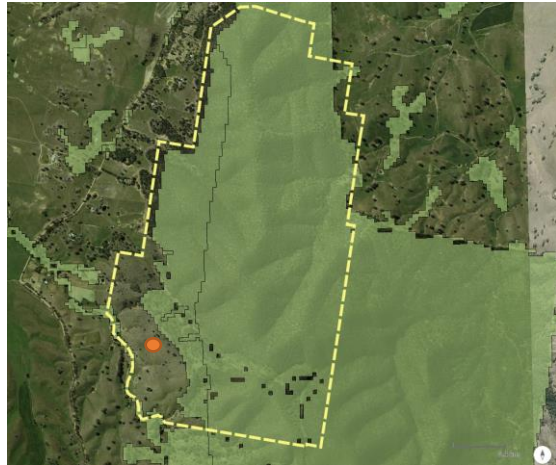


Addressing the Mid-Western Regional Local Environment Plan 2012 clauses relevant to the proposed development at 361 Old Grattai Road

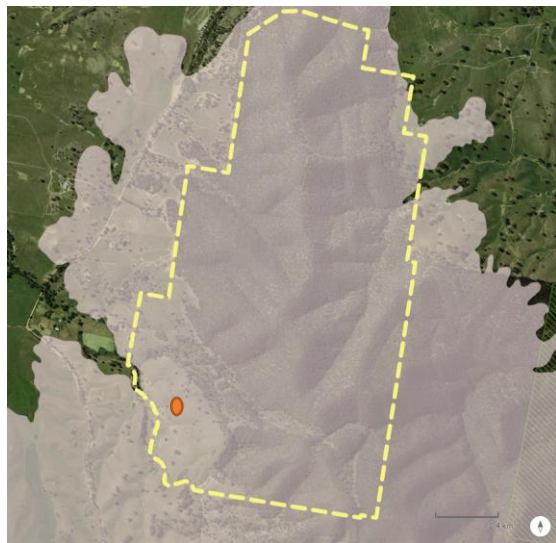
Relevant planning maps are shown below. The development site location is indicated by the orange dot.



Terrestrial Biodiversity Map

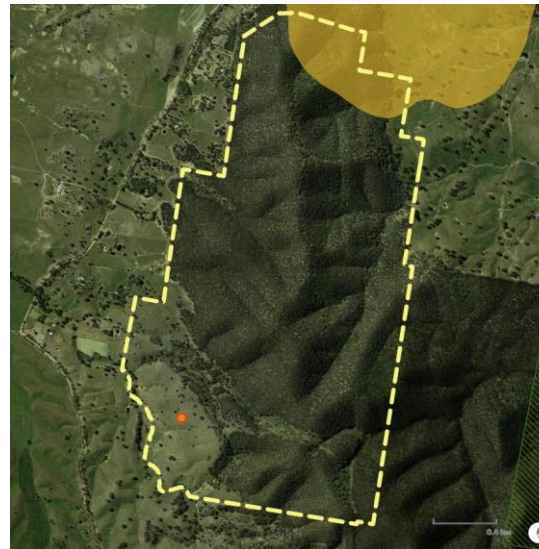


Groundwater Vulnerability Map



Visually Sensitive Land Map

Visually Sensitive Land Map, Visually Sensitive Land



The proposed development seeks to comply with the relevant clauses of the LEP, as per below.

LEP clause	How the development complies with / addresses LEP clause
<p>Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain zones</p> <p>Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land— (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land</p>	<p>The minimum lot size for zoning is 400 hectares and the actual lot size is 409 hectares.</p>

LEP clause	How the development complies with / addresses LEP clause
<p>Zone E3 Environmental Management</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. • To provide for a limited range of development that does not have an adverse effect on those values. • To manage development within the water supply catchment lands of Windamere and Burrendong Dams, to conserve and enhance the district's water resources. <p>3 Permitted with consent: Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Community facilities; Dairies (pasture-based); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Horticulture; Information and education facilities; Open cut mining; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water storage facilities</p>	<p>A Flora and Fauna assessment is submitted with the DA which sets out the biodiversity values of the land and the impact minimisation and avoidance measures proposed for the development. Threatened flora have been surveyed for in Spring and are confirmed not present.</p> <p>Fauna habitat comprises grassland and logs. Logs will be relocated and retained on site for habitat. The development is on existing cleared land. No trees will be cleared.</p> <p>The driveway access follows an existing farm track. The crossing over Macdonalds Creek is located at an existing track crossing and no works in the creek are proposed or needed. There will be no impacts to Macdonald Creek. Effluent systems are located outside of the 100m and 40m buffers to the creeks and within the approved effluent disposal areas assessed by Barnson Pty Ltd (see attached reports and site plans).</p> <p>The proposed development is permitted for the zone with approval, being a Dwelling house, Farm building (shed), and Secondary Dwelling</p>

LEP clause	How the development complies with / addresses LEP clause
<p>Clause 6.3 Earthworks</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>a) The house, shed and cabin sites have been selected on land with minor slope (<5 degrees), so as to avoid areas of steeper slope. Sewage disposal areas for all three buildings are located more than 100m from Macdonalds Creek and more than 40m from other mapped tributaries. Refer to attached Barnson report on sewage application area.</p> <p>(b) The proposed development footprint is small relative to the lot size and is located on previously cleared land that has been heavily grazed in the past. The proposal will not detract from the objective of promoting environmental protection of the property. Environmental protection will increase by there being an owner present on the property for the management of feral animals and weeds. All woodland and forest areas will be protected. The property may be established as a Biodiversity Stewardship site in the future.</p> <p>(c) Fill material will not be imported. Excavated material will be the uncontaminated natural soil which will be retained in situ on the site and used to ameliorate areas of erosion.</p> <p>(d) The development will be visible from Old Grattai Road and from unoccupied farmland to the west. This adjoining land is used for sheep grazing. The house site will not be visible from any other houses or residential properties in the area.</p> <p>(e) The proposal does not involve the import of fill. Soil excavated during earthworks will be retained on site.</p> <p>(f) The development is unlikely to disturb Aboriginal relics due to the location away from watercourses, ridgelines and rock outcrops. The National Parks and Wildlife Service will be notified if any relics are uncovered during earthworks.</p> <p>(g) As noted above, the development site is located well away from watercourses on cleared land, and provides the require 100m and 40m buffer include for all buildings and the onsite effluent systems. The driveway crosses Macdonalds Creek at a preexisting track crossing and will not be altered or changed due to the existing rocky creek bed providing a stable base. This is deemed the most practical solution for the crossing which will also avoid impact (i.e. no earthworks or artificial structures are needed or will be used). The development will not impact any land mapped under the LEP Terrestrial Biodiversity map and will not impact and intact woodland or forest areas on the property. Refer to the Flora and Fauna report for details.</p> <p>(h) (any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development) The house and shed and cabin will be located as close as practical to the existing farm tracks which will form the driveways. The building sites have been located to avoid trees, hence no trees will be cleared. The development site is on the gently sloping benches on the lower slope above Macdonalds Creek and more than 100m from the creek and more than 40m for mapped creek lines. The site position aims to minimise impacts to native vegetation and also the minimise potential erosion. there will be no impact to woodland or forest vegetation or to creek lines thus avoiding potential biodiversity and water quality impacts.</p>

LEP clause	How the development complies with / addresses LEP clause
<p>6.4 Groundwater vulnerability</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) the likelihood of groundwater contamination from the development (including from any onsite storage or disposal of solid or liquid waste and chemicals),</p> <p>(b) any adverse impacts the development may have on groundwater dependent ecosystems,</p> <p>(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</p> <p>(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>The development is not located on land mapped for Groundwater Vulnerability.</p> <p>There will be no storage of solid or liquid waste other than that normally required for a private residential home and garden.</p> <p>The batteries for the solar system will be installed, maintained and monitored by a professional solar provider (Solar Pumping Solutions) who will ensure proper installation and maintenance. Batteries are potential hazardous material and will be stored in a dedicated part of the new shed, which will have concrete floor.</p> <p>The location of all buildings and wastewater systems is outside of the required buffers to waterways being 100m to Macdonalds Creek and 40m to mapped tributaries. Refer to Architectural site plan.</p> <p>If required the use of the site may include an approved bore which would be installed with the required permits and for small-scale hobby farm and garden use.</p> <p>Other measures proposed to avoid and minimise impacts are described for clause 6.5 below.</p>

LEP clause	How the development complies with / addresses LEP clause
<p>6.5 Terrestrial biodiversity</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>A Flora and Fauna assessment is submitted with the DA which sets out the biodiversity values of the land and the impact minimisation and avoidance measures for the development.</p> <p>Threatened flora have been surveyed for in Spring 2021 and are confirmed not present.</p> <p>Fauna habitat comprises grassland and logs. Logs will be relocated and retained on site for habitat. The development is on existing cleared land. No trees will be cleared.</p> <p>The driveway access follows an existing farm track. The crossing over Macdonalds Creek is located at an existing track crossing and no works in the creek are proposed or needed. There will be no impacts to Macdonald Creek. Effluent systems are located outside of the 100m and 40m buffers to the creeks and within the approved effluent disposal areas assessed by Barnson Pty Ltd (see attached reports and site plans).</p> <p>Protection of biodiversity will be increased by there being an owner present on the property for the management of feral animals and weeds. All woodland and forest areas will be protected. The property may be established as a Biodiversity Stewardship site in the future.</p>