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STATEMENT OF ENVIRONMENTAL EFFECTS



269 Henry Lawson Drive, Eurunderee

**Change of Use to Information and Education
Facility & Serviced Apartment**

29 January, 2024

Contents

- 1 Introduction** **3**
- 2 Site Analysis** **4**
 - 2.1 The Locality 4
 - 2.2 Site Description 4
 - 2.3 Existing Character and Context 5
 - 2.4 Surrounding Road Network 5
- 3 Details of the Proposal** **7**
- 4 Planning Controls** **8**
 - 4.1 Mid-Western Regional Local Environmental Plan (MWRLEP) 2012 8
 - 4.1.1 Zone Objectives 9
 - 4.1.2 Other LEP Provisions 10
 - 4.2 State Environmental Planning Policy (Resilience and Hazards) 2021 10
 - 4.3 Mid-Western Regional Development Control Plan 2013 11
- 5 Planning Assessment** **13**
 - 5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b) 13
 - 5.1.1 Micro Climate Impacts 13
 - 5.1.2 Water & Air Quality Impacts 14
 - 5.2 Assessment of Built Environment Impacts – S4.15 (1)(b) 14
 - 5.2.1 Impact on the Areas Character 14
 - 5.2.2 Privacy, Views & Overshadowing Impacts 14
 - 5.2.3 Aural & Visual Privacy Impacts 14
 - 5.2.4 Environmentally Sustainable Development 15
 - 5.3 Assessment of the Site Suitability – 4.15(1)(c) 15
 - 5.3.1 Proximity to Service and Infrastructure 15
 - 5.3.2 Traffic, Parking & Access 15
 - 5.3.3 Hazards 15
 - 5.4 The Public Interest – 4.15(1)(e) 15
 - 5.4.1 Social and Economic Impact 15
 - 5.4.2 The Public Interest 16
- 6 Conclusion** **16**

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for Sunrai Designs and forms part of a development application to Mid-Western Regional Council for a change of use to an '*information and education facility*' and erection of a '*serviced apartment*' at 269 Henry Lawson Drive, Eurunderree.

The primary objective of this proposal is to create a new unique experience in Mudgee to demonstrate the cocoa processing operation and origins of the ingredients from Vanuatu and Australia, together with highlighting the positive social outcomes of the sourcing arrangements, to visitors and to facilitate ancillary sales of chocolate products.

The proposal is in accordance with the relevant zone objectives contained in the Mid-Western Regional Local Environmental Plan (MWRLEP) 2012 and generally satisfies the relevant objectives and controls of the Mid-Western Regional Development Control Plan 2013 (MWRDCP).

This document is divided into 6 sections. Section 2 contains a site analysis, Section 3 contains details of the proposal, Sections 4 and 5 contain the detailed assessment of the application in accordance with Section 4.15(1) of the Environmental Planning & Assessment (EP&A) Act 1979, and Section 6 concludes the report. The following details accompany this SEE:

- Architectural Plans; and
- Operational Plan/Visitor Schedule; and
- Vehicle Simulation Plan.

2 Site Analysis

This section contains a description of the following: The Locality; Site Description; Existing Character and Context; and Surrounding Road Network.

2.1 The Locality

The subject site is located approximately 4km north of Mudgee and is located within the Local Government Area (LGA) of Mid-Western Region.



FIGURE 1: LOCATION PLAN (SIX MAPS)

2.2 Site Description

The subject site is located on the western side of Henry Lawson Drive and is known as 269 Henry Lawson Drive, Eurunderee or Lot 176 DP 755418. Henry Lawson Drive connects directly to Ulan Road to the south at a distance of approximately 2.5km from the site.

The site is regular in shape, generally flat throughout and encompasses a total area of 4 hectares with the majority of area originally cleared for viticulture. Craigmoor Road also directly adjoins the site to the west and is considered the rear of the property.

The site currently contains a variety of uses and buildings including the existing cocoa processing and chocolate making operation with ancillary sales area, micro winery with wine sales area, boutique hazelnut plantation and vineyard located in the eastern portion of the site.

A recent modification of consent has been issued by MWRC (ME007/2024) for the site relating to the erection of a rural workers dwelling. This modified consent generally has no relationship to this proposal.

2.3 Existing Character and Context

The surrounding area is predominantly rural, characterised by larger farms/rural properties. Several other dwellings, cellar door premises and tourist accommodation offerings are present in the area, which are all taking advantage of the ideal location with close access to Mudgee and sitting amongst the surrounding wine region.

The outcome of the modification is considered to be in keeping with the character of the rural area in that it will have no unreasonable impacts upon the function, environmental criteria, agricultural opportunities or the residential amenity of the locality.

2.4 Surrounding Road Network

The site has frontage to both Henry Lawson Drive and Craigmoor Road with vehicular access gained from Henry Lawson Drive via an existing rural access. Henry Lawson Drive is a standard two way sealed road that connects directly to the Ulan Road. Henry Lawson Drive is not identified as a Classified Road in accordance with the Roads Act 1993, with Mid-Western Regional Council the designated roads authority.

The proposal does not include or necessitate any alterations to the existing access, which serves all approved uses upon the site. The change of use will not generally result in additional traffic movements when in comparison to those uses originally consented.

The information and education facility will operate on a booking basis whereby groups will be allocated a timeslot and capped numbers to ensure the experience is managed effectively whereby the entire chocolate making process and origins of the products are explained in a boutique setting. No 'walk in' visitors will be allowed to the premises.

The existing parking will be utilised to cater for the maximum booking numbers of 20 people per time slot and a maximum vehicle expectation of 8 vehicles (inclusive of 1 accessible space). Alternatively, group bookings will be accommodated through the use of a minibus, which will readily be able to park and manoeuvre in the vacant carpark.

Refer to the management plan lodged under separate cover, which details further the group booking arrangements and hours of operation.

Staff parking and parking associated with the serviced apartment will continue to be provided in the existing carpark to the rear of the facility, which is considered ample in accommodating the 6 staff that will be retained as a result of the new rearranged facility. This is generally commensurate with the staffing arrangements for the approved winery premises that is the subject of the change of use.

It should be noted that the existing ancillary sales premises associated with DA0110/2023 will be reallocated to general circulation space associated with the information and education facility. It is expected Council will utilise clause 4.17(5) of the Environmental Planning & Assessment Act 1979 to modify DA0110/2023 accordingly. This will ensure that the staffing numbers associated with the sales area does not increase and therefore increase the demand for parking.

3 Details of the Proposal

It is proposed to undertake the following works upon the site:

- Change of use from a winery/cellar door to an information and education facility; and
- Alterations to the building to facilitate the new use; and
- Ancillary sales counter to the information and education facility; and
- Relocation of the first floor of the existing building to the west of the existing location and change of use of that building to a serviced apartment; and
- New connection to the existing on-site sewerage management system.

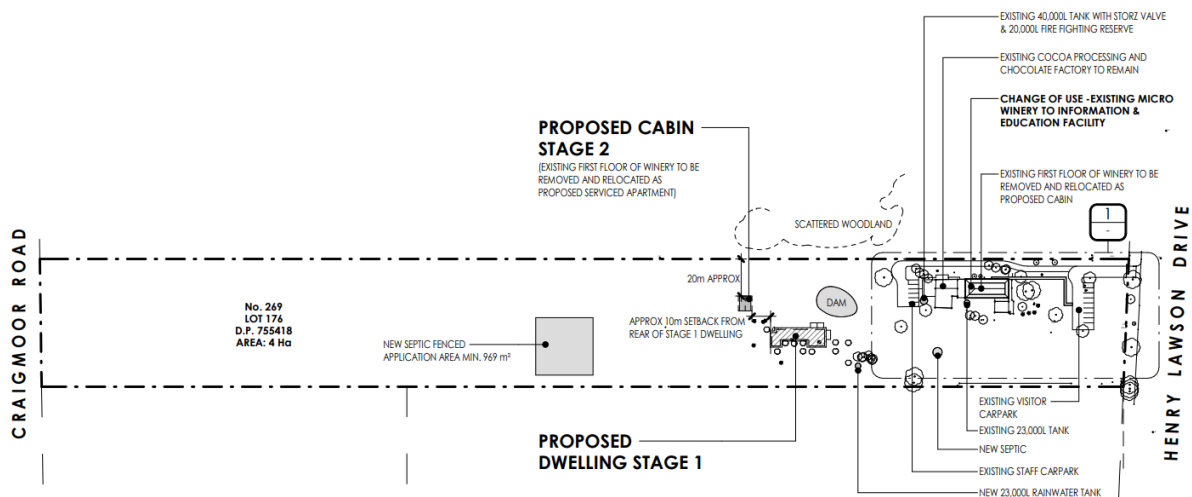


FIGURE 2: LAYOUT (SUNRAI DESIGNS)

The proposal will result in a new unique experience for Mudgee and an additional tourist accommodation option that sits comfortably within the rural context of the surrounding area.

4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess the compliance with the planning controls applicable to the site and relevant to the proposal pursuant to the relevant heads for consideration. The relevant controls include:

- Mid-Western Regional Local Environmental Plan (MWRLEP) 2012;
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- Mid-Western Regional Development Control Plan 2013 (MWRDCP).

4.1 Mid-Western Regional Local Environmental Plan (MWRLEP) 2012

The subject site is zoned RU4 – Primary Production Small Lots under Council's MWRLEP 2012 (see Figure 3). *Information and education facilities* and *serviced apartments* are permissible with consent in the zone and the proposal is considered to continue to satisfy the objectives of the zone.

It should be noted that the small sales area is considered ancillary and subservient to the dominant use of the information and education facility. The facility is proposed to be operated on a booking basis and therefore the sales area will not be open to the general public, only those patrons who book a tour of the facility as the primary reason for visiting the premises. The sales area is internal to the building and constitutes an area of 12.2m² or 10% of the total floor area.



**FIGURE 3: EXTRACT FROM ZONING PLAN
(SOURCE: MID-WESTERN REGIONAL LEP 2012)**

4.1.1 Zone Objectives

The relevant objectives for Zone RU4 are stated:

1. *To enable sustainable primary industry and other compatible land uses.*

Comment: The proposal is for an information and education facility and a serviced apartment and not primary industry. However, the proposal will not hinder the site from being utilised for a variety of other uses in the future. It should be noted that the site incorporates an area of only 4ha and is not generally considered of a suitable size for a sustainable primary industry purpose. However, a small vineyard and boutique hazelnut orchard are existing on site with the hazelnuts to complement the cocoa processing facility in the future when required.

2. *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.*

Comment: The proposal is for an information and education facility and a serviced apartment, which will have negligible impact upon any of the surrounding areas with regards to primary industry enterprises.

3. *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment: The proposal is for an information and education facility and a serviced apartment, which will have negligible impact upon any of the surrounding areas with regards to other land uses within other zones.

4. *To ensure that land is available for intensive plant agriculture.*

Comment: The proposal is for an information and education facility and a serviced apartment on a smaller lot of 4ha, which is not generally considered of an appropriate size to facilitate a sustainable intensive plant agriculture use.

5. *To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.*

Comment: The proposal is for an information and education facility and a serviced apartment, which will have negligible impact upon any of the surrounding areas with regards to primary industry enterprises.

In our opinion the proposed development ensures the proposal overall is consistent with the relevant objectives of the *RU4 Primary Production Small Lots* zone as detailed above. The proposal is intended to simply utilise an existing building of a similar nature

with no notable additional impacts with regards to amenity, traffic, environmental impacts and the like.

A summary of our assessment of the proposed development, as modified, against the relevant LEP provisions is in the following table (see Table 1):

4.1.2 Other LEP Provisions

TABLE 1: PROJECT COMPLIANCE – Mid-Western Regional LEP 2012	
Site Area : 4 Hectares	
LEP Provisions	Complies / Comments
6.1 Salinity	The proposal does not involve any major physical works apart from standard footings for the serviced apartment. Subsequently, no additional impacts related to salinity are expected beyond the current consent.
6.4 Groundwater vulnerability	<p>The site is identified as groundwater vulnerable within the MWRLEP 2012 mapping.</p> <p>An on-site effluent management study prepared by Envirowest Consulting was prepared for the other developments that have recently occurred on the site including the rural workers dwelling (ME0007/2024) and the expanded agricultural produce industry (DA0110/2023). The report demonstrated that a new on-site system was readily able to be accommodated on the site without impacting any groundwater ecosystems or functionality of the groundwater table.</p> <p>The proposed serviced apartment is expected to be able to be connected with this system without any significant further impacts. A revised S68 application will be prepared and integrated with this proposal, which is expected to be able to be accommodated as a condition of consent.</p>
6.9 Essential services	<p>All essential services associated with a rural location are already available and connected to the site.</p> <p>These are not expected to be affected by the proposal.</p>

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of this policy is to provide a mechanism to ensure remediation of contaminated land is undertaken within the planning framework.

Part 4 of the SEPP requires the consent authority (Mid-Western Regional Council), before determining a development application, to consider whether the land is potentially contaminated and if so whether the land is suitable in its current state for the proposed use.

A preliminary review has revealed that the proposal is for non residential uses only and any contamination present within the soil as a result of past vineyard operations is not likely to be interacted with by the visitors to the site or the tourists staying in the serviced apartment on a short term basis. The provision of a detailed investigation is not considered warranted as there is not expected to be any significant risk to people interacting with the site on a short term basis.

4.3 Mid-Western Regional Development Control Plan 2013

The Mid-Western Regional DCP 2013 applies to the site and the proposed development.

Part 5.4 '*Environmental Controls*' contains some relevant provisions including protection of aboriginal archaeology, riparian lines, bushfire management and vegetation management. The proposal will continue to generally satisfy these provisions, which are also discussed in various sections throughout this report. No significant impact with respect to the local ecology or groundwater is expected as a result of the proposal.

Part 6.4 '*Tourist and Visitor Accommodation*' contains specific controls relating to the serviced apartment and the relevant sections, as they relate to a serviced apartment only, are addressed in the table below.

TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional DCP	
Relevant sections applicable to this proposal.	
DCP Provisions	Complies / Comments
<p>Definition</p> <p>This clause outlines the definitions to different tourist accommodations that can be utilised</p>	<p>The proposal is best characterised as a <i>serviced apartment</i> in accordance with the definition.</p>

<p>Location</p> <p>This clause implies that any property proposed for tourist and visitor accommodation must comply with clause 4.2A of the MWRLEP 2012 i.e. the property must have dwelling entitlement.</p>	<p>An investigation into the dwelling entitlement status of the property has previously been undertaken.</p> <p>However, previous recent consents within the Mid-Western Regional LGA, under the current MWRLEP 2012, for serviced apartments have demonstrated that compliance with this clause is no longer appropriate in applying.</p>
<p>Design and Layout</p> <p>The following requirements are noted in the 'design and layout' section.</p> <p>(a) The development should address the constraints of the site including topography, existing vegetation.</p> <p>(b) Development for the purpose of serviced apartments (cabins or the like) shall be limited to a maximum of 6 individual accommodation units and one permanent dwelling (or manager's residence).</p> <p>(c) The use of manufactured or relocated homes will not be permitted in the urban areas.</p>	<p>The property has no constraints regarding topography or existing vegetation with the proposed modification not generating any additional impacts. The proposed 20m setback to the northern boundary readily ensures no impacts will be experienced to the adjoining property, particularly as the proposed use is for temporary tourist accommodation and not a permanent dwelling.</p> <p>The proposal will result in 1 serviced apartment only.</p> <p>N/A. Property not within urban area and the design of the serviced apartment is of excellent architectural merit that will not reflect the nature of a manufactured home.</p>
<p>Water Cycle Management</p> <p>This clause requires that an OSSM report be prepared for each serviced apartment proposed.</p> <p>Additionally, the clause also requires that a buffer of 100m be required between any septic system and a waterway.</p>	<p>An on-site effluent management study prepared by Envirowest Consulting was prepared for the other developments that have recently occurred on the site including the rural workers dwelling (ME0007/2024) and the expanded agricultural produce industry (DA0110/2023). The report demonstrated that a new on-site system was readily able to be accommodated on the site.</p> <p>The proposed serviced apartment is expected to be able to be connected with this system without any significant further impacts. A revised S68 application will be prepared and integrated with this proposal, which is expected to be able to be accommodated as a condition of consent.</p> <p>It should be noted that the approved system was designed for 3000L per day input. The</p>

	total input, including the new information and education facility, is currently 2170L. The additional 300L per day expected for a 1 bedroom serviced apartment is readily able to be accommodated into this system.
<p>Electricity</p> <p>'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.'</p>	The proposed serviced apartment will be connected to the grid, which is already existing upon the property.
<p>Parking</p> <p>This clause defers to section 5.1 of the DCP where parking requirements are stated.</p>	<p>The existing parking associated with the previous use for the winery and cellar door is being utilised for the change of use to the information and education facility.</p> <p>The two uses are utilising an identical floor area. The proposed booking system and limitation of patrons visiting the site is able to be readily accommodated within the existing parking area with the number of vehicles thereby expected to be similar to that of the existing uses on site.</p> <p>Refer to the comments above under section 2.4 for further context.</p>
<p>Signage</p> <p>This clause defers to section 4.4 of the DCP where signage requirements are stated.</p>	N/A. No signage proposed.

With regards to the proposed information and education facility there are no specific MWRDCP requirements applicable to this type of development within the RU4 zone. However, the proposal is considered to generally achieve the objectives of the MWRDCP with regards to this part of the proposal and as discussed throughout this report under the various relevant headings.

The facility is to be operated in a similar manner to that of the existing winery and cellar door and other cellar door premises in the surrounding area.

The key operational details of the facility are as follows:

Hours of operation

- Monday: 9am - 5pm
- Tuesday: 9am - 5pm
- Wednesday: 9am - 5pm
- Thursday: 9am - 5pm
- Friday: 9am - 5pm
- Saturday: 9am - 5pm

Sunday: 9am - 5pm

Number of visitors

Maximum group bookings of 20 people arriving either in individual cars or one pre-organised mini bus through one of the local tour operators.

There will be 4 designated time slots per day, which equates to a maximum total of 80 visitors permitted in any given day.

5 Planning Assessment

This section will consider the following: the Assessment of Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15(1)(b),(c) and (e).

5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b)

5.1.1 Micro Climate Impacts

The proposed development overall is unlikely to result in any adverse effects to the micro-climate in the locality.

5.1.2 Water & Air Quality Impacts

The proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality as discussed previously.

The OSSM report prepared for the other recent developments upon the site has confirmed that a suitable area is available for the disposal of sewage with no impact upon the groundwater system. The additional load from one serviced apartment and additional visitors is not expected to significantly increase any potential impacts.

5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)

5.2.1 Impact on the Areas Character

The surrounding built environment comprises a mix of single dwellings on smaller rural allotments together with viticulture operations and tourist and visitor accommodation facilities and cellar doors. The development will contribute to the character of the area in a positive manner by providing an additional tourist accommodation option in a scenic area of the Mid-Western Region with close access to Mudgee and cellar doors.

The cocoa processing education facility will also sit comfortably within the surrounding character and in fact will contribute positively to the general tourism offerings that are available within the immediate area that dominate the character of the locality.

5.2.2 Privacy, Views & Overshadowing Impacts

The proposed development overall will not impede the existing privacy or views of the subject or surrounding lots. The development will not provide overshadowing within the subject or adjoining lots.

The proximity of the proposal to other dwellings in the immediate area will be imperceivable with the nearest dwelling located approximately 150m to the south.

5.2.3 Aural & Visual Privacy Impacts

The proposed development, being within a rural area and fully compliant with the relevant planning provisions, will not result in any significant privacy concerns for adjoining properties, in particular for the residents in the adjoining site immediately to the south.

The nearest dwelling is approximately 150m to the south from the development site, which results in maximum visual privacy and acoustic privacy outcomes.

It should be noted that the operation of the information and education facility is commensurate to that of the existing approved winery and cellar door.

5.2.4 Environmentally Sustainable Development

The proposal will have minimal impact with regards to ESD subject to standard conditions continuing to be imposed by the consent authority.

5.3 Assessment of the Site Suitability – 4.15(1)(c)

5.3.1 Proximity to Service and Infrastructure

As outlined, the site has readily available access to Henry Lawson Drive to the east, which connects the site directly through to Mudgee via Ulan Road. All services as required for the proposal are able to be provided.

5.3.2 Traffic, Parking & Access

The development will generally not increase the traffic volume for the area, as the proposal is for a change of use and utilising the existing parking numbers provided on site. It is expected that the current road network is capable of continuing to support the minimal traffic movements. It should be noted that the booking system to be implemented will in fact reduce traffic in many instances where the visitors propose to utilise the mini bus option.

Refer to the previous comments in Section 2.4 where the proposed upgrade to the access is discussed and justification provided to demonstrate that no further requirements are warranted.

5.3.3 Hazards

The site is not in an area recognised by Council as being subject to landslip, flooding, bushfire or any other particular hazards. The proposed development will not increase the likelihood of such hazards.

5.4 The Public Interest – 4.15(1)(e)

5.4.1 Social and Economic Impact

The proposal will make a positive contribution to the Mid-Western Region by facilitating additional tourist accommodation stock, a new unique experience to complement other established undertakings in the area and the creation of employment.

5.4.2 The Public Interest

The proposal is in the public interest as it satisfies the objectives of the MWRLEP 2012 and MWRDCP 2013 and will not set any undesirable planning precedents.

6 Conclusion

The proposed development has been assessed in accordance with Section 4.15(1) of the EP&A Act 1979 and Council's current planning instruments. The proposal is permissible in the RU4 Primary Production Small Lots Zone under the Mid-Western Regional LEP 2012 and in our opinion is consistent with the relevant objectives of the Zone.

As discussed throughout the SEE, the crux of the proposal is to create a new unique experience in Mudgee to demonstrate and educate the cocoa processing operation to visitors, the origin of cocoa from Vanuatu and to facilitate ancillary sales for chocolate products.

There will be no perceivable changes to the site from a general operational point of view as the facility will utilise the footprint of the existing winery and cellar door.

For the above reasons the proposal is considered to be in the public interest and is recommended for approval subject to standard conditions.