

# STATEMENT OF ENVIRONMENTAL EFFECTS

## SERVICED APARTMENTS

713 Black Springs Road, Budgee Budgee



Navigate Planning

2 May 2023

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# 1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for two serviced apartments at Lot 41 DP 755429, 713 Black Springs Road, Budgee Budgee.

The development site is zoned R5 Large Lot Residential under Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012). Serviced apartments are permitted with consent in this zone.

The development is not “state significant development”, “regionally significant development”, “designated development” or “integrated development”.

A Section 68 application is required for the proposed on-site sewerage management system for the cabins. This will be undertaken separately.

This SEE addresses the environmental, social and economic impacts of the proposed development. Supporting this SEE are the following plans and reports:

- Development Plan Set by Imagine by design, Issue F dated 26 September 2022 (Appendix 1).
- Geotechnical Investigation – Site Classification and Effluent Disposal Investigation by Macquarie Geotech dated 25 July 2022 (Appendix 2).
- BASIX Certificate Numbers 1390070S and 1390075S dated 2 May 2023 (Appendix 3).
- Biodiversity Values Map Review Report by Access Environmental Planning dated 25 January 2023 (Appendix 4).
- Letter of approval for change to Biodiversity Values Map from Department of Environment and Planning dated 13 April 2023 (Appendix 5).

Assessments in relation to biodiversity, bushfire and aboriginal archaeology for the proposed development are contained in this Statement of Environmental Effects.

## 2 PROPOSED DEVELOPMENT

The development consists of:

1. Construction of two cabins to be used as tourist accommodation.
2. Provision of a car space for each cabin and driveway to each space off the existing internal driveway.
3. Provision of an on-site sewage management system (3,000L Bioseptic Worm Farm System).
4. Provision of two new 22,900L water tanks.

Each cabin is 74.6m<sup>2</sup> in size and each contain two bedrooms.

The cabins will be constructed with the same materials as the dwelling and sheds on the land, with monument colorbond roofing and walls and merbau decking.

No additional signage is proposed.

The cabins are located in an existing cleared area that was previously used as gardens for the original homestead on site. This is evidenced by previous benching of the land and existing fruit trees in the vicinity.

## 3 SITE ANALYSIS

### 3.1 Existing Development

The subject land contains a dwelling approved as Complying Development and an associated carport, constructed as exempt development.

Also located on the site is a building approved with development consent as a home industry for a brewery and an associated area of intensive plant agriculture, being the growing of hops. Two sheds, constructed as exempt development are located on the land, used for storage purposes.

An approved access to Black Springs Road exists off Black Springs Road adjoining a farm dam. An approved business identification sign is located at the entrance. Internal driveways provide access to the dwelling, a car park associated with the home industry and will provide access to the proposed serviced apartments.

### 3.2 Topography, Soils and Groundwater

The development site is gently sloping. Surface levels across the site range from RL556m AHD near the site entrance from Black Springs Road to RL564m AHD at the edge of the area of native vegetation. The development is located at RL563m to 564m AHD. A survey plan of the site is included with the architectural drawings.

There are no defined watercourses in the vicinity of the proposed development. Black Springs Creek is located to the east of the subject land across Black Springs Road.

Geo-technical investigations of the site were undertaken in July 2022. The report found the following:

- Soils are a sandy loam with an average permeability of 1.4m/day.
- Bedrock and groundwater were greater than 2.3m in depth.
- Soil conditions are suitable for on-site sewerage management with absorption trenches, designed for up to 8 people and water usage of 120L/person/day.

### 3.3 Flora and Fauna

The site contains areas of native vegetation surrounded by cleared areas. The site of the proposed cabins is cleared, however was previously included on the Biodiversity Values Map.

An application for a BV Map Review was submitted to the Department of Planning and Environment who approved a change to the map to remove the location of the cabins from the map. The letter of approval from the Department is provided at Appendix 5. The application was supported by a report from Access Environmental Planning, included as an attachment to this development application.

The report identifies the following site characteristics:

- The site consists of disturbed, derived grassland area with exotic trees and some juvenile (diameter at breast height (DBH) less than 5 cm) planted native trees.
- The site does not contain any mature Eucalyptus trees.
- The highest density green foliage patch, apparent from aerial imagery, shows the location of the exotic black locust (*Robinia pseudoacacia*) trees.
- Floristic survey of the site indicated the coverage of native groundcover components was 38%, exotic ground cover species 20%, litter 29% and bare ground 9%.
- No native tree species were recorded in the floristic plot.
- Native tree and shrub species recorded at the site (but outside the floristic plot) were juvenile rough barked apple (*Angophora floribunda*) (9) and hickory wattle (*Acacia implexa*) (7).

- Previous State vegetation mapping (available through the NSW Sharing and Enabling Environmental Data (SEED) database) showed the site was considered PCT 420 Red stringybark – rough barked apple (with or without Norton’s box) open forest. This PCT does not have associated threatened ecological communities (TECs) but does have an association with the regent honeyeater (*Anthochaera phrygia*).
- Using the floristic site data, the updated Eastern PCT was determined as PCT 3753 – Dunedoo Sandstone Ironbark-Pine forest, which is also listed as a like-for-like option related to PCT 420. The site exists in a derived grassland form, missing the typical middle and upper vegetation layers. This PCT does not have any associated TECs and also is not shown to have an association with the regent honeyeater.

The report concludes as follows:

*Historical images show the site has not had continuous native woody vegetation in the last 40 years and over time has been modified to some extent by farm activities. Analysis of the current site vegetation characteristics show that the assigned PCT does not have known associations with the critically endangered regent honeyeater. Furthermore, the condition of the site means there are negligible habitat provisions for the regent honeyeater or other woodland birds, as a derived grassland with no eucalypts, mistletoes or other nectar producing native trees within the proposed remap area and no prospect of regeneration due to existing land management practices.*

Based on the above, it is considered that the proposed development will have no direct or indirect impacts on flora or fauna habitat.

Photographs of the location of the proposed cabins are provided below.



*Location of Cabin 1*



*Location of Cabin 2*

### **3.4 History, Heritage and Archaeology**

The site does not contain a heritage item, is not in a heritage conservation area and there are no heritage items in the vicinity of the site. The original dwelling on the land was located near the proposed cabins and may contain some remnant archaeology. None of this will be disturbed by the proposed development. The cabins are located in an area that was previously used as gardens for the original dwelling.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) found 1 record of an Aboriginal site or place within 1km of the subject land. An Aboriginal Heritage Due Diligence Assessment has been undertaken for the development (See Section 4.6)

### **3.5 Services (Water, Sewer, Stormwater, Power)**

The proposed development will be serviced by on-site water and sewer. Electricity and telecommunication services are connected to the site. Stormwater will also be addressed on site by overland flow to a dam.

## 4 COMPLIANCE WITH RELEVANT LEGISLATION

### 4.1 Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a person must not take an action that has, will have or is likely to have a significant impact on any of the matters of national environmental significance without the approval of the Federal Environment Minister. This includes an impacts on threatened species or endangered ecological communities (EEC) listed under the EPBC Act.

There are no known threatened species or endangered ecological communities on the site. No native vegetation is proposed to be removed for the development. The development is therefore unlikely to have a significant impact on any matters of national environmental significance. A referral to the Federal Environment Minister under the EPBC Act is not required.

### 4.2 Disability Discrimination Act 1992 (Commonwealth)

The *Disability Discrimination Act 1992* (DDA Act) prohibits discrimination against people with a disability in a range of areas, including in relation to access to premises. The proposed development has been designed to ensure access for all through a slab on ground construction. An accessible toilet has been provided as part of the approved home industry on the land, in close proximity to the cabins. The development will comply with the DDA Act.

### 4.3 Environmental Planning and Assessment Act 1979 (NSW)

#### 4.3.1 Section 4.5 – Designation of consent authority

Pursuant to clause 4.5 (d) of the *Environmental Planning and Assessment Act 1979* (EPA Act), the Mid-Western Regional Council is the consent authority.

#### 4.3.2 Section 4.10 – Designated development

Clause 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development. The proposal is not designated development.

#### 4.3.3 Section 4.13 – Consultation and concurrence

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the development under any relevant environmental planning instrument.

#### 4.3.4 Section 4.14 – Consultation and development consent – certain bush fire prone land

Section 4.14 requires a consent authority to consult with the NSW Rural Fire Service (RFS) if it is not satisfied that the development conforms to the document Planning for Bush Fire Protection (PFBP). The subject land is not mapped as bush fire prone land, however, as outlined in Section 5.5.4 below, the proposed development is consistent with the aims and objectives of Planning for Bushfire Protection and provides appropriate bushfire protection measures.

#### 4.3.5 Section 4.15 – Evaluation

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 5 of this SEE.

## **State Environmental Planning Policies**

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*

## **Local Environmental Plans**

- *Mid-Western Regional Local Environmental Plan 2012*

## **Draft Environmental Planning Instruments**

Nil

## **Development Control Plans**

- *Mid-Western Regional Development Control Plan 2012*

## **Planning Agreements**

Nil

## **Environmental Planning and Assessment Regulation 2000**

N/A

## **Impacts on the built environment**

The proposed cabins are small in scale and are designed with a rural-industrial feel, consistent with the design and materials used in existing buildings on the site. With a setback of 117m to Black Springs Road, the development will have minimal impacts on the built environment.

The site is not located on Visually Sensitive Land as defined in the MWRLEP 2012.

## **Impacts on the natural environment**

The development will have minimal impacts on the natural environment. No native vegetation is proposed to be removed as part of the development. Erosion and sedimentation will be prevented through the use of controls during construction. Effluent will be appropriately managed on-site.

## **Social and economic impacts**

The proposal will have positive social and economic impacts on the locality and the wider region, through the provision of additional visitor accommodation on a site that contains an developing and unique tourism offering.

## **Suitability of the site**

The site is suitable for the development as it is within a region already frequented by tourists visiting local wineries and tourism accommodation. Access to the site is via suitable sealed roads. The development can be undertaken without impact to native vegetation or significant cut and fill. The proposed cabins are located a sufficient distance from surrounding residences so as to minimise any visual or acoustic impacts.

## **The Public Interest**

The development is in the public interest as it provides additional visitor accommodation on a site that contains a developing and unique tourism offering based on local produce and local production, without detrimental impacts on the local area.



#### 4.3.6 Section 4.46 – Integrated Development

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. The development is not integrated development. This Section therefore does not apply to the development.

### 4.4 Biodiversity Conservation Act 2016

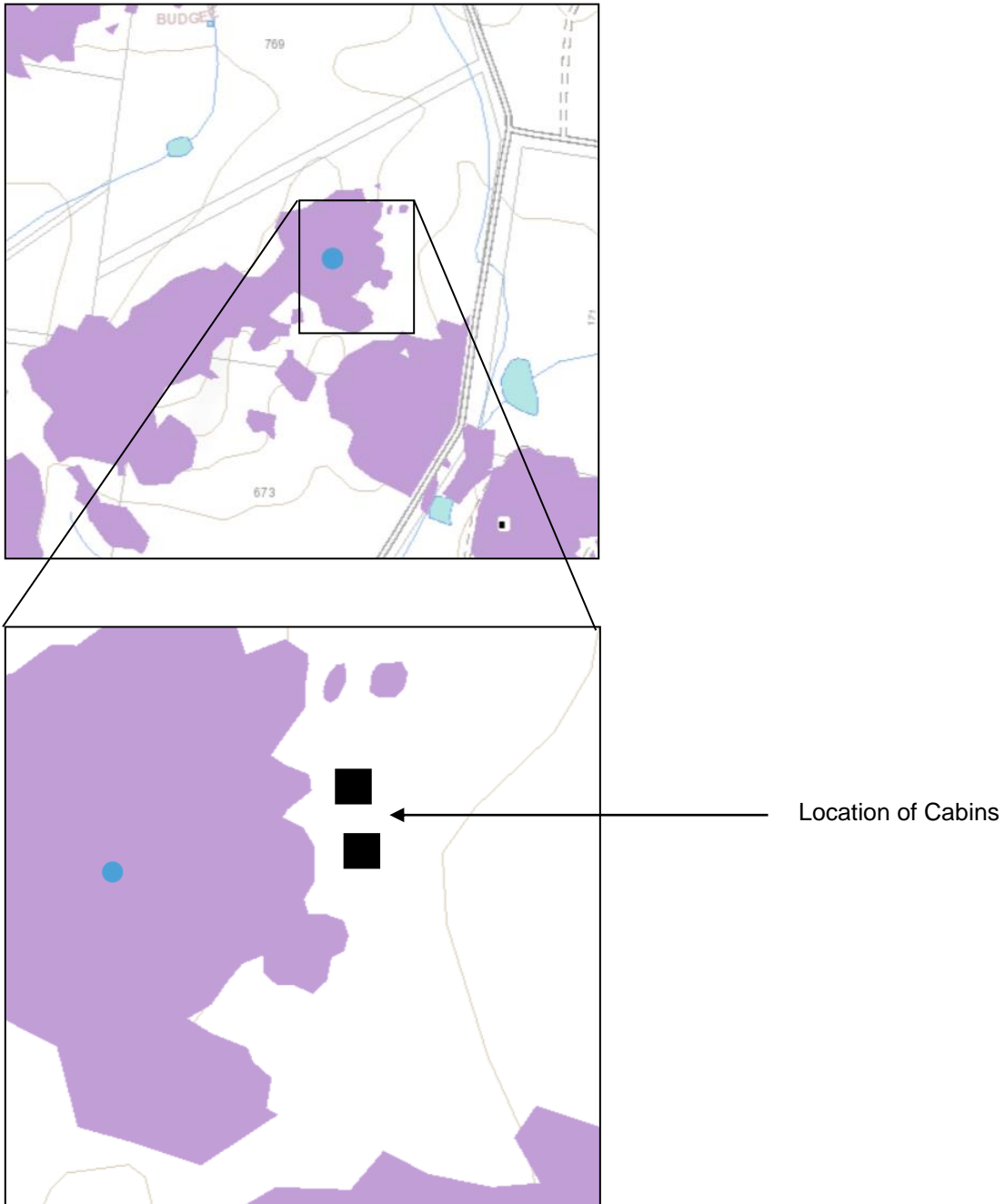
The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required. The BC Act also defines biodiversity values, and these are shown as the purple areas on the Biodiversity Values Map (see the map on the following page). While the subject land contains vegetation that is identified as having biodiversity values on the Biodiversity Values Map, the location of the cabins is outside of the mapped area. The adjoining area of the site that is included on the Biodiversity Values Map is mapped as potential habitat for the regent honeyeater.

No native vegetation is proposed to be removed. Existing groundcover is a mix of native weed species (Sifton bush) and introduced grasses. No threatened species are known to occur in the location of the proposed cabins or in the wider area of the site. A photo of the location of the proposed cabins is provided below.



*Photo looking towards proposed cabins from existing driveway on the site*

As the site of the cabins is not mapped as containing biodiversity values and there is no clearing of native vegetation, the proposal does not trigger the Biodiversity Offset Scheme and therefore a Biodiversity Development Assessment Report (BDAR) is not required.



Source: NSW Government Biodiversity Values Map

The adjoining area of the site that is included on the Biodiversity Values Map is mapped as potential habitat for the regent honeyeater. A report from Access Environmental Planning assessed the suitability of the site as regent honeyeater habitat and found that *“the site exists in a derived grassland form, missing the typical middle and upper vegetation layers. This PCT does not have any associated TECs and also is not shown to have an association with the regent honeyeater.”*

The report concludes as follows:

*Historical images show the site has not had continuous native woody vegetation in the last 40 years and over time has been modified to some extent by farm activities. Analysis of the current site vegetation characteristics show that the assigned PCT does not have known associations with the critically endangered regent honeyeater. Furthermore, the condition of the site means there are negligible habitat provisions for the regent honeyeater or other woodland birds, as a derived*

*grassland with no eucalypts, mistletoes or other nectar producing native trees within the proposed remap area and no prospect of regeneration due to existing land management practices.*

Based on the above, it is considered that the proposed development will have no significant impact on any threatened species.

#### 4.5 Rural Fires Act 1997

Under Section 100B of the Rural Fires Act 1997 (RF Act), a bush fire safety authority is required for certain types of development on bush fire prone land, known as “special fire protection purposes” (SFPP). The land is not mapped as bush fire prone and therefore a bush fire safety authority is not required.

#### 4.6 National Parks and Wildlife Act 1974

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal heritage impact permit.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) found 1 record of an Aboriginal site or place within 1km of the subject land. The record is of an artefact found in an open site located approximately 1.5km to the south of the proposed cabins, as shown in the following map.



Source: AHIMS Database and Google Maps

An Aboriginal Heritage Due Diligence Assessment has been undertaken for the development site. The assessment has determined that:

- A very small area of natural ground surface will be disturbed for building foundations and works to construct the driveways.
- There are no known Aboriginal heritage items on the land and observation has not disclosed any apparent objects.
- The location of the development is in a similar environment to the artefact found to the south of the subject land, being on a gentle slope to the west of Black Springs Creek, suggesting there is some potential for artefacts to be found.
- The location of the cabins and surrounds has previously been disturbed through occupation of the land by previous owners. The location of the cabins has previously been benched and cleared as gardens for the original dwelling.

While there is some potential for scattered artefacts to be found, it is considered that no further detailed Aboriginal archaeological assessment is warranted for the development. However, in the undertaking of all physical works on site, if any Aboriginal objects are uncovered, work shall cease and the Office of Environment and Heritage shall be notified.

## **5 COMPLIANCE WITH PLANNING CONTROLS**

### **5.1 State Environmental Planning Policy (Resilience and Hazards) 2021**

The overall site has a history of agricultural and residential use. The location of the proposed cabins was previously used as gardens for the original dwelling and is not likely to have been used for agriculture at any time, other than grazing, given the proximity of remnant vegetation. Given this, no further contamination assessment of the land is considered warranted for the proposal. The site is considered suitable for the proposed use.

### **5.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 4 of this SEPP aims to conserve and manage areas of natural vegetation that provide habitat for koalas. The SEPP applies to land greater than 1ha in size and requires an assessment as to whether the development is likely to have any impact on koalas or koala habitat.

Given no trees are proposed to be removed as part of this development and the development footprint is relatively small, it is considered that the proposal is unlikely to have any impact on koalas or koala habitat.

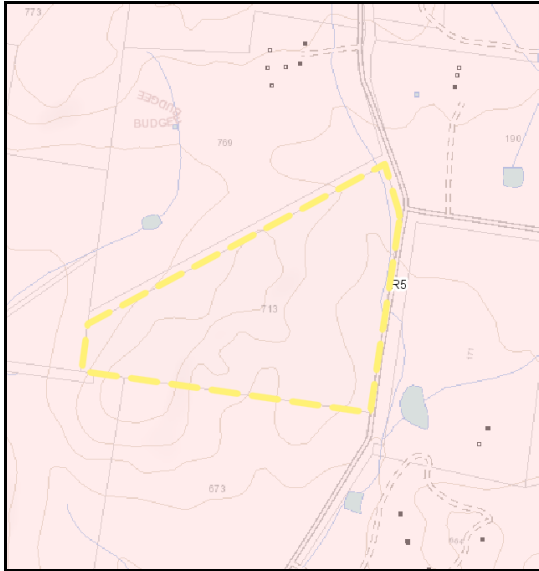
### **5.3 State Environmental Planning Policy (Primary Production) 2021**

The land is not considered to be State significant agricultural land and was not identified on the Draft State Significant Agricultural Land Map. No other provisions of this SEPP are relevant to the proposed development.

### **5.4 Mid-Western Local Environmental Plan 2012**

#### *5.4.1 Zoning and zone objectives*

The development is proposed on land included within the R5 Large Lot Residential zone under the *Mid-Western Regional Local Environmental Plan 2012* (MWLEP 2012), as shown on the map below.



Source: NSW eplanning spatial viewer

The objectives of the R5 zone are:

- 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 development is consistent with the objectives of the R5 zone. The development is associated with an approved dwelling on the land and an approved home industry and intensive agriculture, maintains the rural setting of the locality and has minimal impacts on the local environment. It is considered that the development will contribute to the scenic quality of the area.

The development will not increase demand for public services or facilities and will not result in any land use conflicts.

#### 5.4.2 Land Use Permissibility

The proposed development is defined as “serviced apartments” under MWRLEP 2012.

The definition of serviced apartments is 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.

*Note— Serviced apartments are a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.*

Serviced apartments are permitted with consent in the R5 zone.

#### 5.4.3 Lot Size

The land has a minimum lot size of 12ha. The subject land is 16ha in size. No subdivision is proposed.

#### 5.4.4 Building height

There is no maximum building height in MWLEP 2012 for the subject land.

#### 5.4.5 Heritage

The site does not contain a heritage item and is not in a heritage conservation area. There are no heritage items in the vicinity of the land.

#### 5.4.6 Flood planning

Clause 6.2 of MWLEP 2012 requires consideration of the impacts on a development by flooding and of the impacts of development on flood behaviour. The proposed development is not identified as flood prone and there are no watercourses in the vicinity of the proposed development.

#### 5.4.7 Earthworks

Clause 6.3 of MWLEP 2012 requires separate development consent for earthworks unless the earthworks are ancillary to other development for which development consent has been given.

The proposal will involve some minor earthworks for the cabins and access driveways. The scale and impact of the earthworks have been considered as part of this development application and therefore separate development consent will not be required.

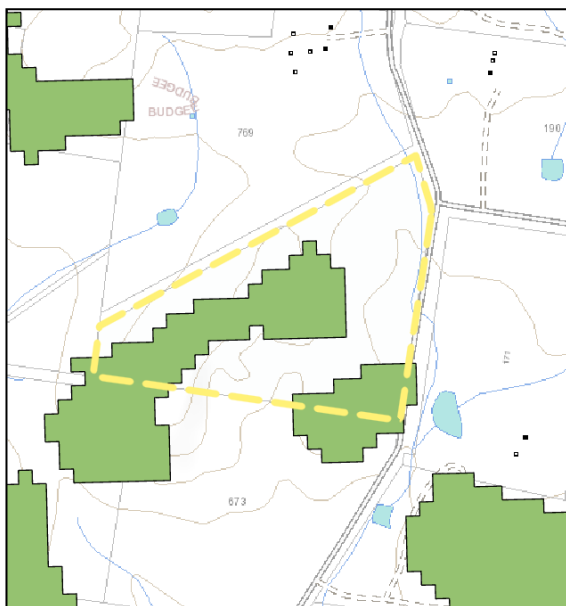
The extent of earthworks are minor in scale and will have no impact on drainage patterns or soil stability. Erosion and sediment controls will be in place during construction.

#### 5.4.8 Groundwater Vulnerability

Clause 6.4 of MWLEP 2012 requires consideration of the impact of development on groundwater. The subject land is not identified as groundwater vulnerable on the Groundwater Vulnerability Map in MWLEP 2012.

#### 5.4.9 Biodiversity

Clause 6.5 of MWLEP 2012 requires consideration of the impacts of development on biodiversity. Parts of the subject land are identified as containing high biodiversity sensitivity on the Sensitive Biodiversity Map in MWLEP 2012, as shown below.



Source: NSW eplanning spatial viewer

The development is located within the mapped area, however the location of the cabins is in an existing cleared area. Given no native vegetation is proposed to be removed for the development, consent can be granted under clause 6.6 as the development is designed, sited and will be managed to avoid any adverse environmental impact.

## 5.5 Mid-Western Regional Development Control Plan 2012

The following provisions of the *Mid-Western Development Control Plan 2012* (MWDCP) are relevant to the development:

### 5.5.1 Section 5.1 – Car Parking

For tourist and visitor accommodation, the following parking rate applies:

- 1 space per unit, plus two spaces per three employees.

The proposal provides two parking spaces, one for each cabin.

Employee parking is already provided in the vicinity of the dwelling and home industry buildings on site.

The proposal therefore complies with Council's requirements.

### 5.5.2 Section 5.3 – Stormwater Management

For the proposed development, the MWDCP requires stormwater quality management during construction, stormwater quality management during operation, water conservation and salinity prevention where applicable.

For stormwater quality management during construction, erosion and sediment control measures will be in place during construction.

For stormwater quality management during operation, given the small scale of the development, the rural nature of the land and the natural drainage of stormwater to an existing farm dam, no additional quality management measures are considered necessary.

For water conservation, the subject land is not connected to a reticulated water supply and collects rainwater in tanks for use on site. Two additional rainwater tanks are proposed to be installed to maximise collection and conservation of rainwater.

In relation to salinity prevention, previous geo-technical assessments have found that the site is not affected by high ground salinity. No specific measures are therefore warranted.

### 5.5.3 Section 5.4 – Environmental Controls

#### Aboriginal Archaeology

As noted in Section 4.6 above, a due diligence assessment has been undertaken for the development. Given the small scale of the development, more detailed assessment is not considered warranted.

#### Bushfire Management

According to the bush fire prone land mapping tool on the NSW Rural Fire Service website, the subject land is not identified as bush fire prone. However, given the extent of native vegetation on the subject land, the development has the potential to be impacted by bushfire.

For the purposes of this assessment, the cabins have been assessed as infill residential development. The following matters are relevant to a bushfire risk assessment of the site and proposed development:

- To the east of the proposed cabins is grassland or managed land for more than 500m, as demonstrated in the following photo.



*View to the east of proposed cabins*

- To the north of the proposed cabins are scattered trees and grassland for more than 500m.



*View to the north of proposed cabins*

- To the south of the proposed cabins are scattered trees and grassland for approximately 150m.



*View to the south of proposed cabins*



- To the west of the proposed cabins is bushland that is upslope of the development. The distance between the cabins and the bushland is 11m.



*View to the west of proposed cabins*

- An asset protection zone of 11m around the cabins is sufficient to provide defensible space.
- A Bushfire Attack Level of BAL-29 has been applied to the cabins.
- Access to the cabins will be suitable for emergency vehicles. The cabins are located within 200m of a sealed through road.
- The business will have an emergency evacuation plan in place.
- The proposed water tanks to be located adjacent to the cabins will provide a total of 45,800 litres of water storage.
- The premises does not have reticulated gas supply. Bottled gas will be provided in accordance with the requirements of Planning for Bushfire Protection.

Based on the above, while the land is not mapped as bushfire prone, the development meets the aims, objectives and relevant requirements of Planning for Bushfire Protection.

#### Riparian and drainage line environments

The nearest watercourse to the proposed development is Black Springs Creek, located to the east of the site across Black Springs Road. The proposed development is approximately 150m from the creek. The land around the proposed cabins drains to an existing dam on the property.

#### Pollution and Waste Management

All wastewater will be disposed of through the proposed on-site wastewater system. The proposed system has been designed for 8 people per day and 120L/person/day water usage. The Geotechnical Investigation for Effluent Disposal Report recommends a 3,000L standard septic system for the development. However, a Bioseptic Worm Farm system is proposed to be installed. This system will be the same type of system approved for the dwelling and home industry constructed on the site. The tank size recommended for this kind of system by the manufacturer is a 3,000L tank.

Waste from the use of the cabins will be managed by the land owner and disposed of at a Council facility.

### Threatened Species and Vegetation Management

The development has no impact on any threatened species. No native vegetation is proposed to be removed as a result of the development.

### Building in Saline Environments

Previous geotechnical assessments of the land have identified that the soil is not saline. No further assessment of this matter is therefore required.

#### 5.5.4 *Section 6.1 – Dwellings in Rural Areas (Setbacks)*

While the provisions in this section apply to dwellings and not to the proposed development, they provide a guide to suitable building setbacks in rural areas.

The MWDCP requires a 60m setback from street frontages and a 20m setback to side and rear boundaries.

The proposed development complies in both respects with a 117m setback to Black Springs Road and a 150m setback from the nearest side boundary to the north. The setback to the southern side boundary is 189m and the rear setback is 423m.

#### 5.5.5 *Section 6.4 – Tourist and Visitor Accommodation*

##### **Location**

(a) Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012.

(b) 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.

**Comment** – The proposal complies as the land is larger than the minimum lot size of 12ha and there is a residential component existing 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.

**Comment** – The proposal complies. The cabins are located in existing cleared and benched areas with minimal additional cut and fill required. Only two cabins are proposed, less than the maximum of 6. The cabins are not manufactured or relocated homes.

##### **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 perennial or intermittent creeks or watercourses and 40 metres to drainage depressions.

**Comment** – An effluent management report has been provided with the development application.

### **Electricity**

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.

**Comment** – The site is connected to reticulated electricity and the cabin will be connected to that system.

### **Parking**

Refer to car parking requirements section 5.1 in the DCP.

**Comment** – Parking is addressed in Section 5.5.1 above.

### **Signage**

Refer to requirement for signs section 4.4 in the DCP.

**Comment** – No additional signage is proposed.

## **6 Other Matters**

### **6.1 Traffic**

With only two cabins proposed, minimal additional traffic will be generated by the development. Access will be via the existing approved driveway crossover to Black Springs Road which has adequate sight distance and warning signs on the approaches to the driveway. It is considered that there is adequate capacity within the existing road system to accommodate the additional traffic generated by the development and the development will not cause any road safety concerns.

### **6.2 Noise**

Noise associated with the cabins would be expected to be at typical domestic levels, with a maximum of 8 adults potentially using the cabins at one time. Any noise generated from such activities would not cause noise concerns during the day, but may have the potential to cause noise concerns at night.

The nearest dwellings on adjoining land are located approximately 433m to the north and 388m to the north-east of the proposed cabins. A combination of distance, topography, existing development and existing vegetation obscures the cabins from view and act to attenuate any noise.

To the east and south-east are two dwellings located approximately 645m and 483m respectively from the proposed cabins. The dwelling to the east is visible from the site of the cabins, but the dwelling to the south east will be shielded by the dwelling on the subject land. Given the relatively small scale of the proposed development, the limit on the maximum number of guests to 8 at any one time, it is unlikely there will be a significant increase in ambient noise levels at these dwellings.

However, to minimise the potential for noise impacts, particularly at night, it is proposed that conditions of use of the cabins will include the following:

- Guests shall be considerate at all times of surrounding neighbours and will not make excessive noise, particularly after 7pm.
- The deck areas shall not be used outside of the hours of 6.00am to 10.00pm.
- No amplified sound systems shall be used at any times.
- The playing of music shall at all times be at low levels and shall cease at 10.00pm.
- Guests entering or leaving the site between the hours of 10.00pm and 8.00am shall do so in a quiet manner.

A complaints register will be maintained by the owner/operator.

## 7 CONCLUSION

The proposed development of two serviced apartments is an appropriate development of the subject land and will have minimal environmental or amenity impacts.

The development provides additional visitor accommodation on a site that contains a developing and unique new tourism offering in the Mudgee region.

No native vegetation is proposed to be removed for the development and there will be no indirect impacts as all activities are located downslope from vegetated areas. Adequate separation distance is available to minimise the risk of bushfire impact.

Due to the small scale of the development, there will be no adverse, noise, traffic or visual impacts on surrounding properties.

The proposed development will provide access for persons with a disability and the site already contains accessible toilet facilities. The development will effectively manage effluent on site. Rainwater will be captured for re-use through the provision of a water tank.

The development is permissible with consent and is consistent with all relevant legislation and policy. There is no impediment to the granting of development consent subject to conditions.

# APPENDIX 1 – DEVELOPMENT PLAN SET

## **APPENDIX 2 – GEOTECHNICAL REPORT**

**APPENDIX 3 – BASIX CERTIFICATES**

**APPENDIX 4 – BIODIVERSITY VALUES MAP REVIEW REPORT**



**APPENDIX 5 – LETTER FROM DEPARTMENT OF ENVIRONMENT AND  
PLANNING**

