

DATE OF DETERMINATION	13 August 2021
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Clare Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on Wednesday, 14 April 2021, opened at 10am and closed at 12pm.

MATTER DETERMINED

PPSSTH-43 – WINGECARRIBEE – 20/1069 – 1 FOUNTAINDALE ROAD ROBERTSON 2577

Tourist and Visitor Accommodation - 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. 13 new eco-tourist cabins, 7 new eco-tourist villas, new swimming pool and leisure centre, refurbishment of the workers cottage into an artist studio, a new reception and new internal roads and pedestrian pathways (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report.

In addition, the following was considered by the Panel in making the determination:

- The proposed “tourist and visitor accommodation” component of the development is permissible with consent as alterations and additions to the existing heritage hotel in the E3 Environmental Management Zone.
- The proposed eco-cabins/buildings and eco walk component of the development has satisfied the relevant provisions under Clause 5.13 of Wingecarribee Local Environmental Plan 2010 for approval as an “eco tourist facility”.
- The development is generally consistent with the zone objectives of the E3 Environmental Management zone.
- The proposed development has addressed all on site bushfire management issues. In this regard the panel notes that the Rural Fire Service has provided General Terms of Approval for the development.
- Through the implementation of a revised Plan of Management for the site, issues associated with noise, traffic and parking can be satisfactorily managed.
- Impacts of the proposed development on the biodiversity values of the site have been minimised and are acceptable subject to the implementation of a Vegetation Management Plan.
- The Panel is satisfied that the proposed development represents an appropriate use for the site and the development, as amended through the assessment process is an acceptable urban design outcome in the site context.

CONDITIONS

The development application was approved subject to the revised conditions attached to the amended Council assessment report and addendum dated 12 August 2021 with the following amendments.

- Revision to Condition 1 to expand the description of the development to include reference to the eco-tourist facility component
- Inclusion of a new condition stating that the consent does not approve:
 - the commercial hiring of the swimming pool.
 - the rail siding upgrade.
- Revisions to Condition 2 to reference latest versions of reports and plans
- Revision to Condition 23 - Construction Management Plan to include a complaints handling mechanism
- Inclusion of a new Condition to impose a limit on the number of non-hotel guests using the facilities or attending functions
- Inclusion of a new condition addressing cultural heritage investigations and requiring further assessment and test pits prior to any excavation works in Stages 2,3,5,6 and 7.
- Inclusion of a new Condition requiring procedures to be implemented should an archaeological site or item be encountered during construction.
- Inclusion of a new condition requiring the preparation, approval and implementation of a revised Plan of Management (POM) prior to the occupation of any additional hotel rooms or function venues. The POM should include, but not be limited to:
 - Hours of operation for each component of the facility.
 - Operational Noise management for both indoor and outdoor venues including recommendations from the Noise Assessment report.
 - Ancillary retail activities – tourist gift shop, gallery.
 - Safety of guests including warning signage for rail line corridor.
 - Management of Staff accommodation / artist in residences.
 - Use of swimming pool by non-guests.
 - Protocols for the animal petting area.
 - Parking and traffic management – including bus parking areas in Fountaindale Road.
- Inclusion of a new Condition requiring credits to be retired in accordance with the Biodiversity Development Assessment report (BDAR).
- Inclusion of new conditions incorporating the recommended noise conditions (G044-G051) provided by Council's Environmental Health Officer (Pages 54-56 of the Assessment Report).
- Amend Condition 121 to remove reference to "subdivision certificate".
- Inclusion of a Condition to impose a no left turn arrangement from the driveway access into Fountaindale Road.
- Inclusion of a Condition requiring referral to ARTC for any excavation works within 25m of the rail corridor
- Amend Conditions 142 and 144 to replace the words "Food Shop" with the words "Food Premises".

A revised set of draft Conditions was forward to the Panel by Council on 9 September 2021 addressing the above issues.




CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic and parking impacts, in particular on the safety of Fountaindale Road
- Heritage impacts on the hotel building and curtilage
- Impacts on biodiversity including endangered ecological communities on the site
- Noise from functions impacting on the amenity of neighbours
- Site stability

- Potential impacts of site excavation on the water table

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues appropriate conditions have been imposed requiring management measures to be implemented to protect the amenity of residents in the locality.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-43 – WINGECARRIBEE – 20/1069
2	PROPOSED DEVELOPMENT	Tourist and Visitor Accommodation - 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. 13 new eco-tourist cabins, 7 new eco-tourist villas, new swimming pool and leisure centre, Amphitheatre, animal petting area, refurbishment of the workers cottage into an artist studio, a new reception and new internal roads and pedestrian pathways.
3	STREET ADDRESS	The Robertson Hotel, 1 Fountaindale Road, Robertson, NSW 2577.
4	APPLICANT/OWNER	Aea Grand Hotel Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$30M
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Biodiversity Conservation Act 2016 State Environmental Planning Policy (Sydney Water Catchment) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (BASIX) 2004 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development 2002 Wingecarribee Local Environmental Plan 2010 (WLEP) Draft environmental planning instruments: Nil Development control plans: Nil Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 30 March 2021 Amended Council Assessment report: 5 May 2021 Amended Council Assessment report: 12 August 2021 Amended conditions: 9 September 2021 Written submissions during public exhibition: 44 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Judith Frisk, Regina Brewster, Janet Turner, Warren Lockwood, Cheryl Pearse, Mark Turner, Mark Pearse, Tim Hewitt (on behalf of the Robertson Business Chamber), Allan Stiles, Hope Waters Council assessment officer – Nancy Sample On behalf of the applicant – George Karavanas, Goran Stojanovic, Con Kotis

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Wednesday, 14 April 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Clare Brown, Carl Peterson, Jim Givarry ○ <u>Council assessment staff</u>: Mark Pepping, Nancy Sample, Peter Mallow, Nicholas Wilton • Site inspection: Monday, 29 March 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Carl Peterson, Jim Givarry ○ <u>Council assessment staff</u>: Nancy Sample ○ <u>Applicant representatives</u>: to be added • Briefing to discuss council's recommendation: Wednesday, 14 April 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Clare Brown, Carl Peterson, Jim Givarry ○ <u>Council assessment staff</u>: Mark Pepping, Nancy Sample, Peter Mallow, Nicholas Wilton ○ <u>Applicant representatives</u>: Constantine Kotis • Final briefing to discuss council's recommendation: Tuesday, 24 August 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Clare Brown ○ <u>Council assessment staff</u>: Nancy Sample, Peter Mallow, Nicholas Wilton
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the council assessment report