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# STATEMENT OF ENVIRONMENTAL EFFECTS



99 MOUNT PLEASANT LANE, BUCKAROO

Ancillary Caretaker's Residence & Reception

31 March, 2025

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# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for Emma & Michael Ferris and forms part of a development application to Mid-Western Regional Council for an ancillary caretakers residence and associated reception area (serviced apartments) at 99 Mount Pleasant Lane, Buckaroo.

The objective of this proposal is to facilitate the onsite residence of the serviced apartment operators to ensure a high quality service can be provided commensurate with the expectations of the visitors to the site.

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

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
- BASIX Certificate; and
- Plan of Management; and
- Contamination Report.

## 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 4.5km north-east 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 northern side of Mount Pleasant Lane and is known as 99 Mount Pleasant Lane, Buckaroo or Lot 147 DP 755418. Mount Pleasant Lane connects directly to Ulan Road to the west at a distance of approximately 800m from the site.



The site is regular in shape, generally flat throughout and encompasses a total area of 12.14 hectares with the majority of area cleared for native pasture. The Mudgee General Cemetery directly adjoins the site to the west.

The site is currently under construction for 6 serviced apartments and associated rural lifestyle operations.

## **2.3 Existing Character and Context**

The surrounding area is predominantly rural, characterised by larger farms/rural properties. Several other tourist accommodations, cellar door premises and function venues 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 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, agricultural opportunities or the residential amenity of the locality.

## **2.4 Surrounding Road Network**

The site has frontage to Mount Pleasant Lane with vehicular access gained from same. Mount Pleasant Lane is a standard two way sealed road that connects directly to the Ulan Road. Mount Pleasant Lane is not identified as a Classified Road in accordance with the Roads Act 1993, with Mid-Western Regional Council the designated roads authority.

The existing access was granted consent with the serviced apartments under DA0073/2023 and will also be utilised for the caretakers residence. The additional traffic volumes are expected to be minimal and do not warrant any further upgrade of the access.

### 3 Details of the Proposal

Development consent DA0073/2023 (ME0002/2024) was granted on 19 September 2023 for the purposes of 6 tourist and visitor accommodation buildings (serviced apartments), including ancillary works. The boutique apartments are located in the rear portion of the site with an internal driveway extending to the Mount Pleasant Lane frontage to facilitate access.

Four of the six apartments have been completed and the site is working towards full serviced operation. A key component of achieving full serviced operation is the need to have 24 hour onsite management.

It is proposed to erect an ancillary caretakers residence and reception area incorporating the following:

- A 2 bedroom single storey caretakers residence to accommodate the operators and young family of the business.
- A reception area through the front entrance that will be utilised for checkin and checkout purposes and onboarding of guests.
- Storage room for linen and numerous other miscellaneous items required for the stocking of the serviced apartments.
- Laundry room for washing, ironing etc for the serviced apartments and storage of cleaning products and equipment.
- Parking area for guests to utilise as they go through the check in procedure.
- Private gallery space for demonstrating and offering for sale (to guests only) of Michael's artwork. This won't be open to the general public and is therefore also considered an ancillary aspect to the serviced apartments. This area will also be utilised for pet sitting.

The proposal will result in a modern building that will sit comfortably within the rural landscape and provide the necessary facilities to ensure the boutique operation can operate efficiently and to visitors expectations.

# 4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess the continued 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:

- Biodiversity Conservation Act 2016
- Mid-Western Regional Local Environmental Plan 2012 (MWRLEP);
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- State Environmental Planning Policy (Biodiversity & Conservation) 2021;
- State Environmental Planning Policy (Transport & Infrastructure) 2021;
- Mid-Western Regional Development Control Plan 2013 (MWRDCP).

## 4.1 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 prescribes the requirements for addressing impacts on biodiversity from development, particularly where clearing is also proposed. The Biodiversity Offsets Scheme applies to development that triggers the Biodiversity Offsets Scheme threshold, or, is likely to significantly affect threatened species based on the test of significance in section 7.3 of the Biodiversity Conservation Act 2016.

The Biodiversity Assessment Method (BAM) is the assessment protocol that details how an accredited person assesses impacts on biodiversity in connection to a development proposal. The assessor documents the results of the biodiversity assessment in a Biodiversity Development Assessment Report (BDAR). A proponent must provide the BDAR to the Council as part of their development application.

The Biodiversity Offsets Scheme Threshold is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal. The threshold is triggered either when:

- 1.The amount of native vegetation being cleared exceeds a threshold area.

or,

- 2.When the impacts on vegetation occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing exceeds either of the above triggers, the Biodiversity Offset Scheme applies to the proposed development.

However, the proposal does not involve the clearing of vegetation or impact upon any threatened species. Subsequently, no further consideration of this legislation is necessary.



## 4.2 Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

The subject site is zoned RU4 – Primary Production Small Lots under Council’s MWRLEP 2012 (see Figure 4). *Serviced apartments* (under the group definition of *tourist and visitor accommodation*) 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 caretaker's residence is an ancillary aspect to the existing and approved serviced apartments that are located on the property and consent is sought as such.

The following table addresses common characteristics of the proposal that demonstrate the proposed development is appropriately characterised as an ancillary aspect to the serviced apartments. These questions of characterisation are derived from *Planning Circular PS13-001 “How to Characterise Development”* published 21 February 2013.

TABLE 1: ANCILLARY TEST	
LEP Provisions	Complies / Comments
<b>Is the component going to serve the dominant purpose of the development or is it independent?</b>	<p>The caretakers residence is necessary to serve the dominant use of serviced apartments.</p> <p>The style of offering for the serviced apartments will be a fully serviced and immersive experience whereby visitors will have full access to a variety of services as outlined in the management plan. Subsequently, a full time presence on the property will be necessary to ensure the business can operate as intended.</p> <p>The building will also incorporate a reception area and ancillary rooms to cater for storage of linen and other miscellaneous items needed.</p>
<b>What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.</b>	<p>The proposed building will occupy a minor portion of the property overall with the vast majority of the property to continue to be utilised for the serviced apartments and other various elements of the operation including, gardens, demonstration food production areas, animal grazing/viewing, sculpture walk and the like.</p>
<b>Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.</b>	<p>No part of the proposal is inconsistent with the dominant use for the serviced apartments.</p>

<p><b>If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.</b></p>	<p>The building is of a standard design. However, the positioning of the building ensures that it will have to be incorporated with the use of the site for a tourist operation in perpetuity.</p> <p>It should be noted that the serviced apartments have been designed to a high quality and significant investment ensuring that the continuing operation of the business will ensue. As a comparison, the serviced apartments do not include “glamping tents” or the like that have a short life span and can be readily removed from the site.</p>
<p><b>If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).</b></p>	<p>The building is of a size to reasonably accommodate a family that would be typically expected to operate a business of this nature. The additional rooms incorporated to facilitate storage, reception and private gallery space are all typical elements expected of the ancillary nature of the development.</p>
<p><b>Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.</b></p>	<p>The building is wholly related to the serviced apartments with regards to the 24 hour habitable nature, reception area and storage facilities.</p>
<p><b>Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.</b></p>	<p>The building has been positioned so as to ensure visitors to the site are able to readily navigate directly to the building for the check in process and site orientation. The serviced apartments and residence/reception are implicitly connected through the close proximity.</p>

The project aim is to provide the following services to visitors staying on the site, which therefore necessitates a 24 hour presence and has necessitated in the need for an ancillary residence:

- 24 hour check in/check out services including mandatory site induction to ensure guests are orientated with the site.
- Full apartment servicing including lighting of fires, drinks on arrival and daily cleaning/cleaning on demand.
- Full booking service for experiences within the region including wine tours, restaurants etc.
- Farm tours of the artwork/sculptures that will be installed throughout the site by Michael Ferris.

- Tours of the property that will include livestock and food production gardens. This is not anticipated to be a commercial farm but rather a demonstration of rural life to guests only.
- Communal fire pit and conversation/meet and greet sessions for the visitors hosted by the operators.
- Pet sitting for the visitors whilst they are out on activities during the day and out for dinner in the evenings.
- Babysitting for the visitors whilst they are out for dinner during the evenings. This is considered an ad-hoc informal arrangement that is not likely to require any consideration of the SEPP (T&I) 2021 or child care regulations.
- On-site laundry service.
- Airport pickup/drop off and evening dinner pickup/drop off arrangements.
- All of these services are integrated into the Plan of Management (POM) for the business that is able to be formalised into a development consent issued by Council.

The services offered, to try and ensure the accommodation stands out from other offerings in Mudgee, will require the continual presence of the operators to maintain the high standards offered.

The need to provide the above noted services, in line with the Plan of Management, are all to be facilitated by the onsite operators. As the tourist operation is limited to 6 serviced apartments and therefore limited margin with regards to income, there is no opportunity to generally incorporate additional staff involvement with the business. Accordingly, the ability for the family operators to be onsite in a permanent capacity is critical in ensuring the viability of the tourist operation.

The image below depicts one of the completed apartments demonstrating the significant investment and workmanship undertaken. The need to have an onsite management for the property is correlated to the high standard of service offering for the business and quality of facilities on offer.



**FIGURE 3: APARTMENT DESIGN**  
(SOURCE: AMBER HOOPER)

## 4.2.1 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 ancillary aspect to an approved tourist accommodation operation and not primary industry. However, the proposal will not hinder the site from being utilised for a variety of other uses in the future.

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 ancillary aspect to an approved tourist accommodation operation, 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 primarily for an ancillary aspect to an approved tourist accommodation operation, which will have negligible impact upon any of the surrounding areas with regards to other land uses within other zones.

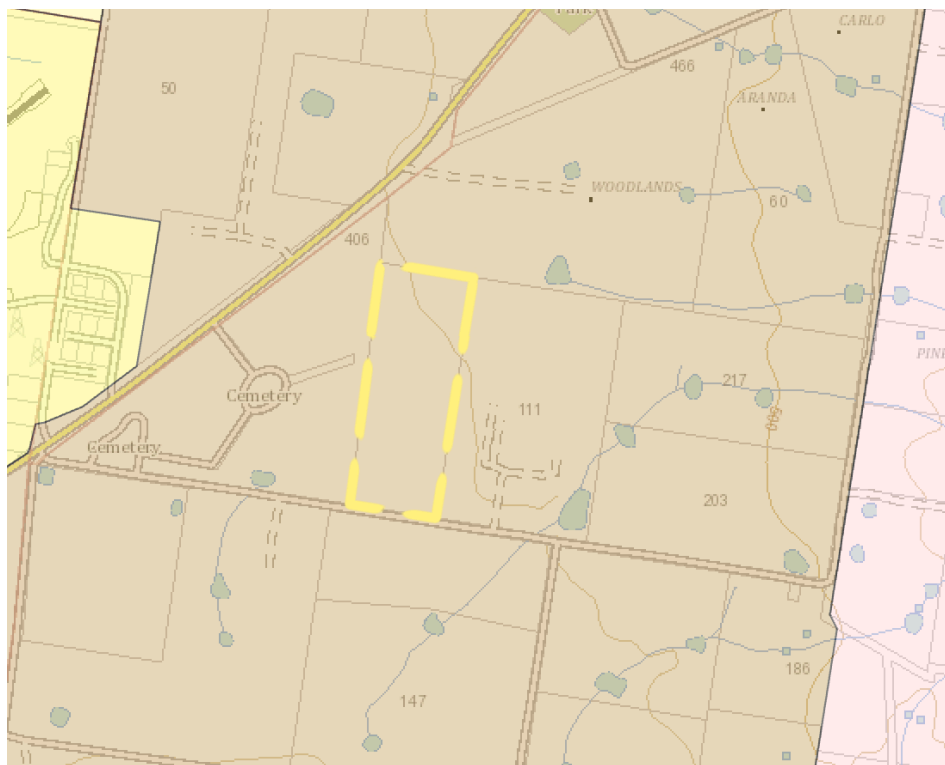
4. *To ensure that land is available for intensive plant agriculture.*

**Comment:** The proposal is for an ancillary aspect to an approved tourist accommodation operation. Subsequently, the site will be unaffected with regards to the capacity to undertake intensive plant agriculture.

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 ancillary aspect to an approved tourist accommodation operation, which will have negligible impact upon any of the surrounding areas with regards to primary industry enterprises.

In our opinion the proposed ancillary development ensures the proposal overall continues to be consistent with the relevant objectives of the *RU4 Primary Production Small Lots* zone as detailed above. The proposal is intended to create additional minor elements to the existing tourist operation on the site with no notable additional impacts with regards to amenity, traffic, environmental impacts and the like.



**FIGURE 4: EXTRACT FROM ZONING PLAN  
(SOURCE: MID-WESTERN REGIONAL LEP 2012)**

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

#### 4.2.2 Other LEP Provisions

TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional LEP 2012	
LEP Provisions	Complies / Comments
<p><b>5.10 Heritage Conservation</b></p> <p>This clause provides numerous considerations regarding the preservation of both heritage items and areas of Aboriginal archaeological sensitivity.</p>	<p>No items of Aboriginal significance or heritage items as listed under Schedule 5 of the LEP are present on the site.</p> <p>However, the property is adjacent to the 'Mudgee General Cemetery' to the west which is listed as an item of environmental heritage (1376) under Schedule 5.</p> <p>The proposed development will have negligible impact upon the cemetery with a setback of approximately &gt;100m proposed. The location of the building does not impede upon the general curtilage of the cemetery and will not prevent the enjoyment of the heritage item for the public. The landscaping to be provided along the western boundary of the site in conjunction with the principal development consent will continue to be implemented.</p>
<p><b>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</b></p>	
<p>(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).</p>	<p>The proposal is not for a dwelling, however the nature of the proposal is one that should give consideration to the intent of this clause.</p> <p>No land use conflict will result between the proposed caretakers residence and any surrounding properties or land uses. The proposal is for one additional building only, which will not create any significant change to the existing context and landuse interactions</p>
<p>(2) This clause applies to land in the following zones—</p> <ul style="list-style-type: none"> <li>(a) Zone RU1 Primary Production,</li> <li>(b) Zone RU2 Rural Landscape,</li> <li>(c) Zone RU3 Forestry,</li> <li>(d) Zone RU4 Primary Production Small Lots,</li> <li>(e) Zone RU6 Transition,</li> <li>(f) Zone R5 Large Lot Residential,</li> <li>(g) Zone C2 Environmental Conservation,</li> <li>(h) Zone C3 Environmental Management,</li> </ul>	<p>Site is zoned RU4 Primary Production Small Lots.</p>



(i) Zone C4 Environmental Living.	
<p>(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—</p> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,  (b) erection of a dwelling.</p>	<p>Whilst the proposal is not technically for the erection of a dwelling this clause has been considered to demonstrate the suitability of the proposal.</p>
<p>(4) The following matters are to be taken into account—</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</p>	<p>The immediate surrounding area consists of other large rural parcels used predominantly for grazing and lifestyle blocks. No impact is existing or anticipated.</p> <p>Proposal is for one additional habitable building. Accordingly, no significant impact is expected beyond the existing context.</p> <p>N/A. No impacts identified.</p> <p>N/A. No impacts identified.</p>
<b>6.1 Salinity</b>	<p>The proposal does not involve any major physical works apart from standard footings for the additional structure. Subsequently, no additional impacts related to salinity are expected.</p>
<b>6.4 Groundwater vulnerability</b>	<p>The site is identified as groundwater vulnerable within the MWRLEP 2012 mapping.</p> <p>The proposal involves only one additional building in the form of caretakers residence.</p> <p>An OSSM report will be prepared confirming the site is capable of handling the minor additional sewage load, taking into consideration the groundwater system. An extension to the existing system will be installed as a part of the development proposal and given the size of the lot will be expected to readily be provided prior to the issue of a CC.</p>

<b>6.5 Terrestrial biodiversity</b>	<p>The site has an area of '<i>high biodiversity</i>' land that has been identified within the Council mapping. However, this area is generally restricted to the road reserve.</p> <p>The additional building is not proposed on any of the 'land' mapped as high biodiversity and will be positioned within a grass paddock where no native vegetation exists. Subsequently, clause 6.5 does not apply.</p> <p>Furthermore, the existing driveway and access does not necessitate the removal of any native vegetation and will also not trigger the need for any further consideration of this clause.</p>
<b>6.9 Essential services</b>	<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>

## 4.3 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 contamination assessment was undertaken by Envirowest Consulting confirming the suitability of the site for the original proposed development. This was considered by MWRC as a part of the development application and the proposed managers residence will have no bearing upon the original findings or conclusions. The level and type of agricultural activity would have been consistent across the site with no significant variation in soil types or chemicals used. Accordingly, no further investigation is considered warranted as a part of the Section 4.55 application.

## 4.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP 2021 applies to the site as the site sits within Mid-Western Regional Council LGA, as noted under Schedule 2.

Clause 4.9 of the SEPP prescribes as follows:

### **4.9 Development assessment process—no approved koala plan of management for land**

- (1) This section applies to land to which this Chapter applies if the land—*
  - (a) has an area of at least 1 hectare (including adjoining land within the same ownership), and*
  - (b) does not have an approved koala plan of management applying to the land.*
- (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- (3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*
- (4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.*
- (5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—*
  - (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*
    - (i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or*
    - (ii) is not core koala habitat, or*
  - (b) information the council is satisfied demonstrates that the land subject of the development application—*
    - (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or*
    - (ii) includes only horticultural or agricultural plantations.*

(6) *In this section—*

*koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.*

**Comment:** No clearing of vegetation is proposed or necessary to facilitate the erection of the caretakers residence or the associated access. Subsequently, no impact upon koala feed species will occur and no further consideration of this SEPP is necessary.

## 4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

The electricity power lines traversing the site have recently been relocated to assist in facilitating the proposed serviced apartments. The proposed caretaker's residence will be located outside of the easement for the new location of the power lines and new easement 20m wide and therefore there is not considered to be any need to further consult with Essential Energy concerning the proposal.

## 4.6 Mid-Western Regional Development Control Plan 2013 (MWRDCP 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 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.

Whilst the proposal is not technically a dwelling, Part 6.1 '*Dwellings in Rural Areas*' contains specific controls relating to residential development that are considered important to address and the relevant sections, as they relate to the proposal, are addressed in the table below.

TABLE 3: PROJECT COMPLIANCE – Mid-Western Regional DCP	
Relevant sections applicable to this proposal.	
DCP Provisions	Complies / Comments

<p><b>Primary Production Small Lots</b></p> <p>This clause prescribes controls relating to dwellings in the RU4 zone and the undertaking of intensive plant agriculture.</p>	<p>N/A. The proposal is ancillary to the existing serviced apartments on the site and the ancillary development is not in relation to an intensive plant agricultural use.</p>																
<p><b>Dwellings on rural lots within the former Rylstone LGA</b></p> <p>This clause provides additional controls regarding lot size for dwellings within the former Rylstone LGA.</p>	<p>N/A. Site not within the former Rylstone LGA.</p>																
<p><b>Services</b></p> <p>This clause prescribes additional servicing requirements for land within proximity to the R1 and R2 zones.</p>	<p>N/A. There is no R1 or R2 zone within 500m of the property.</p>																
<p><b>Dwellings adjacent to village zones</b></p> <p>This clause prescribes additional servicing requirements for land within proximity to the RU5 zone.</p>	<p>N/A. Property not within proximity to the RU5 zone.</p>																
<p><b>Building setbacks</b></p> <table><tr><th>Zone</th><th>Street</th><th>Side/Rear</th><th>Secondary Frontage for Corner Lots *</th></tr><tr><td>R5 Less than or equal to 5ha. in area</td><td>30m</td><td>20m</td><td>15m</td></tr><tr><td>RU1, RU4 and R5 Greater than 5ha. in area</td><td>60m</td><td>20m</td><td>15m</td></tr><tr><td>RU5</td><td>7.5m</td><td>BCA</td><td>3m</td></tr></table> <ul style="list-style-type: none"><li>• Where the lot is located a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres.</li><li>• Where the lot is located on the State Highway the front setback is 200 m and the side setback is 20 metres.</li></ul>	Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *	R5 Less than or equal to 5ha. in area	30m	20m	15m	RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m	RU5	7.5m	BCA	3m	<p>The proposed caretaker's residence will be setback 300m from the southern street frontage, 100m to the western side boundary and 75m from the eastern side boundary.</p>
Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *														
R5 Less than or equal to 5ha. in area	30m	20m	15m														
RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m														
RU5	7.5m	BCA	3m														
<p><b>Out-buildings and farm buildings</b></p> <p>This clause prescribes floor area controls for farm buildings and the like.</p>	<p>N/A. All out-buildings are existing and no changes to these are proposed.</p>																

# 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 larger and smaller rural allotments together with other tourist and visitor accommodation facilities and cellar doors. Although the proposal is minor in nature, the development will contribute to the character of the area in a positive manner by allowing the existing serviced apartment to operate to a high standard in a scenic area of the Mid-Western Region with close access to Mudgee and cellar doors.

### **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.



### **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 west.

The nearest dwelling is approximately 260m to the east 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 Mount Pleasant Lane to the south, which connects the site directly through to Mudgee via Ulan Road. All services as required for the proposal are available and able to be readily connected.

### **5.3.2 Traffic, Parking & Access**

The development will generally not increase the traffic volume for the area, as the proposal is for one additional caretakers' residence. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

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 supporting additional tourist accommodation 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 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 this proposal is to facilitate the onsite residence of the serviced apartment operators to ensure a high quality service can be provided commensurate with the expectations of the visitors to the site.

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 adjacent heritage item, being the Mudgee General Cemetery.

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.