

Statement of Environmental Effects

December 2022

569 Hill End Road, Erudgere

Proposed 2 x 1 Bedroom Self-Contained Cabins (Serviced
Apartments)

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a Development Application for 2 x 1 bedroom self-contained cabins (serviced apartments) at 569 Hill End Road, Erudgere as a staged approval.

This submission follows an earlier Development Application on the subject site, being DA0045/2022, which sought development consent for 2 x 3 bedroom self-contained cabins (serviced apartments). The application was approved by Council on 14 September 2021. This submission seeks an additional two cabins on the site.

A detailed description of the proposed development is provided under Section 3.0 of this SEE.

This Statement of Environmental Effects has been prepared on behalf of Mr. and Mrs. Turrisi to accompany the development application for the consideration of Mid-Western Regional Council.

This Statement of Environmental Effects is based on information and details shown on the following plans prepared by Benson McCormack Architecture:

- Drawing No. 100-001 Site Plan
- Drawing No. 110-008 Plans
- Drawing No. 210-001 Elevations/Section
- Drawing No. 810-001 Typical Cabin Yard Layout

In addition to the above plans, the following reports and documents have also been considered and should be read in conjunction with this Statement of Environmental Effects:

- BASIX Certificate prepared by GAT & Associates;
- Survey Plan prepared by Whelans Insites Pty Ltd;
- Geotechnical report prepared by Barnson;
- Site and Soil Assessment for On-Site Effluent Management System prepared by Barnson;

This Statement of Environmental Effects has been prepared in support of the proposed application. This report is based on the submitted plans, inspections of the site and general knowledge of the site and locality, with the aim of:

- Assessing the proposal against relevant statutory controls.
- Determining whether the proposal is acceptable within the existing and likely future context of the area.
- Considering whether the proposal is acceptable within the broader planning controls.
- Addressing any likely environmental and external impacts (positive and negative).

The proposed development has been assessed in relation to:

- Mid-Western Regional Local Environmental Plan 2012.
- Mid-Western Regional Development Control Plan 2013.

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- Section 4.15 Evaluation under the Environmental Planning & Assessment Act 1979.

2.0 SITE CONTEXT

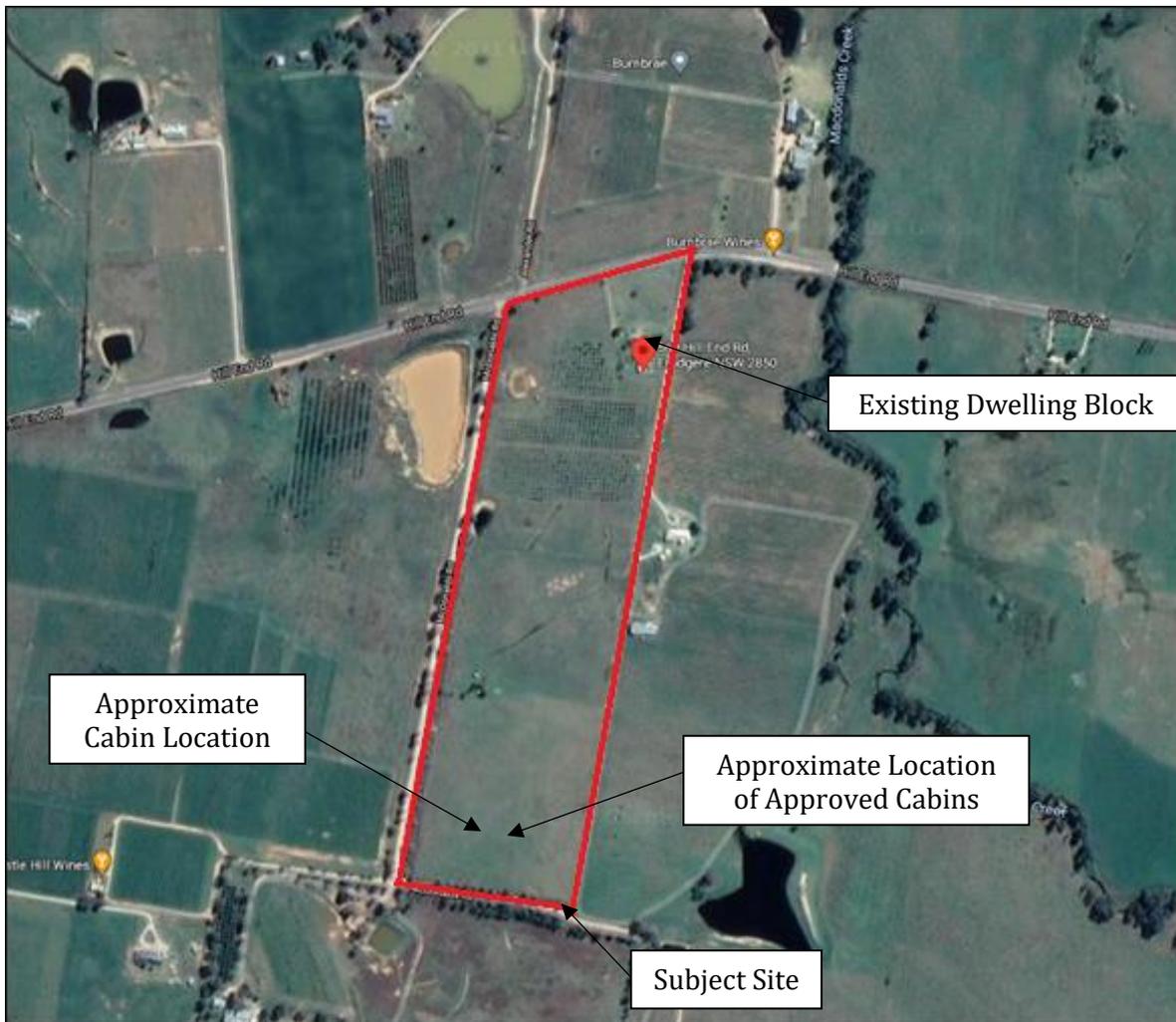
The subject site is commonly known as 569 Hill End Road, Erudgere and is legally referred to as Lot 77 of Deposited Plan 756880. The site is located on the south eastern corner of Hill End Road and McDonalds Road.

The site is irregular in shape with a splayed frontage of approximately 252m to Hill End Road and a secondary frontage of approximately 708m to McDonalds Road. The eastern side boundary measures approximately 812m while the rear boundary measures approximately 219m. The site measures 16.9ha in area.

Currently located on the subject site is a dwelling house and associated sheds. The subject land is also used for farming purposes comprising of an olive grove and sheep grazing.

The subject site is located approximately 10km east of the Mudgee Town Centre.

Figure 1 Site Location Map



Source: SIX Maps



Photo 1 – Area of the cabins looking west to McDonalds Road.



Photo 2 – Looking north west from the area of the cabins.



Photo 3 – Area of the cabins looking north east.



Photo 4 – Eastly view from the living areas of the future cabins.



Photo 5 – South eastly outlook from the cabins with McDonalds Road as the property boundary to the south.



Photo 6 – Looking to the south western corner of the property noting the power lines running through the site.

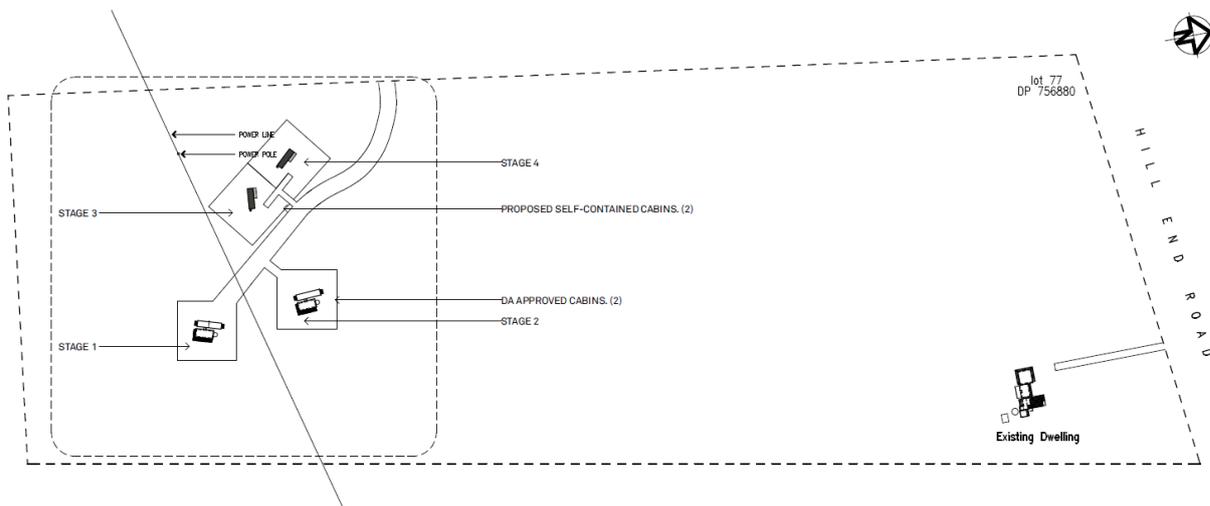
3.0 PROPOSAL

The proposal before Council seeks the construction of 2 x 1 bedroom, self-contained cabins (serviced apartments) on the subject site.

The proposed cabins will operate alongside the existing uses on the subject site which include a residential dwelling, olive grove and sheep grazing. As part of an earlier development application on the site 2 x 3 bedroom self-contained cabins (serviced apartments) were approved on the subject site as a staged approval. Construction of one cabin, as approved, has commenced on the site. This application seeks an additional two cabins on the site.

The proposed cabins will be sited to the rear of the existing allotment, and to the west of the previously approved cabins. Refer to the figure below.

Figure 2 Proposed Site Plan



Vehicular access is proposed under the same arrangements as approved under DA0045/2022, that is via a crossing and driveway off McDonalds Road which runs along the western boundary of the site. The proposed and approved cabins will therefore be provided with separate access compared to the main residence which is accessed via Hill End Road.

The cabins have been designed as single storey in scale, comprising of an open plan living/dining/kitchen which opens to a wrap around verandah with an outlook to the north and west. The remainder of the floor plan provides for a bedroom which opens to a narrower section of the wrap around verandah and bathroom.

Each cabin will be provided with a single hard stand car parking area adjacent to the cabin's entry.

In terms of its operation, bookings for the cabins will be managed via an online tool/website. A secured key box system will provide a code at the time of booking to allow access to keys.

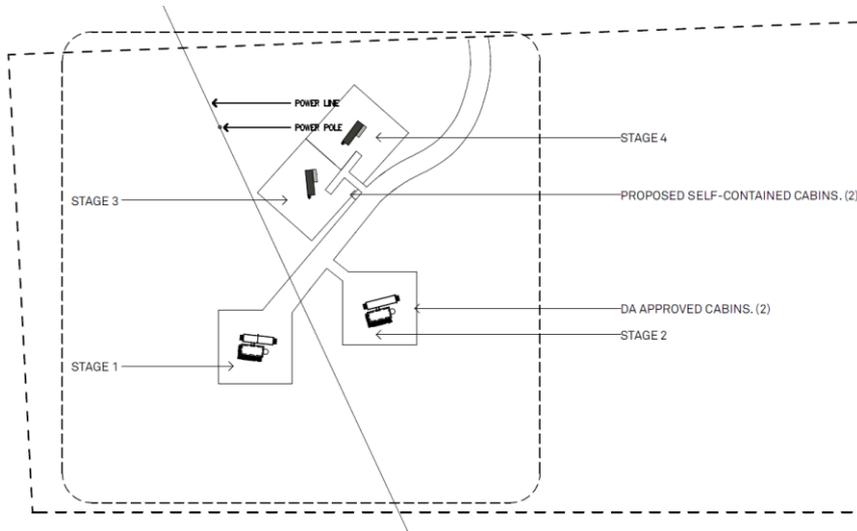
As part of the booking process, appropriate contact details will be provided in case of guest/visitor support.

All cleaning/waste management arrangements will be completed via private contractors after each stay.

The proposed design allows for internal amenity through the clear separation of noisy and quiet areas. Operable glazing throughout the design, maximises cross ventilation. Landscaping between the two cabins softens the built form and reinforces the scenic setting.

The construction of the self-contained cabins is proposed to be staged, as demonstrated below.

Figure 3 Proposed Staging



Stage 1 comprises of the previously approved 3 bedroom cabin approved under DA0045/2022 and which is notably currently under construction. Stage 3 will be built before Stage 2. Stage 3 relates to the proposed 1 bedroom cabin immediately to the west of the cabin that is currently under construction. The remaining approved 3 bedroom cabin (Stage 2) and proposed 1 bedroom cabin (Stage 4) will be constructed at a later stage.

Hence this proposal seeks a staged approval to allow individual Construction Certificates to be lodged and the cabins to be occupied independent of each other.

4.0 SECTION 4.15 CONSIDERATIONS

The following section provides an assessment of the proposed development in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

(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.

The provisions of:

4.1 Relevant State, Regional and Local Environmental Planning Instruments

4.1.1 State Environmental Planning Policy – Building Sustainability Index (BASIX)

The proposal has been assessed against the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The proposal satisfies the targets set by the Policy in relation to water, thermal and energy.

BASIX Certificates have been issued for the development and are attached under separate cover to this Statement of Environmental Effects. This shows compliance with the required water, thermal and energy provisions under BASIX.

4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 relates to the remediation of land. Clause 4.6 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and, if it is contaminated, the consent authority is satisfied that the land is suitable for the purpose. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

The history of the site indicates that the site has been used for grazing only. No agricultural activity has occurred on the part of the site on which the cabins are proposed.

In accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, Council is able to conclude that no further assessment of contamination is necessary.

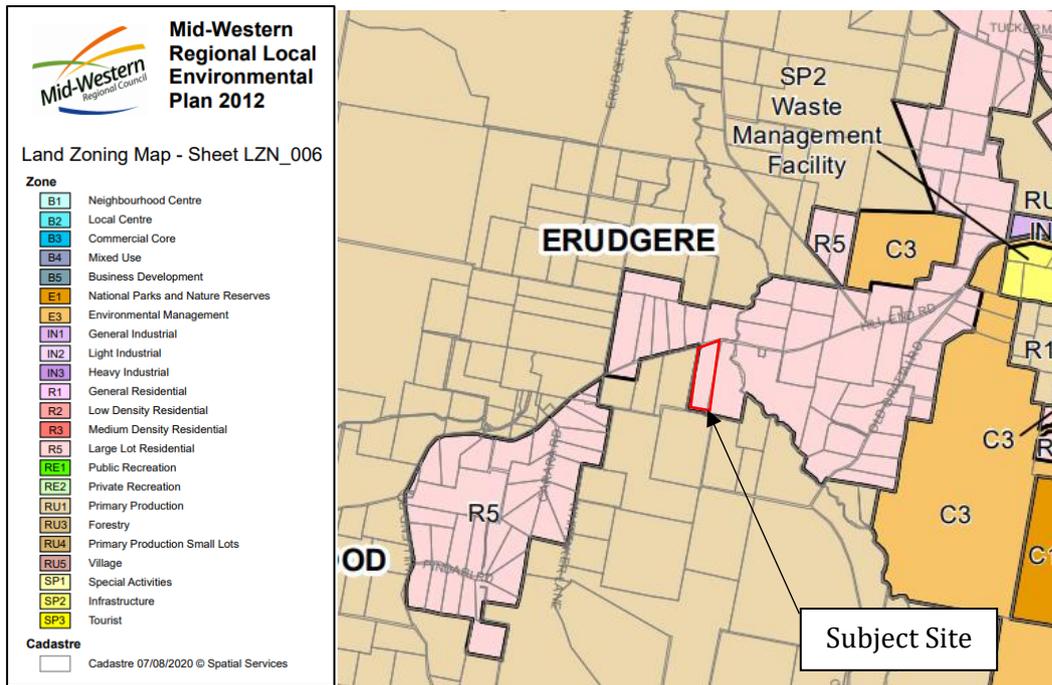
4.1.3 Mid-Western Regional Local Environmental Plan 2012

Refer to Appendix A for an assessment of the proposal against Council's LEP standards.

4.1.3.(a) Zoning

The subject site is zoned R5 Large Lot Residential as demonstrated in the figure below.

Figure 3 Zoning Map



Source: MWRLEP12, map 6, NSW Legislation

The proposed use is best defined as “serviced apartments” which is a permissible land use under the R5 Large Lot Residential zone.

Serviced apartments are 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”.

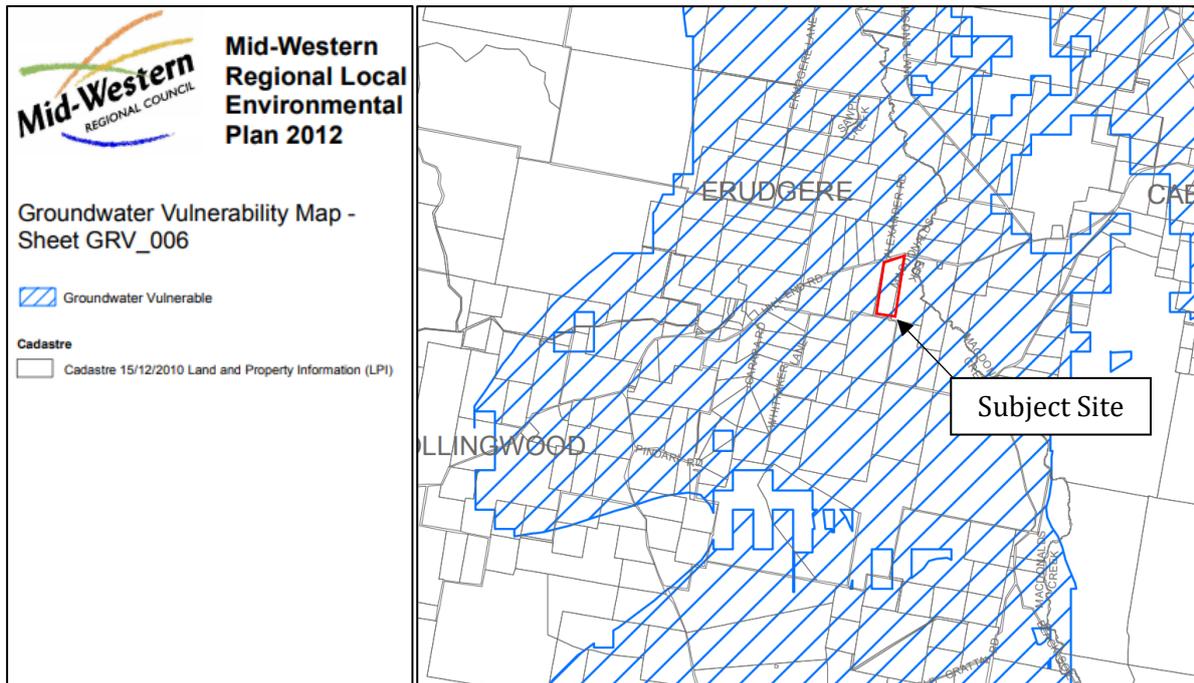
The objectives of the R5 Large Lot Residential zone are provided below:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The following comments are provided in response:

- The proposal seeks serviced apartments, rather than residential housing, on the subject site. The proposal will comprise of two (2) additional serviced apartments in the form of self-contained cabins. The new cabins have been designed as single storey in scale and will be sited to the west of the approved 3 bedroom cabins. The cabins provide for one bedroom, bathroom and open plan kitchen/living area with a deck. Materials to be used will match the approved 3 bedroom cabins.

Figure 5 Groundwater Vulnerability Map



Source: MWRLEP12, map 6, NSW Legislation

Reference should be made to the reports prepared by Barnson with respect to a *Residential Site Investigation Report* and *Site and Soil Assessment for On-Site Effluent Management System*.

As part of these reports, a desktop review of available groundwater information in the local area was undertaken. Information was acquired from the NSW Office of Water online groundwater mapping tool. Five (5) water bores were found within the vicinity of the allotment. Using available groundwater information from local bores, it was determined that in the local vicinity the standing water level is greater than 12.19m below the ground surface and the water bearing zones are greater than 23.40m below the ground surface. As no significant excavation works are proposed, the development is not considered likely to result in groundwater contamination, adversely impact potable water supply or harm any groundwater dependent ecosystems.

In addition, as part of an on site investigation in May 2021, two bore holes were dug with no ground water being encountered. From this information, it can be determined that in this locality, subsequent contamination by secondary treated effluent is not a risk factor.

4.2 Draft Relevant State, Regional and Local Environmental Planning Instruments

There are no draft plans to be considered.

4.3 Development Control Plans

4.3.1 Mid-Western Development Control Plan 2013

Refer to Appendix B for an assessment of the proposal against Council's DCP controls.

4.3.1.(a) Location of Tourist and Visitor Accommodation

Council's controls require that the location of tourist and visitor accommodation must comply with the minimum lot size map or demonstrate compliance with Clause 4.2A of the LEP 2012.

Council's maps indicate a minimum lot size of 12 hectares for the subject site. As the subject site provides for approximately 16.9ha, the subject site complies.

The DCP further states that Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP2012.

Dwelling houses are permissible in the R5 Large Lot Residential zone. It is noted that an existing residential dwelling is located on the site.

4.4 Regulations

There are no prescribed matters which hinder the development.

4.5 Likely Impacts

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

4.5.1 Impact on the Natural Environment

The development will not have an adverse impact on the natural environment. The proposed works have been designed to protect and celebrate the scenic quality of the area.

4.5.2 Impact on the Built Environment:

The built form is considered to be in keeping with scale and desired future character prescribed for this area. The proposed development is of a high architectural standard which promotes responsible redevelopment of land in the area.

4.5.3 Social and Economic Impacts on the Locality

The proposed development will positively contribute towards the local economy, attracting tourists to the area. The development will service existing and future residents in the area and those from further field, affording employment opportunities during its construction.

4.6 Suitability of the Site

The land is appropriately zoned to permit the proposed development. The development meets the objectives of the R5 Large Lot Residential zone and the Mid-Western Regional Local Environmental Plan 2012.

4.7 Submissions made in accordance with this Act or the regulations

Not relevant.

4.8 The Public Interest

The public interest would be served by approval of this development, as it will provide for the efficient use of the land and positively contribute towards the local economy, attracting tourists to the area.

5.0 CONCLUSION

The proposed development has made regard to the surrounding land uses. It is considered that all reasonable measures to mitigate any adverse environmental effects have been taken into consideration, in relation to the proposal.

The proposed development will provide for well designed self-contained cabins, to be used for short stay accommodation, promoting local tourist trade.

The proposal has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, and found to be satisfactory. The proposal is permissible with the consent of Council.

The beneficial effects of the proposal include:

- The proposed cabins are well-designed to provide excellent internal amenity and outlook.
- The building and landscaping have been designed sympathetic to the scenic surroundings.
- The proposal is compatible with Council's planning objectives and controls for the site and the locality.

The proposed development will have no significant impact on the air or water quality in the locality.

The proposed works do not result in any unreasonable impact to adjoining properties and are conducive to Council's policies and accordingly, it is sought that Council approve the application.

Appendix A Mid-Western Regional Local Environmental Plan 2012

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Zoning	<ul style="list-style-type: none"> • Zone R5 Large Lot Residential <p>2 Permitted without consent</p> <p><i>Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems</i></p> <p>3 Permitted with consent</p> <p><i>Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Garden centres; Home industries; Intensive plant agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Roadside stalls; Secondary dwellings; Serviced apartments; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4</i></p> <p>4 Prohibited</p> <p><i>Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Water treatment facilities; Wharf or boating facilities</i></p>	<ul style="list-style-type: none"> • Complies. Serviced apartments are permissible with consent. <p>Refer to Part 4.1.4(a) of this report.</p>

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Clause 2.6 Subdivision	<ul style="list-style-type: none"> Development consent required. 	<ul style="list-style-type: none"> N/A.
Clause 2.7 Demolition	<ul style="list-style-type: none"> Development consent required. 	<ul style="list-style-type: none"> N/A.
Clause 4.3 Height of Buildings	<ul style="list-style-type: none"> The site has not been identified on Council's maps as limited by a maximum height control. 	<ul style="list-style-type: none"> N/A.
Clause 4.4 Floor Space Ratio	<ul style="list-style-type: none"> Not adopted by Council. 	<ul style="list-style-type: none"> N/A.
Clause 5.10 Heritage Conservation	<p>The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> to conserve the environmental heritage of Mid-Western Regional, to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites, to conserve Aboriginal objects and Aboriginal places of heritage significance. 	<ul style="list-style-type: none"> The site has not been identified as an item of heritage nor is the site located within a conservation area. The site does however adjoin an item of heritage to the west. <p>Refer to Part 4.1.4(b) of this report.</p>
Clause 5.11 Bushfire Hazard Reduction	<ul style="list-style-type: none"> Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent. 	<ul style="list-style-type: none"> N/A. The site has not been identified as bushfire prone land.
Clause 6.1 Salinity	<ul style="list-style-type: none"> The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity. 	<ul style="list-style-type: none"> The site has been identified as having low levels of salinity. As the proposal seeks minimal earthworks to allow for footings, the proposal is unlikely to result in any adverse impacts.
Clause 6.2 Flood Planning	<p>This clause applies to—</p> <ul style="list-style-type: none"> land identified as “Flood planning area” on the Flood Planning Map, and other land at or below the flood planning level. 	<ul style="list-style-type: none"> N/A.
Clause 6.3 Earthworks	<ul style="list-style-type: none"> The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. 	<ul style="list-style-type: none"> The proposal includes minor earthworks to allow for footings and as such is unlikely to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
		<ul style="list-style-type: none"> items or features of the surrounding land.
Clause 6.4 Groundwater Vulnerability	<ul style="list-style-type: none"> This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map. 	<ul style="list-style-type: none"> The site has been identified on Council’s maps as being groundwater vulnerable. <p>Refer to Part 4.1.4(c) of this report.</p>
Clause 6.5 Terrestrial Biodiversity	<ul style="list-style-type: none"> This clause applies to land identified as “Moderate Biodiversity Sensitivity” or “High Biodiversity Sensitivity” on the Sensitivity Biodiversity Map. 	<ul style="list-style-type: none"> N/A.
Clause 6.10 Visually Sensitive Land Near Mudgee	<ul style="list-style-type: none"> This clause applies to land shown as “Visually Sensitive Land” on the Visually Sensitive Land Map. 	<ul style="list-style-type: none"> N/A.
Clause 6.9 Essential Services	<ul style="list-style-type: none"> Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required— <ul style="list-style-type: none"> the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable road access. 	<ul style="list-style-type: none"> All relevant services are available to the property. <p>With regards to the disposal and management of sewage, this proposal is accompanied by a Site and Soil Assessment for On-Site Effluent Management System prepared by Barnson to address septic tank requirements.</p> <p>The report was originally prepared in support of DA0045/2022 and was prepared acknowledging a capacity of 8 persons per tank.</p> <p>In view of the proposed staging, which sees 1 x 3 bedroom cabin (as previously approved) forming Stage 1 and 1 x 1 bedroom cabin forming Stage 3 (as proposed and to be constructed before Stage 2), a maximum occupancy of 8</p>

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
		<p>persons will be realised across the two cabins to enable a single septic system to be utilised by both cabins.</p> <p>While the balance of the approved cabins will be constructed at a later stage, it is acknowledged that the same occupancy rates as described above can be applied to allow for a second septic system to be shared between the two cabins.</p>

Appendix B Mid-Western Regional Development Control Plan 2013

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
<p>PART 6 - DEVELOPMENT IN RURAL AREAS PART 6.4 - TOURIST AND VISITOR ACCOMODATION</p>		
<p>Definition</p>	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ backpackers' accommodation, ○ bed and breakfast accommodation, ○ farm stay accommodation, ○ hotel or motel accommodation, ○ serviced apartments, but does not include: <ul style="list-style-type: none"> ○ camping grounds, or ○ caravan parks, or ○ eco-tourist facilities. • Note: Refer to the LEP 2012 for individual definition of the above terms. 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. Development for the purposes of cabins or self contained holiday accommodation, the definition of serviced apartment is applied. 	<ul style="list-style-type: none"> • The proposal is for self-contained cabins (serviced apartments).
<p>Location</p>	<ul style="list-style-type: none"> • Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012. • All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP2012. 	<ul style="list-style-type: none"> • Complies. Refer to Part 4.3.1(a) of this report. • Dwelling houses are permissible in the R5 Large Lot Residential zone. It is noted that an existing residential dwelling is located on the site.
<p>Design & Layout</p>	<ul style="list-style-type: none"> • The development should address the constraints of the site including topography, existing vegetation 	<ul style="list-style-type: none"> • Complies. The proposal has been sited so as to minimise any cut and fill. The construction will be via piers. In terms of vegetation, the site is currently managed for grazing purposes, and as such no vegetation currently exists on the site.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> • 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). • The use of manufactured or relocated homes will not be permitted in the urban areas. 	<ul style="list-style-type: none"> • The proposal will provide additional planting within the cabins yards • The proposal seeks two (2) cabins on the site, in addition to the two (2) previously approved cabins. A separate permanent dwelling exists on the site. • Noted. Complies.
Water Cycle Management	<ul style="list-style-type: none"> • 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 perennial or intermittent creeks or watercourses and 40 metres to drainage depressions. 	<ul style="list-style-type: none"> • Reference is made to the Site and Soil Assessment for On-Site Effluent Management System report prepared by Barnson.
Electricity	<ul style="list-style-type: none"> • The proponent shall demonstrate that the development can be serviced by electricity either via connection to the grid or solar power. Generators will generally not be accepted as a source of electricity. 	<ul style="list-style-type: none"> • Appropriate connections will be made to the existing power pole which runs through the site allowing for connection to the grid. In addition, photovoltaic panels will be included as part of BASIX requirements.
Parking	<ul style="list-style-type: none"> • Refer to car parking requirements section 5.1 in the DCP • Tourist and Visitor accommodation – 1 space per unit. 	<ul style="list-style-type: none"> • The proposal includes vehicular access off McDonalds Road to enable direct vehicular access to the cabins. • Each cabin will be provided with atone at grade/open car spaces adjacent to the cabin entry.
Signage	<ul style="list-style-type: none"> • Refer to requirement for signs section 4.4 in the DCP 	<ul style="list-style-type: none"> • No signage is proposed as part of this application.

