

Clause 6.5 'Terrestrial Biodiversity' applies to the application and states:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

- whether the development is likely to have—*
 - any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - any adverse impact on the habitat elements providing connectivity on the land, and*
- any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment: The proposed development has been designed and situated in an area that is predominately clear of vegetation. The access driveway is existing and the development site for the carpark and amenities building is generally located in a cleared area. However, given the densely vegetated site, a small number of trees/vegetation is required to be removed to allow the development to proceed. These trees are not considered significant and as discussed in Section 5.1 of this report, the clearing thresholds under the Biodiversity Conservation Act are not exceeded. In this regard, there is no major impact to flora and fauna or their habitats as a result of the proposed development.

Essential Services

Development consent must not be granted for a development unless the consent authority is satisfied that the provision of the following essential services are available or that adequate arrangements have been made to make them available when required –

- a) The supply of water,
- b) The supply of electricity,
- c) The disposal and management of sewerage,
- d) Stormwater drainage or on-site conservation,
- e) Suitable road access.

Comment: Given the nature of the proposed development essential services are not necessarily required. Nevertheless, the following comments are provided:

- A small rainwater tank to service the proposed amenities building, in particular the hand basins. A tap shall be provided externally as well;
- No electricity is proposed or required to be provided on the site;
- The toilets within the amenities building shall be managed by either a composting toilet or long drop. Determination of the appropriate system shall be undertaken as part of a separate Section 68 application to Council;
- All stormwater generated by the amenities block shall be directed into the rainwater storage tanks. Surface water in other areas shall be managed onsite;
- A new access crossover and driveway shall be established as part of development works. The crossover shall be subject to a separate Section 138 application to Council.

Refer also to Development Plans in Appendix C of this report.

5.5. Draft Environmental Planning Instruments

No draft Environmental Planning Instruments are applicable to the subject site or development.

5.6. Development Control Plans

The *Mid-Western Regional Development Control Plan 2013* (DCP) applies to all development within the LGA. There are no specific provisions under the DCP that apply to the proposed development. Council indicated at prelodgement stage that carparking should be addressed as part of the application. As such, Section 5.1 'Carparking' of the DCP is addressed below, as is Section 5.4 'Environmental Controls'.

Carparking

Section 5.1 of Council's DCP contains car parking rates for specific land uses. There is no specific parking rate applicable to a Recreation Area, as defined under the LEP. As such, Council recommended an assessment based on the expected number of people, timing and whether enough parking spaces are provided should be assessed.

Access to the reserve is limited to bookings only directly through North East Wiradjuri Co. In terms of the organised bushwalks, bush tucker tours and educational tours, a maximum of ten (10) persons shall be permitted within the one tour/group. This ensures a manageable group for North East Wiradjuri Co leaders/tour guides to ensure visitors do not get lost within the reserve as well as managing the group with regards to preservation of reserve. It is anticipated that a maximum of one (1) group/tour shall occur each day, however it is anticipated that on average there would only be 2-3 groups/tours per week.

Visitors shall likely arrive at the site in separate cars. Generally, visitors shall attend in groups, on average 2 persons per car. For the purposes of this assessment, a car occupancy rate of 1.5 (to allow for every second patron car having 2 people) is considered reasonable. Based on the maximum number of visitors of ten (10) persons within each group, there would be a peak demand of approximately seven (7) spaces for visitors attending the site. Accordingly, seven (7) spaces and one (1) disabled space has been provided on the site to accommodate visitors accessing the site. It is anticipated that North East Wiradjuri Co members shall park informally elsewhere on the site to allow visitors to utilise the carparking area. Only one (1) North East Wiradjuri Co vehicle shall attend site during group tours.

Therefore based on the abovementioned assessment, the proposed carpark is designed to meet the maximum demand of the proposed recreation area based on group/tours provided by North East Wiradjuri Co.

Environmental Controls

Protection of Aboriginal Archaeological Items

An AHIMS Search was undertaken and shows that there are no known Aboriginal items or relics known to be on the subject site. If any items of significance are identified during construction works, the proponent will cease work and notify the relevant authorities.

Bushfire Management

As shown in Figure 4 of this report, the subject site is prone to bushfire hazards. Therefore, the provisions under *Planning for Bushfire Protection 2019* (PBP 2019) should be considered.

The proposed development is not explicitly defined under PBP 2019. As such, it is reasonable to assume that the proposed amenities building and carpark would be like a class 10a development under the NCC, therefore, the provisions under Section 8.3.1 of PBP 2019 apply. Pursuant to this section, Table 1 below addresses each part in order to satisfy the relevant requirements.

Table 1 – Compliance with *Planning for Bushfire Protection 2019*

PBP 2019 Provision	Comment
<i>To provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress evacuation.</i>	<p>Section 3.4 of PBP 2019 states that access arrangements shall provide firefighters with access to structures; provide evacuation routes for firefighters and the public; and provide access to areas of bush fire hazard for firefighting and hazard mitigation purposes.</p> <p>In this case, the importance of the proposed access is to ensure that the public can access (and exit) the site unobstructed. As such, the proposed access driveway has been designed for passenger vehicles, with no overhanging trees or branches to ensure fluent access to and from the site at all times. The carparking area is capable of acting as a turnaround area for passenger vehicles. Given that the proposed development is only located approximately 160m from the road, it is considered that passenger vehicles can access and exit the site easily during a bushfire event.</p> <p>It is not anticipated that RFS tankers and/or fire vehicles are required to access the site in this instance. Across NSW in National Parks and State Forests, fully compliant access for NSW RFS tankers is generally not provided. This is due to the fact that there is no real importance for the protection of structures, and in this case, the amenities building. If there is an absolute need for a fire trucks to access these sites, they will do so as the 4WD RFS tankers are designed to traverse over unformed lands/roads.</p> <p>Nevertheless, the following recommendations are proposed for the access:</p> <ul style="list-style-type: none"> • The access road should be a two-wheel drive, all-weather access road; • A minimum carriageway width of 4m is recommended;

	<ul style="list-style-type: none"> • A vertical clearing within the recommended carriageway is to be established to ensure there are no overhanging obstructions, including tree branches; • It is recommended that the car spaces shall be line marked using marking dots which are hammered into the ground with a 100mm nail; and • It is recommended that signage be placed within the carpark to ensure cars do not obstruct one another and that the areas within the carpark that are not used as spaces is kept clear at all times to allow vehicles to enter and exit the site freely.
<p><i>To provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development.</i></p>	<p>Drayton Valley Reserve is used for cultural activities, bush walks, bush tucker tours etc. As such, the risk to visitors is that if an event was to occur, escaping to the carpark and then to the nearby road could take time. As such, the following is to be implemented:</p> <ul style="list-style-type: none"> • A Bush Fire Emergency Management and Evacuation Plan is to be prepared in accordance with the NSW RFS document <i>A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i>; • No visitors should be allowed to site during extreme heat, potential bushfire weather events or Total Fire Ban periods during summer months; • All visitors shall be guided by a tour guide of North East Wiradjuri Co only. Staff members should be appropriately trained in the details of the site, its formations and suitable evacuation routes should a bushfire event occur; • During an extreme event, the amenities building can act as a refuge. Being approximately 4.5m x 3.2m structure, it is anticipated that it can hold eleven (11) persons (being the maximum patronage on the site at any one time) safely should an event occur with no warning; and • The Rylstone RFS should be provided with the final Bush Fire Emergency Management and Evacuation Plan and a detailed map of the site which shows walking tracks and evacuation routes.
<p><i>To provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.</i></p>	<p>No water is proposed to be positioned on the site, other than a small tank to service the amenities building. Given that the proposed development is only for an amenities building, carpark and access, it is not considered that these structures would be worth saving during a bushfire event. As such, emergency evacuation is key as opposed to attempting to protect any buildings on the site.</p> <p>No gas or electricity is proposed.</p>

<p><i>Provide for the storage of hazardous materials away from the hazard wherever possible.</i></p>	<p>No hazardous materials are proposed to be installed or stored on the subject site.</p>
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Riparian and Drainage Line Environments

There are two (2) identified watercourses located on the subject site; south east corner and south west corner. The proposed development is not located within 40m of either watercourse, therefore the provisions under the *Water Management Act 2000* are not required to be considered.

Pollution and Waste Management

The proposed development may be subject to general waste pollution. To ensure pollution doesn't occur by visitors, bins shall be positioned within the carpark/amenities building area with appropriate signage to notify visitors to dispose of their rubbish into the dedicated storage bins. The bins shall be emptied periodically or as required.

Threatened Species and Vegetation Management

The proposed development includes the removal of some trees and vegetation. The clearing is minimal and shall allow for the construction of the proposed access, carpark and amenities building. The proposed clearing is under the clearing threshold in accordance with the Biodiversity Values Map, as detailed in Section 5.1 of this report. Therefore the proposed development is not considered to have an adverse impact on flora and fauna on the site or in the locality.

Building in Saline Environments

The subject site is not considered a saline environment, therefore this section does not apply.

5.7. Any Planning Agreement entered into

No Planning Agreements entered into are known to exist in relation to the development or site.

5.8. Any Matters Prescribed by the Regulations

For the purposes of Section 4.15(1)(a)(iv) of the EP&A Act, Clause 92 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations) specifies the additional matters a consent authority must take into consideration when determining a DA. None of which apply to the proposed development.

5.9. Any Likely Impacts of the Development

5.9.1. Context & Setting

The subject site is located in a rural locality which is characterised by existing agricultural lands and vacant lands that are heavily vegetated with forests. The proposed development is for a recreation area and associated buildings/improvements on Drayton Valley Reserve that will support the recreational use of the site. The proposed development/improvements are setback from the road and largely screened due to existing vegetation on the site. In this regard, it is considered that the proposed development would not impact on the context of the setting in the locality.

5.9.2. Access, Transport & Traffic

Access to the site is proposed off the western side of Bylong Valley Way, which is a sealed road. The existing access crossover and driveway is currently unformed and consists of dirt tracks which have resulted from vehicles traversing onto the subject site. The proposed upgrade to the access track shall provide appropriate vehicular access to the site, along with the proposed carpark which shall provide parking for vehicles accessing the site. Given the low numbers of people attending the site and the rural character of the area, there shall be no noticeable impacts on traffic generation in the locality. The crossover shall be sealed from road edge to property boundary and the access driveway and carparking area shall be finished with a compacted gravel in accordance with Council's requirements and relevant Australian Standards.

5.9.3. Utilities

There shall be no connections to services within the locality, being electricity and telecommunications. The proposed amenities building shall be serviced by a composting toilet or long drop, which is to be subject to a separate Section 68 application with Council. There shall be no impact to existing utility services in the locality.

5.9.4. Heritage

The subject site is not identified in Schedule 5 of the *Mid-Western Regional Local Environmental Plan 2012*. An Aboriginal Heritage Information System (AHIMS) search was undertaken for the site and immediate surrounds. The AHIMS search revealed that there are no Aboriginal sites recorded within 200m of the subject site.

5.9.5. Flora & Fauna

The proposed development includes the removal of some vegetation, including trees and ground cover, to enable the development to proceed. The trees and groundcover to be removed are not considered significant and the clearing is below the clearing thresholds under the Biodiversity Conservation Act. Therefore there shall be no major impact on flora and fauna on the site or in the locality.

5.9.6. Waste

General rubbish bins shall be provided on the site to ensure visitors dispose of rubbish appropriately. The bin containers shall be emptied regularly or as required by management staff of the reserve. The bins shall be appropriately sign posted to ensure patrons know where to dispose of general rubbish. Waste shall be monitored regularly to ensure the site is kept clean.

5.9.7. Bush Fire

Evacuation from the site is considered imperative given the nature of the proposed development. The following recommendations have been provided:

- The access road should be a two-wheel drive, all-weather access road;
- A minimum carriageway width of 4m is recommended;
- A vertical clearing within the recommended carriageway is to be established to ensure there are no overhanging obstructions, including tree branches;
- It is recommended that the car spaces shall be line marked using marking dots which are hammered into the ground with a 100mm nail;
- It is recommended that signage be placed within the carpark to ensure cars do not obstruct one another and that the areas within the carpark that are not used as spaces is kept clear at all times to allow vehicles to enter and exit the site freely.
- A Bush Fire Emergency Management and Evacuation Plan is to be prepared in accordance with the NSW RFS document *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*:
- No visitors should be allowed to site during extreme heat, potential bushfire weather events or Total Fire Ban periods during summer months;
- All visitors shall be guided by a tour guide of North East Wiradjuri Co only. Staff members should be appropriately trained in the details of the site, its formations and suitable evacuation routes should a bushfire event occur;
- During an extreme event, the amenities building can act as a refuge. Being approximately 4.5m x 3.2m structure, it is anticipated that is can hold eleven (11) persons (being the maximum patronage on the site at any one time) safely should an event occur with no warning; and
- The Rylstone RFS should be provided with the final Bush Fire Emergency Management and Evacuation Plan and a detailed map of the site which shows walking tracks and evacuation routes.

It is recommended the above mentioned points be considered as part of the assessment and placed as conditional requirements on the development consent.

5.9.8. Safety, Security & Crime Prevention

The Crime Prevention Through Environmental Design (CPTED) Guidelines identified four key principles that are used in assessing development applications to ensure that development do not create or exacerbate crime risk. These principles are; surveillance, access control, territorial reinforcement and space management

To address the above principles, the following shall be adopted as part of the development:

- Signage be positioned to act as a deterrent to people contemplating undertaking criminal activities or vandalism;
- Security and vandalism monitoring be undertaken by North East Wiradjuri Co staff members;
- A gate be positioned at the front of the site with keys provided to North East Wiradjuri Co and Crown Lands staff only;
- The development is designed to make it clear to the public that access is restricted and the clear definition of the carpark and amenities block make it obvious what the development is used for; and
- The site shall be regularly maintained and waste removed periodically. Any graffiti will be rapidly removed from the building and surrounds.

5.9.9. Social & Economic Impacts in the Locality

The development will provide for employment opportunities during both construction and operation and offer multiplier effects for the region and is expected to be a positive economic impact in the locality. It will provide for an increase in economic activity and would not have any significant impacts on the way of life, community, culture, health and wellbeing or fears and aspirations of the locality community. As such, the development is expected to be in the community interest.

5.9.10. Other

There are no other issues such as flooding that would result from the proposed development.

5.10. Suitability of the Site for the Proposed Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent developments. There does not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site. In this regard, it can be concluded that the proposal fits into the locality and the site attributes are conducive for the development.

5.11. The Public Interest

The proposed development is considered to be in the public interest as it provides for a recreation area. As outlined throughout this report the development is not expected to have any adverse off-site impacts.

6. CONCLUSION

It is recommended that the proposed recreation area and ancillary developments on Lot 7002 DP 96901, known as Bylong Valley Way, Breakfast Creek 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 *Mid-Western Regional Local Environmental Plan 2012*;
- The proposal complies with the relevant provisions of the *Mid-Western Regional Development Control Plan 2012*;
- 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.

7. REFERENCES

NSW Government. (2023, May 8). *Biodiversity Value Map*. Retrieved from <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

NSW Government Spatial Services. (2023, May 5). *Six Maps*. Retrieved from <http://maps.six.nsw.gov.au/>

NSW Rural Fire Service. (2019). *Planning for Bush Fire Protection: A Guide for Council's, Planners, Fire Authorities and Developers*. Sydney: NSW RFS.

APPENDIX A
Deposited Plan

PLAN OF CROWN LAND SHOWING FORMER ARTIFICIAL ID

420/7002//755448/80287

Shire/City RYLSTONE

Town/Locality BREAKFAST CREEK

Parish RUMKER

County PHILLIP (38)

Not to Scale

DP 96901

Registered  *RF* 29.3.1999

Title System CROWN LAND

Purpose DEPARTMENTAL

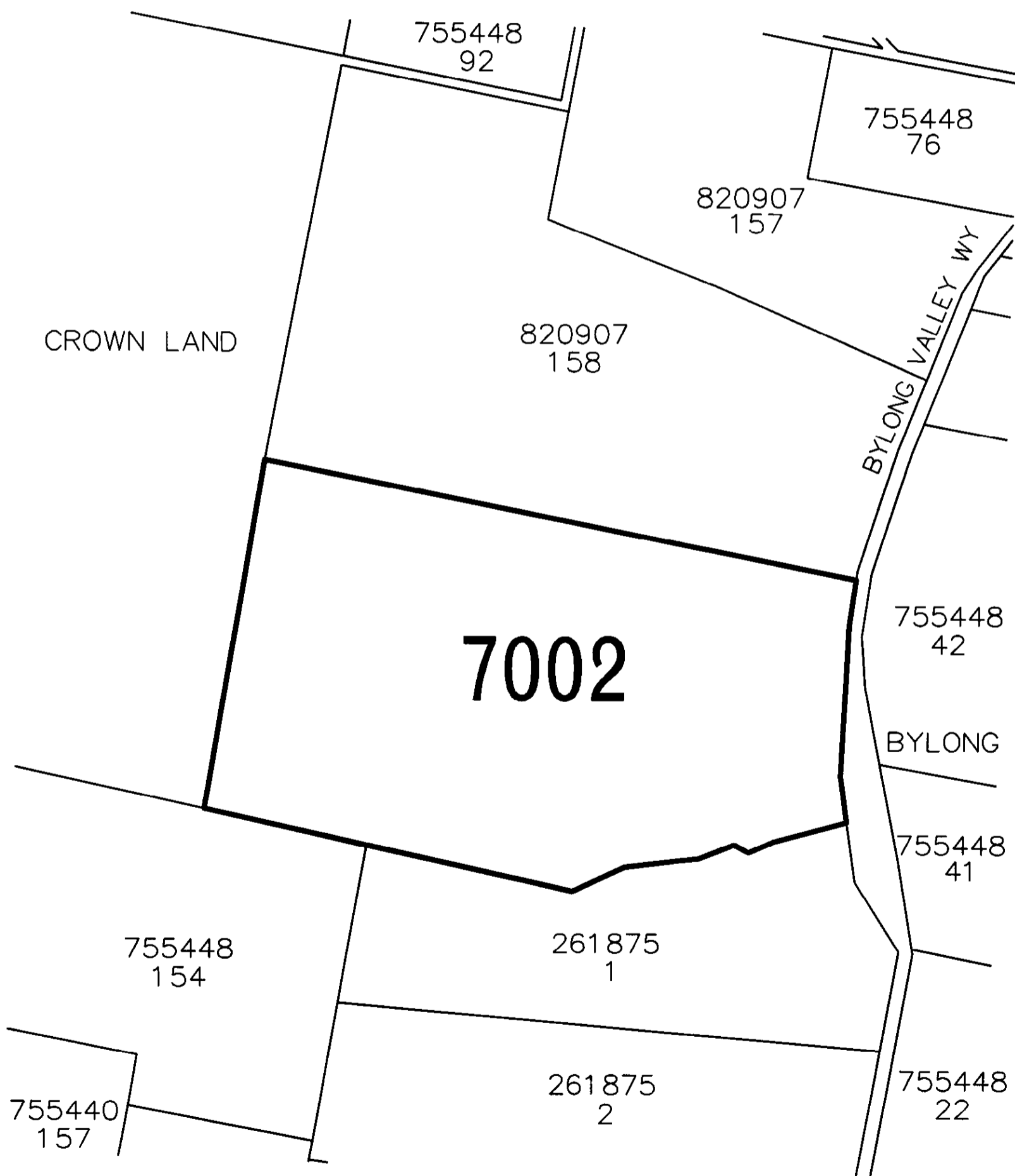
Reference Map PARISH*

DCDB Partition LUE 1S GROW4S

Last Plan -

DIAGRAM FOR IDENTIFICATION PURPOSES ONLY ... NOT TO BE USED FOR FOLIO CREATION
THIS IS NOT A SUBDIVISION OF THE CROWN ESTATE. STATUS MAY NEED TO BE VERIFIED.
NOT INVESTIGATED IN LAND TITLES OFFICE AS TO LOCATION OF BOUNDARIES

GN



APPENDIX B

**Aboriginal Heritage Information
Management System Search**

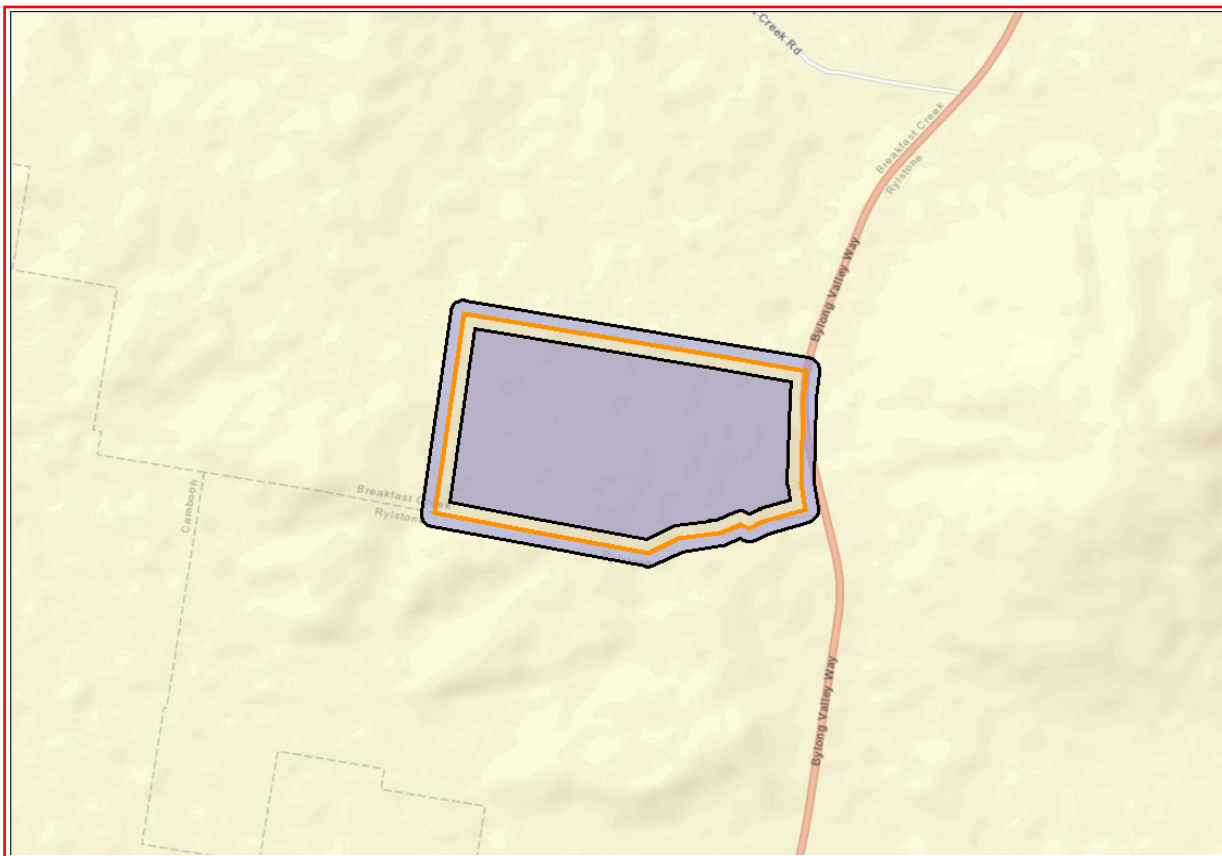
Barnson
Suite 6 11 White Street
Tamworth New South Wales 2340
Attention: Jack Massey
Email: [REDACTED]

Date: 05 May 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7002, DP:DP96901, Section : - with a Buffer of 50 meters, conducted by Jack Massey on 05 May 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



APPENDIX C
Development Plans



LOCALITY PLAN.



bylong valley way, NSW 2849

lot 7002, dp96901

DRAWING SCHEDULE.

A 00	COVER SHEET	REV A	DATED 02.03.2023
A 01	SITE PLAN	REV B	DATED 03.05.2023
A 02	FLOOR PLAN	REV B	DATED 17.03.2023
A 03	ACCESSIBLE FACILITY DETAILS	REV A	DATED 17.03.2023

DRAYTON VALLEY RESERVE AMENITIES

7002 bylong valley way



Project.
**DRAYTON VALLEY RESERVE
 AMENITIES BUILDING**
 Site Address.
 LOT 7002 IN DP96901
 2849 BYLONG VALLEY WAY
 Client.
 NORTH EAST WIRADJURI COLTD

Drawing Title.
COVER SHEET

Scale. **As indicated @ A1** Drawn.
 Sheet. **01 of 03** Checked.
 Project No. **39246** Revision.

Drawing No.

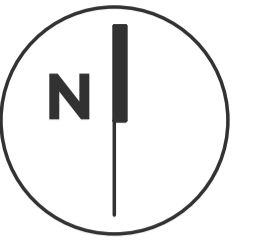
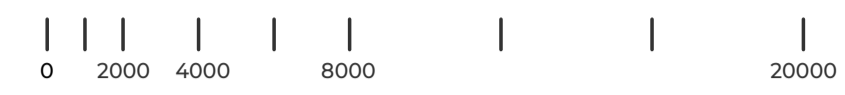
**39246-
 A00**

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01

SITE LAYOUT

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SITE NOTES.

GENERAL

This plan is prepared from a combination of field survey & existing records for the purpose of designing new constructions on the land & should not be used for any other purpose. The title boundaries as shown hereon were not marked at the time of survey & have been determined by plan dimensions only & not by field survey.

Services shown hereon have been located where possible by field survey. If not able to be so located services have been plotted from the records of relevant authorities where available & have been noted accordingly on this plan. Where such records either do not exist or are inadequate a notation has been made hereon.

Contractors must verify all dimensions & existing levels on site prior to commencement of work.

Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services & detailed locations of all services, including;

- notify a G.L.
- obtain telstra's "duty of care" document regarding working in the vicinity of telstra plant.
- verify co-axial/optic fibre cable location

Subsequent registered or other surveys in this area may affect the boundary definition shown on this plan. Any differences so caused to the boundary definition shown on this plan are beyond the control of Barnson Pty Ltd who can accept no responsibility for such differences.

All work to be undertaken in accordance with the details shown on the drawings, the specifications & the directions of the superintendent. Contractors must verify all dimensions & existing levels on site prior to commencement of work.

Where new works abut existing the contractor shall ensure that a smooth even profile free from abrupt changes is obtained.

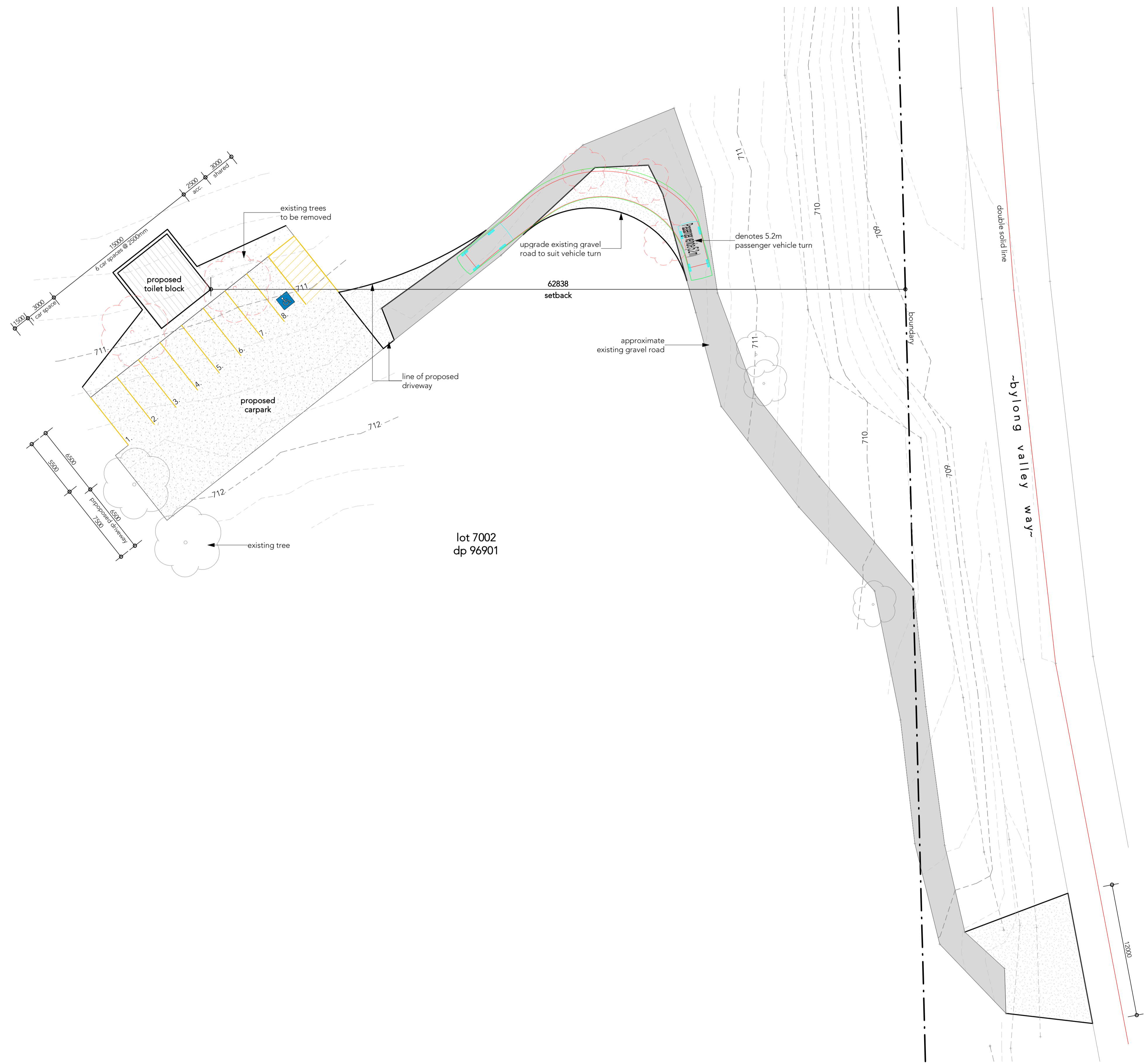
The contractor shall arrange all survey setout to be carried out by a registered surveyor.

DRAINAGE

Stormwater shall be prevented from entering doorways & other openings in buildings. Where these are lower than adjacent ground surfaces, grated drains shall be designed & placed across ramps or entrances to intercept any flow, which would otherwise drain into the building in accordance with AS/NZS 3500.3, P5.3.1.4 - Stormwater drainage

Site drainage is to be constructed according to AS/NZS 3500.3 - Stormwater drainage.

The contractor shall provide all temporary diversion drains & mounds to ensure that at all time exposed surfaces are free draining & where necessary excavate sumps & provide pumping equipment to drain exposed areas.



BARNSON PTY LTD

address: Unit 1/36 Darling Street
Dubbo NSW 2830
phone: 1300 BARNSON (1300 227 676)
email: generalenquiry@barnson.com.au
web: barnson.com.au

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH GENERAL BUILDING DRAWINGS, SPECIFICATIONS & OTHER CONSULTANTS DRAWINGS APPLICABLE TO THIS PROJECT. ALL DIMENSIONS IN MILLIMETRES. DO NOT SCALE. DIMENSIONS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORK. REPORT DISCREPANCIES TO BARNSON PTY LTD. NO PART OF THIS DRAWING MAY BE REPRODUCED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF BARNSON PTY LTD.

Rev.	Date	Amendment
A	17.03.2023	ISSUED FOR REVIEW
B	03.05.2023	CLIENT AMENDMENTS

Project:
**DRAYTON VALLEY RESERVE
AMENITIES BUILDING**
Site Address:
**LOT 7002 IN DP96901
2849 BYLONG VALLEY WAY**
Client:
NORTH EAST WIRADJURI COLTD

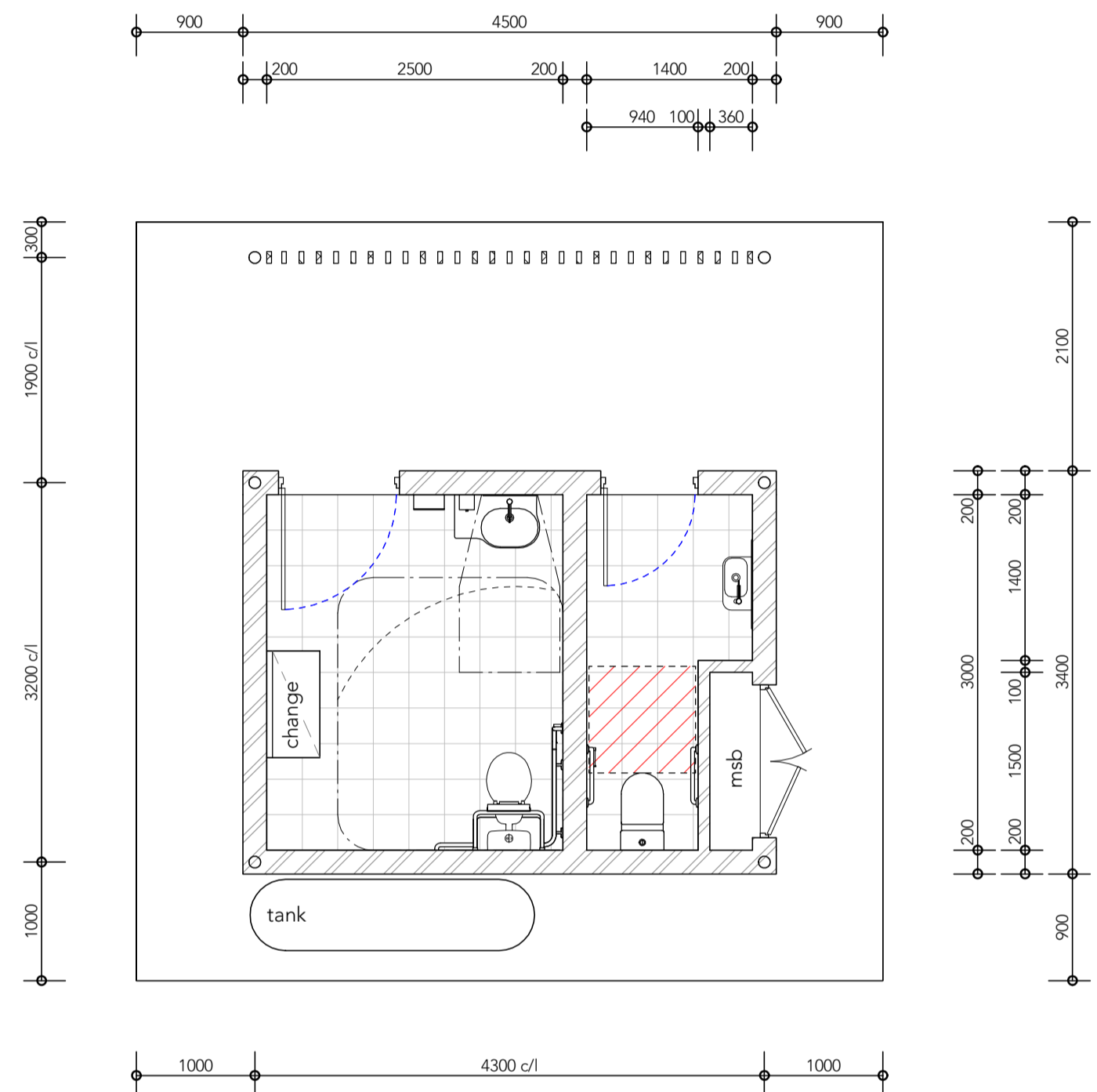
Drawing Title:
SITE PLAN

Scale: **As indicated @ A1** Drawn.
Sheet: **02 of 04** Checked.
Project No. **39246** Revision: **B**

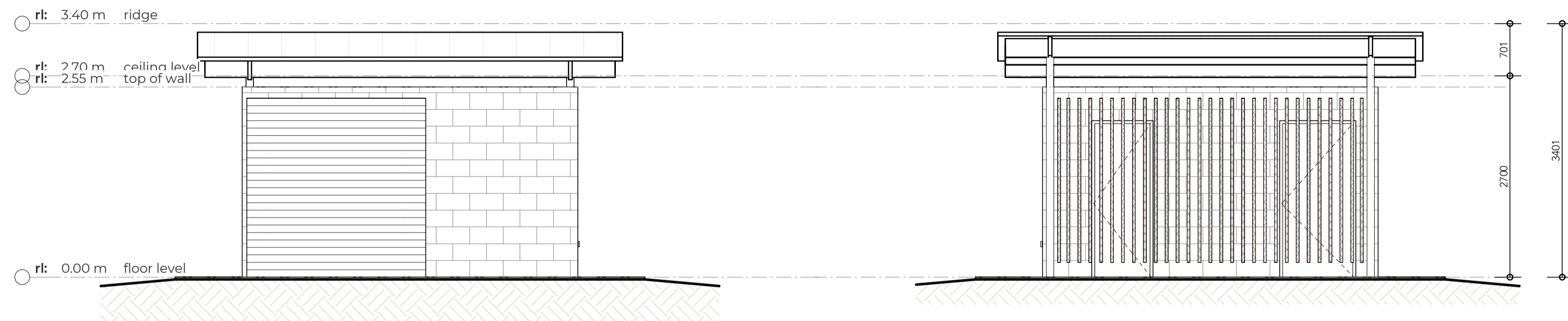
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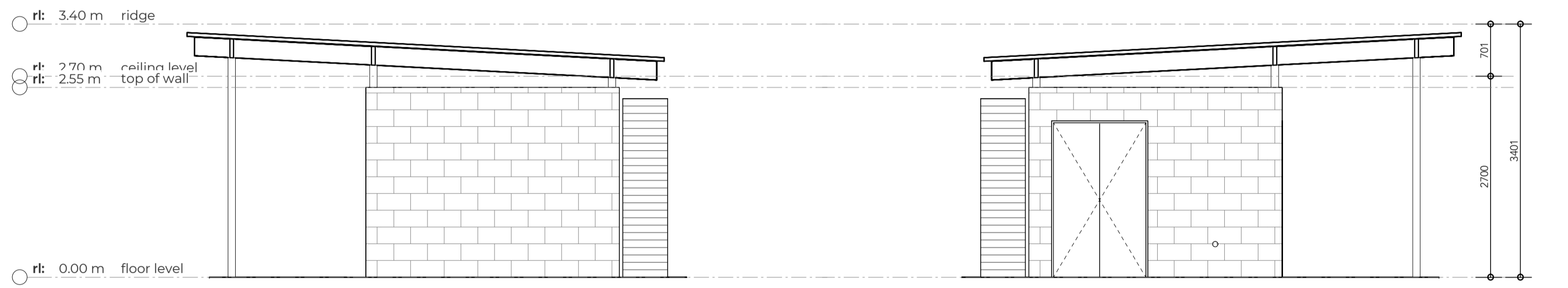


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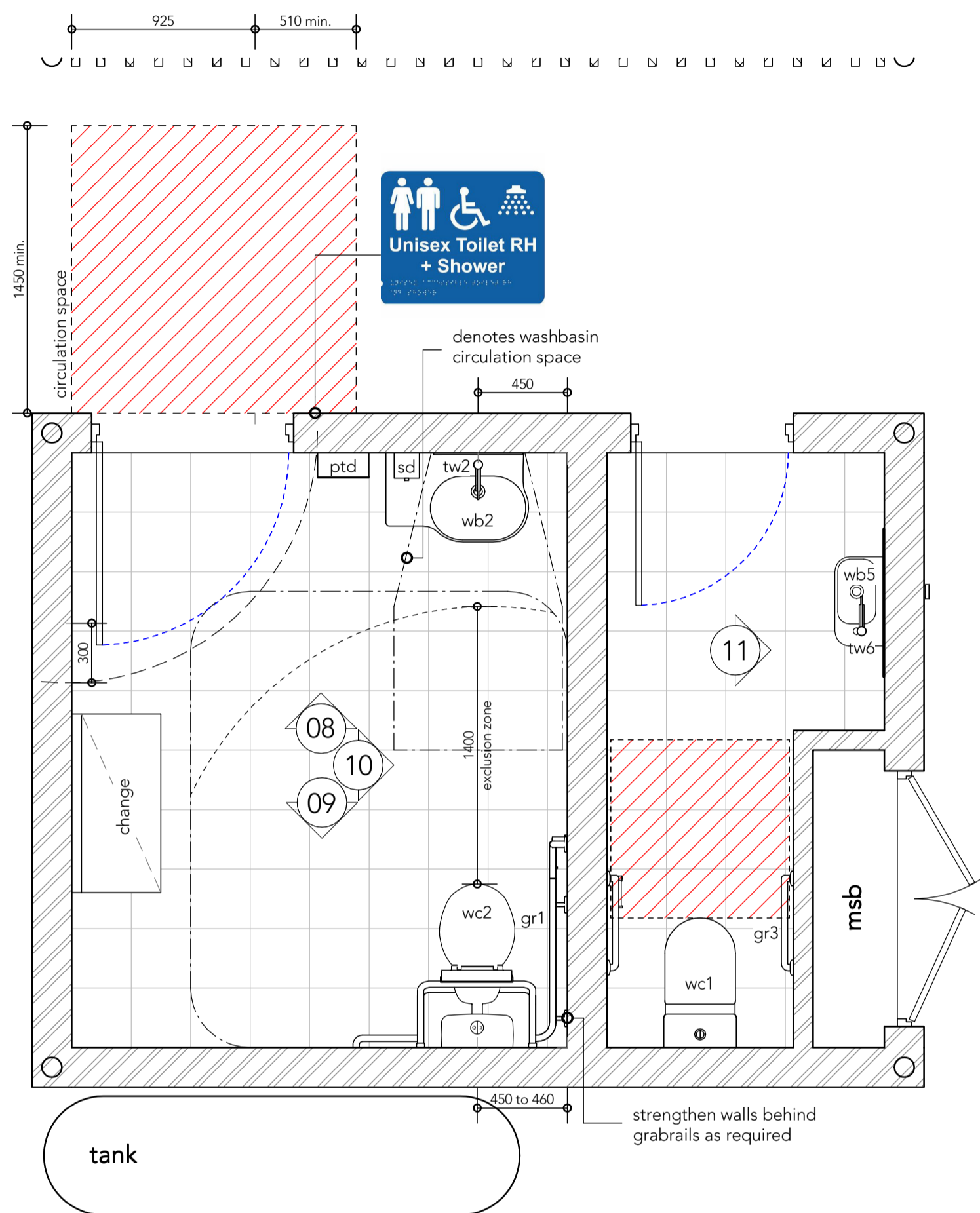
03 NORTH ELEVATION
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04 SOUTH ELEVATION
Scale 1:50 @ A1

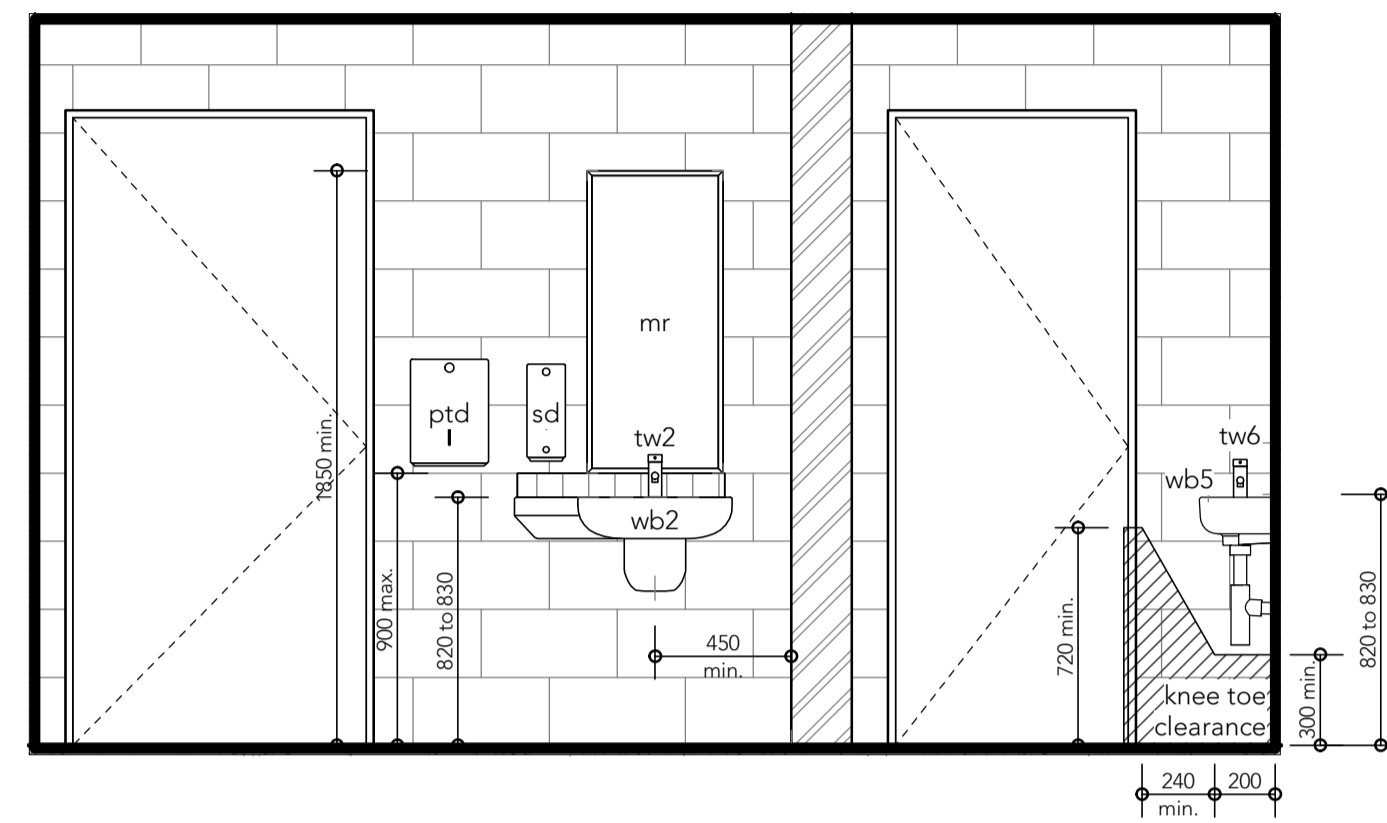


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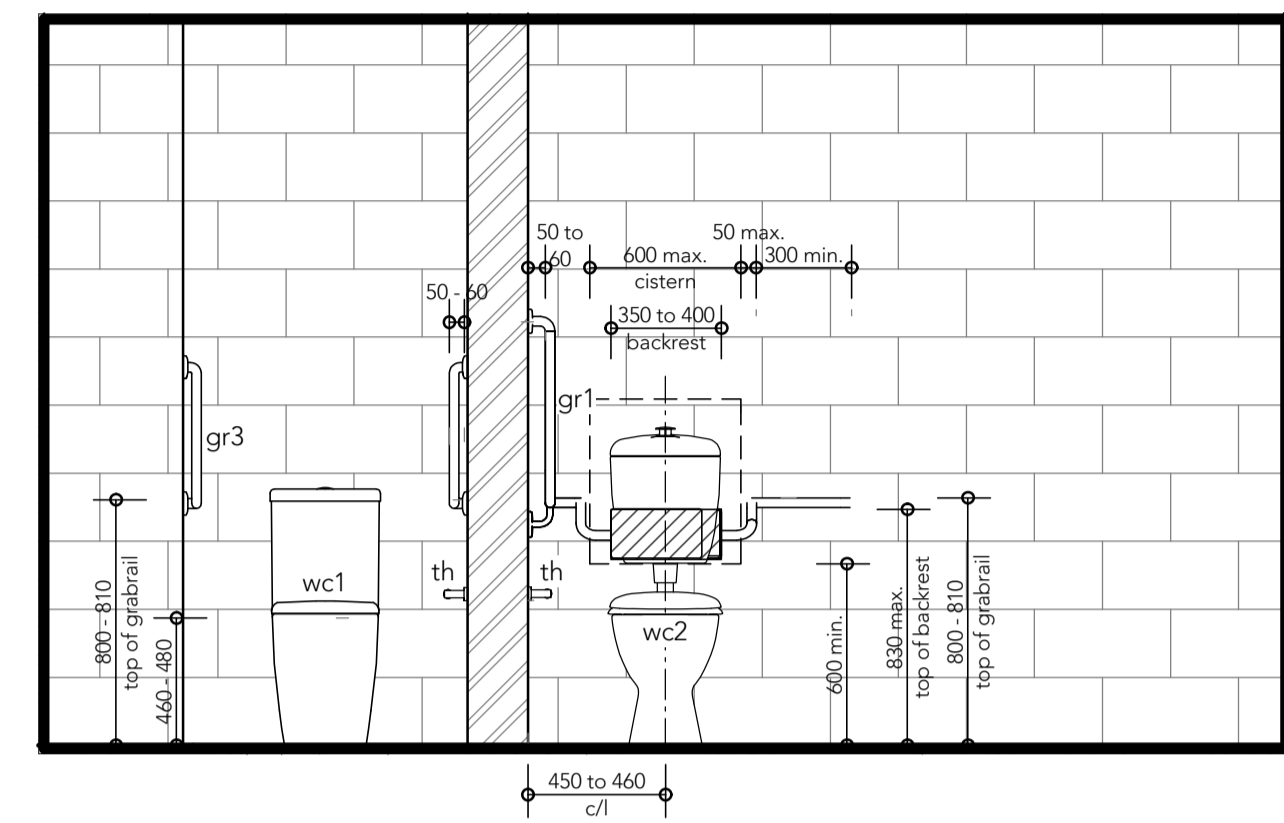
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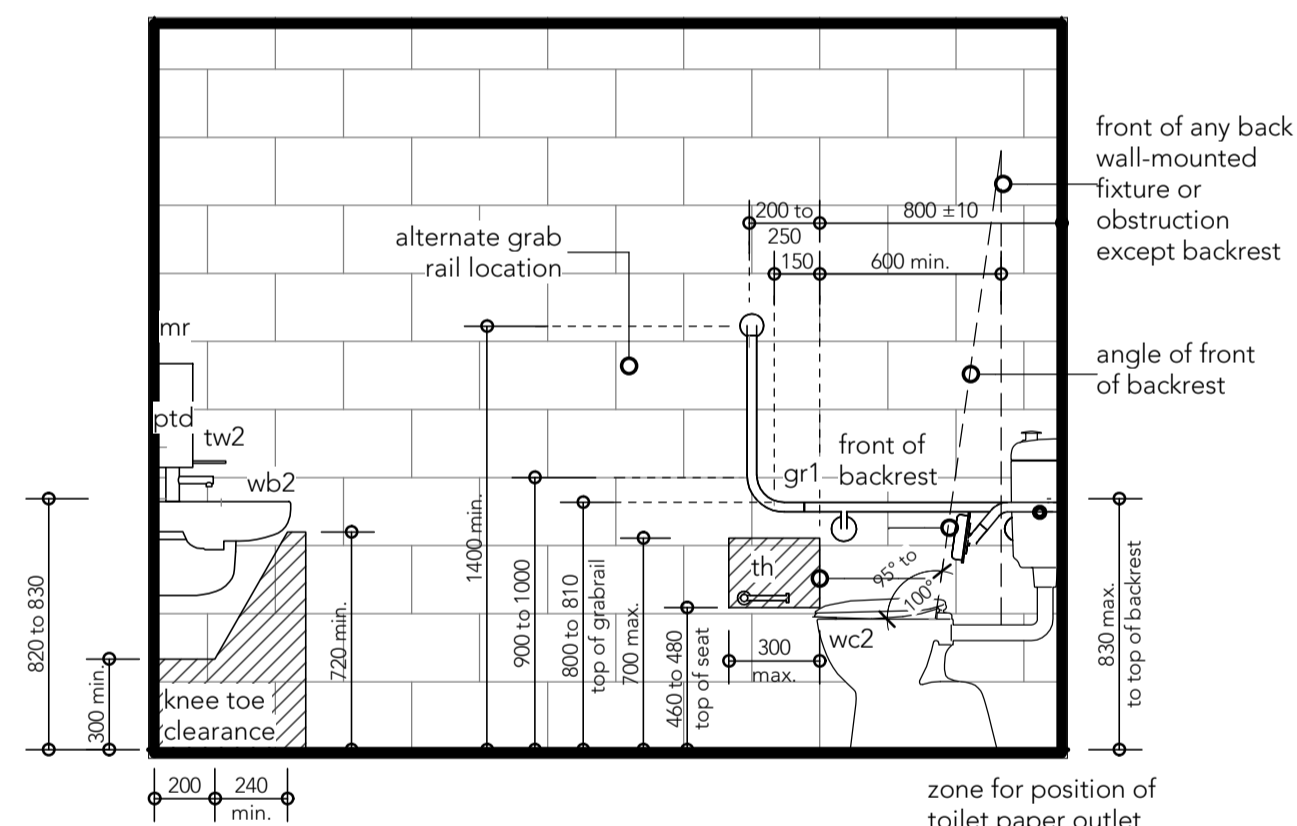
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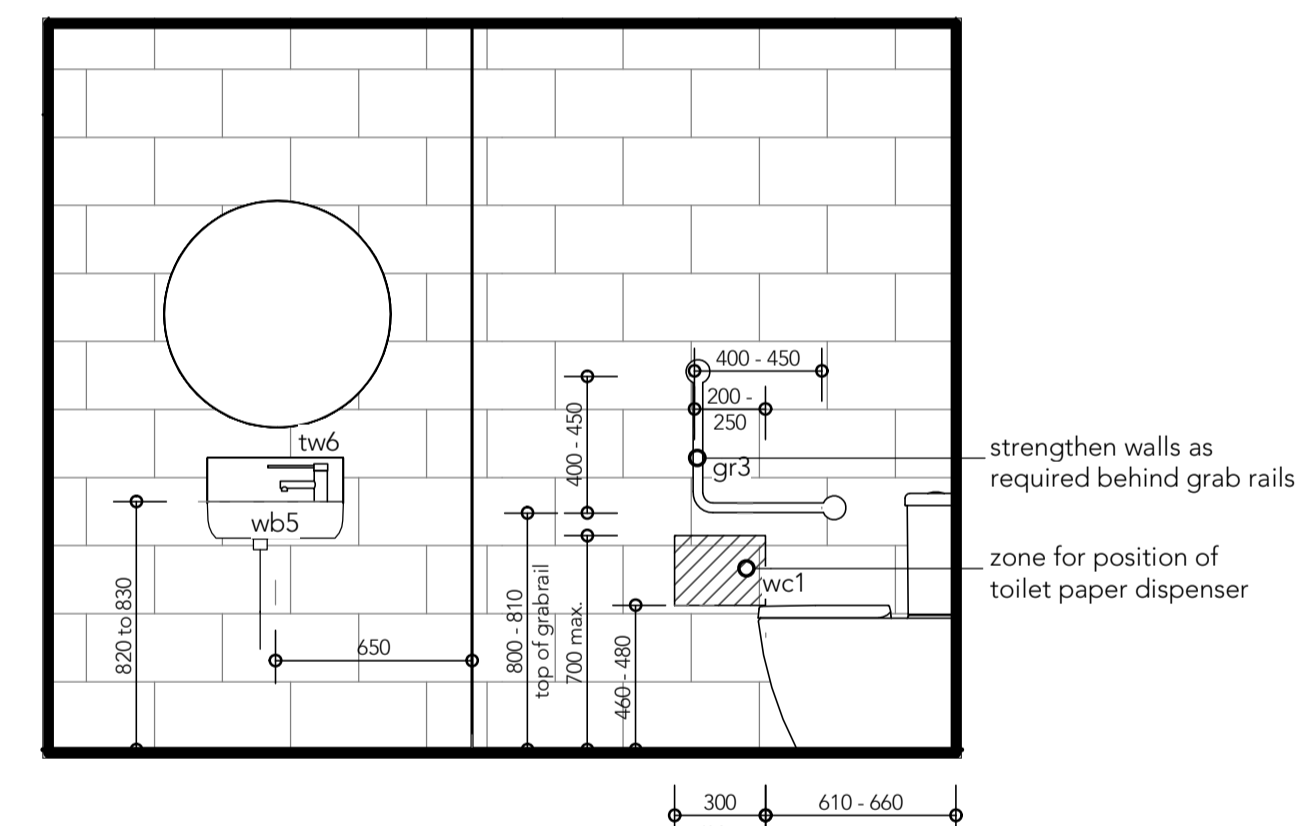
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09 ELEVATION. acc details 2
Scale 1 : 25 @ A1



10 ELEVATION. acc details 3
Scale 1 : 25 @ A1



11 ELEVATION. acc details 4
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