



Statement of Environmental Effects

Farm Stay Accommodation 115 Eurunderee Lane, Eurunderee

Client: Turner

Date: 16 May 2022

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared to accompany a development application (DA) to Mid-Western Regional Council (Council) for development of land at 115 Eurunderee Lane, Eurunderee.

The SEE has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2021* (EP&A Reg) as well as the requirements of Council.

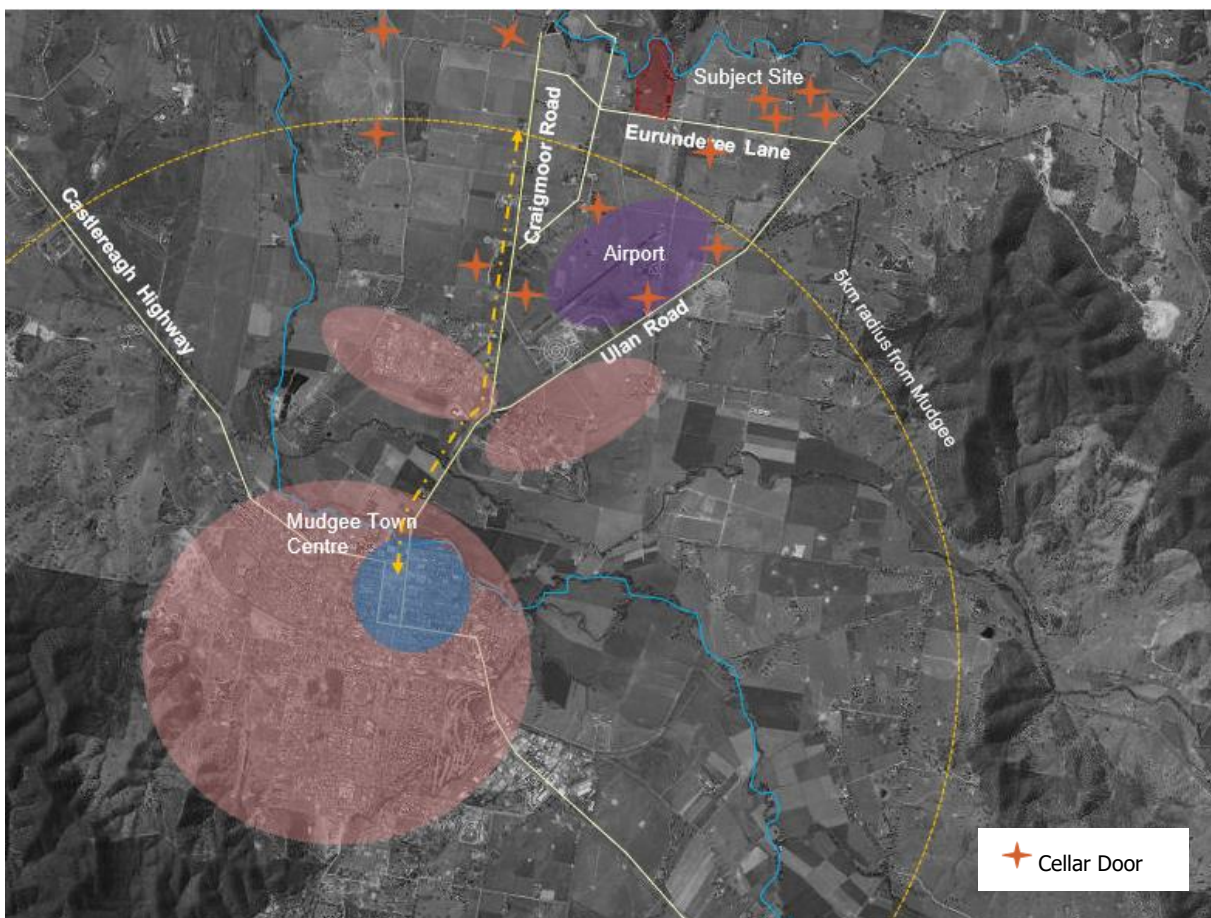
1.1 Site description

The land to be developed is Lot 122, DP 1075789 115 Eurunderee Lane, Eurunderee. The site is 5.1km from Mudgee town centre, north of the airport and proximate to a number of existing cellar doors.

The land is rural with extensive agriculture (grazing) as the predominate land use. The property supports a dwelling and an existing farm stay accommodation unit. The lot is regular in shape running from Eurunderee Lane north to Pipeclay Creek that borders the site to the north.

The land has been largely cleared for agriculture. There is a stand of remnant vegetation on the western part of the site and along the creek line.

Figure 1 Site Context



Source: Six Maps edited 2022

The site is shown in the following site photographs.

Figure 2 Site Photographs



Access to the site from Eurunderee Lane



Existing Unit 1

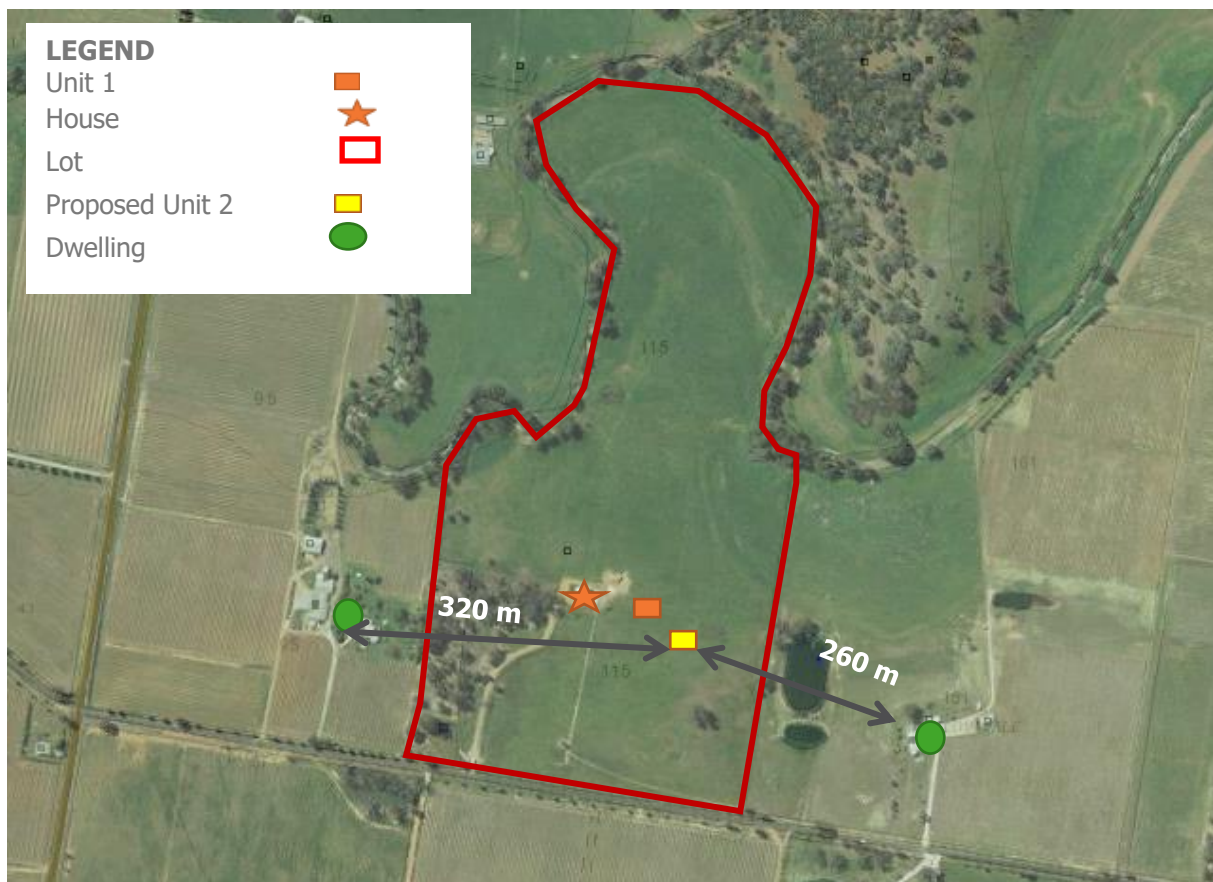
2 Proposal

The development involves the erection and operation of an additional accommodation unit as Farm Stay Accommodation.

The dwelling unit is a fully transportable building with a single bedroom and ensuite, with a separate living area and kitchenette. The internal living area of the space is 38m² with a further 6m² external decking area.

The plans are attached in **Appendix A**.

Figure 3 Subject Site



Source: Six Maps (edited) 2022

Figure 4 General Arrangement of Site



Figure 5 Proposed Floor Plan

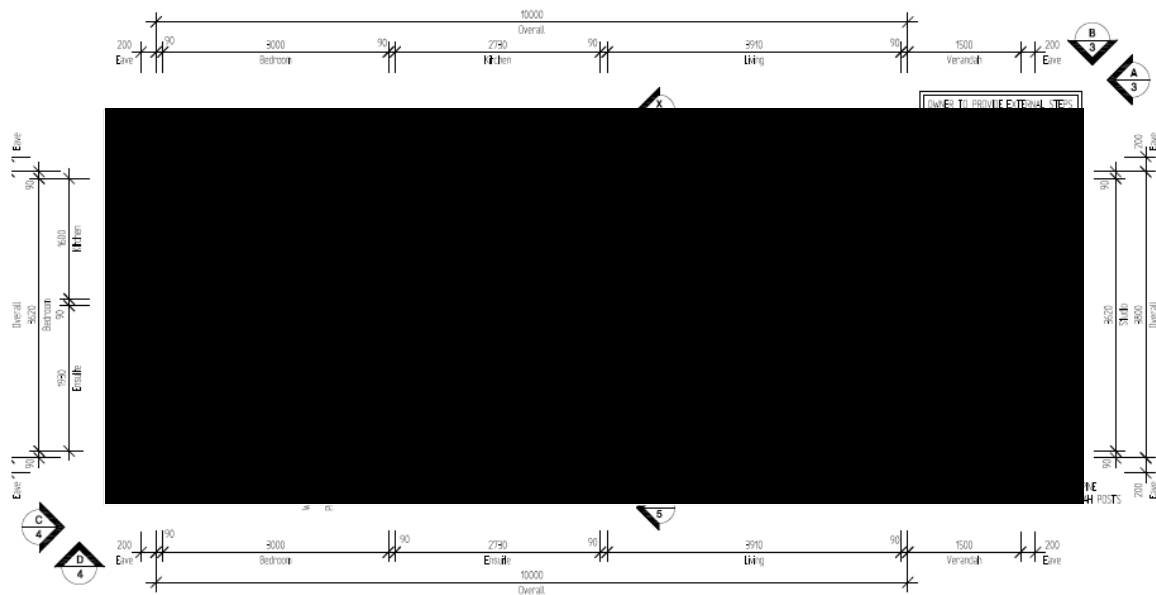
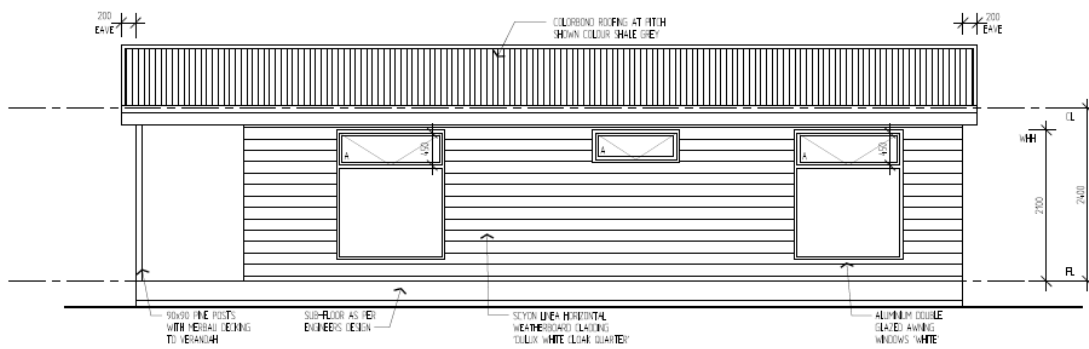
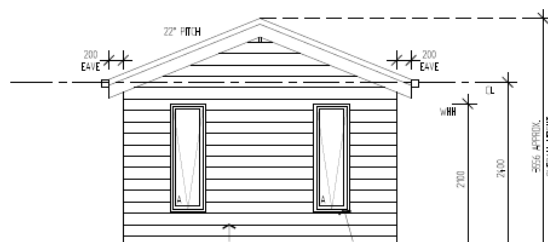


Figure 6 Elevations



ELEVATION C



ELEVATION D

The additional unit will be located immediately east of the existing farm stay accommodation. The unit will use the same access from Eurunderee Lane which is tar sealed and shared with the existing dwelling. The unit is located approximately 70 m from the side and 150 m from the front boundary of the property.

The unit is a single bedroom and parking will be provided alongside the building.

2.1 Planning controls and permissibility

The land is zoned RU4 Primary Production Small Lots under the Mid-Western Regional Local Environmental Plan 2012 (MWLEP). Development for the purpose of tourist and visitor accommodation including farm stay accommodation and serviced apartments is permissible in the zone with development consent.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

A serviced apartment is defined as follows:

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Farm stay accommodation is defined as:

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Clause 5.4 provides for a maximum of 5 bedrooms for farm stay accommodation.

Further, the Mid-Western Regional Council Development Control Plan 2013 MWDCP states that **Development for the purposes of cabins or self contained holiday accommodation, the definition of serviced apartment is applied.**

The proposal fulfils the definition of self-contained holiday accommodation. For the purpose of the development application, given that the property is a working farm for the purpose of taxation, the use can be characterised as **farm stay accommodation**.

Traffic and Parking

As noted above parking will be provided adjacent to the unit. The MWDCP requires parking to be provided at a rate of one space per unit.

A detailed traffic assessment has not been undertaken for the site, however, the RMS Guide to Traffic Generating Development assumes a typical trip generation rate of 3 per unit for tourist and visitor accommodation. On this basis, the proposal is likely to generate an additional 3 movements per day based on 100% occupancy.

The site currently accommodates a dwelling and one accommodation unit with estimated vehicular movements of 9 per day (6 for the dwelling and 3 for the existing unit).

Water and sewer

Potable Water.

Potable water will be supplied via a 10,000 L water storage tank connected to the accommodation unit. Rainwater will be the main water supply collected from the roof. The water will be treated using UV filtration prior to entering each unit.

Sewer and drainage.

Sewer and drainage will be constructed on site, the final design yet to be determined by a geotech report and submitted with the Construction Certificate.

Sketch diagram attached indicating the proposed location.

Other impacts

There are existing residential properties with side and opposite the property. The nearest dwelling not associated with the use is approximately 260m to the east. There is a dwelling on the western side of the development approximately 320m away.

The land use is very low impact and unlikely to result in adverse impacts on either the environment or the amenity of the neighbourhood.

3 Assessment of the Proposal

The following section provides an assessment of the proposed development against the relevant matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Section 4.15 provides the matters that need to be considered in the determination of a development application to the extent that the matters listed therein are relevant to the particular development application.

(1) Matters for Consideration General

(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*
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) 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.

3.1 Environment Planning Instruments

Mid-Western Regional Local Environmental Plan 2012

The Mid-Western Regional Local Environmental Plan 2012 (MWLEP) is the principle local environmental planning instrument governing land use and development on the site.

This section contains an assessment of the proposal against the relevant matters in the MWLEP.

Land Use Zone and Permissibility

The land is zoned RU4 Primary Production Small Lots. As noted above, development for the purpose of tourist and visitor accommodation; farm stay accommodation is permissible with consent.

Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that land is available for intensive plant agriculture.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.

The development is not inconsistent with the objectives of the zone. In particular, the farm stay accommodation has been located on that part of the site that is furthest removed from intensive agricultural land uses to the west of the site. Sufficient land is available within the property accommodate buffers to adjoining agricultural development if required.

The development can coexist with agriculture and surrounding land uses without perpetuating land use conflict.

Part 6 of the MWLEP

There are a number of provisions in Part 6 of the MWLEP that need to be considered in determining the proposal. The relevant clauses are addressed in the following table.

Clause	Comment
6.1 Salinity	There is no indication of the presence of salinity on that part of the land on which the unit will be located. Additional salinity assessment has not been undertaken because the proposal does not include

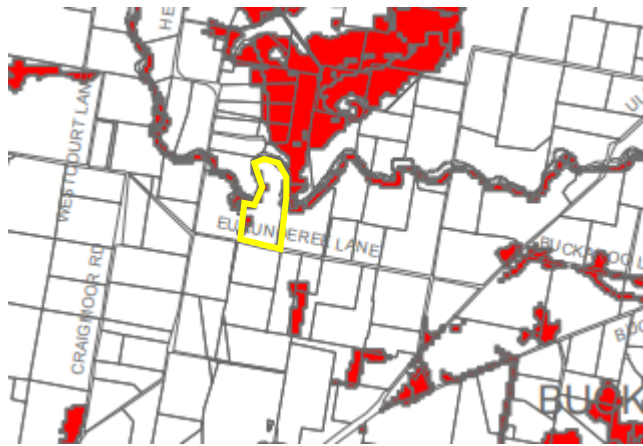
any activity that would otherwise impact groundwater or salinity.

6.4 Groundwater Vulnerability

MWLEP provides provide controls for land shown on the groundwater vulnerability Map. The site subject to this control however the proposed development poses no risk to ground water vulnerability.

6.5 Terrestrial biodiversity

The site is within an area identified in the MWLEP as environmental sensitive. As noted above, the proposal will not interfere with the existing trees and proposal no removal of trees. The building envelope for the unit is well outside the area identified as high value biodiversity. (Refer extract Map Sheet 006)



The site is not identified as bushfire prone land under the non-EPI mapping provided by the Rural Fire Service.

3.2 Draft Environment Planning Instruments

The NSW Department of Planning have proposed changes to the provisions relating to farm stay accommodation under the Standard Instrument LEP Agritourism Amendment Order. The Order includes a proposed change to the definition of farm stay accommodation. MWRC have considered the proposed changes and have resolved to “opt in” meaning that once the LEP Order is made it will amend the MWLEP.

The following clause will be inserted into the MWLEP:

Farm Stay Accommodation:

(1) The objectives of this clause are—

- a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
- b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- c) to cluster the location of buildings to be used for farm stay accommodation to maintain the principal use of the land for primary production.

(2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—

- a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of —
 - i. 3 times the number of bedrooms permitted under clause 5.4(5), or
 - ii. 20 guests, and
- b) the gross floor area of a building used to accommodate guests will not be more than 75 square metres, and
- c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than 8 at any 1 time, and
- d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than 4, and
- e) all buildings or moveable dwellings used to accommodate guests will be—
 - i. on the same lot as an existing lawful dwelling house, or
 - ii. on a lot—
 - A. for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - B. the size of which is not less than the minimum size shown.

(3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.

(4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—

- a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - i. residential accommodation,
 - ii. primary production operations,
 - iii. other land uses, and
- b) whether the development will have significant adverse impact on the following on or near the land—
 - i. the visual amenity, heritage or scenic values,
 - ii. native or significant flora or fauna,
 - iii. water quality,
 - iv. traffic,
 - v. the safety of persons, and
- c) whether the development is on bush fire prone land or flood prone land, and
- d) the suitability of the land for the proposed development, and
- e) the compatibility of the development with nearby land uses

Farm Stay accommodation will be redefined as follows:

Farm stay accommodation means a building or place—

- (a) on a farm —
 - (i) that is a **primary production business**, or
 - (ii) on land categorised as farmland under the Local Government Act 1995, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of tourist and visitor accommodation

The property is classified as a primary production business and the development will provide temporary accommodation to paying guests.

The proposal will satisfy the draft provisions.

3.3 Development Control Plan

The Mid-Western Regional DCP is applicable to the development. Consideration has been given to the requirements of the DCP to the extent that it is relevant to the proposal.

Table 1 DCP Controls

Control	Compliance
Section 6.4 of the DCP deals with Tourist and Visitor Accommodation	
Location – dwelling must be permissible	Complies. The lot complies with the minimum area for the erection of a dwelling. There is an existing dwelling on the land.
Design & Layout (a) The development should address the constraints of the site including topography, existing vegetation (b) Development for the purpose of services apartments (cabins or the like) shall be limited to a maximum of 6 individual accommodation units and one permanent dwelling (or manager’s residence). (c) The use of manufactured or relocated homes will not be permitted in the urban areas	Complies. The development is for purpose built low impact farm stay accommodation. The additional unit will have only a single bedroom. There is an existing farm stay unit on the site that is also a single bedroom unit. There is an existing residence.
Water Cycle Management Council will require a Water Cycle Management Report for each lot in the subdivision which identifies that there is a suitable area capable of the disposal of on-site wastewater. The report must include a plan showing a nominal effluent management area for each proposed dwelling or cabin site (as the case may be), in relation to slope, aspect and other site constraints. The plan must indicate all nearby waterways with a buffer of a least 100 metres between effluent management areas and	A Water Cycle Management Report is not considered necessary for the land use approval. A section 68 approval will be required and drainage detail and Geotech can be undertaken as part of the Construction Certificate process.

Control	Compliance
perennial or intermittent creeks or watercourses and 40 metres to drainage depressions.	
Electricity – must be provided	Complies. The site is connected to the grid.
Car parking Section 5 of the DCP requires parking to be provided at a rate of one space per unit	Complies Parking can be accommodated on site.

Social and economic issues

Tourism is a large driver for Mudgee’s local economy as identified in the Planning priority 7 of the Local Strategic Planning Statement *"Support the attraction and retention of a diverse range of businesses and industries"*. The proposed development will support the attraction by providing safe, legal tourist accommodation within Mudgee.

This development will help support tourism in Mudgee which will supports local job creation. This development will have a positive social impact.

Suitability of the site for the development

The proposed development is located off Eurunderee Lane within 5.2km of Mudgee and close to a number of cellar door premises. The proposal will compliment the farm uses and provide additional off farm income. Further, the proposal satisfies the proposed changes to the farm stay accommodation provisions, likely to commence in July 2022.

4 Conclusion

This SEE has provided an assessment of the proposed development against the relevant environmental planning instruments and development control plan.

Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome and is therefore recommended for approval.

Appendices

A Plans

A Plans

