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STATEMENT OF ENVIRONMENTAL EFFECTS



346 BERAGOO ROAD, GRATTAI

Serviced Apartments & Ancillary Yoga Studio

21 November, 2024

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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 the erection of 6 x serviced apartments together with an ancillary yoga studio and gym at 346 Beragoo Road, Grattai.

The primary objective of this proposal is to create additional tourism accommodation options in the Mudgee area that are unique and offer additional experiences in the wellness space.

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;
- Bushfire Risk Assessment.

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 11km south-west 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 at the eastern extent of Beragoo Road and is known as 346 Beragoo Road, Grattai or Lot 27 DP 255363. Beragoo Road connects indirectly to Hill End Road to the east at a distance of approximately 3km from the site.

The site is regular in shape, undulating throughout and encompasses a total area of 10.13 hectares with the majority of area originally cleared for grazing.

The site currently contains a dwelling, deck area and various minor structures.

2.3 Existing Character and Context

The surrounding area is predominantly rural, characterised by larger farms/rural properties and smaller lifestyle properties commensurate with the R5 zone. Several other dwellings are present in the area.

The outcome of the proposal 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, recreational opportunities or the residential amenity of the locality.

2.4 Surrounding Road Network

The site has frontage to Beragoo Road with vehicular access gained from the road reserve via an existing rural access. Beragoo Road is a standard two way primarily unsealed road that connects directly to Windeyer Road. Beragoo Road 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 currently serves the dwelling. The additional minor vehicle movements associated with the serviced apartments are considered to be negligible with full occupancy not expected to be a common occurrence.

The nature of the serviced apartments, with a focus on participating in the yoga experience, is expected to attract group bookings whereby guests will carshare to the property and thereby reducing traffic movements significantly.

3 Details of the Proposal

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

- Erection of 6 x serviced apartments (including 1 accessible apartment), each containing a kitchenette and bathroom; and
- Erection of an ancillary yoga studio; and
- Erection of an ancillary gym/pool room with shared laundry; and
- Installation of parking associated with the serviced apartments.

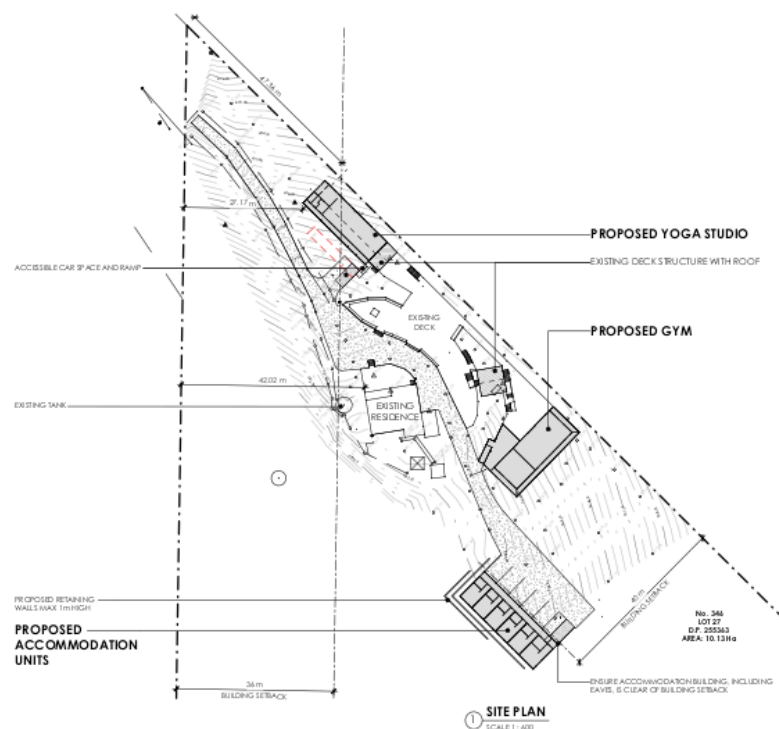


FIGURE 2: LAYOUT (SUNRAI DESIGNS)

The proposal will result in a unique experience for Mudjee 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 R5 – Large Lot Residential under Council's MWRLEP 2012 (see Figure 3). *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 yoga studio and gym area are considered ancillary and subservient to the dominant use of the serviced apartments. The facility is to be available only to guests booking into the serviced apartments as an additional facility to the accommodation and therefore the yoga studio will not be open to the general public.

Although the footprint of the ancillary components are comparable to the floor area of the serviced apartments themselves the floor area is necessary for the nature of their use. The private use of the facility for guests only is the principal circumstance that clearly confirms that they are of an ancillary nature.

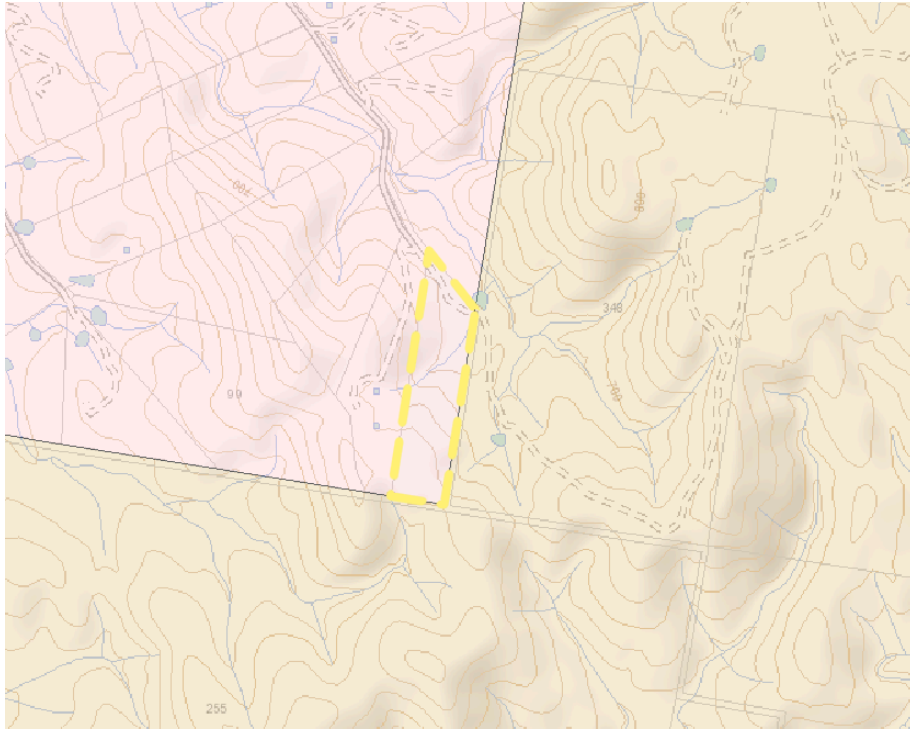


FIGURE 3: EXTRACT FROM ZONING PLAN
(SOURCE: MID-WESTERN REGIONAL LEP 2012)

4.1.1 Zone Objectives

The relevant objectives for Zone R5 are stated:

1. *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

Comment: The proposal is for serviced apartments and not residential use. However, the proposal will not hinder the site from being utilised for residential purposes, which is the current use.

2. *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

Comment: The site is existing and not proposed for a further intensity of residential uses. Subsequently, the proposal will have no impact upon the orderly development of the core Mudgee residential area

3. *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

Comment: The proposal is for serviced apartments, which will not place any additional pressure upon public services or facilities in the area.

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

Comment: The site adjoins the RU1 zone to the east. However, given the context of the adjoining land and the steep terrain there is not expected to be any uses that would be appropriate for the area that could be impacted by the proposed serviced apartments.

In our opinion the proposed development ensures the proposal overall is consistent with the relevant objectives of the *R5 Large Lot Residential* zone as detailed above. The proposal is intended to simply provide a permissible use with no notable additional impacts with regards to amenity, traffic, environmental impacts and the like.

A summary of our assessment of the proposed development 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 : 10.13 Hectares	
LEP Provisions	Complies / Comments
4.2A Erection of dwelling houses, dual occupancies and tourist and visitor accommodation on land in certain zones	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to enable the replacement of lawfully erected dwelling houses in rural and conservation zones,</p> <p>(c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.</p>	The proposal does not increase the potential for residential development upon the site.
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU4 Primary Production Small Lots,</p> <p>(c) Zone RU5 Village,</p> <p>(d) Zone R5 Large Lot Residential,</p>	Site is zoned R5 Large Lot Residential.

(e) Zone C3 Environmental Management.	
<p>(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land—</p> <p>(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) is a lot or holding that existed before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or</p> <p>(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>(d) is an existing holding that is not within Zone R5 Large Lot Residential, or</p> <p>(e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—</p> <p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or</p> <p>(f) is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or</p> <p>(g) is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or</p> <p>(h) is a former holding, or</p>	<p>N/A. No dwelling house or dual occupancy proposed.</p>

(i) is a former rural lot that has an area of at least 40 hectares.	
(3A) Development consent must not be granted to development for the purposes of tourist and visitor accommodation on land to which this clause applies unless a dwelling house or dual occupancy is permitted to be erected on the land under subclause (3).	The lot forms part of a historical subdivision that was undertaken for the purpose of allowing dwelling houses upon each individual lot. Accordingly, the site satisfies clause (3)(c) above.
(4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.	N/A.
<p>(5) In this clause—</p> <p>existing holding means land that—</p> <ul style="list-style-type: none"> (a) was a holding on the relevant date, and (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since the relevant date, <p>and includes any other land adjoining that land acquired by the owner since the relevant date.</p> <p>former holding means land—</p> <ul style="list-style-type: none"> (a) that was a holding on 9 August 2012, and (b) that is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in ownership of the holding since 9 August 2012, and (c) that is at least the minimum lot size applicable under the environmental planning instrument that applied to the land immediately before the commencement of this Plan. <p>former rural lot means a lot—</p> <ul style="list-style-type: none"> (a) located in the former Mudgee, Rylstone or Merriwa local government areas, and (b) that was created prior to the commencement of this Plan, and (c) on which the erection of a dwelling house was permissible immediately before that commencement, and (d) that is in Zone RU1 Primary Production, and (e) in respect of land in the former Mudgee local government area—that was held in separate ownership from any adjoining land on 11 February 1985. 	Noted.

holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.	
6.1 Salinity	The proposal does not involve any major physical works apart from standard footings for the serviced apartments and ancillary buildings. 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 will be undertaken as part of the S68 application to ensure there is no impact on groundwater ecosystems or functionality of the ground water table.</p> <p>It is expected there will be negligible impact upon the groundwater system given the size of the property and the minimal septic capacity generated as a result of the proposal.</p>
6.5 Terrestrial biodiversity	
<p>(1) The objective of this clause is to maintain terrestrial biodiversity by—</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p>	<p>No vegetation is proposed to be removed and there is limited remnant native vegetation present upon the site.</p> <p>The biodiversity mapping layer only encroaches upon the site for a small portion of the site at the rear, further suggesting that impacts upon terrestrial biodiversity as a result of the proposal are negligible.</p>
(2) This clause applies to land identified as “Moderate Biodiversity Sensitivity” or “High Biodiversity Sensitivity” on the Sensitivity Biodiversity Map.	Refer above.
<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p>	No impact is expected as discussed above.

<p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	
<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>No impact is expected as discussed above.</p>
<p>6.9 Essential services</p>	<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.

Clause 4.6(1) of the SEPP prescribes the specific considerations for the consent authority as noted below:

(1) A consent authority must not consent to the carrying out of any development on land unless—

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment: No potentially contaminating activities are undertaken on the property or have been known to have been undertaken on the property. No further consideration of the SEPP is considered necessary.

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.

It should be noted that the development has been positioned at a distance of 90m from the top of the bank of the Berago Creek and therefore is not within ‘*waterfront land*’ as defined under the Water Management Act 2000. Subsequently, a controlled activity approval is **not** required from the NSW Government Water in accordance with clause 91 of the Water Management Act 2000.

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 requires 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>The site benefits from a dwelling entitlement as discussed under clause 4.2A of the MWRLEP 2012 compliance table above.</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 proposal has been positioned generally within the front portion of the site to reduce the need to create further site disturbance throughout the site. Each building has also been appropriately designed on bearers and joist to reduce the need for earthworks.</p> <p>The proposal will result in 6 serviced apartments and retain the dwelling/managers residence upon the site.</p> <p>N/A. Property not within urban area.</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 will be undertaken as part of the S68 application to ensure there is no impact on groundwater ecosystems or functionality of the ground water table.</p> <p>It is expected there will be negligible impact upon the groundwater system given the size of the property and the minimal septic capacity generated as a result of the proposal.</p>
<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>	<p>The proposed serviced apartments will be connected to the grid, which is already existing upon the property.</p>

Parking This clause defers to section 5.1 of the DCP where parking requirements are stated.	Each serviced apartment will be provided with an AS2890 compliant parking space, including one accessible space.
Signage This clause defers to section 4.4 of the DCP where signage requirements are stated.	N/A. No signage proposed.

Setbacks

Although there are no setback requirements within the DCP concerning serviced apartments and the like, a review of the proposed layout reveals that the proposal is appropriate for the context of the site.

The serviced apartments have been setback 50m from the northern side boundary and 140m from the front boundary where the site adjoins the Beragoo Road road reserve. These setbacks are compliant with the 'dwelling' setback requirements within Part 6.1 of the MWRDCP 2013 and will ensure any privacy or amenity impacts to the adjoining sites are minimised to an acceptable level.

The yoga studio and gym building are setback 3m from the adjoining site to the north and will not generate any noise or amenity concerns given the lack of buildings to the north (nearest dwelling is approximately 100m to the north) and their enclosed nature. It should be noted that these buildings are ancillary to the serviced apartments and will therefore include minimal use that would generate any amenity impacts.

Appropriate vegetative screening exists throughout the site to assist with screening to nearby properties to an acceptable level and as commonly expected within a rural setting.

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.

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 larger rural holdings. 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 facilities.

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 100m to the north.

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 north.

The nearest dwelling is approximately 100m to the north from the development site, which results in maximum visual privacy and acoustic privacy outcomes.

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 Beragoo Road to the west, which connects the site directly through to Mudgee via Hill End Road. All services as required for the proposal are able to be provided.

5.3.2 Traffic, Parking & Access

The development will marginally increase the traffic volume for the area. It is expected that the current road network is capable of continuing to support the minimal traffic movements. It should be noted that the site is not expected to be consistently booked to full capacity and will generally include groups that will be expected to rideshare to the property from their origins including Sydney and the like.

The additional services offered including yoga classes and use of the gym facility are only available to guests and not open to the public. Subsequently, the yoga and gym facility will not generate any additional vehicle movements or parking demand on site.

5.3.3 Hazards

The site is identified as bushfire prone in accordance with Council's bushfire prone mapping. The threat primarily derives from vegetation positioned on other properties at a distance of 230m from the proposal.

A Bushfire Risk Assessment has been prepared in accordance with the document 'Planning for Bushfire Protection 2019' by Bush Fire Planning and Design and accompanies this development application. The report concludes that the yoga and gym buildings have a floor area of less than 500sqm and therefore do not have any bushfire

requirements, but a BAL 12.5 is recommended. The accommodation building has also been assessed as having a BAL 12.5 rating.

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 R5 Large Lot Residential 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 tourist accommodation option in Mudgee that offers additional experiences to supplement the other tourist accommodation available in the area.

The proposal is minor in nature, with no impacts expected with regards to the environmental elements of the site, road infrastructure, surrounding amenity and the identified hazards including bushfire and groundwater.

The design is of a contemporary, high quality layout and finish that will comfortably sit within the surrounding landscape.

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