

# STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Redevelopment of The Robertson Hotel  
**No. 1 Fountaindale Road,  
Robertson**

Prepared for:

**Mr Con Kotis**

C/- X.Pace Architecture  
201/50 Marshall Street  
Surry Hills 2010

Prepared by:

**GSA PLANNING**

Urban Design, Environmental & Traffic Planners  
(A.B.N. 18 003 667 963)

95 Paddington Street, Paddington NSW 2021

p: 02 9362 3364

e: [info@gsaplanning.com.au](mailto:info@gsaplanning.com.au)

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Report prepared by: **Halina Rubenstein**  
Senior Planner

**Shivangli Prasad**  
Assistant Planner

Report reviewed by:



**George Karavanas**  
Director

Date: March 2020

For and on behalf of: **GSA Planning**  
95 Paddington Street  
PADDINGTON NSW 2021

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Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
BCA	Building Code of Australia
CBD	Central Business District
CIV	Capital Investment Value
CMP	Construction Management Plan
Council	the Council
CPTED	Crime Prevention Through Environmental Design
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Management Plan
EPA Act	Environmental Planning and Assessment Act 1979
EPA Reg	Environmental Planning and Assessment Regulations 2000
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
MHWM	Mean High Water Mark
NCC	National Construction Code
NSW	New South Wales
NSWLEC	NSW Land and Environment Court
OSD	On-Site Detention
PoM	Plan of Management
POS	Private Open Space
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads and Maritime Services
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TPZ	Tree Protection Zone
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design

## 1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared for Mr Con Kotis by Gary Shiels & Associates Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

This SEE is to accompany a development application to Wingecarribee Council for the redevelopment of The Robertson Hotel at No. 1 Fountaindale Road, Robertson.

The proposed works, designed by X.Pace Design include refurbishment of the existing hotel, a four storey addition to the rear of the hotel to accommodate 46 new rooms, an ancillary function centre and new basement car parking. The proposal also includes 13 new eco-tourist cabins and 7 new eco-tourist villas with car parking, all to be managed by the hotel. In addition, the proposal will include a new swimming pool and leisure centre that is associated with and ancillary to the hotel, refurbishment of the workers cottage into an artist studio, a new reception, as well as new internal roads and pedestrian pathways. The operation of the hotel is detailed in the Plan of Management, submitted separately.

The hotel is currently popular for short stays over the weekend. While the hotel caters for a range of visitors, it is becoming increasingly difficult to attract the conference and corporate markets mid-week. This is due to their preference for small and modern single rooms which the more contemporary hotels are offering outside the locality. There is also an increasing demand for flexibility in accommodation types, which range from single rooms to larger family/group accommodation. Accordingly, the existing hotel is underutilised throughout the year and does not offer the facilities that local and international tourists expect in the 21<sup>st</sup> century. Much of the site has also become difficult to access for visitors and have been fenced off due to extensive landscape growth.

The proposal has been designed to offer a more diverse range of tourist accommodation on the site as well as provide improved facilities and landscaping works. In particular, the proposal seeks to target the mid-week visitor and conference market and will also cater for the varied accommodation needs of the weekend guests and day trippers. This will improve the function of The Robertson Hotel, encourage more visitors to this well-known building, provide employment opportunities in the locality and activate the area.

A Pre-DA consultation meeting was held with Wingecarribee Council staff to discuss the proposed redevelopment. Following the meeting, the comments related to zoning and permissibility, subdivision, heritage treatment, biodiversity, traffic and stormwater. Council was generally supportive of the proposal, particularly in relation to the retention of the heritage hotel and workers cottage, and the proposed basement parking. Consequently, the proposal has been amended to reflect Council's comments.

The site is zoned E3 Environmental Management under the Wingecarribee Local Environmental Plan (LEP). A hotel is not permissible in the zone. However, the proposal relies on existing use rights, given the existing hotel, wedding, conference and function centre has been operating in the same or similar capacity since its construction in the mid-1920s. The proposed additional use on the site as an eco-tourist facility is permissible in the zone.

The site contains heritage, bushfire, environmental and ecological constraints and the proposed design has been undertaken in consultation with specialists in these fields. Accordingly, bushfire, ecological/environmental, traffic, and heritage reports have been prepared and accompany this submission. The scheme has been designed to satisfy the relevant planning provisions in the Wingecarribee Local Environmental Plan 2010 and is consistent with the relevant objectives and provisions under the Wingecarribee Development Control Plan 2010.

Importantly, the proposal is consistent with the relevant principles and objectives of Council's Rural Tourism Policy, the Wingecarribee Shire Community Strategic Plan, the Wingecarribee Regional Economic Development Strategy 2018 – 2022 and the Destination Management Plan 2018-2022, released by the NSW Department of Tourism. The proposal will promote tourism within the Wingecarribee Local Government Area while sensitively balancing the ecological qualities of the site.

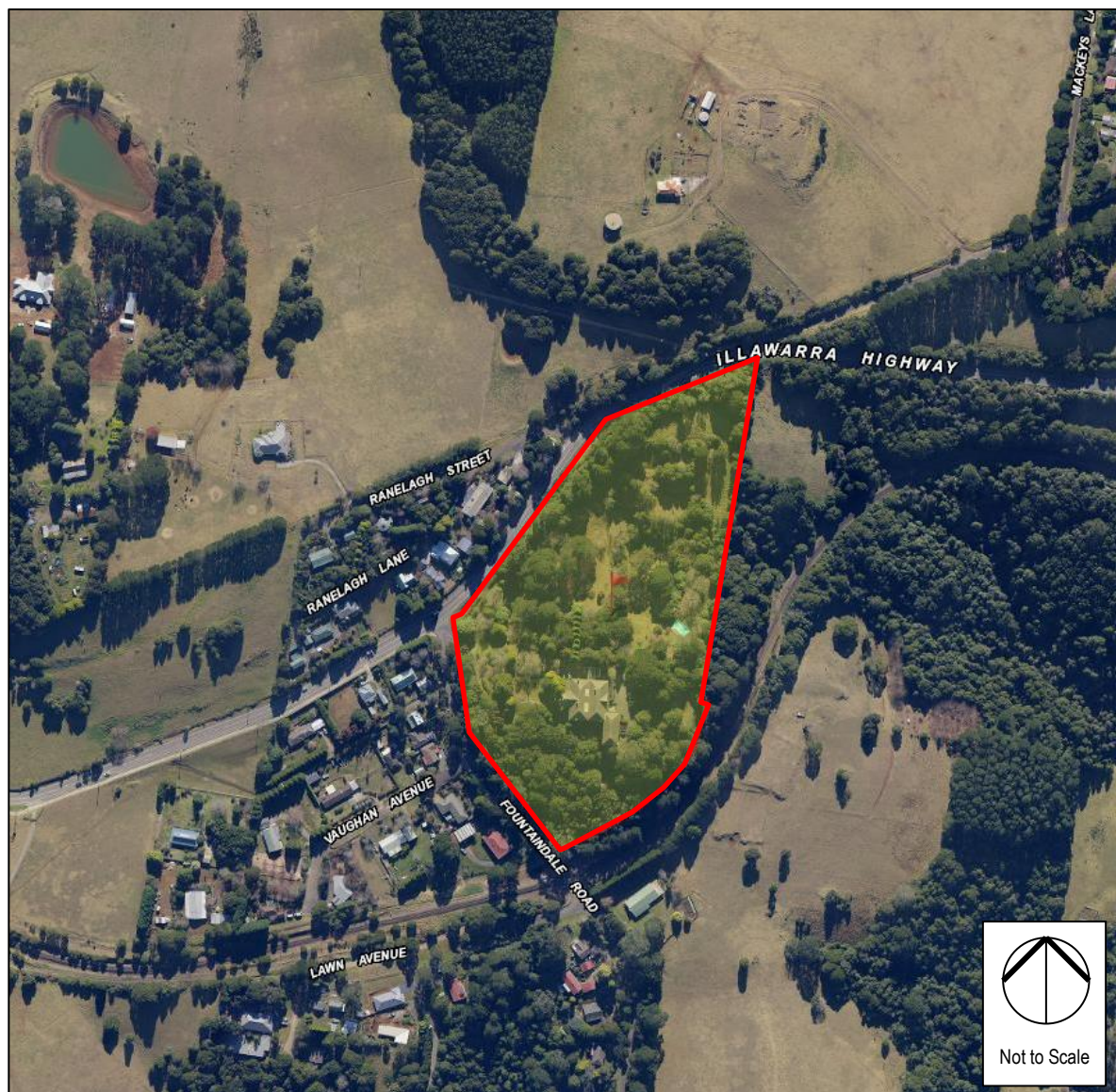
This document is divided into six sections. Section 2 contains a site analysis, Section 3 provides details of the proposal, Section 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA Act), and Section 6 concludes the report.

## 2.0 SITE ANALYSIS

This section contains a description of the following: The Locality; Site Description; Existing Built Form and Landscaping and Existing Character and Context.

### 2.1 The Locality

The subject site is located approximately 1.59km east of the Robertson Local Centre, 22km from Bowral Regional Centre and 32km from Wollongong Regional Centre. The site is located within the Local Government Area (LGA) of Wingecarribee (see Figure 1).



Source: SIX Maps

 Subject Site

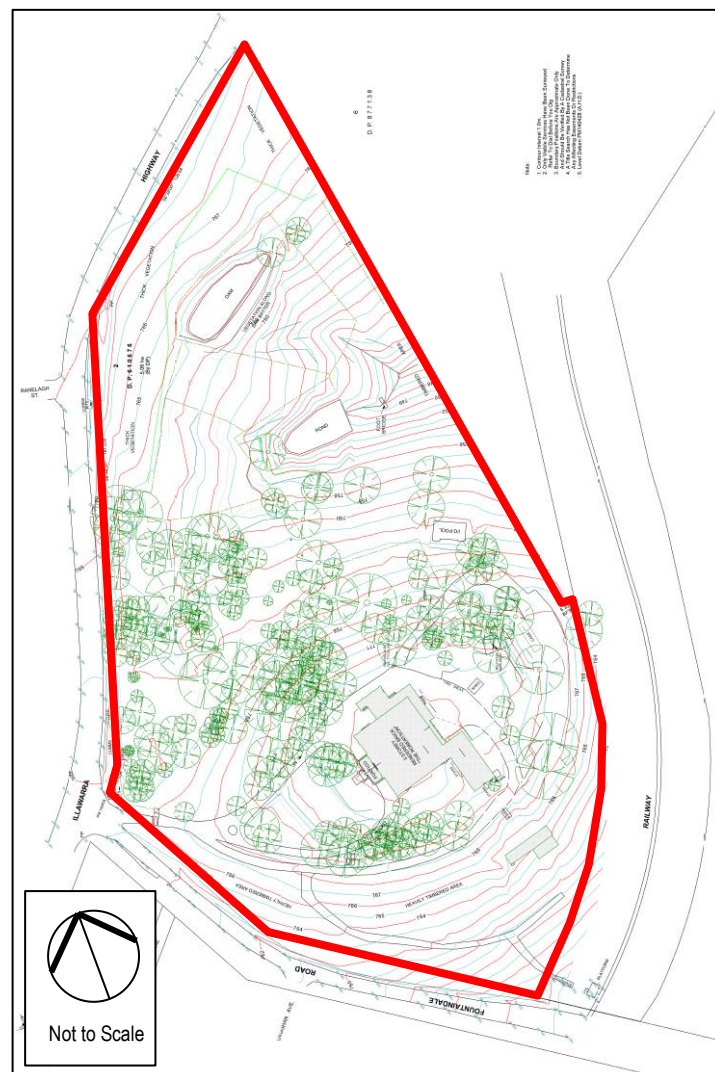
**Figure 1: Location Plan**

## 2.2 Site Description

The subject site is bounded by the Illawarra Highway to the north and north-west, a railway line to the east and south-east and Fountaindale Road to the west and south-west (see Figure 1). The site is known as No. 1 Fountaindale Road, Robertson, described as Lot 2 in DP610676.

The site is an irregular 'teardrop' shaped parcel of land, with a combined north and north western frontage to the Illawarra Highway of 319.529 metres, a combined eastern and south eastern boundary of 340.286 metres and a combined southern and south western frontage to Fountaindale Road of 198.713 metres, providing a total site area of 5.06 hectares (see Figure 2 and Survey Plan separately submitted).

The site is relatively steep, with a north to south fall of 4.16 metres measured along the north and north western frontage to the Illawarra Highway (RL 770 AHD to RL 765.84 AHD). There is a north to south fall of 17.22 metres along the eastern and south eastern boundary (RL 770.95 AHD to RL 753.73 AHD) and a west to east fall of 11.27 metres along the south and south western frontage to Fountaindale Road (RL 765 AHD to RL 753.73 AHD). There is also a north to south fall of 7 metres, measured through the centre of the site from the northern corner of the site to the centre of the frontage to Fountaindale Road (RL 765 AHD to RL 753.73 AHD).



Source: CEH Consulting

Subject Site

**Figure 2: Survey Plan**

## 2.3 Existing Built Form and Landscaping

The subject site is occupied by a part three and part four storey “English Manor House” style rendered brick building with a pitched tiled roof that was constructed in 1924. The site is currently being used as a hotel and function centre (see Photographs 1 to 3 on the following page). The building is located within the southern portion of the site and is known as “The Robertson Hotel” (formerly known as *Hotel Robertson*, *Ranelagh House* and *Fountaindale Manor*). In addition, a worker’s cottage, garden shed, and bird and stock enclosures are located on the site. The building, grounds and railway siding are of local heritage significance and are Items No. 601 and 603 in Schedule 5 of the Wingecarribee LEP.

The existing hotel building was designed by the architecture firm, Spencer and Spencer, and contained 100 rooms at the time of construction. Currently, the hotel accommodates 49 rooms. The site has a steep topography, with the hotel building set on top of the hill at the highest grade of the lot. This position was originally intended to maintain the visual prominence of the building. However, the hotel building is obscured from public views due to the uncontrolled growth of trees across the site. While there have been cosmetic changes to the existing hotel building throughout its history, the building has maintained a high level of cultural and physical integrity since its construction.

The hotel building consists of three distinct parts. Firstly, a three storey principal volume contains the public rooms and service areas at the ground floor level, including the foyer, reception, restaurant, conference room, lounge and kitchen. The upper levels contain the hotel rooms. The second distinct portion of the hotel building is the part three and four storey wing attached to the south-eastern corner of the building, which contains hotel rooms. The third distinct portion is the single storey enclosed veranda, which is attached to the eastern and northern sides of the hotel building and contains the breakfast room. Access between levels is provided from the timber staircase in the central hallway of the building (see Figure 3 on the following page). A detailed description of the hotel building is contained in the Heritage Impact Assessment, which is submitted separately.

The site contains a swimming pool near the eastern boundary, a pond and dam within the northern portion of the site and substantial vegetation along the perimeter and throughout. Surrounding the hotel building, the landscaped garden consists generally of mature and semi mature exotic trees and shrubs. A nativity scene and Grotto is located within a rock garden towards the east of the hotel building and has become structurally unstable over time due to the impacts of trees. A terraced rock garden is located towards the south of the hotel building and comprises an azalea garden and bird bath. A Yarrowa Brush is located towards the south of the site, with walking tracks that lead to the Ranelagh House Railway Station. There are small paddocks and disused enclosure areas that have thick vegetation towards the north of the site, located beyond the landscaped garden. Further details of the site landscaping are provided in the Arborist Report and Vegetation Management Plan, which is submitted separately.

The site is accessible from a driveway located at the corner of Fountaindale Road and Illawarra Highway. This driveway has a looped shape, enclosing the existing hotel building and providing access towards the outer areas of the site. Pedestrian access is provided from a pathway which leads to the main entrance of the hotel. Further details are provided in the Traffic and Parking Report, which is submitted separately.



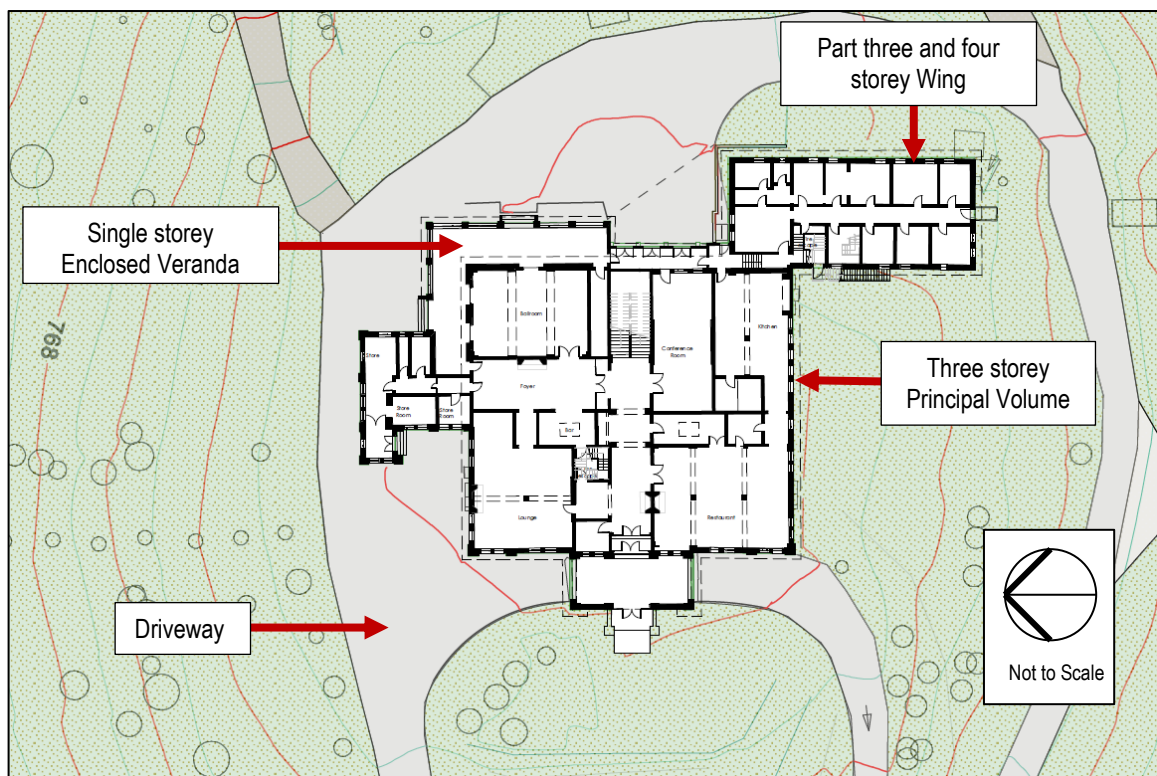
**Photograph 1:** The Robertson Hotel, as viewed from the west  
(Source: Robertson Hotel)



**Photograph 2:** The Robertson Hotel, as viewed from the north



**Photograph 3:** The Robertson Hotel, as viewed from the south



Source: X.Pace Design Group

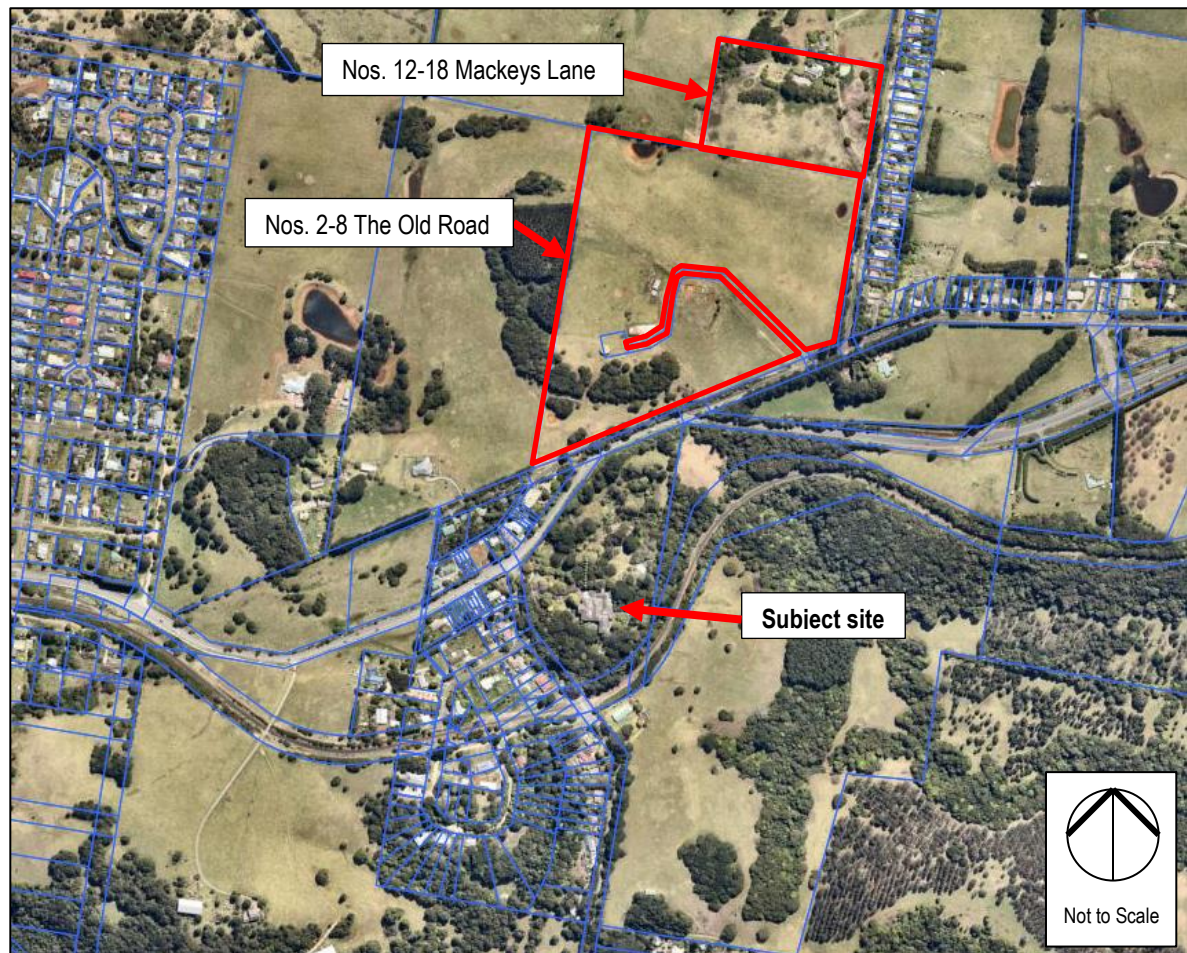
**Figure 3:** Existing Hotel Building Ground Floor Plan

## 2.4 Existing Character and Context

The surrounding area is characterised by dwellings and agricultural properties. There are residential subdivisions within the vicinity of the site, containing varying sized lots. Robertson Village is the local centre and contains commercial uses and low density residential development.

### Development to the North

To the north is Nos. 2-8 The Old Road, a large land holding containing a dwelling with a hipped tiled roof and several outbuildings. This site is accessed from a driveway at The Old Road and is approximately 14.2 hectares. Further to the north is Nos. 12-18 Mackeys Lane, a dwelling with a hipped metal roof located on an approximately 3.84 hectare lot (see Figure 4).

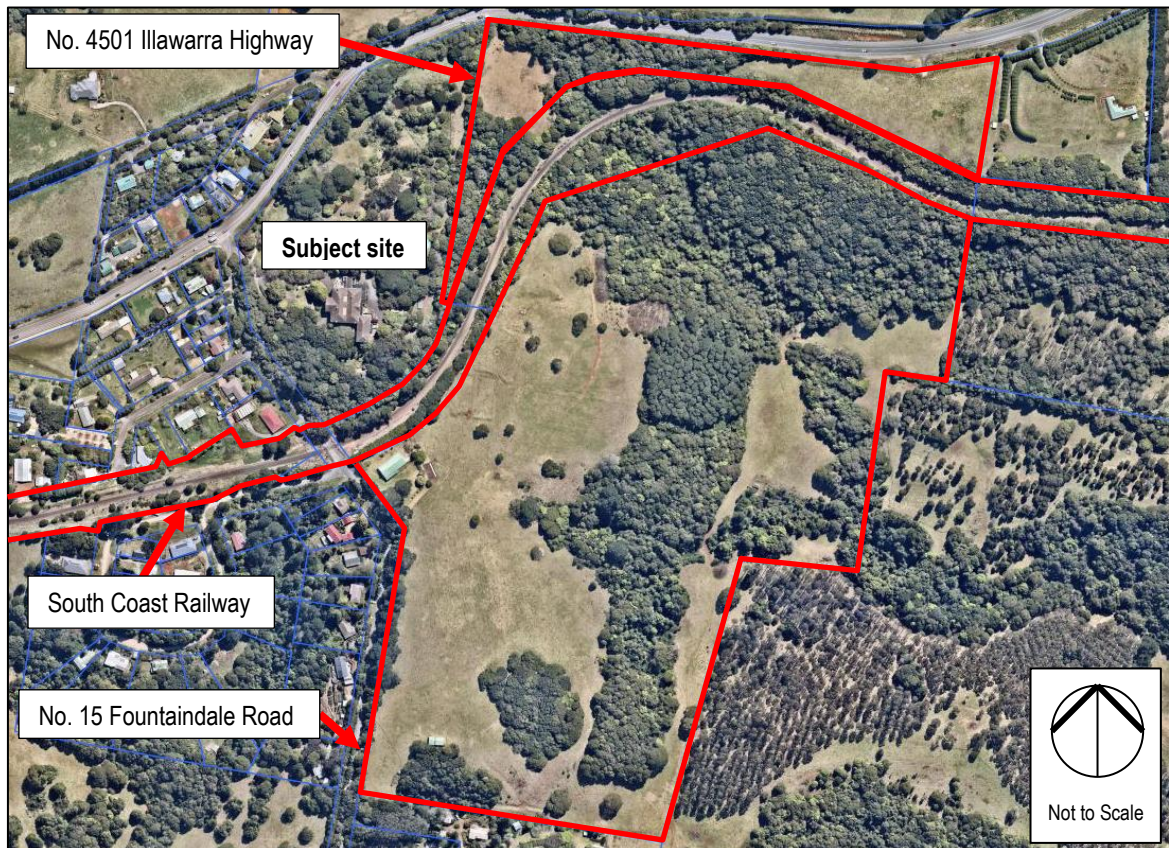


Source: Nearmap

**Figure 4:** Aerial view of Nos. 2-8 The Old Road and Nos. 12-18 Mackeys Lane

### Development to the East

To the east is No. 4501 Illawarra Highway, a narrow allotment that is approximately 2.96 hectares and appears to be vacant. Also adjoining the subject site to the east is the South Coast Railway. Further to the east is No. 15 Fountaindale Road, an approximately 22.69 hectare land holding containing a dwelling with a pitched metal roof and outbuildings (see Figure 5).

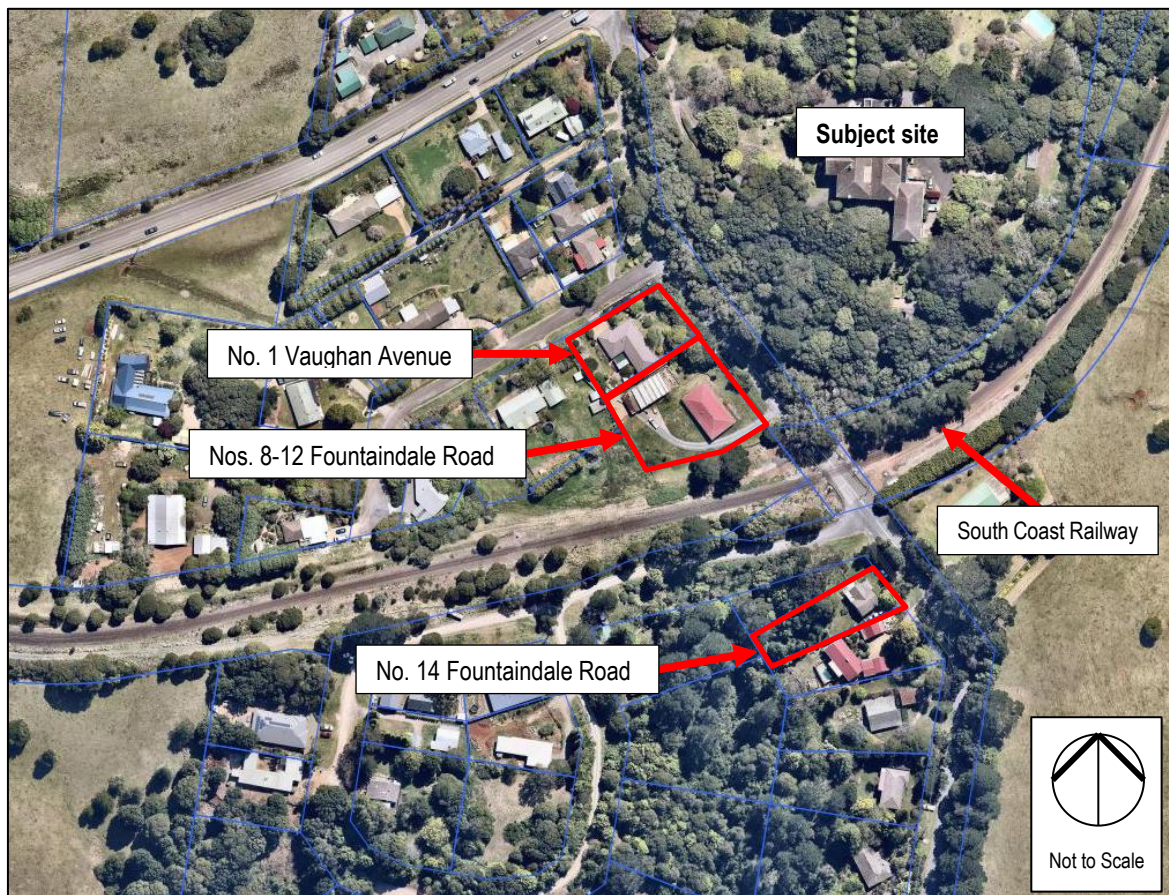


Source: Nearmap

**Figure 5:** Aerial view of No. 4501 Illawarra Highway, South Coast Railway and No. 15 Fountaindale Road

### Development to the South

To the south is No. 1 Vaughan Avenue and Nos. 8-12 Fountaindale Road, which are both single storey dwellings with hipped tiled roofs. Also to the south is the South Coast Railway and No. 14 Fountaindale Road, a single storey dwelling with a pitched tiled roof (see Figure 6).

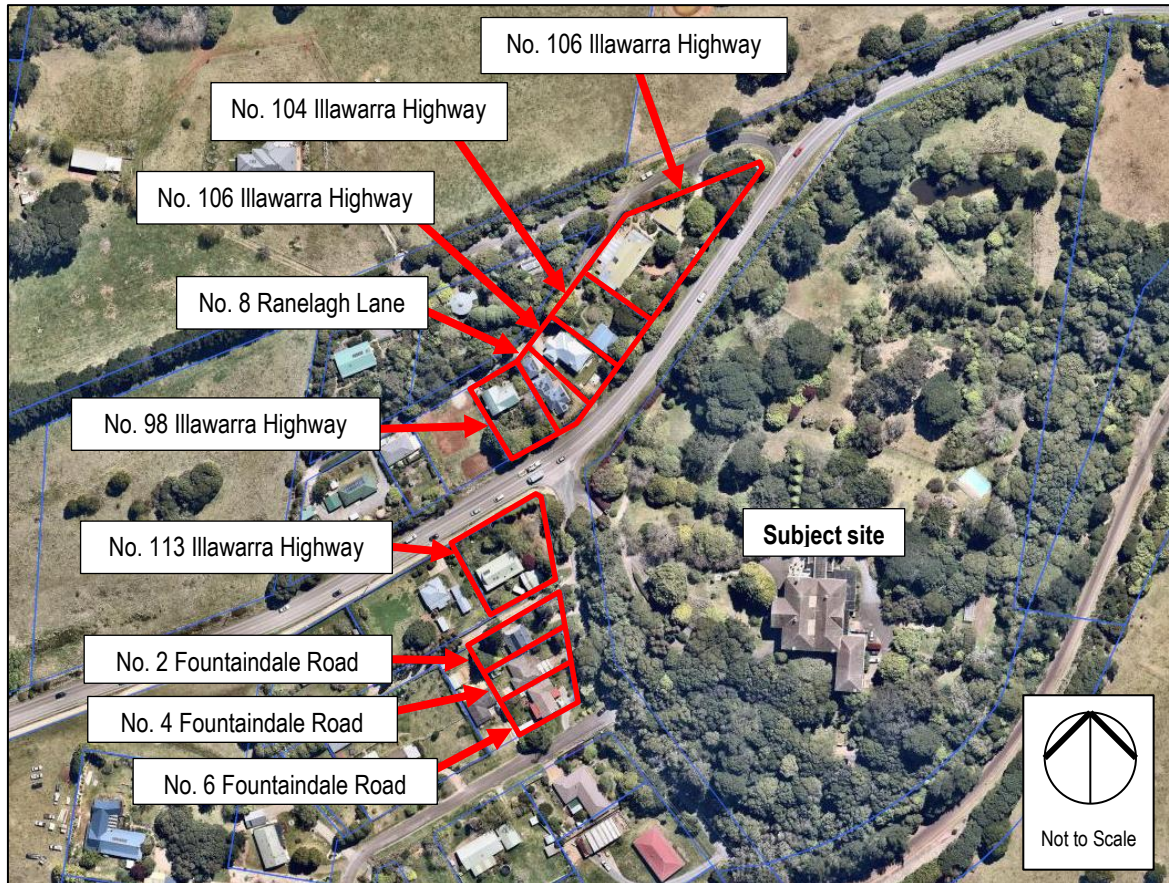


Source: Nearmap

**Figure 6:** Aerial view of No. 1 Vaughan Avenue, Nos. 8-12 and 14 Fountaindale Road and South Coast Railway

### Development to the West

To the west are several single dwellings along Fountaindale Road and Illawarra Highway. These include: No. 2 Fountaindale Road, a part one and part two storey dwelling with a Dutch gable metal roof; No. 4 Fountaindale Road, a single storey dwelling with a hipped tiled roof; No. 6 Fountaindale Road, a single storey dwelling with a pitched tiled roof; No. 133 Illawarra Highway, a part one and part two storey dwelling with a Dutch gable metal roof and outbuilding; No. 98 Illawarra Highway, a dwelling with a pitched metal roof; No. 8 Ranelagh Lane, a two storey dwelling with a hipped metal roof; No. 102 Illawarra Highway, a single storey dwelling with a hipped metal roof; No. 104 Illawarra Highway, a single storey dwelling with pitched and flat metal roofs; and No. 106 Illawarra Highway, a single storey dwelling with a pitched metal roof and outbuilding (see Figure 7).



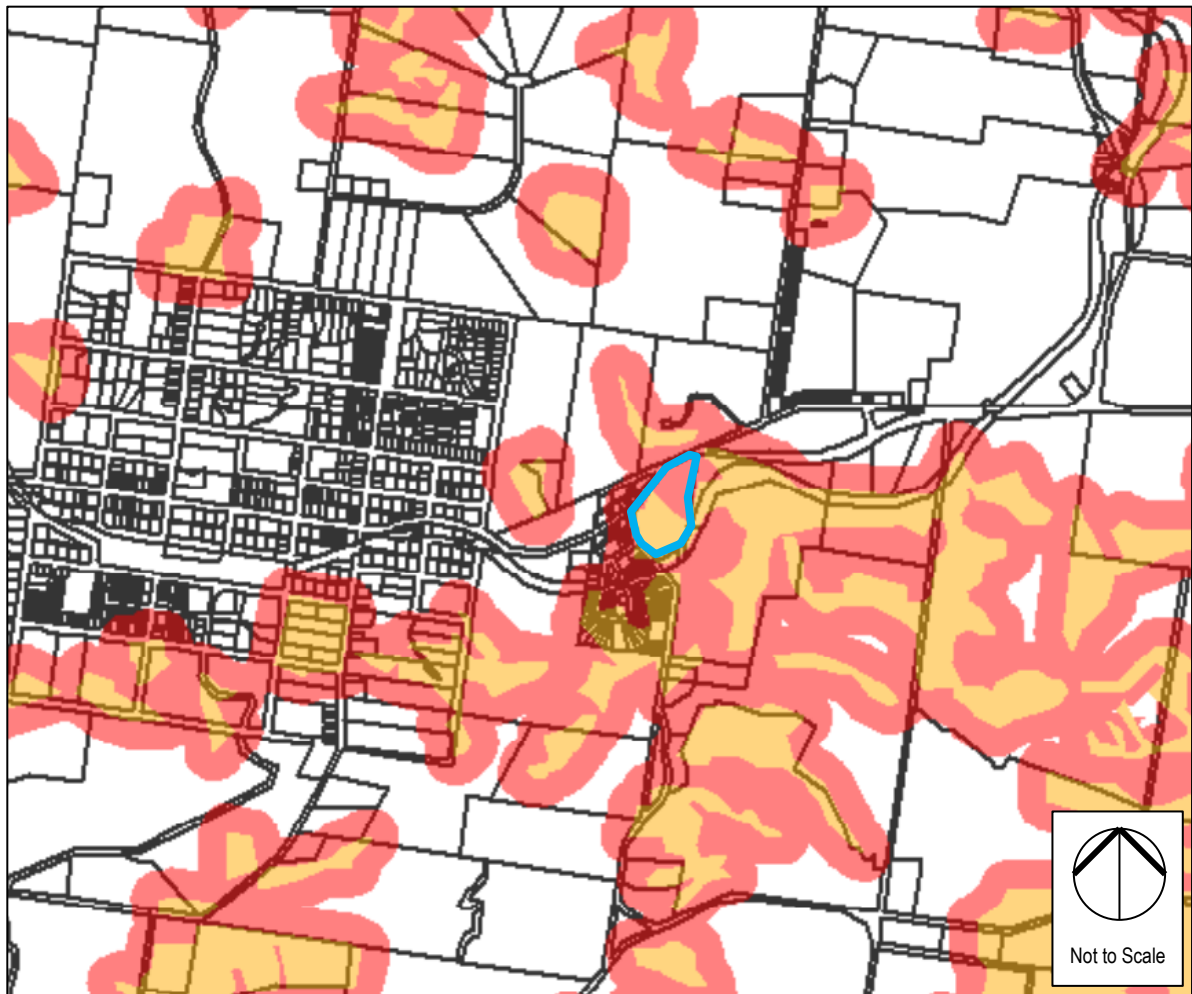
Source: Nearmap

**Figure 7:** Aerial view of development to the west of the subject site

## 2.5 Site Constraints

### 2.5.1 Bushfire Prone Land

The subject site is listed as Bushfire Prone Land within the southern portion of the site, which is identified as Vegetation Category 1 and the remaining land as Vegetation Buffer (see Figure 8). The proposal is accompanied by a Bushfire Assessment Report prepared by Peterson Bushfire (separately submitted).



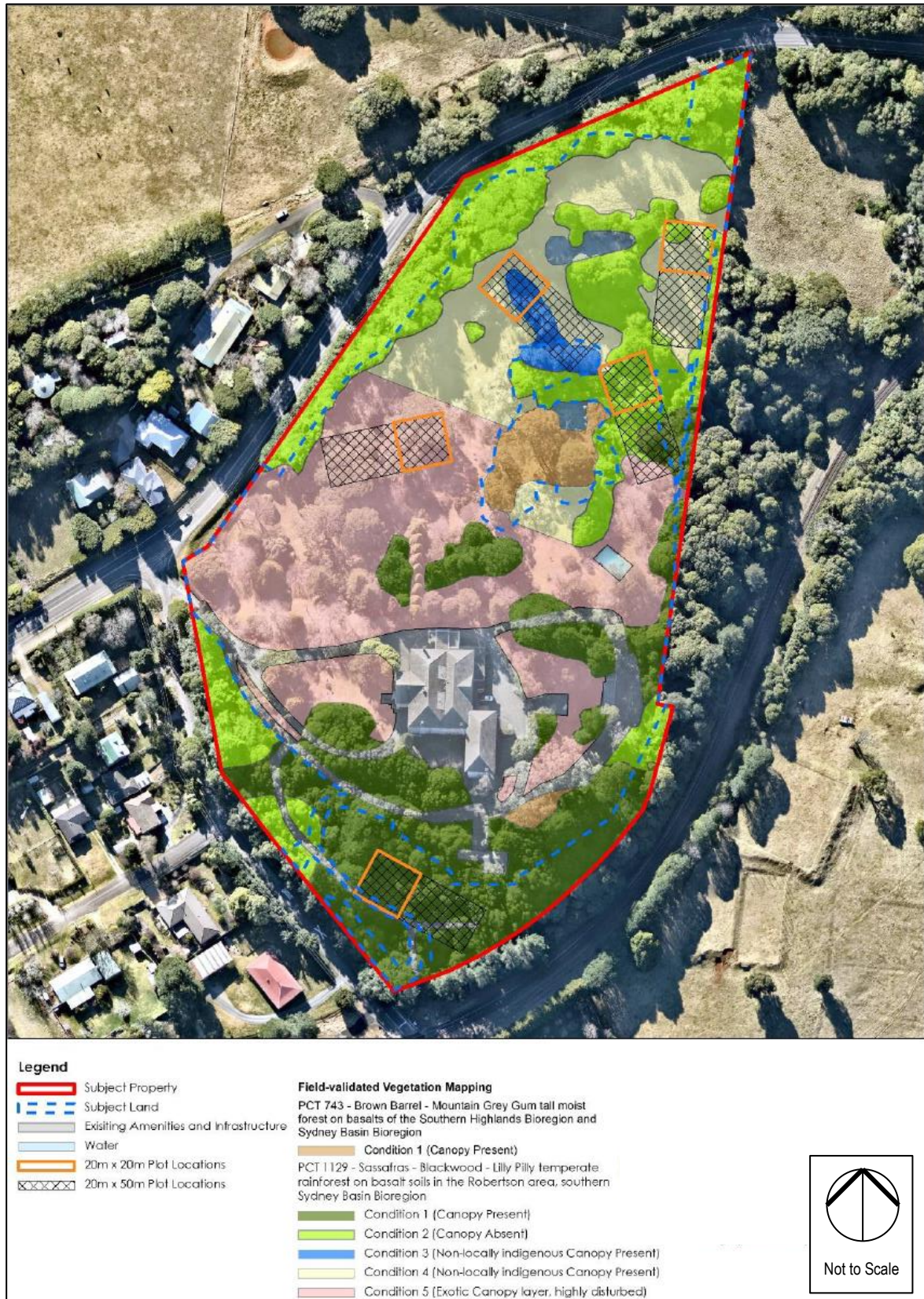
**Figure 8: Council's Bushfire Prone Land Map**

- Subject Site
- Vegetation Category 1
- Vegetation Category 2
- Vegetation Buffer

### 2.5.2 Native Vegetation

The subject site is located entirely within the 'Robertson Basalts' NSW Mitchell Landscape. A Site Assessment conducted by Narla Environmental indicated that the subject site was largely dominated by exotic gardens, with patches of native vegetation. As shown in Figure 9 on the following page, the subject site contains remnant canopy towards the south (Condition 1), regrowth along the perimeters (Condition 2), small patches of modified vegetation (Condition 3), grassland (Condition 4), and manicured gardens throughout (Condition 5).

The proposal is accompanied by a Vegetation Management Plan, prepared by Chris & Charlotte Webb Pty Ltd, and a Biodiversity Development Assessment Report, prepared by Narla Environmental (separately submitted).

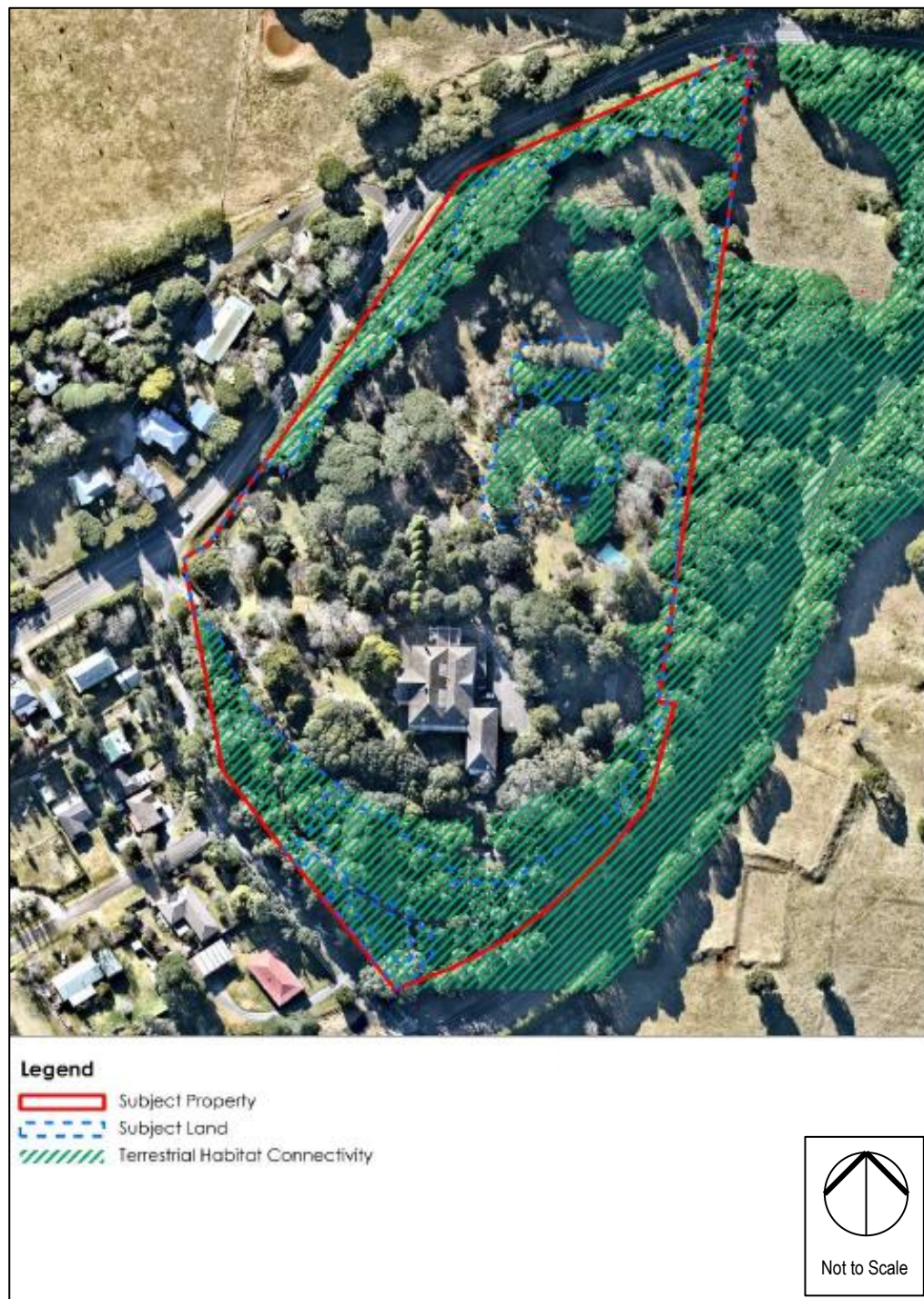


Source: Narla Environmental

**Figure 9: Extent of Native Vegetation on the Subject Site**

### 2.5.3 Habitat Connectivity

Habitat connectivity is identified within the native vegetation at the south-eastern extent of the site (see Figure 10). This area has the potential to provide habitat for various species and is detailed further in the Biodiversity Development Assessment Report, prepared by Narla Environmental (separately submitted).



Source: Narla Environmental

**Figure 10: Terrestrial Habitat Connectivity on the Subject Site**

## 3.0 THE PROPOSAL

This section will describe the following: The Background to the Proposal; Built Form and Land Use; Gross Floor Area and Floor Space Ratio; Landscaping, Private Open Space and Balconies; Access and Parking; and Operation.

### 3.1 Background to the Proposal

#### 3.1.1 General

The site has operated under various owners since construction of the hotel was completed in 1924. While well-known in the local and wider area, the hotel has not been able to function to its full potential over the last 95 years due to a number of constraints. These include but are not limited to the following:

- The historical un-workability of the hotel and associated financial burdens on landowners since the hotel construction.
- Deterioration of the facilities due to little work being undertaken since the hotel construction. This has led to the hotel being in a state of disrepair, with leaks causing damage throughout the building.
- While the hotel is very popular on weekends, it is severely underutilised during the week. As it is not financially viable to provide numerous support staff for the salon, ballroom, bar and dining room when occupancy is low or zero, the hotel is closed between Sunday and Thursday.
- The existing hotel has limited amenities to meet the expectations of a more diversified market in the 21<sup>st</sup> Century. For example, not all hotel rooms have ensuites and rely on common bathrooms. There is now an expectation of clientele that all hotel rooms will not only contain ensuites, but have other standard services such as TV, internet and reliable heating.
- The existing heritage hotel currently offers a limited type of accommodation which does not cater well to larger family groups that may prefer self-contained accommodation.
- When the hotel is booked for a wedding or conference, the hotel is closed to the members of the public not associated with these events, due to all rooms being booked out, and cannot offer dining facilities to locals or other visitors.
- The existing building has also lost a lot of its visual prominence over the last 95 years due to extensive landscaping growth; and
- Public access to the gardens with significant heritage and ecological value is limited, due to these areas being fenced off.

To ensure long term financial success while maintaining the historic significance of the hotel, it is imperative that the hotel is made more attractive to a wider market, and commensurate with current visitor expectations. As works to the existing hotel would require its closure for an extended period, construction of the new facilities would enable the hotel to continue operating. Accordingly, a new approach was developed between the architects and the current owner, which includes the following opportunities:

- An upgrade of the existing hotel facility, including an increase in hotel rooms, improved internal access and provision of recreational spaces and conference facilities ancillary to the hotel use;
- Provision of a broader range of accommodation types that are flexible in design so they can be reconfigured for a multitude of groups (ranging from corporate visitors, singles to large families);
- Provision of more outdoor recreation facilities ancillary to and managed by the hotel;
- Opening up outdoor facilities for public use, by arrangement with the hotel;

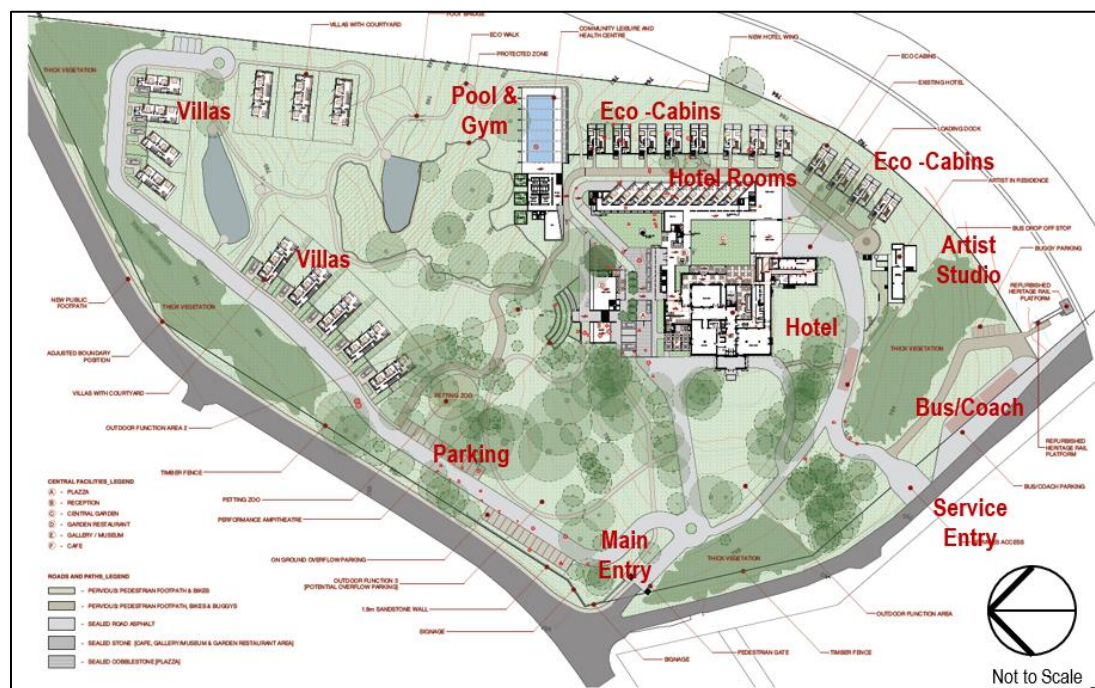
- Promotion of local art and culture; and
- Creation of new pathways to activate the unbuilt heritage environment and provide greater access to the landscaped areas of high heritage and ecological value.

The result is a concept that resembles a village centre containing multiple hotel and function services and facilities. The redevelopment will attract a broader range of local and international visitors, provide employment opportunities and positively contribute to the economy of Robertson.

### 3.1.2 Pre-Development Application Submission

On **19 June 2019** a formal pre-development application (Pre-DA) meeting was held with Council officers to discuss the proposal. The Masterplan of the proposed development, as shown in Figure 11, was presented to Council and comprised the following works:

- Alterations and additions to the hotel;
- Refurbishment of the existing workers cottage into a new artist studio;
- A new three storey hotel wing with 32 rooms, to the rear of the existing hotel;
- Construction of 12 eco-tourist cabins as a community lot, subdivided by a strata scheme;
- Construction of 12 eco-tourist villas as a community lot, subdivided by a neighbourhood plan;
- Basement car parking;
- A swimming pool and gym, ancillary to the hotel;
- Refurbishment of the heritage listed railway platform; and
- New internal roads and pathways.



Source: X.Pace Design Group

**Figure 11: Masterplan of the Proposed Scheme Presented at Pre-DA Meeting**

Council Officers' comments pertained to zoning and permissibility, planning, heritage, biodiversity, landscaping and trees, and engineering. The recommendations included:

- The proposal did not meet the requirements of the LEP definition for an eco-tourist facility as presented, but it is possible that the proposal may be capable of meeting the requirements.

- Part A of the Robertson DCP is applicable to the proposal, the DA would need to address the relevant objectives and requirements;
- The whole site should be treated in a manner which avoids detrimental impact by fragmentation of control and management through subdivision. As part of the community or strata title subdivision, an 88B restriction is recommended;
- Modern facilities necessarily located in new buildings, with a design juxtaposition between the old hotel and proposed multi-storey wing. The hotel extension needs elevational treatment, particularly at the western elevation;
- Below ground parking is an important positive feature of the proposal and should be retained;
- Relocation of the grotto is encouraged;
- Should the stained glass windows be removed, they should be relocated to an active use of the building;
- Use of rectangular of “eyelid” dormers in a zinc standing seam roof is encouraged;
- Required quantity of car parking is to be provided in accordance with the Robertson Village DCP; and
- The use of the existing driveway off Fountaindale Road and the Illawarra Highway is to be investigated.

With regards to existing use rights, Council indicated that the applicant is to demonstrate that the proposed development satisfies the relevant clauses of the regulations.

### **3.1.3 Liaison with Councillors and Further Liaison with Council Officers**

Between **February 2018 and June 2019**, the applicant and architect met with various Council Officers to discuss the proposed redevelopment. Following this a Pre-DA meeting was held on **19 June 2019**.

On **12 September 2019**, the applicant held a community consultation session to inform the public about the proposed redevelopment. The session was notified to the public via letters mailed to local residents. Notifications were also displayed in the Town Centre. Approximately 80 local community members attended the session, and the response was largely positive. The community was supportive of the proposal, particularly in relation to the tourism, investment and long term employment opportunities the redevelopment would bring to Robertson.

On **25 September 2019**, the applicant and architects met with the Council’s Mayor, Deputy Mayor, Councillors, Deputy General Manager and Council Officers to present and discuss the proposal.

On **27 November 2019**, the applicant and architects met with Cameron Judson (Council Officer) and Dr Steve Douglas (Ecologist Consultant) to seek updated advice regarding the revised plans for the proposed development, which minimised impacts on the Robertson Rainforest ecological community. Direction was sought in relation to the pending Serious and Irreversible Impact status of that community under the Biodiversity Conservation Act and the implications under the Environment Protection and Biodiversity Conservation Act. Council’s recommendations pertained to the following:

- The approach taken for the Biodiversity Development Assessment Report (BDAR) is appropriate, however attention is required to respond to the assessment hierarchy of the Biodiversity Conservation Act;
- The application must be supported by a Vegetation Management Plan, which should also include management of the Heritage Garden;
- Biodiversity off-set credits could be secured on nearby land under a Biobanking agreement; and
- The Bushfire Attack Level (BAL) rating of new buildings could increase, which would likely reduce the size and/or intensity of the Asset Protection Zones (APZs).

### 3.1.4 Amendments to the Proposed Design

Following ongoing discussions with Council, the proposal has been revised to reflect Council's comments. The amendments to the proposal include:

- Deletion of eco-tourist cabins towards the southern end of the site;
- Conversion of five eco-tourist villas to eco-tourist cabins, with adjustments in location at the northern side of the site;
- Revised shape and size protected zone;
- Removal of subdivision from proposal, with eco-tourist facilities to be managed by the hotel;
- Modified shape and location of internal roadway along north-western boundary;
- Addition of a new reception, venue and fire refuge building;

A detailed description of the proposed development is following.

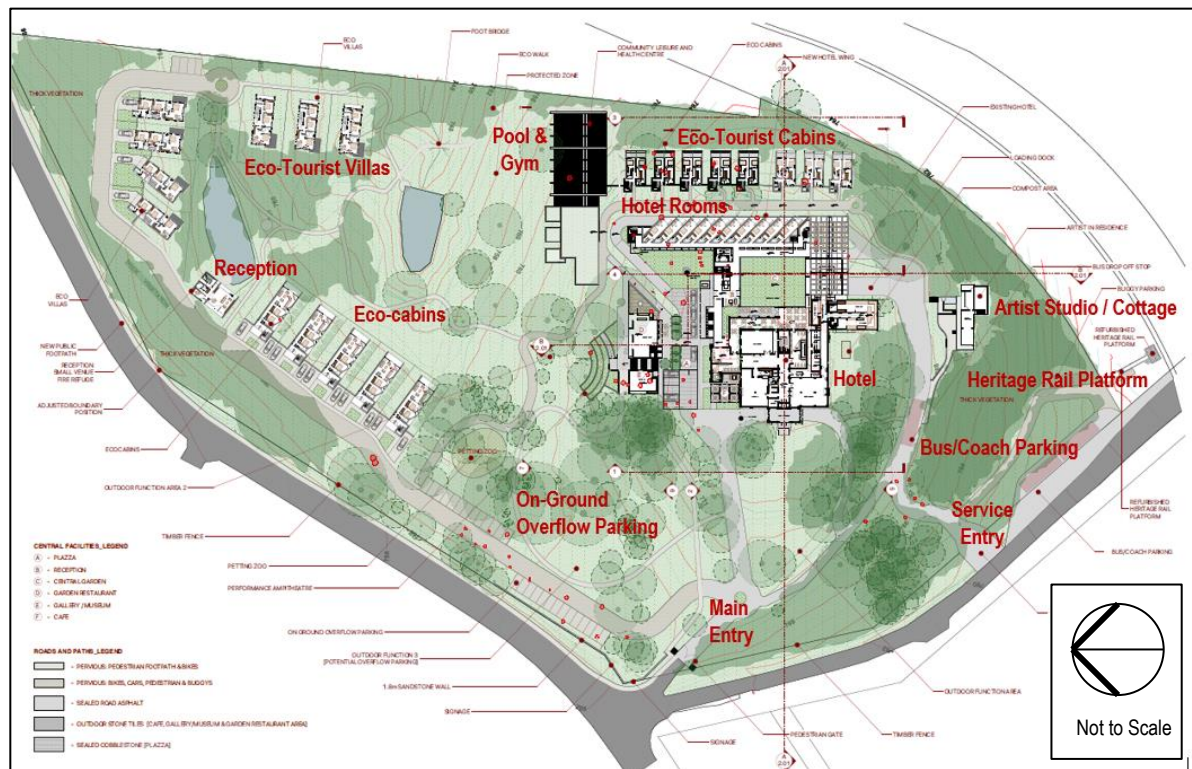
## 3.2 Built Form and Land Use

### 3.2.1 General

The proposal is for alterations and additions to the existing hotel/guesthouse and function centre on the site and the creation of new self-contained eco-tourist accommodation and associated facilities. The key components of the proposal are as follows:

- Extensive renovation of the heritage hotel, including new lifts, kitchen and service area, additional bathrooms, and new rooms in the roof area;
- New four storey addition at the rear of the existing hotel, including 46 new accommodation rooms, new lounge areas, bar, restaurant, function rooms and conference spaces;
- New basement containing a carpark for 156 vehicles;
- 13 x two storey temporary/short term eco-tourist cabins at the northern and eastern sides of the site - each containing four rooms and designed to allow for flexibility in accommodation types. The five cabins at the northern extent each have two car parking spaces and a private courtyard;
- 7 x three storey eco-tourist villas located at the northern side of the site - each containing four bedrooms, a private courtyard and car parking space; these are to be managed by the hotel;
- A new two storey reception building located at the northern side of the site, with a small venue room, fire refuge and staff accommodation;
- A new leisure facility, which is ancillary to the hotel, including a new swimming pool and spa, gym, thermal baths, treatment rooms and changeroom facilities that can be made available to the community by arrangement;
- The existing studio and workers' cottage, located within the southern portion of the site to be refurbished and used as an artist-in-residence studio and cottage associated with the hotel;
- New outdoor function areas, which are ancillary to the hotel and can also be used for potential overflow parking;
- New internal roads and at-grade overflow parking;
- New bus and coach parking area at the south eastern corner of the site off Fountaindale Road;
- Separate service entry off Fountaindale Road;
- New internal pervious pathways for pedestrians, bicycles and buggies;
- On-site road and footpath works;
- New landscaping works, including petting zoo area, eco-walkways and performance amphitheatre to be ancillary to the hotel; and
- Refurbishment of the existing heritage rail platform.

A layout of the proposed development is shown in Figure 12 on the following page. Accompanying architectural plans prepared by X.Pace Design are also submitted separately as part of this DA.



Source: X.Pace Design

**Figure 12: Masterplan of the Proposed Development**

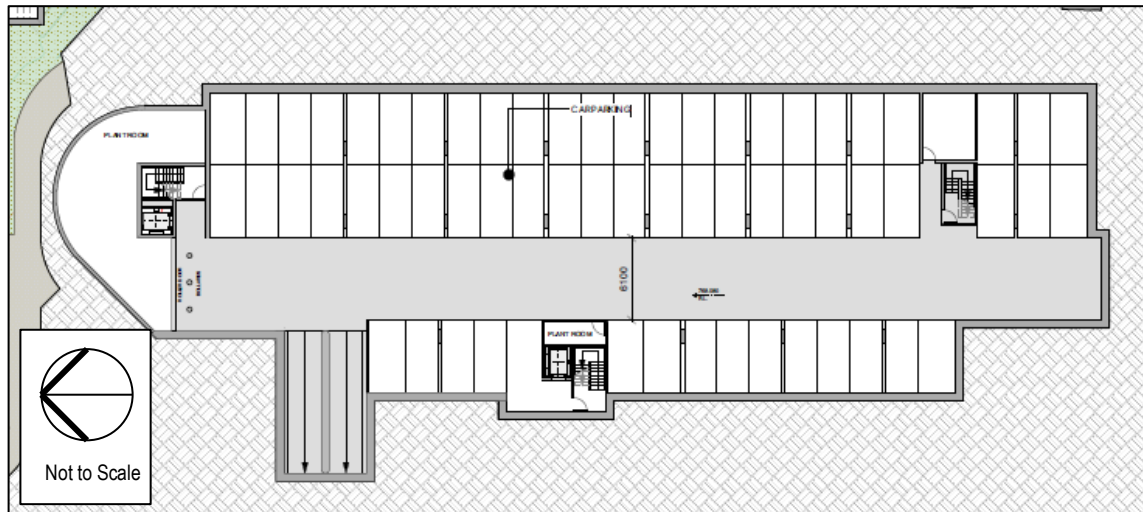
### 3.2.2 Design Philosophy

The proposal has been designed to offer more diverse tourist accommodation types, improve existing facilities and provide new services associated with the hotel and function centre use. All the accommodation and associated services will be managed by the hotel. This will in turn attract a broader range of visitors to the site and activate the area.

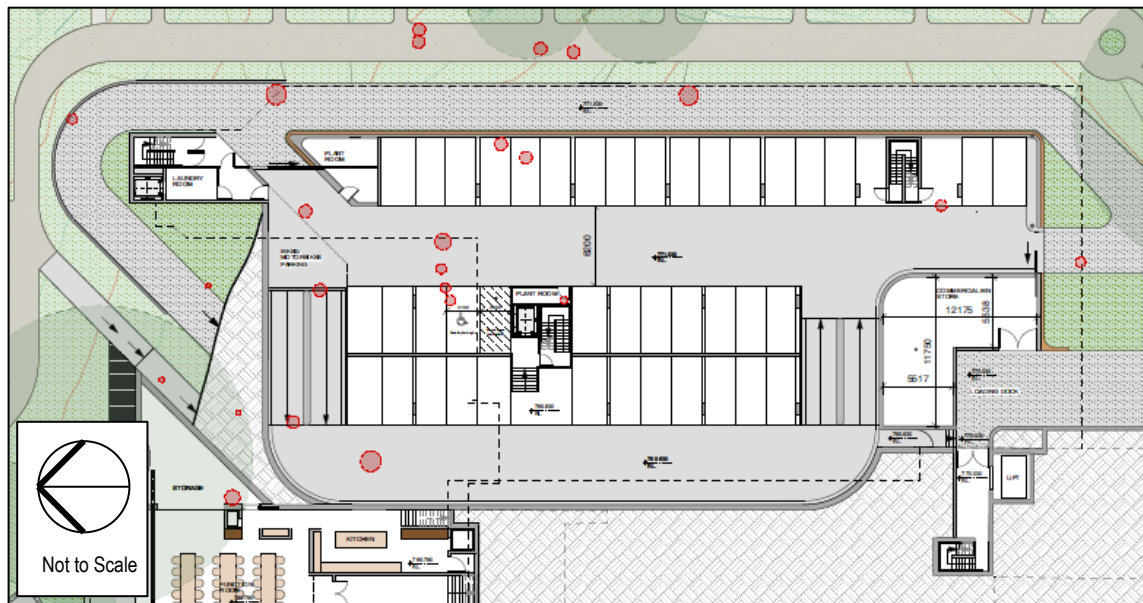
The architectural concept is centred around the existing heritage hotel building. This will remain the focal point of the site, with new buildings designed to be subservient through their location, scale, colour and materials. A description of each element is outlined in the following paragraphs.

#### Basement Parking

The proposal will include new below-ground parking, located across two basement levels. Also at this level are plant and storage rooms. Vehicular access is provided from the main driveway at Illawarra Highway and the service accessway at Fountaindale Road. Internal stairs and lifts are provided for pedestrian access. To maintain the structural integrity of the existing hotel building, the excavated parking is located at the rear and is supported by a Geotechnical Report and Traffic Report (see Figure 13 on the following page).



Level 1



Level 2

Source: X.Pace Design

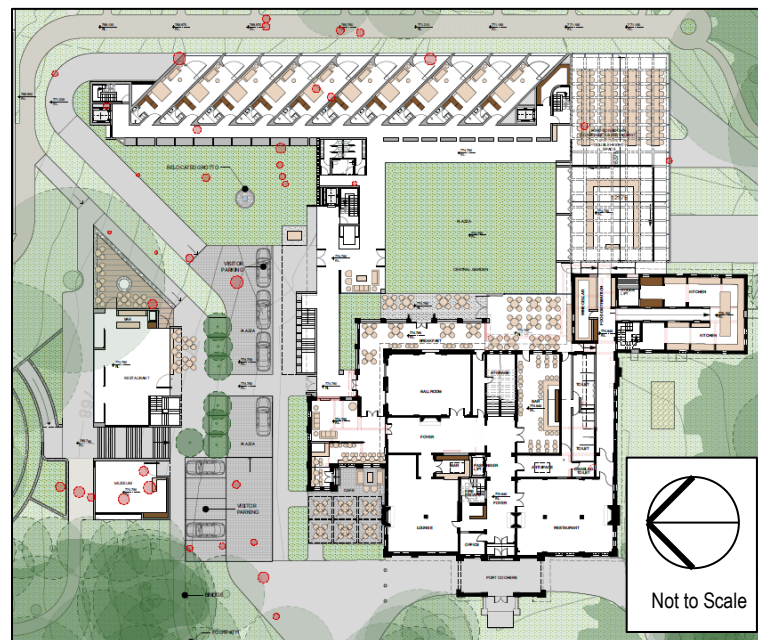
**Figure 13: Basement Parking****Hotel Building**

Alterations and additions are proposed to the existing heritage hotel and have been designed to improve the functionality of the building to meet the needs of modern-day guests. The proposal largely retains the integrity of the existing building, with minor demolition of internal walls and openings, and provision of additional bathrooms and lift access. This building will provide 60 rooms, which is an additional 11 rooms from existing.

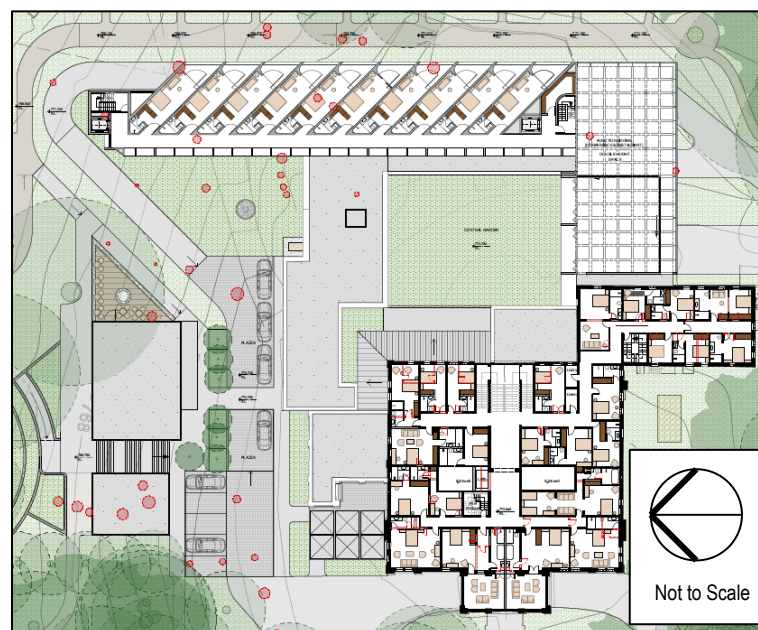
At the Ground Floor Level, the proposed works to the existing hotel include a new café off the lounge with indoor and outdoor seating, and the conversion of the conference room into a bar. The kitchen will be relocated to the southern wing of the building, with upgraded modern facilities, a goods lift and wine cellar. The breakfast room will be enlarged to provide additional seating and will open onto a new patio and central garden. The existing hotel will be connected to the new hotel wing via a single storey structure at the northern side of the building, which will contain a lounge area and toilets. A new double-height function room will adjoin the new hotel wing and existing hotel at the southern side, for use as a conference room and restaurant.

At the First and Second Floor Levels, the existing layout will be generally retained, with minor reconfigurations of the internal openings. Within the roof of the heritage hotel, an additional 12 rooms are proposed.

The new hotel wing, located behind the heritage item, will provide 46 rooms across four levels, each with one bed and similar internal layouts. The new wing is designed to attract the conference and wedding market and can accommodate larger groups of people. This wing will be able to cater to the corporate and conference market that have participants who stay for two to three days mid-week and require small modern single rooms, as opposed to shared accommodation. Expanding the hotel and creating new wedding and conference areas will enable the event bookings to be isolated to one area of the hotel, with outside visitors able to be offered other dining and accommodation options (see Figure 14).



**Ground Floor Level**



**First Floor Level**

Source: X.Pace Design

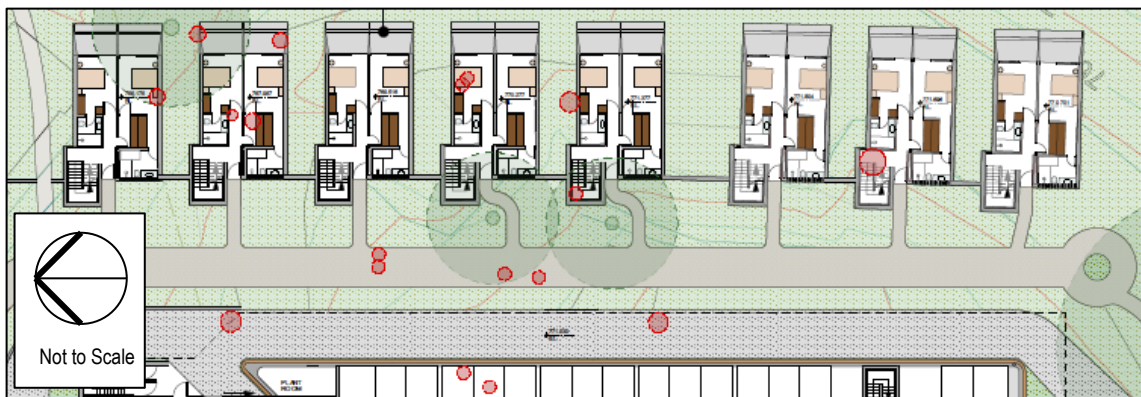
**Figure 14: Hotel Building Plans**

### Eco-Tourist Cabins

The proposal includes 13 eco-tourist cabins, located at the north western and eastern sides of the site. The eco-tourist cabins will be managed by the hotel and are designed to blend into the surrounding bushland with minimal environmental impacts, to provide private accommodation for visitors. The cabins are situated within the natural environment with views towards the surrounding landscape. The eco-tourist cabins are designed for smaller groups of people such as couples and friends that want to have a more intimate accommodation experience, immerse themselves in the environment, but still have access to nearby amenities provided by the hotel. The cabins enable groups to have hotel accommodation with separate access to individual buildings containing four rooms, for a more private experience. The cabins are two storeys, with two variations in layout – Type A and Type B, and are not self-contained.

There are eight Type A eco-tourist cabins, which are located at the eastern side of the site. Each cabin comprises four bedrooms with ensuite bathrooms and balconies oriented towards the east. These cabins do not have private vehicular access (see Figure 15).

The five Type B cabins are located at the north western side of the site. The cabins each contain four bedrooms, two bathrooms, two living areas and balconies oriented towards the south-east. Each cabin has two car parking spaces provided, with vehicular access from the driveway along the western boundary (see Figure 16).



Source: X.Pace Design

**Figure 15: Eco-Tourist Cabin Type A Ground Level Plan**



Source: X.Pace Design

**Figure 16: Eco-Tourist Cabin Type B Ground Level Plan**

### Eco-Tourist Villas

The proposal will include seven three-storey eco-tourist villas, located at the north and north-western sides of the site. The eco-tourist villas will be managed by the hotel and are designed to provide private accommodation within individual buildings that immerse with the natural environment. The eco-tourist villas will be self-contained and will have private access, separate from the main hotel building. The villas will blend into the surrounding bushland and will offer views towards the natural landscape. The eco-tourist villas are designed to cater for families and are located away from the main facilities. The villas will enable groups and families to have hotel accommodation with three rooms, within individual buildings. The eco-tourist villas will contain amenities to provide a self-contained and more private accommodation experience. The proposal offers two variations of eco-tourist villas – Type A and Type B (see Figure 17).

These eco-tourist villas comprise four bedrooms, four bathrooms, kitchen, living and dining areas and a laundry. Each villa will contain private courtyards which would be a valuable asset for children and are in proximity to ponds, the proposed animal enclosure, ecological walks and bicycle paths. Type A eco-tourist villas are accessed from the driveway along the western boundary, with a single car space providing within each lot. The Type B eco-tourist villas are accessible from the internal pathways and do not have private vehicular access.

By offering alternate accommodation types to hotel rooms, this will enable the premises to operate seven days per week without having to open the entire hotel if occupancy is low. For example, mid-week visitors could be offered the self-contained accommodation without the need for the hotel to provide breakfast and a large number of hotel staff for one or two bookings. In addition, the construction of the new hotel wing, eco-tourist villas and eco-tourist cabins in a staged manner would enable business to continue operating while the heritage hotel is redeveloped.

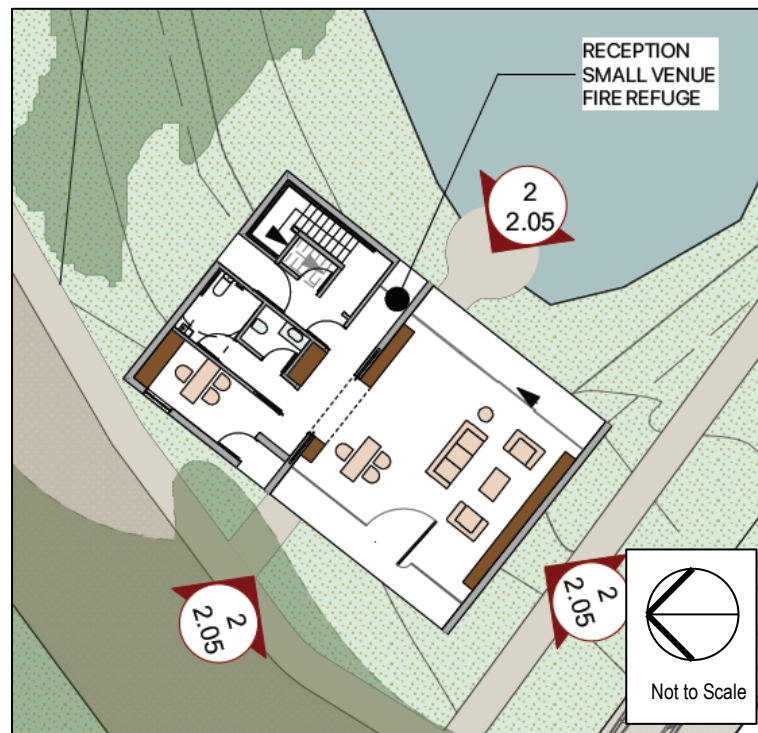


Source: X.Pace Design

**Figure 17: Eco-Tourist Villa Upper Level Plan**

### Reception/Fire Refuge

A two storey reception building is proposed at the north-western side of the site. This building will also function as fire refuge and small venue room, and will have staff accommodation at the upper level (see Figure 18).

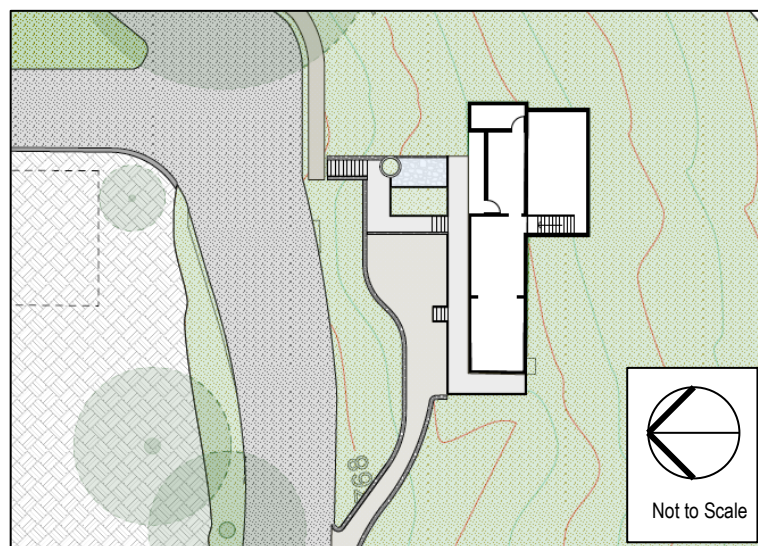


Source: X.Pace Design

**Figure 18: Reception/Fire Refuge Plan**

### Artist-In-Residence Studio

The proposed two-storey artist-in-residence studio and cottage within the restored existing workers' cottage structure will be an additional feature to the culture of the hotel. These will provide information and education for visitors and enable local artistic works to be displayed (see Figure 19).



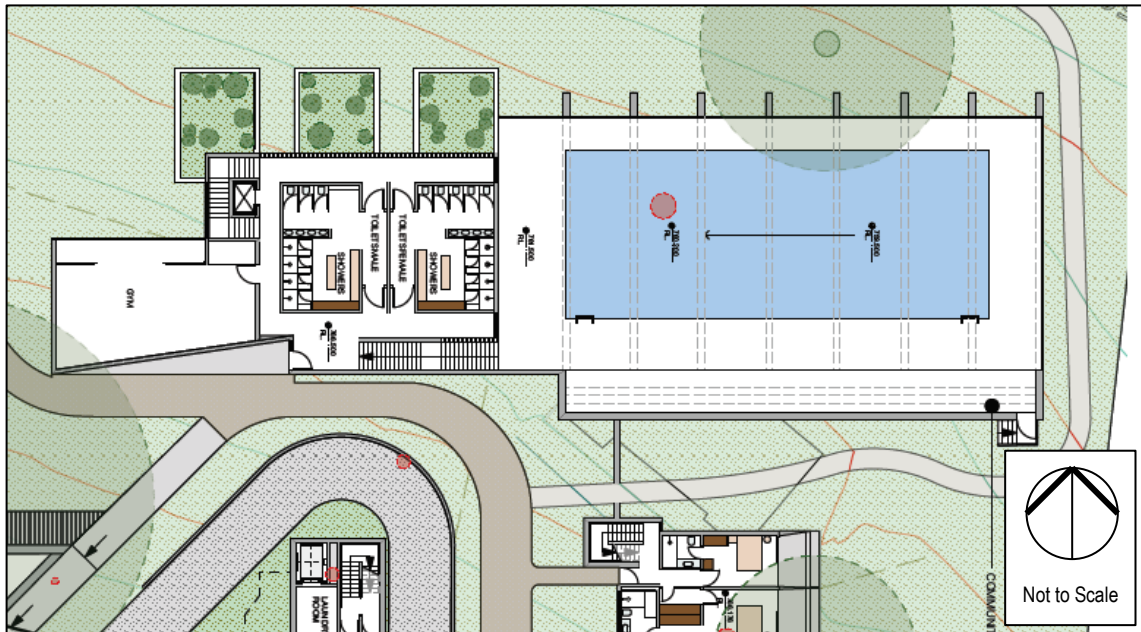
Source: X.Pace Design

**Figure 19: Artist-In-Residence Studio Upper Level Plan**

### Leisure Facility (Pool, Gym and Associated Uses)

The proposed leisure facility is ancillary to the hotel and will comprise a 25m swimming pool with a pull-out stand, three thermal baths, a gym, treatment rooms, bathrooms, changing rooms and associated amenities (see Figure 20). This facility will be ancillary to and managed by the hotel.

As there is currently no public pool available in the local area, the applicant offers the proposed swimming pool to be made available for use by schools, organisations and the general public by arrangement. This will provide positive exposure to the locality and foster a sense of community. On-site parking will be made available to the public on request.



Source: X.Pace Design

**Figure 20: Leisure Facility Upper-Level Plan**

### Maintenance of Existing Railway Platform

In addition, given the site's proximity and previous association with the nearby heritage railway platform at the southern end of the site, the applicant wishes to undertake maintenance and refurbishment of the platform. This will enable trains to stop at the hotel and enable visitors to disembark.

Further details of the proposed development are contained in the architectural drawings, separately submitted.

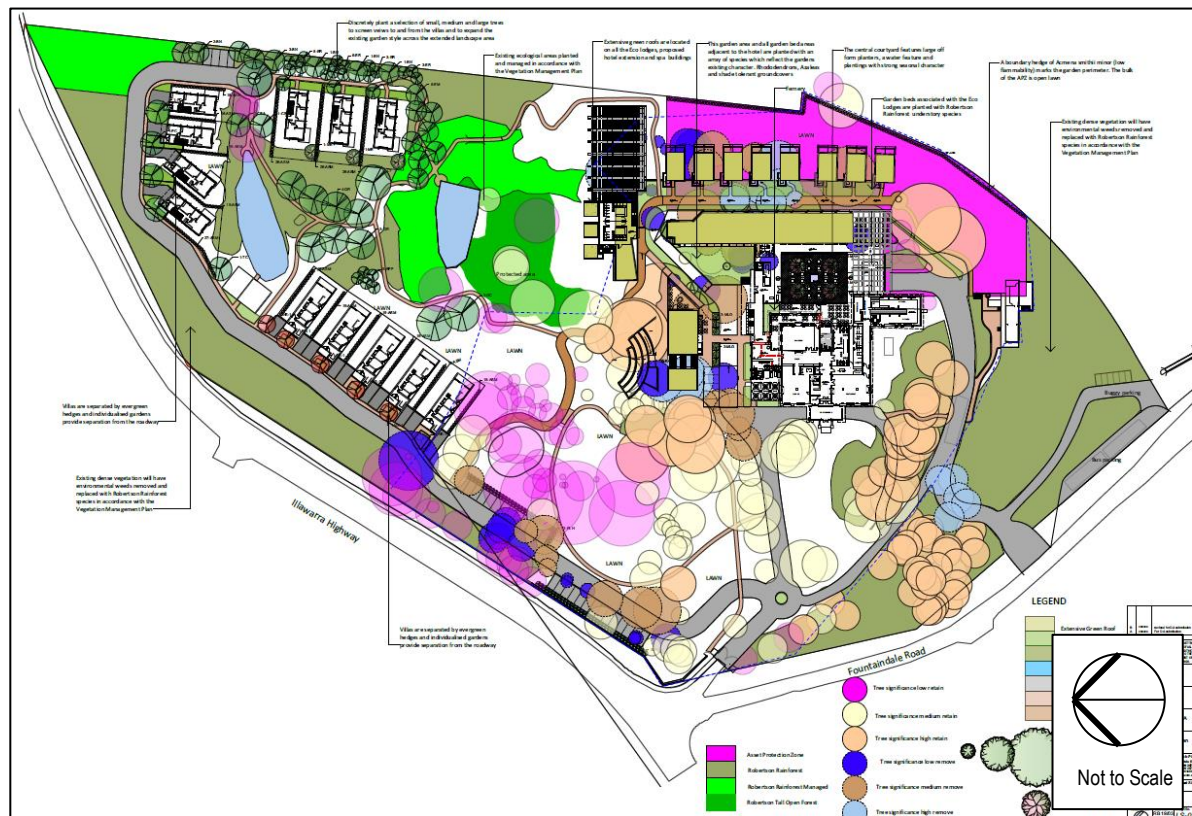
### 3.3 Landscaping, Private Open Space and Balconies

The proposed development will provide landscaped areas throughout the site, with particular regard given to the retention of the existing grounds. The proposal will retain and remove trees to accommodate the proposal. These trees will be replaced with new plantings (see Figure 21). The proposal will retain and manage a substantial portion of the Robertson Tall Open Forest and Robertson Rainforest on the site and will include new vegetated areas that blend into the existing landscape.

The proposal is supported by a Biodiversity Development Assessment Report, prepared by Narla Environmental and submitted separately, which states, inter alia:

*Considering the nature of the proposal, and the proposed impact mitigation measures proposed, there are unlikely to be any notable indirect impacts on biodiversity values arising from the proposed development. Only the direct impacts of vegetation clearing associated the proposal will require biodiversity offsets as per the BAM.*

Further details of the proposed landscaping, species and design intent are in the Landscape Plan, prepared by Chris & Charlotte Webb P/L (separately submitted) and Arborist Report prepared by Allied Tree Consultancy (separately submitted).



Source: Chris & Charlotte Webb P/L

**Figure 21: Landscape Plan**

Balconies and terraces are proposed for the eco-tourist cabins, eco-tourist villas and hotel rooms in the new hotel wing. Within the Type A eco-tourist cabins, each bedroom has access to an individual terrace oriented towards the east. The Type B cabins have terraces located off the main living areas, oriented towards the south-east. In addition, these cabins have a small, step-out balcony associated with each bedroom.

The eco-tourist villas have a terrace at the lower level accessed from the main living area and a balcony at the upper level associated with a bedroom, these are oriented towards the south-west (Type A), south (Type B) and west (Type C). In addition, private courtyards are proposed for each villa. Within the proposed new hotel wing, each room will have access to a terrace from the living area, oriented towards the west.

### 3.4 Access and Parking

The main vehicular access to the site will be from the existing driveway at the corner of Illawarra Highway and Fountaindale Road, leading to the main entrance of the hotel, the eco-tourist villas and eco-tourist cabins. Separate vehicular entries for visitors and service vehicles are proposed, and internal pedestrian pathways and walking tracks have been designed to allow visitors to safely access the landscaped grounds, ponds and other site features.

The proposed development has on-site car parking for 156 vehicles, within line-marked space at ground and basement levels. Three of the proposed car parking spaces will be accessible spaces. The basement car park will have minimum aisle widths of 6 metres. In addition, the proposal allows for additional at-grade overflow parking. The proposed Type B eco-tourist cabins will each have 2 car parking spaces provided within each lot, accessed from the main driveway along the western boundary. Public visitors to the leisure centre may have access to on-site parking on request.

The proposal is supported by a Traffic and Parking Report, which states, inter alia:

*It is considered that the proposed on-site parking is adequate for the proposed development for the following reasons:*

- *Current use and parking credits for the existing portion of the hotel and existing rooms.*
- *Some hotel guests are expected to arrive at the site as part of a tourist group or similar and therefore would travel by bus or small coaches, therefore, not generating car parking.*
- *The majority of the existing and proposed associated facilities are for the sole use of hotel guests, who would be present on site already and therefore would not generate additional parking demand.*
- *The proposed facilities will not all coincide or take place at the same time and many uses could be staggered/ managed and may not overlap, depending on the need of use, time of the day and proposed operating hours of each facility.*
- *Current and additional staff members will be largely from the local area and is expected to utilise public transport and/or carpooling to travel to and from the site or also being dropped-off and picked-up by a friend or a family member. It is also anticipated to provide on-site accommodation for up to 20 staff members, therefore, these staff will not need to travel to and from the site and will not generate parking.*
- *The subject site is large and can easily accommodate additional 'overflow parking' if required during special events or other busy periods.*
- *Given the location and the size of the subject site, there will not be any adverse impacts on parking in surrounding streets.*

*Therefore, the proposed on-site parking is considered adequate for the proposed development, given the above-mentioned information.*

...

*Therefore, the car parking layout and circulation are considered to be adequate in accordance with AS2890.1:2004, AS2890.6:2009 and AS2890.2:2018, where vehicles enter and exit the site in a forward direction at all times.*

Further details about access and parking are contained in the Traffic and Parking Report, prepared by Hemanote Consultants (separately submitted).

### 3.5 Operation

The proposed development will operate 7 days per week, 52 weeks per year. The hotel operational hours will be 9:00am and 5:00pm Monday to Friday and 9:00am and 5:00pm weekends and public holidays. The ancillary leisure facility will operate between 8:00am to 5:00pm Monday to Friday, 8:00am to 8:00pm on Saturday and 8:00am to 5:00pm on Sunday.

While the hotel currently employs approximately 13 regular staff, it is expected that the proposal will employ 50 full-time, casual and part time staff. Additional staff may be required for larger events and weekends. Staffing and rosters will vary during peak and off-peak periods. The proposal will provide staff accommodation within approximately 20 dedicated rooms, for staff living on-site. Both during and outside of operational hours, the hotel will have personnel on-site or on-call to manage the hotel. The Plan of Management (submitted separately) indicates the roles of the staff and states, inter alia:

- a) *The hotel will employ approximately 50 full-time, casual and part-time staff. Whether open to the public or not the hotel will have personnel on site at all times 24/7 and or be contactable.*
- *General management of the hotel to ensure that guests do not cause any disturbance to the other amenity of fellow guests or nearby neighbours;*
  - *Receiving and organizing bookings of guests and ensuring smooth arrivals and departures;*
  - *Daily cleaning and maintenance of common areas;*
  - *Cleaning and preparation of vacated room in readiness for the next guests;*
  - *Maintain register of check-in and check-out of guests;*
  - *Assist guests as required;*
  - *Emptying of communal area garbage bins;*
  - *Arranging for the collection of garbage and recycling bins;*
  - *Replacement of light bulbs and other incidentals; and*
  - *Liaison with hotel management and tradesmen regarding general maintenance, damage or breakdown of any facility, fixtures or equipment including gas, electricity and water supplies.*

Further details are provided in the Plan of Management, which is submitted separately.

## 4.0 PLANNING CONTROLS

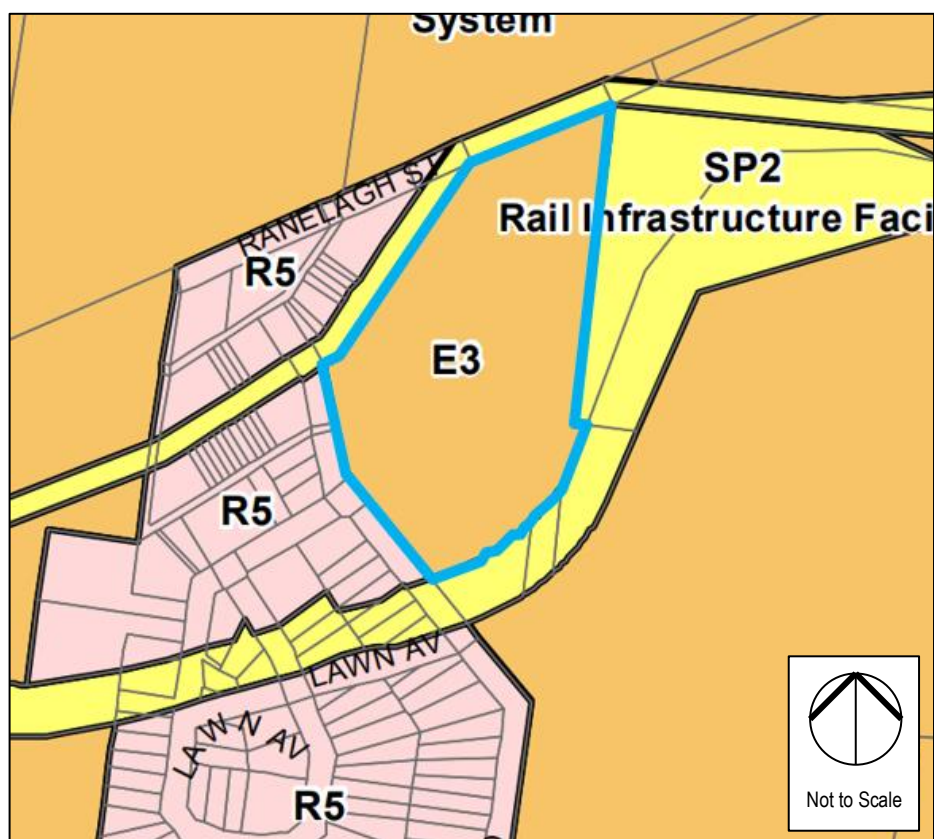
Pursuant to Section 4.15 of the EPA Act, this section assesses compliance with the planning instruments applicable to the site in accordance with the relevant matters for consideration. The relevant planning instruments include:

- Wingecarribee Local Environmental Plan 2010;
- State Environmental Planning Policy (SEPP) BASIX – 2004
- State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land;
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011; and
- Wingecarribee Development Control Plan 2010.

As indicated, the subject site enjoys the benefits of existing use rights and the provisions of Council's LEP and DCP cannot derogate from the existing use rights. The tests established by the NSW Land and Environment Court in *Fodor Investments v Hornsby Shire Council* and *Stromness v Woollahra Municipal Council* will also be assessed in this section. This is discussed further in Sections 4.2, 4.3 and 4.4. Notwithstanding this, the following section will identify the relevant controls in the Wingecarribee LEP and Wingecarribee DCP.

### 4.1 Wingecarribee Local Environmental Plan 2010

The subject site is zoned E3 Environmental Management under the Wingecarribee LEP, which commenced operation on 16 June 2010 (see Figure 22).



Source: Wingecarribee LEP

 Subject Site

**Figure 22: LEP Zoning Map**

#### 4.1.1 Permissibility

The hotel use is not permissible in the E3 zone and operates under Existing Use Rights, which will be outlined in Sections 4.2, 4.3 and 4.4.

An eco-tourist facility is permissible with consent in the E3 zone and accordingly, the relevant LEP provisions would apply. An eco-tourist facility is defined in the LEP as follows:

**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

*It may include facilities that are used to provide information or education to visitors and to exhibit or display items.*

The proposal includes new eco-tourist cabin and eco-tourist villa accommodation that will be managed by the hotel. These additional buildings would be considered eco-tourist facilities as they provide temporary or short-term accommodation to visitors on a commercial basis. The eco-tourist cabins will contain four rooms within individual buildings, with private access available. The cabins will allow visitors to have a more private accommodation experience, while also having access to the hotel services. Similarly, the eco-tourist villas will contain three rooms within individual buildings, with private access. The eco-tourist villas will be self-contained and will include amenities for temporary visitors. Both the eco-tourist cabins and eco-tourist villas provide opportunities for temporary and short-term accommodation to visitors and will be managed by the hotel.

The subject site has identified areas of ecological and cultural significance. The proposed eco-tourist facilities are located within and adjoin the identified special ecological features of the site. As indicated in the Biodiversity Development Assessment Report, which is separately submitted, the site includes areas of the Robertson Tall Open Forest and the Robertson Rainforest. In addition, the subject site contains habitat for various flora and fauna species and terrestrial habitat connectivity to the wider native vegetation. Furthermore, the proposal includes an eco-walk to allow visitors to experience the ecological features of the site. The proposal has been designed to retain and manage a substantial proportion of the existing natural landscape of the site to ensure that the ecological significance is protected.

The subject site is also a heritage item, demonstrating cultural significance in the local area. The eco-tourist facilities are associated with the established hotel use of site and have been designed as modest two and three storey structures to be sympathetic to the heritage significance of the site. The proposal is supported by a Heritage Impact Assessment, which is submitted separately.

The proposed eco-tourist facilities are two and three storey structures that have been carefully located to minimise environmental impacts to the site and ensure that the special ecological features of the site can be retained as practicable. The bulk, scale and overall physical footprint has been minimised and incorporates a narrow design with substantial building separation, a muted palette of materials and a flat roof to reduce visual impact and ensure that the eco-tourist facilities can blend into the ecological environment.

Accordingly, the proposed eco-tourist cabin and eco-tourist villa accommodation on the site are permissible with development consent as an eco-tourist facility.

Pursuant to the Land Use Table within Part 2 of the LEP, hotels are not permissible within the E3 Environmental Management Zone. The subject site benefits from existing use rights as a hotel, and the provisions of Council's LEP and DCP cannot derogate from existing use rights. Based on a review of Council's historic records, the hotel was permitted on the site with development consent at the time of construction. The Wingecarribee LEP 1989 was the relevant planning instrument that first prohibited the development of the site as a hotel. A detailed background to existing use rights is provided in Section 4.2.

The proposal is consistent with the tests established by the NSW Land and Environment Court in *Fodor Investments v Hornsby Shire Council* and *Stromness v Woollahra Municipal Council*. There will be no change of use and the existing use as on the site as a hotel will be subject to alterations and additions within the meaning of Clause 41(1)(a) and (b) of the Environmental Planning and Assessment Regulation (the Regulations) 2000. The proposed swimming pool, leisure centre and recreational facilities will be ancillary to the hotel use.

In our opinion, the 10% maximum increase in floor space under Clause 41(2) is not applicable, as a hotel is a form of tourist accommodation under the LEP 2010 and is not considered a commercial use. Additionally, the proposed increase of rooms to 186 is considered to be a proportionally appropriate increase. Given that the hotel accommodated 100 rooms at the time of opening in 1924, the increased number is proportional as Sydney has become more readily accessible by way of transport and proximity, thereby increasing the catchment area of the hotel. A detailed assessment of the proposal with existing use rights is provided in Section 4.3 and 4.4.

#### 4.1.2 Objectives

The LEP Land Use Table contains the objectives for the E3 Environmental Management Zone. The relevant objectives are stated, inter alia:

**Objective:** *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values*

**Response:** The proposal will protect and manage significant areas of the site in accordance with advice received from Bushfire, Landscape, Arborist and Heritage consultants, separately submitted.

**Objective:** *To provide for a limited range of development that does not have an adverse effect on those values.*

**Response:** The uses are limited to the hotel and associated self-contained accommodation and facilities that will be managed by the hotel. They have been designed to avoid adverse effects on the ecological, scientific, cultural and/or aesthetic values through careful siting, modest built forms, materials, landscaping and access.

**Objective:** *To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.*

**Response:** The proposal will retain the existing historic hotel, as well as selected areas of significant vegetation, with new work designed to ensure the historic elements remain the dominant features.

**Objective:** *To minimise the proliferation of buildings and other structures in these sensitive landscape areas.*

**Response:** New structures have been located away from sensitive landscaped areas to ensure that environmental impacts are minimised.

**Objective:** *To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.*

**Response:** The existing hotel use will be retained and expanded to provide alternate forms of associated short accommodation. This will improve the vacancy rate of the hotel which is currently not reaching its potential. By improving the amenity on the site, the proposal will increase employment opportunities and boost the tourist economy in Robertson in general.

**Objective:** *To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.*

**Response:** While the existing use is not on land used for agriculture, the proposal will not create unreasonable impacts on the soil, water or vegetation quality of the land.

#### 4.1.3 LEP Compliance

The locality is characterised by a mixture of existing dwelling houses on small and large allotments, vacant land as well as bushland within medium and large allotments.

As indicated in Section 2.0 of this Statement, the site is bounded by the Illawarra Highway to the north and north west, Fountaindale Road to the south west and contains a hotel and artist studio. These buildings are located approximately 90m away from the nearest residences and largely screened from the adjoining properties by dense landscaping.

The proposed redevelopment of the hotel and provision of new self-contained eco-tourist accommodation has been designed to ensure that the built and landscape heritage significance of the site is maintained, and the new work will not create unreasonable amenity impacts on surrounding development. This is discussed in Section 5.0 of this report. A summary of our assessment of the proposed development against the LEP is following (see Table 2).

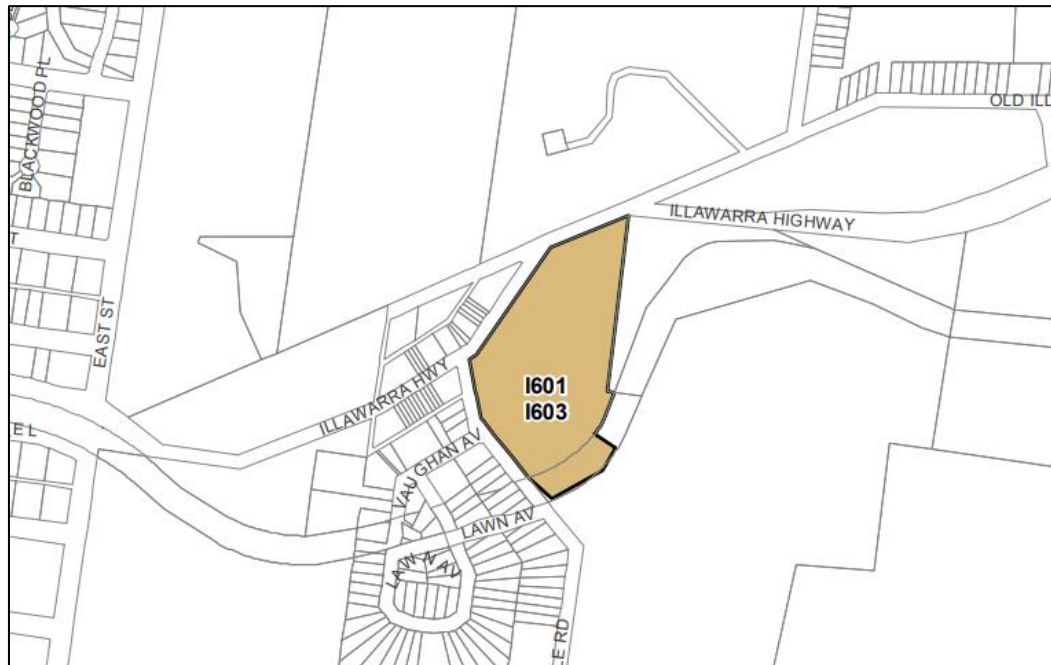
TABLE 1: PROJECT COMPLIANCE – WINGECARRIBEE LEP 2010			
Site Area: 5.06ha			
Development Standard	Requirement	Proposal	Complies
Site Area (Min)	40ha	5.06ha	As existing
Floor Space Ratio (Max)	N/A	N/A	Not Adopted
Building Height (Max)	N/A	N/A	Not Adopted
LEP Provisions			Complies / Comments
Permissibility	E3 Environmental Management		Hotels are prohibited in the zone; however the site benefits from existing use rights. The proposed eco-tourist cabins and eco-tourist villas associated with the hotel would be considered an eco-tourist facility which is permissible within the zone.
Heritage Item	YES		Refer to discussions below and Heritage Impact Assessment, submitted separately
Conservation Area	NO		N/A
Earthworks	YES		Refer to discussions below and Geotechnical Report, submitted separately

As the site benefits from existing use rights, the Wingecarribee LEP only applies to the extent that it does not derogate from existing use rights provisions and these are discussed in Sections 4.2, 4.3 and 4.4. Other matters for consideration under the LEP are discussed under the headings listed below.

### Heritage Considerations

Part 5.10 of the LEP relates to heritage conservation and contains a number of clauses that pertain to the site and the proposed development.

As indicated, The Robertson Hotel is listed as “The Fountaindale Manor Group”, a heritage item under Schedule 5 of the Wingecarribee LEP (see Figure 23).



Source: Wingecarribee LEP

**Figure 23: LEP Heritage Map**

Clause 5.10(2) states that development consent is required for the demolition, alterations and additions, subdivision or construction of a building on a site that contains a heritage item.

Clause 5.10(4) states that the consent authority must consider the effect of the proposed development on the heritage significance of a heritage item concerned, prior to granting consent. In this regard, a Heritage Impact Assessment has been prepared by Zoltan Kovacs Architect in support of the proposal and is submitted separately. The report concludes, inter alia:

*Having examined the heritage impact of the development on the cultural significance of the heritage item, the following can be concluded:*

- *the development involving internal alterations generates negligible adverse impacts for the heritage item;*
- *the additions to the heritage item are essential to maintain the historic function of the hotel reflecting current hospitality requirements;*
- *the development maintains the significant curtilage around the heritage item generating neutral impact;*
- *the fabric of the heritage item will be restored representing a substantial positive impact;*
- *the important cultural landscape setting within the heritage curtilage will be restored representing a substantial positive impact*
- *the proposed additional buildings and additions are essential to provide orderly and stable mechanism for the restoration and maintenance outlays involved in such a large and culturally significant building.*

### Eco-Tourist Facilities

Clause 5.13 of the LEP states that the consent authority must be satisfied that the development as an eco-tourist facility will provide a connection with the ecological, environmental and cultural values of the area, will have minimal impact on the natural environment and that continued protection of natural resources is maintained. The consent authority must also be satisfied that visual intrusion will be minimised through the design, appropriate infrastructure will be provided and that waste generation will be appropriately removed.

As indicated, the site contains areas of the Robertson Tall Open Forest, Robertson Rainforest and habitat for various flora and fauna species, which are of ecological and environmental significance. In addition, the site is heritage item and is of local cultural significance. The proposal will be designed to ensure that the ecological, environmental and cultural values of the area will be maintained with minimal impact on the natural environment. This will be achieved through the sensitive location and design of the new accommodation, use of materials that are visually appropriate in the context of the site and continued maintenance of existing and new landscaped elements.

The proposal is supported by arborist, bushfire, environmental, and heritage consultant reports. These reports and documents demonstrate that the proposal will minimise impacts on the natural environment, appropriate infrastructure suitable for the site is provided and that natural resources will be maintained.

### Earthworks

Part 7.3 of the LEP relates to earthworks and states that the consent authority must consider the impacts on drainage patterns, soil stability, watercourses and environmentally sensitive areas, quality of fill or excavation and the impact on adjoining properties.

The proposal will involve excavation to accommodate a basement car park. In this regard a Geotechnical report has been prepared by JK Geotechnics and is submitted separately.

## 4.2 Background to Existing Use Rights

Pursuant to the Land Use Table within Part 2 of the LEP, hotels are not permissible within the E3 Environmental Management Zone. Based on a review of Council's online historic records, the Wingecarribee LEP 1989 (gazetted 12 January 1990) was the relevant instrument which first prohibited development of the site for a hotel. Prior to this, The Wingecarribee Interim Development Order (IDO) No. 2 (gazetted 23 February 1979) permitted hotels with development consent.

Section 4.65 of the EPA Act 1979 defines existing use rights, stating inter alia:

- (a) *the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
- (b) *the use of a building, work or land:*
  - (i) *for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
  - (ii) *that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse*

### 4.2.1 Site History

The site currently forms part of the Wingecarribee Municipality, which came into being on 1 January 1981 and is an amalgamation of three Councils: Mittagong Shire Council, Bowral Municipal Council and the former Wingecarribee Shire (Moss Vale) Municipality. These former Councils were gazetted between 1886 and 1889.

Information from the Heritage Impact Assessment (HIA) included in this submission, local resident and current concierge for the Hotel - Mr Quentin Waters, and available historical sources indicates that the subject site was developed in 1924, and opened as the *Hotel Robertson* in November of that year by the Governor of NSW, Sir Dudley de Chair. It was constructed by a Melbourne investor by the name of George H. B. Abbott, with the intention of creating a tourist resort. In addition to the hotel proper, the Hotel Robertson included a nine-hole golf course, horse riding stables, a bowling green, and three tennis courts. It also appears that a day spa, health club and treatment rooms were in the original building and are present to this day.

The site was sold in 1925 to Sir Arthur Rickard, was renamed *Hotel Ranelagh*, and operated as an exclusive Country Club. The site was again sold in the early to mid-1930s to William T. O'Mara and retained the *Hotel Ranelagh* name.

The hotel became a training centre and barracks during World War II and in 1942 was leased to the Women's Auxiliary Australian Air Force to accommodate 240 airwomen. As part of this use, the western balcony was enclosed with glass to create sundecks. In 1946, the hotel was used as a training centre and hospice for returned servicemen. The site was subsequently sold to the Roman Catholic Church and became a seminary for the St Anthony's Franciscan Friary. The priests in training resided in the upstairs rooms, while the ballroom was converted to the chapel. It was in this period that most of the now established gardens were created. The Roman Catholic Church sold the Hotel in 1968 to Our Lady of the Snows Home for the Aged.

In 1972, the site was sold again and resumed its use as a Hotel and guest house. In recognition of its history, the building was renamed *Ranelagh House*. The Hotel not only provided accommodation for guests, but also served as a function centre for conferences and wedding receptions. The Hotel had virtually no changes to its rooms, with the bar, conference room, ballroom and others still in their original condition. It is noted that while the sauna, spa and treatment rooms were popular during this period, it is no longer used by current guests due to their poor condition.

In 1980, Kay Jones and her husband purchased the hotel at auction and in 1985 Joanna Gash became Ms Jones' hotel partner. Together they successfully ran the Hotel for many years, with a particular focus on conferences, weddings, and other group functions as well as a café serving high and Devonshire teas and providing accommodation for the general public. Among improvements to the ground at this time was the installation of the outdoor pool in 1982.

In Late 2007, the site was sold to Brett and Kylie Morgan, who renamed the hotel Fountaindale Grand Manor. They in turn sold the site to Carol Phillips and Alan Skeer in 2011. In 2014, the site was purchased by the current owner Mr Con Kotis through his company AEA Grand Hotel Pty Ltd, and was renamed *The Robertson Hotel*, which is close to the original name.

Further details are provided in the HIA submitted separately and historic information in Appendix A of this SEE.

#### **4.2.2 Building Approvals**

While the site has a long history of being occupied as a hotel, with some interruption in the mid-20<sup>th</sup> century, building approvals prior to 1982 were not available through a request under the Government Information (Public Access) Act 2009 (GIPA). Council officers advised that older files that were archived were flood damaged and in some cases missing, following the merge of Bowral, Mittagong and Wingecarribee Council. Notwithstanding this, Table 3 on the following page outlines the approvals from 1982 to 2012 that were available through the GIPA search, which refers to the site as Ranelagh House and Fountaindale Manor.

TABLE 2: PREVIOUS COUNCIL APPROVALS		
Year	DA/BA No.	Works Description
1982	BA 828/82	Building approval for an inground swimming pool (the approval identified the address of the owner as 'Ranelagh House')
1992	D11414	Approval for an advertising sign (the consent identified the land as 'Ranelagh House')
1992	BA 92/0457	Fire safety upgrading
2012	LUA 12/0143	Approval for temporary use of the first floor of Fountaindale Grand Manor for indoor market stalls

#### 4.2.3 Historic Zoning

Wingecarribee Council's website provides information on historic planning instruments, including maps. The earliest document available online is the Wingecarribee Interim Development Order (IDO) No. 1, originally gazetted on 18 January 1963, which was subject to numerous amendments. While the associated zoning map does not clearly show the zoning details, the colour coding of the subject site indicates that it was zoned as 'Non-Urban'. The IDO zoning table indicates that hotels were permissible with Council consent (see Figure 24).

Column I	Column II	Column III	Column IV	Column V
Zone	Colour or indication on I.D.C. Map	Development which may be carried out without the consent of the Council	Development which may be carried out only with the consent of the Council	Development which may not be carried out
1. NON-URBAN (a) Non-urban "A"	Light brown ..	Agriculture; forestry ..	Country dwellings; any purpose other than those permitted by Column III or prohibited by Column V.	Dwelling houses other than country dwellings and rural dwellings; industries other than rural industries, extractive, offensive and hazardous industries and home industries; motor showrooms; shops other than general stores.
(b) Non-urban "B"	Light brown with dark scarlet edging and lettered 1 (b).	Agriculture; forestry ..	Country dwellings; any purposes other than those permitted by Column III or prohibited by Column V.	Bulk stores; caravan parks; car repair stations; commercial premises; dwelling houses other than country dwellings and rural dwellings; industries other than rural industries, extractive industries and home industries; junk yards within 300 feet of a State Highway; liquid fuel depots; motor showrooms; offensive or hazardous industries; refreshment rooms; residential buildings; roadside stalls; road transport terminals; quarries; mines; service stations; shops; timber yards; transport terminals; warehouses.

**Figure 24:** Extract from The Wingecarribee Interim Development Order No. 1 Land Use Table

The more relevant planning document is the Wingecarribee Interim Development Order (IDO) No. 2, which was gazetted on 23 February 1979. The associated map indicates that the site was zoned 1(b) – Non Urban B. The IDO No. 2 zoning table indicates that hotels were permissible with Council consent (see Figure 25 on the following page).

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V
Zone and colour or indication on I.D.C. Map	Development for which buildings or works may be erected or carried out or used <u>without the consent of the Council</u>	Development for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the Council pursuant to clause 44(1)(a)	Development for which buildings or works may be erected or carried out or used <u>only with the consent of the Council</u>	Development for which buildings or works <u>may not</u> be erected or carried out or used
COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V
(b) Non-Urban "B". Light brown with dark scarlet edging and lettered 1(b);	Agriculture other than dog breeding or boarding, lot feeding of livestock, pig keeping and poultry farming; forestry.	.....	Any development other than development permitted under Column II or prohibited under Column V.	Advertising structures; bulk stores; caravan parks; car repair stations; commercial premises; industries other than rural industries; or home industries; junk yards; liquid fuel depots; mines; motor showrooms; quarries; refreshment rooms; residential buildings; residential flat buildings containing more than 2 dwellings (other than units not exceeding 2 storeys for aged persons); roadside stalls; sawmills; service stations; shops; stock and sale yards; timber yards; transport terminals; warehouses.
(c) Non-Urban "C". Light brown with dark scarlet edging and lettered 1(c); and				
(d) Non-Urban "D". Light brown with dark scarlet edging and lettered 1(d).				

**Figure 25: Extract from The Wingecarribee Interim Development Order No. 2 Land Use Table**

Subsequent planning instruments included the Wingecarribee LEP 1989 which was gazetted on 12 January 1990 and the current LEP 2010, gazetted on 16 June 2010. In both cases, hotels became prohibited uses, as they were neither listed as uses permissible without consent, nor uses permissible with development consent.

The site was operating as a hotel and guest house, with associated health and function facilities in the early 1970s and prior to the gazettal of IDO No. 2, which permitted hotel uses. The Robertson Hotel was therefore a permissible use prior to the commencement of the Wingecarribee LEP 1989 and LEP 2010. Accordingly, the use is defined as an "existing use" within the meaning of Section 4.65 of the EPA Act.

### 4.3 Existing Use Rights Provisions

Having established Existing Use Rights apply to the site, Section 4.66 of the EPA Act relates to continuance of and limitations on existing use, stating, inter alia:

- (1) *Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.*
- (2) *Nothing in subsection (1) authorises:*
  - (a) *any alteration or extension to or rebuilding of a building or work, or*
  - (b) *any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or*
  - (c) *without affecting paragraph (a) or (b), any enlargement or expansion or intensification of an existing use, or*
  - (d) *the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 4.17 (1) (b), or*
  - (e) *the continuance of the use therein mentioned where that use is abandoned.*
- (3) *Without limiting the generality of subsection (2) (e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.*

From the material that we have reviewed as part of our investigations, there is no evidence that there has been any abandonment of the use since the early 1970s within the meaning of Section 4.66 (3). Section 4.67(1) of the EPA Act 'Regulations respecting existing use' relates to alterations, additions or rebuilding of a building being used for an existing use and states, inter alia:

- (1) *The regulations may make provision for or with respect to existing use and, in particular, for or with respect to:*
  - (a) *the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and*
  - (b) *the change of an existing use to another use, and*
  - (c) *the enlargement or expansion or intensification of an existing use.*
  - (d) *(Repealed)*
- (2) *The provisions (in this section referred to as **the incorporated provisions**) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.*
- (3) *An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.*
- (4) *Any right or authority granted by the incorporated provisions or any provisions of an environmental planning instrument extending, expanding or supplementing the incorporated provisions do not apply to or in respect of an existing use which commenced pursuant to a consent of the Minister under section 4.33 to a development application for consent to carry out prohibited development.*

The proposal will involve alterations and additions to a hotel, which is an existing use within the meaning of Section 4.67(1)(a) and (c). Another environmental planning instrument cannot derogate from the above provisions.

The Environmental Planning and Assessment Regulation (the Regulations) 2000 Part 5 relates to existing uses and Clause 41(1) of states, inter alia:

**41 Certain Development Allowed**

- (1) *An existing use may, subject to this Division:*
  - (a) *be enlarged, expanded or intensified, or*
  - (b) *be altered or extended, or*
  - (c) *be rebuilt, or*
  - (d) *be changed to another use, including a use that would otherwise be prohibited under the Act, or*
  - (e) *if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or*
  - (f) *if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).*
- (2) *However, an existing use must not be changed under subclause (1)(e) or (f) unless that change—*
  - (a) *involves only alterations or additions that are minor in nature, and*
  - (b) *does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and*
  - (c) *does not involve the rebuilding of the premises associated with the existing use, and*
  - (d) *does not involve a significant intensification of that existing use.*
  - (e) *(Repealed)*
- (3) *In this clause—*  
*commercial use means the use of a building, work or land for the purpose of office premises, business premises or retail premises (as those terms are defined in the Standard Instrument).*  
*light industrial use means the use of a building, work or land for the purpose of light industry (within the meaning of the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006).*

The existing use on site is a hotel, which will be subject to alterations and additions as a hotel within the meaning of Clause 41(1)(a) and (b) of the Environmental Planning and Assessment Regulation (the Regulations) 2000. Accordingly, there will be no change of use. In our opinion, the 10% maximum increase in floor space under Clause 41(2) is not applicable, as a hotel is a form of tourist accommodation under the LEP 2010 and is not considered a commercial use or a change of use.

#### 4.4 Assessment of Proposal with Existing Use Rights

The Land and Environment Court in *Fodor Investments v Hornsby Shire Council* [2005] NSWLEC 71 addressed the question of how development applications should be assessed in instances where the site has existing use rights. Senior Commissioner Roseth stated at 14 - 15, *inter alia*:

*A long line of legal authority has held that the provisions of planning instruments that derogate (i.e. detract) from Regulation 41(1) do not apply to the assessment of applications on sites with existing use rights ..... Thus the consequences of preserving existing use rights is that zone objectives and planning controls that limit the size of a proposal (i.e. floor space, height and setbacks) have no application.*

Accordingly, the provisions of the Woollahra LEP and DCPs are not considered to apply to the proposed development.

##### 4.4.1 Planning Principles for Existing Use Rights

The *Fodor* case establishes four criteria that should inform the assessment of applications on land with existing use rights. These are each considered on the following pages.

##### **1. How do bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?**

With respect to the first principle, *Fodor* establishes that:

*While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessment.*

In *Stromness Pty Limited v Woollahra Municipal Council* [2006] NSWLEC 587, Pain J cautioned against “de facto application” of those controls. This is because “failure to comply...cannot be a consideration in the assessment of the application based on existing use rights.”

**Planning comment:** A merit assessment of the planning provisions is outlined as follows:

- **Height**

In our opinion, the proposed height of the extended portions of the hotel will be appropriate, as it will be no greater than the existing maximum height and will be subservient to the heritage item. The remaining structures that are associated with the hotel (such as the villa/eco cabins, pool and artist residence) will have modest heights of up to three storeys which is appropriate in the context of development within Robertson.

- **Roof Form**

The proposed roof form for the extended portion of the hotel will be flat, which will be lower than the pitched roof of the existing hotel and will be unobtrusive in the context of the heritage item. Similarly, the flat roof forms of the remaining associated structures will have a low-key appearance and will be unobtrusive.

- **Setbacks**

The proposal is appropriately set back from the boundaries and behind extensive landscaping, in order to minimise impacts on the amenity of adjoining properties and to maintain an attractive streetscape appearance.

- **Materials**

Materials and colours have been selected to complement the existing hotel as well as blend into the surrounding natural environment.

- **Landscaping**

Landscaping of historic and environmental significance will be retained on the site and the proposal will be designed to avoid adverse impacts. New planting of species suitable for the locality will be provided on site to select areas. This is outlined in the Landscape Plan submitted separately.

In summary, the site benefits from existing use rights and as such, LEP and DCP planning controls are not applicable. Notwithstanding this, a merit assessment indicates that the proposal be compatible with the bulk and scale of the existing hotel, with the structures of associated facilities being subservient to, and sympathetic in the context of the heritage item and environmental considerations. The proposed development has been designed to minimise impact through a flat roof design and simple, low key built forms.

## **2. What is the relevance of the building in which the existing takes place?**

With respect to the second principle, *Fodor* establishes that:

*Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision.*

**Planning comment:** The hotel will be subject to alterations and additions, but will retain its existing hotel use. While the proposal will involve expansion of the existing hotel, the new work will be subservient in scale and form and will be an appropriate response to the existing heritage item. At the time of opening, the hotel had 100 rooms. The proposal increases the number of rooms to 186, which is considered a proportionally appropriate increase. As Sydney has become closer in proximity and accessibility, the catchment area for the hotel has also increased proportionally. This is supported in the Heritage Impact Assessment submitted separately.

## **3. What are the impacts on adjoining land?**

With respect to the third principle, *Fodor* establishes that:

*The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.*

**Planning comment:** Built form impacts have been considered throughout the design process, as outlined in the architectural documents prepared by X.Pace Design. Setbacks, built forms, and landscaping have been considered to minimise or eliminate adverse amenity impacts on adjoining properties in respect of privacy, solar access and views. This is further discussed in Section 5.0 of this report.

#### 4. What is the internal amenity?

With respect to the fourth principle, Fodor establishes that:

*Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights may have lower amenity than development generally.*

**Planning comment:** As the proposal is for alterations and additions to an existing hotel, SEPP 65 and the Apartment Design Guide principles do not apply to the site. Notwithstanding this, the proposal has been designed to substantially improve the internal amenity for future occupants when compared to the existing situation. The proposal will include superior hotel accommodation of varying types that will meet the expectation of tourists and visitors in the 21<sup>st</sup> Century. This includes an ensuite for each room, as well as ample natural light and ventilation, on every level of the building.

The proposal is a significant improvement on the current accommodation's amenity; will be built to current building standards; and ensures improved equitable access.

While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessment.

#### 4.5 State Environmental Planning Policy (SEPP) BASIX – 2004

SEPP (Building Sustainability Index: BASIX) 2004 was gazetted on 26 June 2004, and applies to the subject site. SEPP BASIX requires all new residences in NSW to meet sustainability targets of a 30% reduction in energy use and 40% reduction in water use. In considering the merits of the proposal, it is appropriate to refer to the sustainability targets of the SEPP.

A BASIX Report prepared for the proposed development (separately submitted) shows the proposed redevelopment of The Robertson Hotel can satisfy the relevant water and energy reducing targets.

#### 4.6 State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land

SEPP No. 55 – Remediation of Land was gazetted on 28 August 2005 and applies to the whole of the State. Clause 7(1) requires the consent authority to consider whether land is contaminated prior to the consent of development on that land.

Based on detailed investigations of the site, the Heritage Impact Assessment (submitted separately), local resident and current concierge for the Hotel - Mr Quentin Waters, and available historical sources, the subject site was developed as a hotel in 1924. As detailed in the HIA, the long-term use of the site has been as a hotel; therefore, the site is unlikely to be contaminated. On this basis, further investigation is not considered necessary.

#### 4.7 State Environmental Planning Policy (SEPP) (Sydney Drinking Water Catchment) 2011

SEPP (Sydney Drinking Water Catchment) 2011 commenced on 1 March 2011 and applies to the subject site. The site is within the Shoalhaven Catchment. Clause 10(1) requires the consent authority to be satisfied that the carrying out of the proposed development would have a neutral or beneficial effect (NorBE) on water quality.

The proposal is supported by a Stormwater Management Plan, Erosion and Sediment Control Plan, Road and Site Pavement Plan and Water and Sanitary Drainage Plan, prepared by Cohort Engineering. These plans demonstrate that the proposed development will manage water and will not create adverse effects on water quality.

#### 4.8 Wingecarribee Development Control Plan (DCP) 2010

The current Wingecarribee Development Control Plan (DCP) 2010 came into effect on 29 November 2017. The Wingecarribee Rural Lands DCP applies to land zoned E3 Environmental Management and came into effect on 18 August 2010. In accordance with Council's recommendations from the Pre-DA Meeting on 19 June 2019, Part A of the Robertson Village DCP and the parking requirements of the Robertson Village DCP are relevant to the proposal.

The relevant objectives of the Robertson Village DCP and our responses are as follows.

##### Economic Function

**Objective:** *Enhance the role of Robertson within the overall economic structure of Wingecarribee Shire.*

**Response:** The proposal will provide employment to the local community, as well as attracting and servicing corporate and recreational visitors to the area. This will enhance tourism and economic activity in the locality. The construction of the new facilities would enable the hotel to continue operation, while the existing hotel building undergoes construction. This ensures that economic activity at the site can be maintained and enhanced.

**Objective:** *Recognise and enhance the role of Robertson as retail and service centre providing for the needs of the surrounding community and visitors to the region.*

**Response:** The proposal will enhance Robertson's role as a service centre, increasing attraction to the area by providing a range of tourist accommodation for a variety of visitors to the region, at a well-known facility. This will draw interest from the local community, domestic and international visitors.

**Objective:** *Recognise and enhance the role of Robertson as an employment generator.*

**Response:** The proposal will provide additional employment opportunities to the community, both during and after construction, positively contributing to the Robertson economy.

**Objective:** *Encourage appropriate site amalgamation and redevelopment to provide a range of business and retail opportunities within the town.*

**Response:** The proposal redevelops the existing hotel on the site to provide a village-style development, incorporating several accommodation options and service facilities. The redevelopment ensures that the historical significance of the site is maintained, while also enhancing the long-term financial success of the hotel, making it more attractive to a broader market and meeting contemporary visitor expectations.

##### Urban Function

**Objective:** *Improvement of traffic and parking management within the town.*

**Response:** The proposal will increase on-site parking, providing on-ground and basement level parking to employees and visitors of the hotel. Further details are provided in the Traffic Report, which is submitted separately.

- Objective:** *Minimisation of vehicular and pedestrian conflicts.*
- Response:** The proposal will minimise conflicts between vehicles and pedestrians by providing designated pathways and roads throughout the site.
- Objective:** *Provision of a safe and accessible network of pedestrian links throughout the town.*
- Response:** Safe pedestrian pathways will be provided within the site. The proposal will provide bus facilities to and from the site, ensuring safe access to the Robertson Town Centre.
- Objective:** *Improvement of connections to public transport facilities.*
- Response:** The proposal will refurbish the existing heritage rail platform adjoining the site, providing added community benefits and enhancing accessibility to and from the site. It is expected that many guests will utilise available public transport facilities to access the local area.

### Heritage Conservation

- Objective:** *Preserve and protect buildings of heritage and cultural value.*
- Response:** The proposal will maintain the heritage significance of the existing buildings and landscape on the site. The proposal has been carefully designed to ensure that the existing hotel remains the focal point of the site, with new development subservient to the heritage item. Further details are provided in the Heritage Impact Assessment, prepared by Zoltan Kovacs Architect.
- Objective:** *Ensure that redevelopment immediately adjacent to buildings of heritage or cultural value in no way detracts from the visual quality or amenity of heritage buildings.*
- Response:** As indicated, the new development proposed on the site will not detract from the visual quality of the heritage item. The proposal will enhance the amenity of the existing hotel to meet contemporary demands. New development will be designed to maintain the heritage qualities of the site through their location, scale, colour and materials.

#### 4.8.1 DCP Compliance

As noted, while planning provisions do not strictly apply to sites with existing use rights, they have been considered in the siting and design of the proposal. A merit assessment of the proposed development against the relevant provisions of the DCP is following (see Table 4).

TABLE 3: WINGECARRIBEE DCP PROJECT COMPLIANCE		
ROBERTSON VILLAGE DCP PART A: ALL LAND		
Provision	Requirement	Proposal
Biodiversity	A Flora and Fauna Assessment Report is required to be submitted on sites containing native vegetation or sensitive environmental areas	Refer to Arborist report, submitted separately, which assesses the vegetation on site
Water Management	Development is to comply with all aspects of the SEPP (Sydney Drinking Water Catchment)	The proposal will be made to comply with the SEPP (Sydney Drinking Water Catchment)
	Stormwater Management Plan required to be submitted	A Stormwater Management Plan is submitted separately
	Erosion & Sediment Control Plan must be submitted	An Erosion & Sediment Control Plan is submitted separately
Vegetation Management &	Landscape plantings to not overshadow neighbouring properties or block solar access	Landscape design ensures that solar access is maintained

Landscaping	Particular provision to be made for the landscaping of uncovered parking areas, with adequate screening from the street where appropriate	Where uncovered parking areas are proposed, they will be appropriately screened from the street
	All plantings to be sufficiently advanced to provide an immediate landscaping effect	The proposal is designed to provide an immediate landscaping effect
	Ensure that adequate landscape management systems are available to ensure that plantings can be properly maintained	Landscape management systems will be in place to maintain plantings
	Arrangement to be made for the restoration of the area of any public space adjoining the proposed development to the extent that such area has been damaged by the development	The proposal will maintain surrounding public space and the works will include the restoration of the adjoining heritage rail platform
Alterations to Items of Heritage	Alterations to be sympathetic to retained elements	The design, materials and finishes of the alterations will maintain the heritage quality of the retained building
	Retention of as much existing building fabric possible	The majority of the existing building fabric of the hotel will be retained
	Minimise modifications to original door or window openings	Minimal modifications to original door and window openings are proposed and are limited to internal openings.
	Remove unsympathetic building elements, reinstate original facades and elements	Refer to Heritage Impact Assessment, submitted separately
	Retain natural surface finishes	
	Where subdivision occurs, ensure appropriate curtilage area is identified and retained	Proposal is designed to ensure that the heritage hotel building is the main focal point of the site
	Ensure elements of garden and landscape are protected	Proposal retains a significant proportion of existing landscaping on the site
	Identifies vistas both to and from the heritage item and ensure that development does not encroach upon or diminish these vistas	New development will not encroach or diminish views and vistas obtained to and from the heritage item
Safer by Design	Development to provide well-defined building entrances clearly visible from the street	Due to the unusual shape and context of the site, building entrances are not visible from the street. However, entrances will be visible from internal pathways and roads, open spaces and communal areas within the site.
	Internal spaces must be open and visible, eliminating hidden corners	Internal spaces within the new developments will have open-plan layouts
	Walkways and connecting paths must be open with good visibility	New walkways and paths throughout the site are open and visible in nature
	Signs and vegetation should be located so that they do not create 'entrapment' points where people are hidden from view	Design ensures that visibility is provided throughout the site
	On-site garaging must provide clearly defined exit points and be lit at night, both inside the garaging and around the entrance/exit points	Basement parking will have suitable lighting and is designed with clear entry and exit points
	Building entrances, walkways, connecting paths and garaging must be well lit	Proposal will have well-lit building entrances and pathways
Development Adjacent to a Rail Corridor	Ensure stability of rail corridor during excavation and construction	Refer to Geotechnical Report, submitted separately
	Appropriate fencing to be constructed to clearly separate the development from the railway land	Fencing will clearly separate subject site from rail corridor
	Appropriate landscaping and fencing to be installed to screen and soften views of the rail tracks from the development	Views of rail tracks will be softened from view by landscaping and fencing
	Any essential access designed so that vehicle enter and leave the site in a forward direction	Refer to Traffic Report, submitted separately
	Restrict vehicular access, parking and loading/unloading facilities to alternative access, where available	Separate access provided for service vehicles and buses

ROBERTSON VILLAGE DCP PART B: BUSINESS ZONED LAND (ON-SITE PARKING)		
On-site Parking Requirements for Redevelopment	Accommodation component: 1 space per hotel room plus 1 space per 2 employees Café: 1 car space per 30m <sup>2</sup> of leasable floor area.	Refer to Traffic Report, submitted separately
	Loss of any on-street parking as a result of the development to be compensated on-site	Proposal will not result in any loss of on-street parking
Requirements for Additions or Alterations to Existing Buildings	On-site car parking or a contribution in lieu to be provided for additional car parking deemed to be generated by the additions or alterations	Additional parking will be provided on-ground and within the proposed basement, as detailed in the Traffic Report, submitted separately
RURAL LANDS DCP PART A: MANAGING OUR RURAL LANDS		
Bushfire Prone Land	An assessment of the proposal against the BCA is required	Refer to BCA Design Assessment Report and NCC BCA 2016 Section J Assessment Report, submitted separately
	Compliance with the most recent version of the Planning for Bushfire Protection produced by the NSW Rural Fire Service is required	
Sites requiring Geotechnical Reports	A geotechnical report will need to be provided with all applications for developments located within an area identified or subject to geotechnical constraints.	Refer to Geotechnical Report, submitted separately
Minimisation of External Impacts – Outdoor Lighting	Outdoor lighting must be a “full cut-off light fixture”	Proposal will be made to comply
	All outdoor lighting fixtures shall be designed, installed, located and maintained to avoid glare on to adjacent properties or streets	Lighting will be designed to avoid glare onto neighbouring properties and streets
	Timers shall be accurately set to ensure that lighting is used only when natural light is insufficient	Outdoor lighting will be provided only as necessary
Construction of Private Roads	Materials used should blend in with the landscape with ‘soft’ edges to enhance rural character	Internal pathways will be constructed with pervious materials and roads will be sealed asphalt, designed with soft edges
Property Entrances and Front Fencing	Fencing and gate materials need to reflect the existing rural character and not impede views from the public domain	Fences and gates will reflect the character of the site and will maintain public views
	Gates are to be set back a minimum of 20m from the road frontage	Existing pedestrian gate to be retained, >20m from road frontage
	Fencing cannot impede overland water flows including stormwater drainage	Fencing does not impede water flows
Signage	One sign per premises and must not be illuminated.	Site will have one sign
	Maximum size of 1.5m <sup>2</sup> in rural and E3 Environmental Management areas.	Proposal will be made to comply
	Located wholly within property boundaries of the land to which the sign relates or is flush mounted to the front fence or front wall.	Proposed signage will be located within the site boundaries

The proposal satisfies the relevant objectives of the Robertson DCP and Rural Lands DCP and complies with the majority of relevant provisions. Further details are provided in Section 5.0 of this report, and in Traffic, Heritage, Arborist, Bushfire, Environmental consultant reports, which have been submitted separately.

## 4.9 Further Planning Documents and Policies

### 4.9.1 Wingecarribee Rural Tourism Policy

Wingecarribee Shire Councillors adopted the Wingecarribee Rural Tourism Policy (WRTP) on 13 November 2019. The WRTP recognises the importance of tourism in the Wingecarribee region and aims to balance the economic benefits of tourism with the impacts on environment and the community. The objectives of the WRTP and our responses are as follows.

**Objective:** *To provide a direct 'line of sight' between the South East and Tablelands Regional Plan, the Destination Management Plan, the Community Strategic Plan and Council's planning framework as it relates to rural tourism development*

**Response:** The proposal has considered Council's planning framework and wider plans and policies to ensure that the proposal is consistent with Council's strategic vision for the region.

**Objective:** *To limit opportunistic tourism development in rural locations*

**Response:** The proposal will continue the existing use of the site, redeveloping the existing hotel and providing a broader range of accommodation options. Therefore, the tourism development proposed is consistent with the site's present and historic use and is not considered to be opportunistic.

As demonstrated, the proposal is consistent with the objectives of the WRTP, providing a high-quality hotel redevelopment that contributes to the economy of the region, maintains the heritage significance of the site and provides a wide range of tourist accommodation options to enhance attraction from the local community and wider visitor markets.

### 4.9.2 Wingecarribee Shire Community Strategic Plan

The Wingecarribee Shire Community Strategic Plan (WSCSP) was adopted in June 2017 and is a long term strategic plan for Wingecarribee 2031. The WSCSP contains economic strategies, achieved through partnerships with the government and business community to deliver the plan. The relevant strategies and our responses are following.

**Objective:** *Broaden and promote the range of business and industry sectors*

**Response:** The proposal redevelops the existing hotel into a diverse tourist centre, providing broader accommodation options and multiple hotel and function services to cater to a wide range of visitors. The proposal will strengthen the hotel's long-term financial success.

**Objective:** *Increase local employment opportunities for people in all stages of life*

**Response:** The proposal will provide employment opportunities during and after construction by enhancing the existing use of the site as a hotel.

**Objective:** *Ensure tourism balances the economic benefits with impact on environment and community*

**Response:** The proposal has carefully considered site constraints including bushfire, heritage and biodiversity. The design ensures that environmental impacts are minimised from the proposed development. The proposal will be a positive contribution to the locality, activating the existing site and providing economic and community benefits.

<b>Objective:</b>	<i>Provide diversity in tourist attractions and experiences</i>
<b>Response:</b>	The proposal provides a diverse range of accommodation types, including traditional hotel rooms, eco-tourist cabins and eco-tourist villas to cater for the wide range of visitor needs. In addition, the proposal incorporates several tourist experiences, such as the proposed swimming pool and leisure centre, eco-walk, performance amphitheatre and petting zoo.
<b>Objective:</b>	<i>Promote Southern Highlands' unique brand identity</i>
<b>Response:</b>	The proposal maintains the unique characteristics of the region, including the heritage significance and landscape qualities of the site. The proposed new work will be set back from the street and behind landscaping, which will continue to provide a green border along the Illawarra Highway and Fountaindale Road.
<b>Objective:</b>	<i>Promote business and industry development opportunities suited to our distinct region</i>
<b>Response:</b>	The proposal will enhance business development on the site and will provide additional employment opportunities for the locality. The works will ensure the long-term success of the site, providing the necessary facilities to meet the demands of contemporary visitors.

Accordingly, the proposal is consistent with the relevant objectives of the WSCSP and will be a positive contribution to the community and the economy of the region.

#### **4.9.3 Wingecarribee Regional Economic Development Strategy 2018 – 2022**

The Wingecarribee Regional Economic Development Strategy 2018-2022 (WREDS) was published in June 2018. It was developed by Wingecarribee Shire Council with the support of the NSW Government Centre for Economic and Regional Development. It aims to guide investment based on the economic strengths and specialisations of the Wingecarribee region and states that tourism is an emerging economic specialisation. The relevant strategies of the WREDS that relate to this proposal are:

- 1. Enhance the liveability of the Wingecarribee region.*
- 2. Facilitate the development of agriculture as a key strength and specialisation and cultivate the visitor economy based on food, wine and events.*

The WREDS outlines the potential to grow the visitor economy in Wingecarribee, including day trips, short stays, corporate conferences and private events. It contains several infrastructure priorities and states the following objective:

**Culture and entertainment:** *a new arts precinct with conference and hotel facilities, a theatre space, a music auditorium, rehearsal facilities, regional art gallery studios, workshops, exhibition space and capacity for large scale festivals and events*

To deliver this objective, the WREDS states that a strategy will be developed to attract more mid-week visitors to the region and pre-feasibility material will be prepared for the viability of a new large-scale hotel. The proposal addresses the objectives of the WREDS, particularly in relation to the development of the visitor economy in the Wingecarribee Region. The proposed redevelopment of the hotel would comfortably tie into the WREDS strategy to attract and service corporate and recreational visitors to the area.

#### **4.9.4 Destination Sydney Surrounds South Destination Management Plan 2018-2022**

The Destination Sydney Surrounds South (DSSS) Destination Management Plan (DMP) 2018-2022 was released in 2018 by Destination NSW under the NSW Government. DSSS comprises six LGAs, including Wingecarribee. The DMP analyses the performance of the visitor economy in the region and provides a strategic framework to achieve the target of doubling the value of the region's overnight visitor economy by 2022.

The DMP contains six strategic imperatives to drive regional visitor economy growth, which are listed below:

1. Cohesive Destination Management
2. Destination Infrastructure
3. Collaborative Destination Marketing
4. Product and Experience Development
5. Events and Conferencing
6. Industry Skills Development.

Under the fourth strategic imperative the DMP states that the region requires accommodation that suits the tastes and trends of consumers to improve visitation. The DMP lists boutique and high-quality rural accommodation, and pop-up and remarkable eco-tourism accommodation as styles of accommodation that would create demand and drive awareness.

A Statewide Destination Management Plan (SDMP) was released in February 2019 by Destination NSW. The NSW Government aims to triple overnight visitor expenditure by 2030 to \$55 billion. The SDMP provides a broader framework to improve tourism in NSW with large-scale strategic goals for the tourism industry. The six regional DMPs, including the DSSS DMP focus on local-scale issues and supplement the Statewide DMP.

The proposed redevelopment of The Robertson Hotel site will strongly align with the objectives of the DMP and will include a variety of high-quality accommodation options for visitors. The proposal will enhance the existing use of the site and will ensure the long-term success of the site by providing tourism facilities that meet the demands of contemporary tourists, while also maintaining the heritage significance of the site.

#### **4.9.5 Short-Term Rental Accommodation**

On 5 June 2018, the NSW Government announced a new policy for Short Term Rental Accommodation (STRA). The policy is not yet fully implemented but will include amendments to the NSW planning framework and Strata legislation and a mandatory Code of Conduct for anyone using or providing STRA in NSW. The framework introduces stronger regulations on short-term letting operations to reduce negative impacts on the community and environment. The Legislative Assembly Committee on Environment and Planning released a report in October 2016 commenting on the adequacy of the regulation of STRA in NSW. They stated:

*The current disruption of the market may result in permanent changes to modes of operation and market share, which may encourage traditional operators, especially those at the boundary, to exit the traditional sector and operate more within the STRA sector.*

There is a growing concern that continuous growth of the STRA market may undermine the quality of tourist accommodation. The proposed redevelopment of The Robertson Hotel site will provide a broad range of desirable tourist accommodation that STRA facilities can not necessarily provide. This includes constant on-site management and adequate staffing arrangements to support visitation. This will ensure that negative impacts on the surrounding environment can be minimised and/or managed in a timely manner. The proposal will ensure that high-quality accommodation is available in the Wingecarribee region to enhance tourism and improve the visitor economy.

## 5.0 PLANNING ASSESSMENT

This section will consider the following: The Assessment of the Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15 of the EPA Act.

### 5.1 Assessment of Natural Environmental Impacts

This section will assess the topographic and scenic impacts as well as the water and air quality impacts of the proposed development.

#### 5.1.1 Topography & Scenic Impacts

Excavation will be undertaken in accordance with Council's standard conditions of consent and the Geotechnical Report, prepared by JK Geotechnics (separately submitted). The recommendations pertain to excavation, groundwater, shoring, footings and earthworks. The report states, inter alia:

*In our opinion, we consider that the proposed redevelopment to be geotechnically feasible, provided the comments and recommendations below are adopted in their entirety and the geotechnical investigation is completed prior to carrying out the structural design.*

*The proposed development will incorporate common construction techniques and methodologies that have been completed on many sites throughout greater Sydney and surrounds.*

Trees on site have been assessed in the Arboriculture Report prepared by Allied Tree Consultancy with recommendations for retention or removal. The Arboriculture Report states, inter alia:

*This report discusses the impact of the proposed design on the trees. One hundred and seventy-four (174) trees have been listed within this report based upon the vicinity of the proposed works. This has included street and neighbouring trees where any part of the zones of protection, Tree Protection Zone (TPZ), and Structural Root Zone (SRZ) to encroach into the lot.*

...

*Based on the design supplied, the following summary provides the impacts imposed on the trees included in the survey, although with the addition of some that were capable of locating by ATC.*

#### **9.1 Trees No. 15, 19, 54, 59, 65, 84, 93A, 111, 112, 121, 124, 130, 162, 183, 220, 246 and 252**

*These trees are not adversely impacted by the design, that is, they conform to a minor encroachment or less and the nominated zones of protection (TPZ, SRZ) based on the requirements of the Protection Specification, Section 8.0. The proposed design does not adversely affect these trees.*

#### **9.2 Trees No. 11, 12, 27, 29, 31, 34, 39, 41, 44, 46-48, 58, 70-78, 94, 95, 133, 143, 144, 169, 184, 189, 190, 192, 193, 195A, 196, 198, 199, 201, 201A, 203, 205-207, 211, 213, 216, 217, 219, 225, 229, 230, 231, 233, 233B, 237, 241A and 241B**

*The proposed design will impact adversely on these trees and are unable to be retained based on the design.*

#### **9.3 Trees No. 71, 87, 95, 148, 150, 163, 169, 170, 200, 218, 231, 234 and 239**

*These trees provide poor form and a limited useful life expectancy and would require removal irrespective of the proposed works.*

#### **9.4 Trees No. 21, 22, 25, 26, 32, 35, 37, 38, 49, 68, 79, 81-83, 85, 87, 88, 90-93, 96-98, 101-103, 104-107, 116, 117, 119, 120, 134-139, 145, 146, 147, 147A, 148A, 151, 151A, 152, 154-157, 158-161, 164, 165, 167, 168, 194, 195, 221, 222, 224A, 227, 228, 232, 233A, 235, 236, 238, 241, 260, 275, 276 and 277- 279.**

*These trees are subject to a major encroachment, and the extent of impact for many is still to be established pending the works related to the design for each encroachment. Design methods and modification are available to reduce the impact and allow for tree retention.*

Recommendations outlined in the report will be implemented during construction to ensure nominated trees are protected and retained.

### 5.1.2 Biodiversity Impacts

The proposed development is supported by a Biodiversity Development Assessment Report, prepared by Narla Environmental. The executive summary of this report states, inter alia:

*The proposed development is located within a bushland landscape in land zoned E3-Environmental Management. The proposal has been purposefully designed to minimise impacts on biodiversity values, including a redesign to avoid high conservation value entities including Robertson Basalt Tall Open-forest in the Sydney Basin and South Eastern Highlands Bioregions- Critically Endangered Ecological Community (CEEC)(Error! Reference source not found.).*

*The proposed development is expected to result in impacts to one plant community type (PCT) comprising removal or APZ management of 3.32 hectares (ha) of PCT 1129: Sassafras – Blackwood – Lilly Pilly temperate rainforest on basalt soils in the Robertson area, southern Sydney Basin Bioregion which conforms to the Endangered Ecological Community (EEC) Robertson Rainforest in the Sydney Basin Bioregion.*

*The proposed development is not expected to impact any threatened biota listed under the Fisheries Management Act 1994 (FM Act).*

*The biodiversity assessment and credit calculations have been performed in accordance with the BAM (OEH 2017a) and BAMC. The following credits are required to be purchased and retired to offset the biodiversity impacts of the proposal:*

- 36 ecosystem credits to offset impacts to 3.32 ha of PCT 1129: Sassafras – Blackwood – Lilly Pilly temperate rainforest on basalt soils in the Robertson area, southern Sydney Basin Bioregion.

*Other threatened species identified as potentially being impacted by the proposal are classed as ecosystem credit species which are to be offset through the retirement of the above listed ecosystem credits.*

To avoid and minimise impacts on local biodiversity values, the report identifies a number of mitigation and management measures to be implemented during construction and operation of the facility.

The executive summary concludes, inter alia:

*Considering the nature of the proposal, and the proposed impact mitigation measures proposed, there are unlikely to be any notable indirect impacts on biodiversity values arising from the proposed development. Only the direct impacts of vegetation clearing associated the proposal will require biodiversity offsets as per the BAM.*

*The preferred approach to offset the residual impacts of the proposal is to purchase and retire the appropriate credits from stewardship sites that comply with the trading rules of the NSW Biodiversity Offsets Scheme (BOS) in accordance with the 'like for like' report generated by the BAM calculator. If such credits are unavailable, credits would be sourced in accordance with the 'variation report' generated by the BAMC.*

### 5.1.3 Water & Air Quality Impacts

The proposed development is, in our opinion, unlikely to result in adverse effects on the locality in terms of water and air quality. The proposal continues the existing hotel use of the site and the proposal will be constructed in accordance with Council's standard conditions of consent to ensure that air quality is maintained.

As indicated, the subject site is within the Sydney Drinking Water Catchment. The proposal includes a Stormwater Management Plan and Erosion & Sediment Control Plan prepared by Cohort Engineering, which outlines the stormwater management and runoff strategy for the proposed development. A Site Pavement Plan and Water and Sanitary Drainage Plan has been prepared by Cohort Engineering and outlines the management plan for the proposed redevelopment. Therefore, the proposal will adequately manage water and is unlikely to adversely affect water quality.

Accordingly, the proposal is unlikely to result in adverse effects to water or air quality. Stormwater and runoff will be managed, and the proposal is, in our opinion, acceptable.

## 5.2 Assessment of Built Environmental Impacts: Character and Context

This section will address the impact of the proposed development on the character and context of the area.

### 5.2.1 Impact on the Area's Character

The surrounding area is characterised by single dwellings and agricultural properties on varied lot sizes. Development in the area is largely low density with a landscaped character but does not display a dominant architectural style or pattern. The subject site has a unique heritage character, which is detailed in Section 4.1.3 of this Statement and in the Heritage Impact Assessment (HIA), submitted separately.

The proposal is for high-quality, architecturally designed alterations and additions to the existing hotel, new eco-tourist cabins and eco-tourist villas, and associated facilities. The proposed redevelopment will enhance the character of the site and will be a positive contribution to the locality.

The new developments will be a maximum of four storeys to ensure that there are no adverse effects and that the heritage item is the focal point of the site. The proposed hotel addition will be four storeys and the eco-tourist cabins and eco-tourist villas will be modest two and three storey structures to reflect the low density built forms in the locality. The new cabins and villas will be well spaced and will incorporate a carefully selected palette of materials to blend into the streetscape and the surrounding bushland.

The proposed works have been skilfully designed to ensure that the heritage significance of the site is maintained and enhance. As detailed in the HIA, the proposal will include negligible structural changes to the heritage listed hotel building. A curtilage around the existing hotel building has been identified, and new works have been designed and located outside of the heritage curtilage to ensure that the heritage item maintains its position as the focal point of the site. The proposed additions to the existing hotel are essential for maintaining the historic function of the site as a hotel, to meet contemporary standards. The HIA states, inter alia:

*In general terms, the proposed development will generate the following impacts:*

- *the development involving internal alterations generates negligible adverse impacts for the heritage item:*
  - *there are no structural changes;*
  - *changes to built elements and finishes are kept to the minimum;*
  - *existing fabric and original finishes are conserved;*
  - *new finishes are sympathetic to the original character;*
  - *new introduced fabric is generally designed to be reversible;*
  - *and the integrity of areas of high significance is maintained.*
- *the original fabric of the heritage item and its landscaped grounds will be restored representing a substantial investment and commitment to the local economy;*
- *the historic use of the place as a tourist hotel is retained;*
- *the proposed additions to the heritage item, involving the breakfast area extension and the linked additional guest rooms, are essential to maintain the historic function of the hotel in order to meet current hospitality requirements and amenity expectations by guests;*
- *a heritage curtilage around the hotel was identified and the development maintains this significant curtilage conserving the setting;*
- *the important ancillary buildings, and other built structures, outside the heritage curtilage - the cottage, the railway station and the grotto - will be restored contributing to the cultural value of the place;*
- *the existing swimming pool is of low cultural value and its replacement does not have any adverse impacts;*
- *the proposed additional buildings and additions are essential to provide finance for the substantial restoration costs involved in such a large building. These buildings are located outside the heritage curtilage and designed to have minimal impact on the setting.*

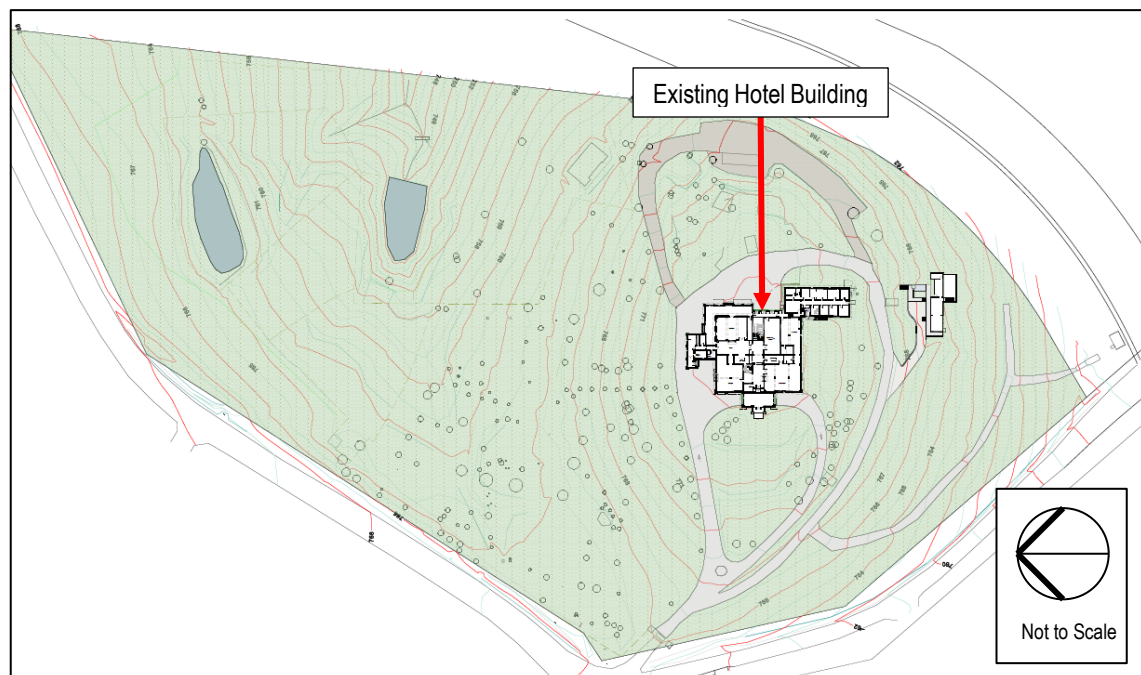
***The development will not affect the cultural significance of the heritage item.***

When viewed from the streetscape, the proposed eco-tourist villas and eco-tourist cabins will largely be concealed by dense landscaping along the perimeters of the site. Where development is visible, it will maintain a low density character that is compatible with the surrounding character. The proposal incorporates a sympathetic palette of materials and landscaped roofs over the proposed hotel addition to soften the appearance and ensure that the existing hotel continues to be the focal point of the site, when viewed from limited viewpoints in the street.

The proposal will embrace the ecological character of the region, through detailed landscaping and the retention of the rainforest areas on the site. The proposed new work will be set back from the street and behind landscaping, which will continue to provide a green border along the Illawarra Highway and Fountaindale Road. The proposal has been well-designed to minimise impacts to the natural environment and is supported by a Biodiversity Development Assessment Report and Vegetation Management Plan, which are submitted separately.

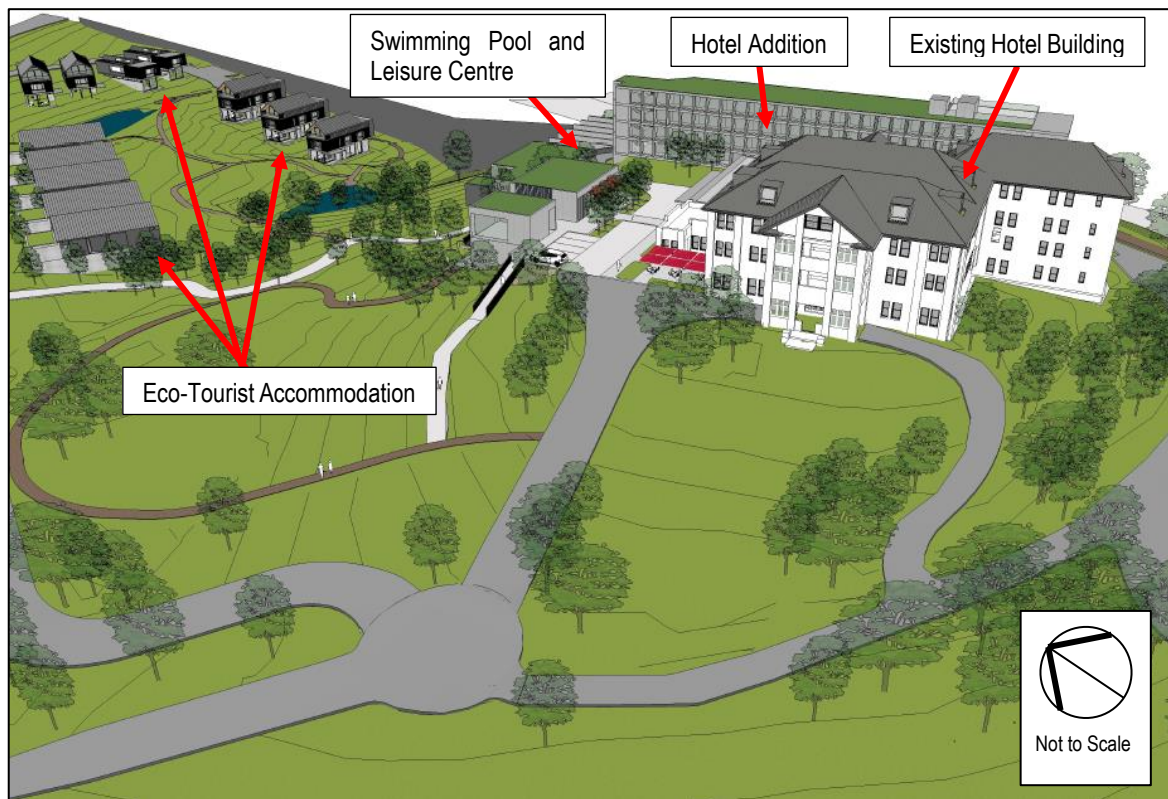
The proposed works will provide a broader range of tourist accommodation options within a well-known facility, to attract interest from the local and wider community. The proposed works have carefully considered the area's character and have been designed to maintain the heritage and ecological significance of the subject site and the surrounding locality.

As shown in the existing site masterplan in Figure 26, the site is occupied by the existing hotel building and the land is largely undeveloped. The proposal will enhance the amenity of the site by refurbishing the existing hotel building and providing a variety of eco-tourist accommodation and recreation facilities ancillary to the hotel. As shown in the proposed 3D model in Figure 27 on the following page, the proposed new development on the site will be subservient in bulk, scale, footprint and form to the existing hotel building. The existing hotel will continue to be the focal point and will maintain its location at the highest grade of the site. The works have been designed to minimise disruption to the ecological and environmental characteristics of the site, and as depicted in the model shown in Figure 27, the natural landscape and topography will continue to be a dominant feature of the site.



Source: X.Pace Design Group

**Figure 26: Masterplan of the Existing Site**



Source: X.Pace Design Group

**Figure 27: Aerial of the Proposal, as Viewed from the West**

### 5.3 Assessment of Built Environmental Impacts: Privacy and Amenity

This section considers the aural and visual privacy impacts resulting from the proposal and needs to be considered in conjunction with Section 4. It will specifically address sunlight access, view and waste management impacts.

#### 5.3.1 Aural and Visual Privacy

The design and layout of the proposal will maintain aural and visual privacy for residents of neighbouring sites.

New development on the site will be a maximum of four storeys and will be oriented away from neighbouring residential development to maintain privacy. The proposed eco-tourist villas and eco-tourist cabins are located at the northern and eastern sides of the site, which adjoin vacant land and the rail line. The private open space areas within the eco-tourist villas and cabins include terraces and courtyards, which are oriented towards the grounds of the subject site. Side facing windows have been angled away from neighbouring villas and cabins, with adequate building separation provided to prevent overlooking within the development.

The existing hotel building is centrally located on the site, with generous building separation provided from neighbouring sites. The proposed hotel addition will accommodate 46 hotel rooms, each with access to a small private balcony. These balconies have been designed as a step-out area and incorporate separation walls to maintain privacy and minimise overlooking within the development.

The proposed development retains the current use of the site as a hotel, wedding, conference and function centre. Given the continuing use, it is unlikely that there would be significant additional noise generation associated with the proposal.

Accordingly, the proposal is unlikely to result in any unreasonable privacy impacts to neighbouring properties.

### 5.3.2 Solar Access

The proposal has been designed to ensure that the amenity of surrounding properties and the public domain is maintained. Due to the steep topography of the site, the low density agricultural and residential character of surrounding development and the location and siting of building forms, the redevelopment is unlikely to create unreasonable solar impacts. The proposed works have been located to reduce environmental impacts and the new structures have a restrained built form, with minimised bulk, scale and building footprints.

Accordingly, the proposal will not result in any unreasonable solar impacts.

### 5.3.3 View Sharing

In the assessment of development applications relating to view issues, the NSW Land and Environment Court rely on the principle of the *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing view affectation are considered as follows:

- *Assessment of the Views Affected*
- *From What Part of the Property are the Views Obtained?*
- *The Extent of the Impact*
- *The Reasonableness of the Proposal*

It is noted that we have not undertaken an inspection of nearby properties and our assessment has relied on an inspection of the subject site, aerial photography and survey information.

The subject site has access to district views incorporating the natural landscape, vegetation, agricultural land and the surrounding locality. These views are obtained from the upper levels of the existing hotel, mainly towards the north and south. Given the sloping topography and built form of the area, it is inferred that these views would be similar for some of the surrounding dwellings from elevated positions, to varying degrees. In addition, the public views towards the existing hotel building are available from limited viewpoints in the streetscape. However, due to the uncontrolled growth of trees across the site, these views have been obscured. Significant views have been identified in the Heritage Impact Assessment, which is submitted separately (see Figure 28).



Source: Zoltan Kovacs Architect

**Figure 28: Diagram Showing Significant Views to and from the Site**

In our opinion, the proposal is unlikely to create unreasonable view impacts on adjoining properties. This is because the proposed new work is lower in height than the existing hotel building. Given the steep topography of the site and the elevated nature of the proposed development, the proposal is unlikely to affect views within the site and from neighbouring properties. The proposal will manage existing landscaping on the site, opening up views of the heritage item from the public domain that were previously obstructed by overgrown vegetation.

As shown in Figure 28, a heritage curtilage has been identified around the existing hotel building. The proposed new developments have been located outside of this heritage curtilage to ensure that the heritage significance of the building is maintained. There are no significant views identified to and from the rear, eastern side of the building. The proposed hotel addition has been skilfully designed outside of the heritage curtilage and away from any identified public views of the hotel. Accordingly, the proposed new works will maintain and enhance public views of the hotel building.

The proposal has been carefully designed to ensure that the eco-tourist cabins and eco-tourist villas have a low-density character and can blend with the surrounding environment. The works will be a maximum of up to four storeys and will be a lower height and elevation than the existing hotel building. The proposal is therefore not likely to obscure any view corridors and does not result in any unreasonable view impacts. Accordingly, in our opinion, the proposal is appropriate in respect of view impacts.

#### **5.3.4 Waste Management**

The proposal includes a commercial bin storage room at the basement level, accessible from the loading dock. This is capable of accommodating the standard commercial bins required for waste, recycling and food and organic waste.

As detailed in the Plan of Management (submitted separately), a contracted trade waste collection service will likely collect waste two times weekly, with waste vehicles accessing the site from the service entry at Fountaindale Road. Further details are provided in the Waste Management plans, prepared by Low Impact Development (LID) Consulting and submitted separately.

### **5.4 Assessment of the Site Suitability**

This section will consider the proximity of the site to services and infrastructure; traffic, parking and access issues; hazards; and construction.

#### **5.4.1 Proximity to Services and Infrastructure**

As previously noted, public transport services near the site on Hoddle Street include regular bus and coach services between Bowral, Kangaloon, Bundanoon, Wollongong and Moss Vale. Train services from Ranelagh House Station provide scenic trips through the southern highlands. The proposal will refurbish the existing heritage rail platform to enable trains to stop for passengers visiting the hotel.

The site is within a predominantly residential and agricultural area. Therefore, electricity, telephone, water and sewerage services are available in the locality.

#### **5.4.2 Traffic, Parking and Access**

A separate Traffic and Parking Report has been prepared by Hemanote Consultants and concludes, inter alia:

*It can be concluded from the traffic and parking impact assessment that the proposed hotel development at 1 Fountaindale Road, Robertson is considered to be adequate and will have no adverse impacts on existing traffic or parking conditions.*

- *The current traffic flows on Fountaindale Road are considered to be appropriate for a local road, with free-flowing traffic without any major queuing or delay in peak traffic periods, with spare capacity.*

- *The estimated traffic generation from the proposed hotel development is considered to be acceptable and of low impact on the surrounding road network, and additional traffic can be readily accommodated within the existing road network.*
- *The level of the proposed on-site parking provision is considered to be adequate for the proposed hotel development, with ample overflow parking within the site.*
- *The on-site vehicular access, car parking layout and circulation is adequate for the proposed development and in accordance with AS2890.1:2004, AS2890.6:2009 and AS2890.2:2018, where vehicles enter and exit the site in a forward direction at all times.*
- *The subject development site has good access to public transport services.*
- *The proposed hotel development will have no adverse impacts on parking in the surrounding area.*

The proposal provides 156 on-site defined and line-marked car spaces, and additional space for overflow parking, which complies with parking dimensions listed in AS2890.1 – 2004 for off-street parking.

The proposed development will retain the existing driveway at the corner of Illawarra Highway and Fountaindale Road and will construct a new 12.5m wide driveway at Fountaindale Road for heavy vehicles and service access. The width, gradients and design of this driveway complies with the recommended geometry and is, in our opinion, suitable in terms of size and design.

As the proposal complies with the required number of spaces and geometry of AS 2890.1:2004, will satisfy the likely parking demand for the proposal, it is in our opinion, suitable from a traffic and parking point of view.

#### **5.4.3 Hazards**

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

The Bushfire Risk Assessment prepared by Peterson Bushfire concludes the proposed development, on designated bushfire prone land, is to be constructed in accordance with the report's recommendations. As detailed in the Bushfire Assessment, the proposal will have compliant Asset Protection Zones (APZs), improved road access to accommodate the proposal and meet the requirements of the Rural Fire Service and will have sufficient water supply for fire-fighting, to comply with 'Planning for Bushfire Protection 2019'. The Bushfire Assessment concludes, inter alia:

#### **4.1 Conclusive summary**

*This report presents an assessment of the proposed additions to The Robertson Hotel against the specifications and requirements of Planning for Bush Fire Protection 2019 (PBP). Bushfire protection measures have been designed to achieve compliance with PBP whilst being sympathetic to the heritage and ecological significance to the site.*

*The Asset Protection Zone (APZ) strategy is complex and detailed, and addresses three development components of hotel addition, ecotourism and ancillary. An alternate solution utilising the Short Fire Run model has been employed to design the APZ strategy for the hotel additions. This was elected in order to address the low risk of fire initiating and spreading within the narrow corridor of rainforest to the south and east of the hotel. The APZ design for the ecotourism refuge building in the northern part of the site relies on management of the rainforest on site to create patches of low threat vegetation.*

*Other protection measures include improved access roads, water supply for fire-fighting and construction standards.*

*The assessment demonstrates that the proposal, together with the recommendations (see Section 4.2 below), complies with Planning for Bush Fire Protection 2019.*

#### **4.2 Recommendations**

*The recommendations made within Section 3 of this assessment are repeated below:*

1. *The subject land is to be managed to achieve APZ fuel management standards (Planning for Bush Fire Protection 2019 Appendix 4; and Standards for Asset Protection Zones) outside of those areas mapped as 'rainforest' and 'low threat vegetation'.*

2. *Landscaping within the site is to achieve the principles listed in Appendix 4 of Planning for Bush Fire Protection 2006.*
3. *The pool complex and existing cottage is to have a defensible space of minimum 4 m wide free of obstructions to allow fire-fighters to gain access around the building on foot.*
4. *The hotel additions and refuge building in the northern part of the site is to be designed and constructed to comply with Bushfire Attack Level BAL-12.5 as prescribed by Australian Standard AS 3959 Construction of buildings in bushfire-prone areas.*
5. *The internal road system is to comply with PBP Table 5.3B 'Property Access'.*
6. *Fire hydrants are to be installed to comply with AS 2419.1 – 2005 Fire Hydrant Installations - System Design, Installation and Commissioning (AS 2419) so that all sides of a building envelope are within 70 m of a hydrant by lay of the hose (or 90 m with a tanker parked in-line maximum 20 m from the hydrant).*
7. *Any gas services are to be installed and maintained in accordance with AS/NZS 1596-2014 The storage and handling of LP gas.*

Provided the development is constructed in accordance with those recommendations, the consultant considers the proposal can satisfy the Objectives and Performance requirements of the Building Code of Australia, *Planning for Bushfire Protection 2006* and AS3959:2009.

#### **5.4.4 Construction**

A Construction Management Plan will be prepared as part of the Construction Certificate application, to outline procedures for traffic, waste management, deliveries, noise, hours of work and other aspects to be addressed.

Recommendations for site management during construction in the Vegetation Management Plan prepared by Chris & Charlotte Webb Pty Ltd will be included.

### **5.5 The Public Interest**

This section will consider the social and economic effects of the proposal and the public interest.

#### **5.5.1 Social and Economic Impact**

The proposal will have social and economic benefits in the area with the construction of well-designed and elegant alterations and additions to the existing hotel, new eco-tourist cabins and eco-tourist villas, and associated facilities. This will contribute to meeting the demand for tourist and visitor accommodation in the LGA.

The proposed development will be constructed from visually recessive materials and include landscaping which will reduce its visibility when viewed from the streetscape. The proposed works will comply with current bushfire requirements; reduce water and energy consumption through efficient fixtures, fittings and insulation; and provide additional off-street parking for visitors. This will reduce bushfire risk, water consumption and parking congestion in the area. The proposal will also provide benefits to the local community, by opening up the leisure and outdoor facilities for public use, by arrangement with the hotel.

The proposal will ensure the long-term economic viability of the site, by refurbishing the existing hotel to meet the needs of contemporary visitors. The proposal will also provide a wider range of accommodation types to suit a broad range of visitor markets, including corporate guests, singles and families, as well as providing an array of recreation facilities on the site. In our opinion, this will enhance attraction to The Robertson Hotel and the wider Wingecarribee region.

The proposal will provide employment opportunities during demolition and construction, and when the hotel is completed. The proposal will reactivate the site by providing high quality accommodation and will be a positive contribution to the region's tourism and visitor economy.

### **5.5.2 The Public Interest**

The proposal has been designed with consideration of the adjoining residents' amenity and the streetscape. It will provide a sophisticated, well-designed hotel redevelopment which is a contextually appropriate scale and form for the area. The proposal has been skilfully designed to enhance the functionality of the hotel, while also maintaining the ecological and heritage significance of the site. The proposal has been designed to maintain local amenity and contribute positively to the local and regional character.

The site contains several areas of ecological significance, which have shaped the design of the proposal. A substantial portion of the Robertson Tall Open Forests and Robertson Rainforest on the site will be retained and managed, to ensure that the biodiversity values of the site is protected into the future. The proposed development will be sympathetic to the ecological and environmental features of the site through the design, minimal building footprint, bulk, scale and carefully selected palette of materials of new buildings.

The proposal will be a positive contribution to the economy of the region, attracting a broader range of tourist and visitor markets both domestically and internationally. The proposal will also provide employment opportunities to the region and will re-activate the site. The proposal has been architecturally designed to ensure that the cultural significance of the heritage item is maintained and enhanced and will enable the long-term viability of the site and the historic hotel use.

The proposal has carefully considered the contribution to the community. The proposed swimming pool and leisure will be made available to community groups by arrangement with the hotel, delivering much-needed amenities to the local area for public benefit.

Accordingly, the proposed works will enhance the existing use of the site as a hotel and will contribute to the local economy and the tourism industry in the Wingecarribee LGA, as well as providing benefits to the community. The proposal has been skilfully designed to maintain the ecological and environmental constraints of the site to deliver a high-quality development that will serve the public interest.

## 6.0 CONCLUSION

The proposed redevelopment of The Robertson Hotel at No. 1 Fountaindale Road, Robertson has been assessed in accordance with Section 4.15 of the EPA Act and Council's planning instruments. The site is zoned E3 Environmental Management under the Wingecarribee Local Environmental Plan (LEP). The proposal relies on existing use rights, given the existing hotel, wedding, conference and function centre has been operating in the same or similar capacity since its construction in the mid-1920s. Notwithstanding this, eco-tourist facilities are permissible with development consent and the proposal is consistent with the objectives of the E3 Environmental Management Zone. In our assessment, the proposal is also consistent with the provisions and objectives related to excavation and heritage conservation in the LEP.

The proposal, designed by X.Pace Design, will provide a variety of accommodation types to cater for the wide range of tourist and visitor needs. The proposal includes the refurbishment of the existing Robertson Hotel building, as well as the construction of a new four storey addition to accommodate 46 new rooms, 13 new eco-tourist cabins and 7 new eco-tourist villas. The site will be enhanced by the proposed swimming pool and leisure centre, refurbishment of the workers cottage into an artist studio, a new reception and new internal pathways and roads. The proposal also includes an eco-walk, footbridge, performance amphitheatre and petting zoo, providing additional on-site attractions for tourists and visitors.

This SEE demonstrates the proposal for The Robertson Hotel redevelopment will be consistent with the existing character of the site and will maintain the relationship with surrounding development. The proposal has been skilfully designed to ensure the heritage item remains the focal point of the site, with new development complementary in scale, form, proportions, setbacks and materials. This design approach ensures that the proposal will maintain the heritage significance of the site while also attracting a broader range of visitor markets to the area.

Consistency with the objectives of Council's Robertson Village and Rural Lands DCPs have been achieved. The proposal is also consistent with the relevant objectives of Council's Rural Tourism Policy, the Wingecarribee Shire Community Strategic Plan, the Wingecarribee Regional Economic Development Strategy 2018 – 2022 and the Destination Management Plan 2018-2022. The proposal reactivates the site and ensures the longevity of The Robertson Hotel. The proposal will contribute to employment opportunities and will promote tourism within the Wingecarribee LGA, while also balancing the ecological considerations of the site.

The proposal has been carefully designed to ensure that the amenity of the surrounding area is maintained. The proposal is also unlikely to significantly affect outlook or views from surrounding properties and the public domain.

The SEE is accompanied by arborist, bushfire, environmental, geotechnical, heritage and traffic consultant reports. These reports have informed our assessment and confirm the proposal is suitable in the locality, will maintain the environmental and heritage significance of the site and will be a positive contribution to the tourism industry and economy of the region.