

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE2 – Development Application No 010.2016.00000443.001 – Establishment of a 19 room Motel, Manager’s Residence, onsite car park at Lot 29 Stargard Crescent, Picton

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Development Application No 010.2016.00000443.001 – Establishment of a 19 room Motel, Manager’s Residence, onsite Car Park at Lot 29 Stargard Crescent, Picton

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DD010.2016.00000443.001

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LOCATION MAP N

(Showing zoning of subject property and zoning of adjoining lands/area)

DEVELOPMENT INFORMATION

Development Application No:	010.2016.00000443.001
Property Address:	Lot 29 Stargard Crescent, Picton
Applicant:	Corbett Constructions Pty Ltd.
Owner:	John & Renelle Corbett
Proposal Details:	Establishment of a 19 room Motel, Manager’s Residence, onsite car park & Illuminated Pole Sign.
Zone:	WLEP 2011 – RE2 – Private Recreation.

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EXECUTIVE SUMMARY

- Council is in receipt of a development application seeking the use of Lot 29 Stargard Crescent for the establishment of a Motel with Manager’s Residence, illuminated pole sign and onsite parking.
- A total of thirty (30) submissions were received.
- Additional information was requested by Council with regards to sewer works, colour scheme and Bushfire Report.
- The application has been ‘called up’ by Council for determination.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been received in relation to this application.
- It is recommended that the application be refused.

REPORT

BACKGROUND

The subject Application for the establishment of a 19 room Motel, Manager’s Residence, onsite car park was lodged with Council on 21 June 2016.

The Development Application was publically notified in accordance with Wollondilly Development Control Plan 2016 for a period of 15 days from 7 September 2016 to 22 September 2016. A total of thirty (30) submissions all objecting to the proposed development were received during the notification period.

Council on the 1 July 2016 requested the applicant to confirm details and submit a 2 lot subdivision plan, details of a private sewer extension and whether the effluent disposal was prescribed as a designated development under Schedule 3, Clause 29 of the EPA Regulations. Refer below;

‘Schedule 3 Designated development Part 1 What is designated development?’

29 *Sewerage systems and sewer mining systems:*

- (1) *Sewerage systems or works (not being development for the purpose of sewer mining systems or works):*

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- (a) *that have an intended processing capacity of more than 2,500 persons equivalent capacity or 750 kilolitres per day, or*
 - (b) *that have an intended processing capacity of more than 20 persons equivalent capacity or 6 kilolitres per day and are located:*
 - (i) *on a flood plain, or*
 - (ii) *within a coastal dune field, or*
 - (iii) *within a drinking water catchment, or*
 - (iv) *within 100 metres of a natural waterbody or wetland, or*
 - (v) *within 250 metres of a dwelling not associated with the development.*
- (2) *Sewerage systems or works that incinerate sewage or sewage products.*
- (3) *Sewer mining systems or works that extract and treat more than 1,500 kilolitres of sewage per day.*
- (4) *This clause does not apply to:*
- (a) *the pumping out of sewage from recreational vessels, or*
 - (b) *sewer mining systems or works that distribute treated water that is intended to be used solely for industrial purposes.’*

The applicant contends that their legal advice indicated that as the development site does not process sewage, the activity is therefore not ‘designated development’. The applicant intends to provide a private pump to sewer servicing the proposed development.

In July 2016 the Applicant removed the proposed Torrens Title Subdivision from the application.

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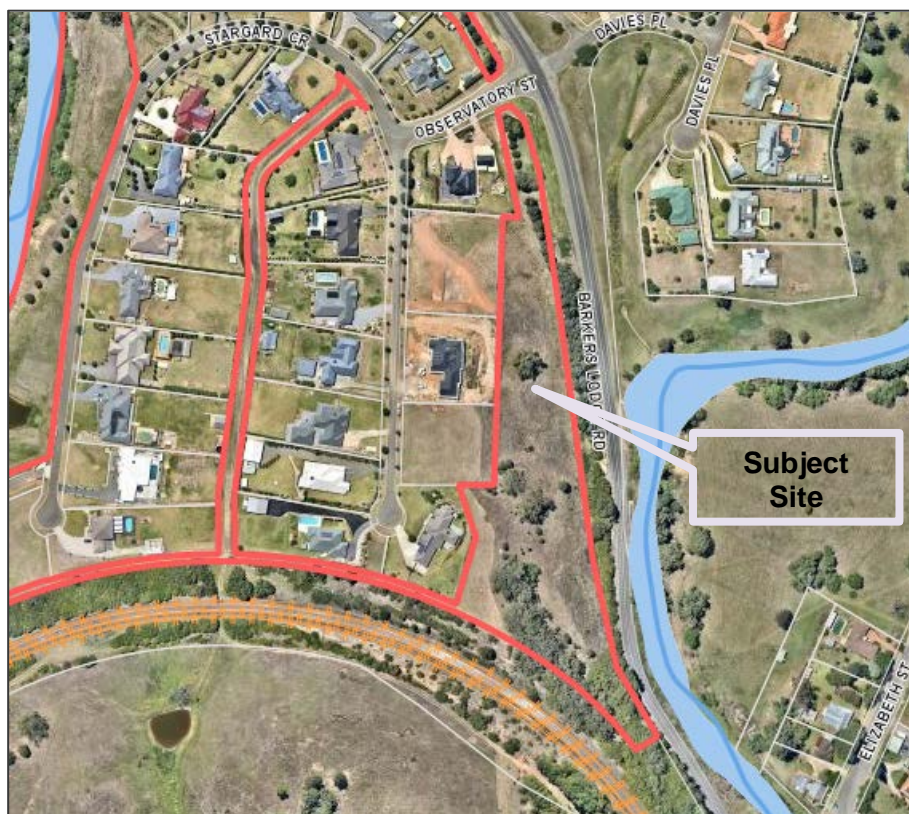


Figure 2: Aerial of the subject site (source: Council intramaps)

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject land is known as Lot 29 DP 1173845, Stargard Crescent, Picton. The site is irregular in shape with its lengthy northern boundary adjacent to Bakers Lodge Road and rear western boundary adjoining Nos. 23, 25, 27 and 31 Stargard Crescent zoned R5 – Large Lot Residential. The subject site has an area of 5.661hectares. The topography is generally sloping towards east (Bakers Lodge Road) with increased slope angle towards south.

The local surrounding area is characterised by large rural residential parcels of land comprising of a mix of residential and agricultural uses.

The land is accessed via a restricted 8.425m wide access on the corner of Bakers Lodge Road and Observatory Street (refer to Figure 2 above). The site is located approximately 771.4metres from Picton Town Centre when measured from its vehicle entrance at Observatory Street to the intersection with Bakers Lodge Road and Argyle Street.

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The proposed buildings are setback from Barkers Lodge Road by approximately 30 metres and a range from a minimum 6.462 metres to a maximum of 16.124 metres from the rear of the motel buildings to the eastern rear boundaries of residential properties fronting Stargard Crescent.

The subject site is zoned RE2 – Private Recreation and is currently vacant of structures. The land as zoned permits ‘Hotel or motel accommodation’.

The site is within a bushfire zone and is partially flood prone land.

1.2 DESCRIPTION OF DEVELOPMENT

The development comprises a 19 room Motel and Manager’s Residence, illuminated pole sign with onsite car parking for 24 vehicles.

Building 1 - will consist of five (5) rooms each with bar and ensuite.

Building 2 -accommodates six (6) rooms each with ensuite and bar.

Building 3 -consists of six (6) rooms, bar and ensuite with under building storage and two adaptable units.

Building 4 -located towards the site entry and provides two storeys of building with first floor of 25m² dining room and lower level two bedroom unit.

All dwellings will require some excavation to accommodate a level building foundation with excavation along slope contours to provide a flat surface for the proposed driveway and parking.

The applicant is seeking for commercial reasons, an approval for a double sided, illuminated pole sign on the Bakers Lodge Road boundary 2.4m x 12m high on a post 3.6 metres above ground level.

Under the provisions of Council’s DCP 2016 – Volume 6 – Tourism and Events, the controls specify that a maximum of 1 advertising sign no greater than 2.0m² is permitted on the site. No illumination or neon signs are permitted.

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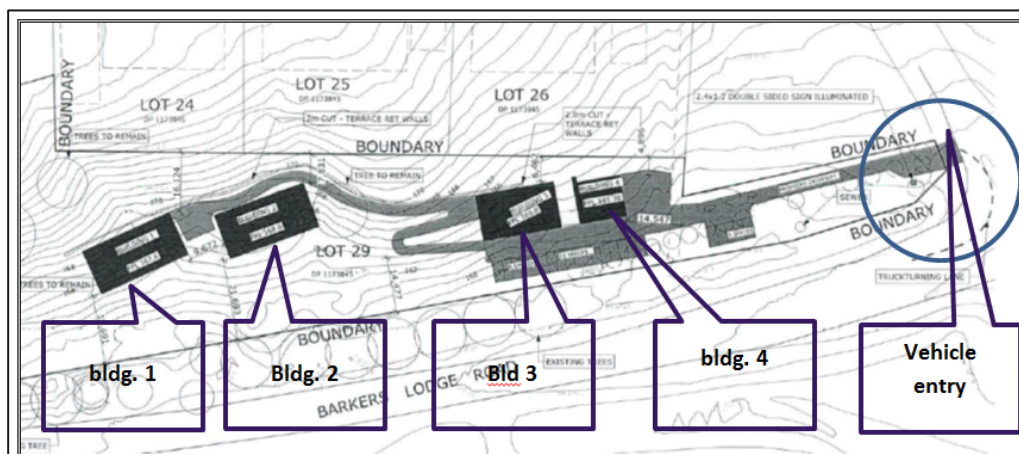


Figure 3: Site plan of development proposal (source: applicant’s traffic assessment report)

CONSULTATION

Referral	Outcome
Environmental Health Officer	<p>The following comments from Council’s Environmental Officer have been reproduced below;</p> <p>There are concerns with drainage and water quality and geological stability in this location. The ecological issues are minimal and can most likely be addressed through landscaping conditions. In a broader context there is no connectivity to Picton and the road reserve is narrow. There are several remnant Eucalypts I would recommend retaining them, there also might be revegetation conditions from the Stargard subdivision that may need to be considered.</p> <p><u>Comments</u></p> <ul style="list-style-type: none"> ▪ No flora and fauna report has been supplied, ▪ A geotechnical report has been provided dealing with site suitability of the development, with recommendations. ▪ No stormwater drainage report has been provided. ▪ No bushfire plan has been prepared and the site is partially bushfire prone as far as land mapping is concerned. ▪ No flood /emergency plan supplied

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Referral	Outcome
	<p>Flora and fauna Whist it is a requirement for a Flora and Fauna report to be prepared to ensure no impact to threatened species or the impact on to Stonequarry creek. The applicant did not submit a report to support the development proposal.</p> <p>Stormwater Preference for a stormwater management plan to be developed prior to construction</p> <p>Bushfire It was recommended to the applicant that a detailed planning for bushfire protection report is required prior to any formal referral to the RFS for assessment. The report was not submitted to Council.</p> <p>Landscaping The street trees chosen are good choices – utilise natives</p> <p>Recommendation: There needs to be further assessment on the geotech situation, stormwater, flora and fauna and bushfire. If these are resolved, then environmentally there are no issues.</p>
Development Engineer	Council's Engineer has considered the application and has concluded that as the site is in part (site entrance) passes through the edge of the 1% flood extent, it is recommended that the access be raised to the 1%AEP level (but this may require levels higher than the adjoining properties in Observatory Street.
Infrastructure Coordinator	<p>The following comments have been provided;</p> <ul style="list-style-type: none"> ▪ The access is too close to the existing intersection of Observatory Street and Bakers Lodge Road. ▪ Safe Intersection Sight Distance is not achieved to the access point for the motel from Bakers Lodge Road (90m for 50km/h and 114m for 60km/h. ▪ The access to the motel would directly impact on the existing median in Observatory Street.
Health Officer	The EHO has indicated that there is insufficient information on plan to determine the application.
Fire safety officer	No concerns are raised regarding building safety with recommended conditions. However, there are issues with fire truck access. This may require a redesign of the proposal.

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Referral	Outcome
Building Surveyor	<p>The Dining room area does not has a disabled toilet (depending the numbers a unisex maybe OK)</p> <p>This development has multiple Classes and requires fire truck access.</p> <p>Have concerns with:</p> <ul style="list-style-type: none"> ▪ Fire truck access and turning circle safety ▪ Emergency evacuation- (rear building patrons having to pass other building that may be on fire) ▪ The Geotechnical report is specific on the type of footing construction required. ▪ No sewer and the slope of the site & proximity of the creek does not allow for other methods of septic disposal. ▪ The impact on the property due to the waste water disposal from the properties above - once the homes is occupied. ▪ The size of the subfloor would be considered a storey under the BCA.
Police - Camden Local Area Command	<p>No concerns subject to recommended conditions relating to entry point, residential setbacks, utility rooms with locks, appropriate lighting and maintenance of landscaping and the introduction of CCTV cameras around the site.</p>
Urban Design Advisor	<p>The application was forwarded to an Urban Designer for comments in relation to design matters. The following points have been made;</p> <ul style="list-style-type: none"> ▪ The site is considered satisfactory for a development of this scale and is availed with a suitable northeast aspect however there are many aspects of the proposal that warrant re-design. ▪ Whilst the proposition for a Motel and associated car parking on this site is generally acceptable, the DA in its current form should not be approved. The applicant/proponent should undertake further design development and submit additional information and drawings. ▪ The following aspects of the development however are considered to be sub optimal. ▪ The built form and landscape drawings are inadequate and very poorly integrated. ▪ Whilst the development is not required to be assessed as a SEPP 65 development, nevertheless an Architect skilled in detailing medium density and apartment complexes would also assist in a higher quality outcome. ▪ The 3D sketches are grossly inadequate.

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Referral	Outcome
	<ul style="list-style-type: none"> ▪ The layout of the car parking and overall landscaping plan is considered very poor. ▪ The walkway to Buildings 1 and 2 is convoluted and considered unsafe. This is exacerbated by retaining walls that are some 2.75 metres high. The security potential of customers and workers/cleaners/staff on the site would be highly compromised by the design and layout of these walls. ▪ The excavation behind buildings 1 and 2 result in major cut into the hillside and the retaining walls result in a very narrow setback especially to rear lot 25. This is considered a major flaw with the current design. ▪ Building Nos. 1 & 2 could be relocated further east, which would result in less excavation, a more meaningful setback from existing dwellings at Nos. 25 & 27 and a better relationship to the access requirements ▪ Other aspects that the applicant is silent on are items such as lighting.

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1.3 SECTION 79C ASSESSMENT

State Environmental Planning Policy No. 55 – Remediation of Land

Question	YES		NO	
	1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?		Proceed to Question 3	X
2. Does the proposal result in a change of use (that is the establishment of a new use)?	X	Proceed to Question 3		Assessment under SEPP 55 and DCP required. The applicant has not provided any assessment that would confirm absence of site contamination
3. Does the application proposed a		Proceed to	X	Proceed to

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Question	YES		NO	
new: Child care facility Educational use Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone		Question 5		Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?		Proceed to Question 5	X	Proceed to Question 5
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?		A Geotechnical Inspection Report has been submitted. Not a stage 1 – Preliminary site investigation against - Remediation of Land (SEPP 55).	X	A Geotechnical Inspection Report has not confirmed the absence of contamination

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Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
Aims of the Plan The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	Documentation submitted; Geotechnical inspection report dated 24/5/2016 and Sydney Water comments dated 16/9/2016 demonstrates that the proposed development will have no adverse impact on the environment of the Hawkesbury-Nepean River system and therefore is consistent with the

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Relevant Provisions	Comment
	aims of the plan subject to requirement.
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	
(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.	There will be no significant impact to the catchment within adjacent or downstream LGAs as a result of the development and therefore no referral is required.
(b) Consider the impact of the development concerned on the catchment.	Not applicable. Sydney Water has provided strict recommendations.
(c) Consider the cumulative environmental impact of development proposals on the catchment.	The proposal will not contribute to a cumulative environmental impact in the catchment.
(2) Environmentally sensitive areas	
(a) Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted so that attached aquatic plant beds are replaced and water quality and faunal habitats improved.	Not applicable. The subject site does not fall within the area identified as scenic corridor.
(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.	No adverse impact on water quality anticipated.
(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916 and conservation area sub-catchments in order to protect water quality and biodiversity.	Not applicable.
(d) Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.	It is understood that there are no wetlands on or proximate to the subject site.

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Relevant Provisions	Comment
(e) Consider the need to include buffer zones (such as adequate fire radiation zones) for proposals on land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916 .	Not applicable. The subject site is not directly adjacent to a National Park.
(f) Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974 .	Not applicable. The subject site is not directly adjacent to a National Park.
(g) Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils.	No detrimental impact on the water table or acid sulphate soils is anticipated.
(h) New development in conservation area sub-catchments should be located in areas that are already cleared.	The proposed development is situated on land that is previously cleared.
(3) Water quality	
(a) Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.	It is considered that there will not be a significant increase in pollutant loads associated with the development.
(b) Consider the need to ensure that water quality goals for primary contact recreation and aquatic ecosystem protection are achieved and monitored.	The proposed motel use is unlikely to result in water quality impacts.
(c) Approve development involving primary contact recreation or the withdrawal of water from the river for human contact (not involving water treatment), such as showers, only in locations where water quality is suitable (regardless of water temperature).	Not applicable. Development does not involve primary contact with water or withdrawal of water for human contact.

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Relevant Provisions	Comment
(d) Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site.	Not applicable. Development does not involve on-site effluent disposal. It is proposed to privately pump sewer to the existing service. Sydney Water will require a report with calculations to support the proposal.
(e) Develop in accordance with the land capability of the site and do not cause land degradation.	Sydney Water has advised that proposed waste water with private pump is satisfactory subject to conditions.
(f) Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.	If approved, the development consent will provide for an appropriate condition requiring a sediment control plan prior to commencement of work.
(g) Minimise or eliminate point source and diffuse source pollution by the use of best management practices.	The proposed use is of a nature that it is not likely in significant pollutant generation.
(h) Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.	The site slopes towards the creek that runs parallel to Bakers Lodge Road. The site is covered with grass. The development is to provide appropriate measures to minimise slope stability. The Geotechnical assessment report has provided recommendations for the development.
(i) Consider the impact of the removal of water from the river or from groundwater sources associated with the development concerned.	Not applicable. No water removal from rivers or groundwater sources is proposed as part of this proposal.
(j) Protect the habitat of native aquatic plants.	The habitat of aquatic plants will not be compromised by the proposal as the development site is a sufficient distance from habitat (e.g. water bodies) and is to observe recommendations of the Geotechnical assessment report and Sydney Water.

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Relevant Provisions	Comment
(4) Water quantity	
(a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.	The applicant has not provided sufficient information to properly assess this control. A stormwater design must be submitted.
(b) Ensure the amount of stormwater run-off from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage on-site stormwater retention, infiltration and (if appropriate) reuse.	No hydraulic plans have been submitted to ensure the development does not impact on Stonequarry Creek and surrounding properties.
(c) Consider the need for restricting or controlling development requiring the withdrawal or impoundment of water because of the effect on the total water budget of the river.	Not applicable. The development does not involve the withdrawal of water and will not alter the total water budget of receiving waters.
(d) Consider the impact of development on the level and quality of the water table.	No information provided by the applicant.
(5) Cultural heritage	
(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.	The subject site is not identified in Schedule 5 of the Wollondilly Local Environmental Plan 2011.
(b) Protect Aboriginal sites and places of significance.	Not applicable. No known Aboriginal sites or places of significance are located within or proximate to the subject site.
(c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.	The development site is highly modified and not likely to contain Aboriginal sites.
(d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land	Not applicable.

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Relevant Provisions	Comment
or listed in Schedule 2) derive their heritage significance from the river.	
(6) Flora and fauna	
Strategies, generally:	
(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.	The development site contains modified grassland and limited vegetation with the majority of existing trees to remain.
(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.	The development site is generally clear of vegetation other than modified grassland and a number of trees located towards Baker Lodge Road boundary.
(c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.	The development proposal was not accompanied by a Flora and Fauna Assessment.
(d) Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.	The proposed development is not likely to significantly alter ecological processes occurring on the site or within the catchment.
(e) Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.	A Flora and Fauna Assessment report has not been submitted by the applicant.

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Relevant Provisions	Comment
(f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.	A Flora and Fauna Assessment report has not been submitted by the applicant.
(g) Consider the need to control access to flora and fauna habitat areas.	
(h) Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.	A Flora and Fauna Assessment report has not been submitted by the applicant.
(8) Agriculture/aquaculture and fishing	
(a) Give priority to agricultural production in rural zones.	The site is not within a rural zone and the proposal is to establish a permissible land use in a RE2 – Private Recreation zoning.
(b) Ensure zone objectives and minimum lot sizes support the continued agricultural use of Class 1, 2 and 3 Agricultural Land (as defined in the Department of Agriculture’s Agricultural Land Classification Atlas) and of any other rural land that is currently sustaining agricultural production.	Not applicable. Does not relate to the development application.
(c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts.	Not applicable. Does not relate to the development application.
(d) Protect agricultural sustainability from the adverse impacts of other forms of proposed development.	Not applicable. Does not relate to the development application.
(e) Consider the ability of the site to sustain over the long term the development concerned.	Not applicable. Does not relate to the development application.
(f) Consider the likely effect of the development concerned on fish breeding grounds, nursery areas, commercial and recreational fishing	Not applicable. Does not relate to the development application.

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Relevant Provisions	Comment
areas and oyster farming.	
(12) Metropolitan strategy	
(a) Consider the impacts of transport infrastructure proposals on water quality and air quality.	Not applicable.
(b) Consider the impacts of metropolitan waste disposal on water quality.	No information provided.
(c) Consider the impacts of development on air quality.	No information provided.
(d) Consider the need for waste avoidance, waste reduction, reuse and recycling measures.	Waste produced by the proposed development will be disposed of off-site by contractors.
(e) Consider the implications of predicted climate change on the location of development and its effect on conservation of natural resources.	Climate change is not likely to significantly impact the location of the proposed development.
11. Development controls	
(1) Caravan parks or camping grounds	Not applicable.
(2) Composting facilities or works	Not applicable.
(3) Buildings, works or land uses within conservation area sub-catchments	Not applicable.
(4) Remediation of contaminated land	Not applicable.
(5) Extractive industries	Not applicable.
(6) Extractive industries—maintenance dredging and extractive operations	Not applicable.
(7) Filling	The development controls state that consent is required for filling exceeding 1 metre in depth. The subject application appears to seek approval for fill greater than 1 metre in numerous areas of the building site.

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Relevant Provisions	Comment
(8) Potentially hazardous or offensive industries	Not applicable.
(9) Items of non-Aboriginal heritage	Not applicable.
(10) Intensive horticultural establishments	Not applicable.
(11) Intensive animal industries	Not applicable.
(12) Manufactured home estates	Not applicable.
(13) Marinas	Not applicable.
(14) Recreational facilities	Not applicable.
(15) Land uses in or near the river	The development site is in the vicinity of a Stonequarry Creek to the east of Bakers lodge Road and to the west separated by residential development. Appropriate stormwater management may reduce any perceived impact on water courses.
(16) Land uses in riverine scenic areas	Not applicable.
(17) Sewerage systems or works	The applicant intends to privately pump to the existing system.
(18) Waste management facilities or works	Not applicable.
(19) Development in mapped wetlands	Not applicable.

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Wollondilly Local Environmental Plan, 2011

Clause 1.2 Aims of Plan:

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	The proposal does not involve wholesale removal of vegetation. However the built development will significantly contribute to an altered visual impact on the natural landscape character with the four building structures and extensive onsite car parking with associated access way.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	No items or places of significance are situated upon or proximate to the subject site. Nonetheless, the proposed lightweight materials used for the proposed motel buildings will be viewed as out of character with existing surrounding residential architecture comprising brick and tile residential built form in Stargard Estate.
(c) to protect water quality in land that is situated within water supply catchments,	The application has been referred to Sydney Water who has indicated that the development proposal has frontage to a water main. The proposal will have no significant impact on water quality in water supply catchments subject to conditions.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	The proposed development is located at the intersection with Observatory Street (local road) and Bakers Lodge Road (an RMS Regional Road – MR4668) Council’s Infrastructure Coordinator advises that the access to the site is restrictive and will pose vehicle conflict issues with the existing median, and merging traffic from Bakers Lodge Road, Observatory

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Objective	Comment
	Street and Stargard Crescent.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	The proposal is not situated on or surrounded by rural land but surrounded by large lot residential development.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	The proposal and its location close to dwellings introduces a visually dominate built form that compromises the unique physical separation between Heritage Picton and Stargard Estate thus, being contrary to the desired residential character outside the Town Centre.

Planning & Economy

Characterisation: Emerging Residential Precinct (residential accommodation)

Residential accommodation is defined in the Dictionary to the Wollondilly Local Environmental Plan 2011 as follows:

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings
- (b) boarding houses
- (c) dual occupancies
- (d) dwelling houses
- (e) group homes
- (f) hostels
- (g) multi dwelling housing
- (h) residential flat buildings
- (i) rural workers’ dwellings
- (j) secondary dwellings
- (k) semi-detached dwellings
- (l) seniors housing
- (m) shop top housing.

but does not include tourist and visitor accommodation or caravan parks.

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Hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles, but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note: Hotel or motel accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

Zone of land: **RE2** Private Recreation
 Permissibility: Permitted with consent
 Zone objectives: refer below:

Objective	Comment
RE2	
To enable land to be used for private open space or recreational purposes.	The proposal is a permissible use within the zoning.
To provide a range of recreational settings and activities and compatible land uses.	Although the proposed commercial motel development is permissible, it is considered to be incompatible with recently new adjoining residential properties fronting Stargard Crescent. The motel business may introduce unwanted activity associated with people activity and car movements outside expectable residential hours such as 9.00am to 7.00pm.
To protect and enhance the natural environment for recreational purposes.	The proposal will have an impact on the natural surroundings consisting of a water course and grassland by the introduction of commercial buildings, potential late night activity, onsite car parking and access ways, alienation of expected residential amenity.

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Relevant LEP 2011 Clauses

Clause	Comment
Part 2 Permitted or prohibited development	
2.4 Unzoned land	Not applicable.
2.5 Additional permitted uses for particular land	Not applicable.
2.6 Subdivision—consent requirements	Not applicable.
2.7 Demolition requires consent	Not applicable.
2.8 Temporary use of land	Not applicable.
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	Not applicable.
4.1A Minimum lot size for dual occupancies in residential zones	Not applicable.
4.1B Subdivision of certain land in Zone E4 Environmental Living	Not applicable.
4.2 Rural subdivision	Not applicable.
4.2A Erection of dwelling houses on land in certain residential, rural and environmental protection zones	Not applicable.
4.3 Height of buildings	The maximum height under LEP 2011 is 9m. The building would appear to be under the maximum height control.
4.4 Floor space ratio	Not applicable.
4.5 Calculation of floor space ratio and site area	Not applicable.
4.6 Exceptions to development standards	Not applicable.
Part 5 Miscellaneous provisions	
5.1 Relevant acquisition authority	Not applicable.
5.1A Development on land intended to be acquired for public purposes	Not applicable.
5.2 Classification and reclassification of public land	Not applicable.

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Clause	Comment
5.3 Development near zone boundaries	The proposed motel use is not considered suited on the subject site, which is adjacent to the zone boundary of R5 – large lot Residential and is therefore not compatible with the planning objectives of the R5 Residential zone.
5.4 Controls relating to miscellaneous permissible uses	Not applicable.
5.5 Development within the coastal zone	Not applicable.
5.6 Architectural roof features	Not applicable.
5.7 Development below mean high water mark	Not applicable.
5.8 Conversion of fire alarms	Not applicable.
5.9 Preservation of trees or vegetation	The development site comprises a number of eucalypt trees towards the southern end of the land, which are to be retained. Two medium sized eucalypt trees adjacent to Stormwater course and Barker Lodge Road will be removed.
5.9AA Trees or vegetation not prescribed by Development Control Plan	As above.
5.10 Heritage conservation	No heritage items, heritage conservation areas, archaeological sites, aboriginal objects or places are mapped on or nearby the site.
5.11 Bush fire hazard reduction	The site is within a bushfire zoning. The applicant failed to submit a detailed bushfire report and therefore the application was not formally referred to the RFS for comment.
5.12 Infrastructure development and use of existing buildings of the Crown	Not applicable.
5.13 Eco Tourist Facilities	Not applicable.

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Clause	Comment
Part 6 Urban release areas	
6.1 Arrangements for designated State public infrastructure	Not applicable.
6.2 Public utility infrastructure	Not applicable.
6.3 Development control plan	DCP 2016 Volume 6 – Tourism and Events
6.4 Relationship between Part and remainder of Plan	Not applicable.
Part 7 Additional local provisions	
7.1 Essential services	Sydney Water has advised that the existing 100mm DICL water main located in Barkers Lodge Road will serve the proposed development. The sewer main is required to meet the recommendations provided by Sydney Water. However, there is concern as to the ability of the existing water main(s) being adequate for fire fighting purposes.
7.2 Biodiversity protection	Not applicable.
7.3 Water protection	Applicable to Stonequarry Creek.
7.4 Flood planning	Council Engineer has provided conditions if the DA is approved.
7.5 Earthworks	Earthworks excavation/fill is proposed to provide a level development area and retaining walls for the proposed buildings. The proposed excavation & fill for buildings and the car park have the potential to detrimentally impact on the site and potential impact on Stonequarry Creek.
7.6 Development within a designated buffer area	Not applicable.

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1.3.1 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft Environmental Planning Instruments are relevant to the development proposal.

1.3.2 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

The development proposal is subject to - Wollondilly Development Control Plan 2016 (WDCP 2016) Volume 6 – Tourism and Events.

Relevant Provisions	Comment
Part 2 – General requirements for all development	
Part 2.1 – Environmental Protection	
Objectives	
1. To ensure significant environmental assets are not adversely impacted by development subject to this volume.	The proposal will result in an impact to the natural environment. The application is considered to compromise the quality of Stonequarry Creek and the surrounding environmental assets being the natural open space as prescribed by controls 1 and 2 of DCP No. 6.
Controls	
1. Development subject to this volume must not result in the removal of significant stands of native vegetation.	The proposed development will retain the majority of vegetation with the exception of two gum trees located towards the rear of the site.
2. Development subject to this volume shall not result in negative impacts that are not minor on watercourses or other environmental assets.	The proposal is considered to result in potential impact on Stonequarry Creek with regards to surface runoff and silting.
2.2 – General Requirements	
Objectives	
1. To ensure that tourist and accommodation uses achieve a standard of development that is complementary to the existing residential environment and ensures that development is carried out in an	The proposed development is considered to be lacking in appropriate built form to complement the desired residential character of new residential dwellings in the

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Relevant Provisions	Comment
appropriate manner.	immediate and surrounding locality. The submitted Statement of Environmental Effects fails to provide sufficient information on the day to day operation of the business in terms of this objective and therefore considered unacceptable.
Part 3 – Controls for specific land uses	
3.1 – Hotel and Motel Accommodation	
<ol style="list-style-type: none"> To ensure the development is consistent with the character of the surrounding neighbourhood, To encourage and promote a high quality standard of accommodation 	<p>As mentioned above, the development is considered to be deficient in architectural detail and will compromise social equity in that it would impact on the residential neighbourhood amenity.</p> <p>The development is not of high quality accommodation or built form.</p>
Controls	
1. Accommodation must not be provided to the same person or persons for more than a 3 month period. Where accommodation is provided for more than 28 consecutive days there must be no more than two persons per room.	If recommended for approval, a condition would apply to this requirement.
2. The maximum number of persons accommodated in a bedroom shall be determined on the basis of 3.25m ² per person per sleeping room.	If recommended for approval, a condition would apply to this requirement.
3. Soundproof transmission reduction in the wall and ceiling construction by reason of the layout or location of the building may be required.	If recommended for approval, a condition would apply to this requirement under the NCC.
4. A maximum of 1 advertising sign no greater than 2.0m ² in size is permitted on the site. No illuminated or neon signs are permitted.	The proposed signage does not meet this control.

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Relevant Provisions	Comment
5. Where reception facilities are provided, 1 parking space per 5m ² of public floor area must be provided (may include on-street car parking where located within an existing commercial centre)	Not applicable. The development does not provide a reception facility.
6. If the development involves non-accommodation uses (restaurants, function rooms etc) those other uses must comply with the relevant volumes of this Development Control Plan	Not applicable. The development does not provide a restaurant or function room.
7. In addition to any car parking required for other uses on the site, the development shall provide two (2) parking spaces and one (1) parking space per visitor bedroom.	Not applicable. The provision of parking is compliant at 24 car spaces.
3.4 – Temporary Markets	
.1 Objectives	
<ol style="list-style-type: none"> 1. to ensure the development is consistent with the character of the surrounding neighbourhood, 2. to ensure markets do not have adverse environmental impacts. 	Not applicable. No application has been made for any temporary markets
3.5 - Events	
Objectives	
<ol style="list-style-type: none"> 1. To ensure the development is consistent with the character of the surrounding neighbourhood, 2. To ensure markets do not have adverse environmental impacts. 	Not applicable. No application has been made for any events.

To this end the development is not considered appropriate for the subject site and is recommended for refusal.

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1.3.3 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

The relevant provisions of Council’s LEP 2011 have been considered. The development proposal is permissible with council consent.

The relevant provisions of the EPA Act including Section 79C have been considered.

1.3.4 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

None.

1.3.5 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO

None.

1.4 IMPACT OF THE DEVELOPMENT

Heads of Consideration	Comment
Natural Environment	It is considered that the proposal will have visual impact on the surrounding open space and vegetation.
Built Environment	The intended built form is considered to have a negative impact on the surrounding residential character.
Social Impact	Refusal of the application is recommended as the commercial use of the site is in conflict with the residential amenity with the introduction of activity and associated noise outside normal hours.
Economic Impact	It is considered that the proposal would have some economic benefit.

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1.5 SUITABILITY OF THE SITE

Notwithstanding the proposal’s permissibility under the zoning, the site is not suitable for a commercial use of the land for a motel that introduces conflicting activity to adjoining residential dwellings resulting in a negative impact on resident’s amenity, the natural vegetation and Stonequarry Creek.

1.6 SUBMISSIONS

The application was notified for a fifteen day period from 7 September 2016 to 22 September 2016. A total of thirty (30) submissions were received.

Below is a summary of the issues and comments.

Concern	Comment
Environment - the parcel of land is subject to flooding. This would place pressure on the drainage and water flow in the event of heavy rain.	This matter is an issue, Council’s engineer has recommended that the site access be raised to the 1% AEP level and this may require levels higher than adjoining properties in Observatory Street. However, the buildings are considerably higher than this level and will meet minimum floor levels.
Lifestyle – in moving to the area for the lifestyle, the development would severely impact us by construction noise and the 24 hour operation, 7 days a week.	The applicant did not submit an acoustic report supporting the motel’s operations. However, it is viewed that the motel and its operations of possibly 24 hour operation 7 days a week, not compatible with adjoining and surrounding residential land uses.
The Motel would bring in very little monetary value to the region.	It is considered that the proposal would have some economic benefit.
The proposed site will cause major pedestrian concerns. Currently the residence of Stargard Estate and Davis Street who need to access Picton Township via Bakers Lodge Road by foot run a dangerous gauntlet. There is a severe safety concern due to the number of cars, trucks and motorcycle on Balers	In considering the proposal, concerns are raised in the potential impact for visitors to the Motel and pedestrian access to Picton. The applicant contends that <i>“development such as this will help the case for footpath improvement.”</i>

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Concern	Comment
Lodge Road with no pedestrian walkway.	Should the development be approved, a condition would apply so that the applicant is to construct a footpath to council’s requirements.
Zoning of the area surrounding Stargard Estate and Davis Street is currently residential not commercial and on the base along the application should be declined.	The subject site is zoned RE2 – Private Recreation and permits Hotel or Motels and like commercial businesses such as function centres, recreation facilities (indoor) and registered clubs.
The access to the motel will cause the entrance signage to our Estate to be removed which our community has great pride in as a collective our community continue to maintain our estate entrance in a pristine appearance at our cost and labour.	The intended signage is not accepted as proposed in the application, which is larger than allowed by the DCP. If the development is approved it will have to comply with Council’s DCP requirements under Part 3, ‘3.1 controls’.
The proposed business will install lighting to the car park which will also illuminate adjoining residences.	Although the applicant did not address this matter, the police recommended lighting around public and private areas including the onsite car parking area.
Traffic management plan for vehicles accessing the site concludes, overall that access to and from the site will create no difficulties. This simply untrue. During construction phase it will be difficult if not impossible for construction vehicles arriving from the east to turn into the site.	The submitted Traffic Impact Assessment report raises no objection to the provision of parking or the movement of vehicles to and from the site when in operation. However, there is little commentary on the issue of construction traffic and potential impacts on the surrounding street system.
The traffic infrastructure in the area is exceptionally bad. Barkers Lodge Road is becoming increasingly busier which has impacted on the traffic flow in the area.	Council’s development assessment team has considered this issue and shares the community’s concern. Council’s Engineer has concerns that the Safe Intersection Sight Distance is not achieved to the access point for the motel from Bakers Lodge Road (90m for 50km/h and 114m for 60km/h).

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Concern	Comment
The proposed development will have an enormously negative effect on the visual impact of the area and will be a visual blight on the country landscape.	Consideration has been given to the potential impact on the landscape outlook from residential properties. The visual quality will be diminished by the built form of the 4 Motel buildings and onsite car park.
The subject land, Lot 29 has never been maintained by the owner since purchase. This causes great concern to us as to what sort of maintenance would be kept up around the proposed development.	Should the development proposal be approved, appropriate conditions will ensure the motel is to be appropriately maintained as required by Council.

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FINANCIAL IMPLICATIONS

This matter has no financial impact on Council’s adopted budget or forward estimates.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Perspective view of the motel buildings onsite
2. Survey plan of the site and surrounding precinct
3. Site plan indicating buildings and car parking area

RECOMMENDATION

That the development proposal for the establishment of a Motel comprising 19 Rooms and Managers residence, onsite parking at Lot 29 Stargard Crescent, Picton, is refused on the following grounds.

1. The proposal is in conflict with the LEP 2011 objective 1.2 (2)(a); *“to provide for the management of natural resources and the protection of the natural landscape character”*.
2. The proposal is in conflict with the LEP 2011 RE2 – Private Recreation zoning objective (1); *“To protect and enhance the natural environment for recreational purposes”*.
3. The proposed vehicle access to the site from Observatory Street will result in an unsatisfactory traffic conflict with Bakers Lodge Road and Stargard Crescent.
4. The development proposal will have a detrimental environmental impact on Stonequarry Creek with regards to runoff and sediment.

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5. The development proposal is not considered suitable or compatible with the adjoining and surrounding residential land use.
6. The Motel business activities will introduce unwanted and inappropriate noise activity outside normal business hours, which will have a detrimental impact on the wellbeing, privacy and amenity of adjoining and surrounding residential properties.
7. The applicant has not provided sufficient detailed information for Council assessment regarding the disposal of effluent from the site, which is considered to be defined as a ‘sewage system or works’ under *clause 29 of Schedule 3, ‘Designated Development’ of the Environmental Planning & Assessment Regulations*.
8. The applicant has not provided sufficient detailed information regarding stormwater management or possible site contamination of the subject site.
9. The applicant has not provided sufficient detailed information regarding assessment of the development with regards to an Integrated Development – ‘Bush Fire Prone land’ as prescribed under Section 91 of the Environmental Planning & Assessment Act 1979.
10. The applicant failed to provide a detailed landscape plan to safeguard existing vegetation on the subject site and detail such landscaping to screen and minimise visual impact of the development on adjoining and surrounding residential development.