

NSW Department of Planning, Housing and
Infrastructure
Att. michael.doyle@dpie.nsw.gov.au

APPLICATION

DE-2024/95

Date

11 October 2024

Dear Sir/Madam

Development	SSD-76132994 Coalcliff Eco-Tourist Facilities Request for SEAR's comments
Location	Lot 100 DP 715376 Lawrence Hargrave Drive COALCLIFF NSW 2508

Thank you for providing Council with the opportunity to comment on this proposal.

The submitted documentation relating to the proponent's Request for SEAR's has been reviewed. It is understood the Department will likely also seek comments from other stakeholders such as Sydney Water, RMS – both Transport and Sydney Trains, Endeavour Energy and the Department of Premier and Cabinet – OEH / NPWS.

It is Council's expectation that the SEAR's will require the proponent to demonstrate the proposal's strategic merit and alignment with the relevant statutory planning instruments and endorsed plans for the land under the current zoning. The Department also needs to be satisfied the proposal meets the SSD criteria of the SEPP Planning Systems 2021.

The information following is intended to support and augment the requirements outlined in the *Planning Secretary's Environmental Assessment Requirements – Cultural, recreation and tourist facilities* (nsw.gov.au).

Wollongong Local Environmental Plan 2009

Under a standard planning pathway (non-SSD) the development of eco-tourism facilities on this site would require a Planning Proposal for an additional permitted use under Schedule 1 of the WLEP2009. This matter has been similarly considered previously by Council via a submission to the draft exhibition of WLEP 2009 in 2008 to rezone the land to SP3 which was rejected as identified at Attachment 1– Site development and zoning history.

The dominant and primary use of the land is for an eco-tourist facility which is a prohibited use on C2 – Environmental Conservation zoned land in WLEP 2009. Similarly cl. 5.13 Eco-Tourist facilities of WLEP2009 is deliberately blank and the land use categorisation omitted from the Dictionary. The proposed environmental protection works, and environmental facilities are clearly ancillary development to the ecotourist facility use.

The Scoping report notes the Land Use table requirements for C2 as well as clause 7.8 Illawarra Escarpment Area Conservation and Schedule 5 Heritage Conservation Areas (HCA). The EIS must clearly demonstrate how the eco-tourism facility use will meet the objectives of the zoning, and how the development has been designed to meet the requirements of Clause 7.8 and it's impact on the Heritage Conservation Area.

The EIS must also meaningfully describe in detail how it is consistent with the objectives and outcomes sought in WLEP 2009 to the following key environment related clauses:

- Clause 7.2 Natural resource sensitivity—biodiversity
- Clause 7.5 Acid Sulfate Soils
- Clause 7.6 Earthworks

In relation to other site attributes and constraints it is noted there is no applicable maximum floor space ratio and a 9m maximum building height applies to the subject allotment. The western part lot is mapped as Illawarra Escarpment Lands and both part lots are mapped Heritage Conservation – Landscape, Natural Resource Sensitivity/ Biodiversity, Geotechnical Instability and Bushfire Prone land. Coastal Geotechnical Risk (cliff top erosion) applies to the eastern part lot as does Coastal Environment Area mapping of the Resilience and Hazards (R&H) SEPP. Any building works require compliance with the Building Code of Australia/NCC and adherence to Planning for Bushfire requirements.

Illawarra Escarpment Strategic Management Plan (IESMP)

The Plan provides a strategic framework for planning proposals and developments with a strong focus on achieving positive environmental outcomes, in particular and as relates to managing:

- Clearing of existing escarpment vegetation for the provision of tourist facilities and their bushfire protection.
- Increased impacts on important Moist Forest Escarpment Linkage areas.
- Increased edge effects on escarpment ecosystems.
- Reduction in scenic value from development of currently vegetated areas.
- Likely impacts on Aboriginal Heritage.

The IESMP identifies that part of the Illawarra Escarpment's economic value can include "areas capable of supporting local employment including tourism" and that productive use of land can drive investment in active management of the escarpment. However, the IESMP also states that in land use planning decisions, environmental and cultural values must take precedence over its economic exploitation.

The Plan includes Character Statements for the different land use zones represented throughout the Escarpment i.e. Section 5.2.1 E2 – Environmental Conservation Character Statement. In particular, consistency with objectives in Sections 5.5.2 Conservation Benefit and 5.5.3 Environmental Envelope is to be demonstrated and items 1 to 23 of the Site Analysis in Section 5.5.4 Assessment Criteria are to be responded to by the proponent.

Council would have difficulty in supporting any proposal that contradicts, or is not sufficiently aligned with the intent of the strategic principles as set out in the IESMP. Clear and reasonable justification is required where the proposed development will counteract the objectives and outcomes. The IESMP requires that development should only occur within cleared areas and vegetation should not be removed to create Asset Protection Zones.

Eco-tourism type activities would need to follow principles such as no native vegetation clearing, utilising existing infrastructure (e.g., roads, water supply), nil or positive impact on biodiversity, and nil or negligible visual intrusion and adequate bush fire protection. One of the desired future outcomes of the zoned land is the provision of opportunities for public appreciation of the escarpment environment and its cultural heritage where conservation is not compromised. Consideration should be given to how the proposal will provide opportunities for public appreciation – rather than limiting this to a limited number of commercial customers.

Illawarra Shoalhaven Regional Plan 2041

The Plan notes that the Illawarra Escarpment is the dominant landform of the Illawarra region and is listed as a 'Scenic Landscape of Statewide Significance' on the Register of the National Trust of Australia (NSW). Providing tourism and recreational experiences, it is a highly valued and in demand

public space for visitors and residents alike. The area contains landscape features of spiritual significance to the Aboriginal community and opportunities for enhanced use of the Illawarra Escarpment requires access in a controlled and managed way to ensure its continued protection.

The EIS must meaningfully describe in detail how the proposal is consistent with the objectives and outcomes sought to the following key environment related objective and strategies:

- Objective 11: Protect important environmental assets including Strategies 11.1 to 11.6
- Objective 12: Build resilient places and communities including Strategies 12.1 to 12.3
- Objective 15: Plan for a Net Zero region by 2050
- Objective 16: Support the development of a circular economy

Given the SSD application proposes development which is outside the existing planning framework (i.e., non-compliant uses), it is important that supporting documentation for the proposal addresses the objectives and actions of the Regional Plan in a manner commensurate with that of a Planning Proposal.

Wollongong Local Strategic Planning Statement (WLSP)

The proposal is predominantly for a private development for paying guests. Whilst development of the site is not specifically mentioned in the WLSP any proposal could argue that it complies with broad LGA- wide economic, housing or environmental objectives. However, the more specific location strategies need to be considered. Coalcliff is a constrained location, where the escarpment connects with the coastline. The area has limited infrastructure, and the subject location is not identified for significant development

The general community, which holds the aesthetic value of the area highly, may only experience negative impacts in terms of visual intrusion by the proposal. Council's considerations for any Planning Proposals on the Escarpment focus strongly on the conservation outcomes and demonstration of how changes will provide an overall improvement to the environmental and cultural values of the Illawarra Escarpment, including for the general community. The Department, it is suggested, should consider the same focus in their assessment of the proposal.

The draft Tourism Accommodation Review Strategy

This review is currently on exhibition till 4 November 2024 – link:

[Draft Tourism Accommodation Review Strategy 2024 | Our Wollongong \(nsw.gov.au\)](#)

The draft Strategy does not propose to introduce the eco-tourism definition or the land use into the WLEP2009 and specifically indicates that eco-tourism facilities that adversely impact their environmental setting will not be supported by Council.

Coastal Zone Management

It is noted that the Department of Planning, Housing and Infrastructure (DPHI) Predevelopment Application PDA-69123209, required additional information to assess the significant coastal hazards risks of the subject site to enable the request for Secretary's Environment Assessment Requirements (SEARs). Although it's not entirely clear to Council if this requirement was met by the applicant. On review of the Scoping Report by Ethos Urban (2024) Section 6.6.4 Coastal Hazards suggests 'An assessment of any potential coastal hazards that may impact upon the site's development and require necessary mitigation, will be provided within the EIS.' Further, the Ethos Urban (2024) 'Table 3 Statutory context' content entirely overlooks the *Coastal Management Act* 2016 (CM Act) and *State Environmental Planning Policy (Resilience and Hazards)* 2021 (SEPP R&H) Chapter 2 Coastal management and mapping which both affect the subject site.

In summary SEPP R&H Chapter 2 has the aim 'to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act* 2016'. In view of the omissions by Ethos Urban (2024) to adequately address the

critical coastal management statutory instruments, *NSW Coastal Design Guidelines 2023* (DPE, 2023), along with significant biophysical environmental constraints of the subject site:

- The current proposal appears to introduce an ad hoc site-specific approach to land use planning in the coastal zone
- It has the potential to set undesirable precedents to undermine the Wollongong Coastal Management Program that is currently under development in collaboration with the NSW Government with 'Stage 2: Determine risks, vulnerabilities, and opportunities' currently in progress
- It suggested the proposal does not progress to an EIS until the applicant can demonstrate how the proposal responds to the CM Act, and SEPP R&H, along with genuine construction and operation feasibility.

In the instance where the applicant can adequately demonstrate to DPHI how the proposal responds to the CM Act, SEPP R&H, along with genuine construction and operation feasibility, a specific Coastal Hazards and Constraints study should be prepared to inform the EIS.

In addressing SEPP R&H Section 2.9 Development on land within the coastal vulnerability area, whilst Wollongong City Council has not yet mapped a 'Coastal Vulnerability area', Council, in collaboration with the NSW Government, is developing an Open Coast Coastal Management Program that will encapsulate this area. In the interim the existing Coastal Zone Management Plan (BMT, 2017) and Coastal Zone study (Cardno, 2010) are baseline informing studies and strategic plans.

The geotechnical aspects of a Coastal Hazards and Constraints study is to be informed by:

- A geotechnical assessment by a qualified geotechnical engineer or engineering geologist
- *The Wollongong Coastal Zone Management Plan* (BMT, 2017) and *Coastal Zone Study* (Cardno, 2010) including but not limited to technical assessments and predictions in these studies of the influence of coastal processes, including wave breaking, run-up and overtopping, sea level rise, and climate change induced shifts in rainfall intensity, upon the area affected by geotechnical hazards and specifically as documented for the subject site
- *NSW Coastal Design Guidelines 2023* (DPE, 2023)

In addition to the geotechnical assessment, given the proposal seeks to divert from WLEP 2009 zoning controls and therefore has relevance to Local Planning Direction 4.2 (Coastal Management), the Coastal Hazards and Constraints study is to demonstrate consistency with the *NSW Coastal Design Guidelines 2023* (DPE, 2023). This must include but not be limited to a detailed assessment against all 'Desired outcomes and their requirements' specified in Section 3.2 Key outcomes for planning proposals in the coastal zone.

Biodiversity management

The Scoping Report is in part justifying the proposed ecotourism development as the only economically viable pathway to 'maintain and enhance the environmental value of the land by utilising the natural flora, fauna, and resources in a harmonious manner' and highlights for this to be realised 'The site requires ongoing investment to manage the land and rehabilitate the degraded areas of the site' (Ethos Urban, 2024).

For this key justification to have any validity, it will be critical for the EIS to demonstrate how the biodiversity values of the whole site will be managed and financed in-perpetuity following the initial investment in the environmental rehabilitation works. This is required as, if it were the case that investment in improving and maintaining biodiversity values has a finite timeframe (as opposed to in-perpetuity), the future operation of the development, if approved, simply becomes an additional permitted use of the C2 Environmental Conservation lands. A scenario such as this will set an undesirable precedent for the WLEP 2009 including the objectives of WLEP 2009 Clauses 7.2 and 7.8 and outcomes sought in key regional and local policies such as the *Illawarra-Shoalhaven Regional Plan 2041* (DPIE, 2021), *Wollongong Local Strategic Planning Statement* (WCC, 2020) and DPE endorsed *Illawarra Escarpment Strategic Management Plan 2015* (WCC, 2015). The BDAR is to propose how an in perpetuity improved outcome for biodiversity values will operate including in perpetuity

funding. The recommendations of the BDAR must be adopted into the Biodiversity Management Plan, with both relied on in the 'Justification' content of the EIS.

On the basis of preliminary ecological assessments, the Commonwealth *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) and NSW *Biodiversity Conservation Act* 2016 (BC Act) apply to the proposal. The WLEP 2009 minimum Lot size of the subject land is 39.99 ha and it's considered the proposed development will exceed the BC Regulations 0.5 hectare native vegetation clearing threshold. The NSW Biodiversity Offset Scheme (BOS) will apply based on the current concepts and a Biodiversity Development Assessment Report (BDAR) will be required unless the likely direct, indirect and prescribed impacts can be reduced or eliminated. Based on the concept layout of the development footprint (Architecture AND, 2024) and taking into the account what will be required for services infrastructure upgrades, new service delivery, clearing of native vegetation will be required for the following during construction and operation:

- The proposed cabins and facilities including proposed pavilion and reception, multi-purpose building, external environmental facilities carparking
- Water and wastewater serving and management (including impacts of any irrigation/effluent management areas).
- Upgrades to existing and new electricity service
- Establishment and maintenance of asset protection zones for the buildings, carparks and trails and essential services infrastructure
- Installation and maintenance of fencing

The proposal is also considered likely to result in the following prescribed impacts to habitat or processes that sustain threatened species or ecological communities to which the NSW Biodiversity Offset Scheme (BOS) and Biodiversity Assessment Method (BAM) (DPIE, 2020) apply:

- Crevices, cliffs and other geological features of significance
- Rocks
- Non-native vegetation,
- The connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range
- The impacts of development on movement of threatened species that maintains their lifecycle
- The impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including from subsidence or upsidence resulting from underground mining or other development)

The EIS and BDAR must clearly and adequately demonstrate and describe how the proposal has followed the mitigation hierarchy required in the BAM to avoid and minimise impacts to biodiversity values before proposing offsets. This will include measures for design, construction and operational phases such as:

- Reducing the proposed development footprint from what is presented as a concept
- Reconfiguring the arrangement of accommodation and other facilities to areas that do not support native vegetation, threatened ecological communities and threatened species or their habitat
- Construction materials to reduce asset protection zones
- Designing essential service infrastructure such as potable water delivery and stormwater /wastewater management to minimise impacts to terrestrial, rocky foreshore, marine, aquatic and groundwater ecosystems and biodiversity values

The BDAR is to include assessments of significance for any potential direct or indirect impacts to EPBC Act threatened ecological communities or species or their habitats according to the EPBC Act 'Significant Impact Guidelines 1.1' (DotE, 2013).

The BDAR is to recommend the preparation of an in-perpetuity Biodiversity Management Plan (BMP) for the entire land holdings for construction and operational phases. The BMP is to be supported by

other plans such as a Vegetation Management Plan (VMP) and recommended timeframes for these to be reviewed and updated for the life of the proposed development. The final BMP and supporting plans are to be prepared and in place prior to any construction including for enabling works.

Note that the BDAR is to account for all works associated with the proposed development with avoidance, mitigation and offset measures identified upfront.

Economic assessment

The EIS detailed economic analysis must include the economic benefit of improved and then maintained biodiversity values through in-perpetuity financing of the 'environmental protection works'. *The Natural Capital Handbook* by CSIRO (2023) should be referenced for guidance. Further, noting a key purpose of an EIS is to provide 'a justification and evaluation for the project as a whole having regard to its economic, environmental and social impacts and the principles of ecologically sustainable development' (DPE, 2021), the economic analysis needs to include the benefits of sustainable construction and operation measures and initiatives such as renewable energy and reused/recycled stormwater.

The economic analysis is to demonstrate the development aligns with the *NSW Waste and Sustainable Materials Strategy 2041* (DPIE, 2021) with the *NSW Government's Net Zero Plan Stage 1: 2020–2030* (DPIE, 2020) and the outcomes sought in the *Net Zero Wollongong Climate Change Mitigation Plan 2023-30* (WCC, 2023).

Wollongong Development Control Plan (WDCP) 2009

Council's general view is that the proposal should demonstrate reasonable alignment with relevant Chapters of the DCP.

B06 – Development in the Illawarra Escarpment, E-10 - Aboriginal heritage E-11 – Heritage conservation

Development proposals in the Escarpment require an appropriate visual impact assessment (5 Visual Impact Assessment). The DCP includes detailed requirements for the assessment which should be followed. Key vantage points for consideration are listed in Appendix 1, along with specific guidance relating to siting and screening for each precinct.

In terms of heritage outcomes, the proposal seeks to -

- *Establish a unique destination and tourist facility that showcases cultural heritage and flora and fauna, that complements existing tourist destinations and provides a diversified tourism experience.*

It is unclear how the above objective will be achieved from the documentation provided. The proposal has the potential to significantly impact on cultural values associated with the Escarpment and coastline through vegetation clearing for bushfire constraints, land instability, view impacts, cultural heritage values and setting impacts.

The proposal will be highly visible from key scenic lookouts such as the Sea Cliff Bridge and Bald Hill. An in-depth Visual Impact Analysis will need to be prepared that shows these key views will not be impacted, noting that these views and scenic quality of the Escarpment are key tourism outcomes for the Illawarra.

The applicant should demonstrate that cultural values have been meaningfully considered throughout the design process and show active engagement with the Local Aboriginal Community and opportunities for ongoing involvement in any future ecotourism operation.

The following documents should be prepared as part of the SEARS -

- Visual Impact Assessment (VIA) from identified key views
- Heritage Impact Statement that addresses impacts of the proposal of the Heritage Conservation Area including considering the VIA and Planning for Bushfire requirements

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- Preliminary Historic Archaeological Report that addresses any potential for non-Aboriginal 'Artefacts' relating to the railway, mining operations, etc.
 - Aboriginal Cultural Heritage Assessment Report (ACHAR) that considers potential impacts on cultural values related to the Escarpment and broader views and connections as well as potential for Objects. The ACHAR should show meaningful consultation with the Local Aboriginal Community. In this regard a Due Diligence is not considered satisfactory. Note this will also need to assess northern lot where revegetation works are proposed
 - Connecting with Country that informs the design and is run alongside the ACHAR process
 - Heritage Interpretation Plan that allows for publicly accessible interpretation of historic and Aboriginal cultural values (as deemed appropriate by the Aboriginal Community) and integrated with the Grand Pacific Walk

E-12 Geotechnical assessment of slope instability, E-19 Earthworks

A previous geotechnical review for a proposed rezoning (Draft WLEP 2009) of the subject, included extracts of a geotechnical report by *Brink and Associates*. The information provided confirmed a landslide slide plane at the colluvium/bedrock interface determined previously by *Leventhal et al* at greater than 9 metre depth with a possible secondary slide plane at 4 metres. The site is described as being covered by up to 10 metres of landslide debris (colluvium), which confirms the historic slope instability. The wave cut rock platform below the site is also described as being covered by boulders. This is likely to be due to a combination of boulders toppling from the top of the sea cliff as the landslide transports its colluvium over the edge and also remnants of sea cliff collapse due to regression of the sea cliff from wave attack. Brink also stated that movement of the site was adversely affected by the construction of fill embankments, which need to be accommodated in the design and construction of developments. These fill embankments support Lawrence Hargrave Drive and the main rail line which both have a problematic history from the effects of slope instability. Drainage has been installed to reduce the impact of slope instability on these arterial transport links, however, Council is not aware that these works have been demonstrated to be fully successful. The proposed rezoning was not supported as it was assessed that insufficient geotechnical information had been submitted to demonstrate that the development was feasible.

The Scoping Report provides comment that the key risks and hazards (steep slope and potential landslip, mine subsidence and coastal hazards) will be within the EIS or in a report to be prepared, in the case of the geotechnical assessment.

Further geotechnical investigation and advice is required to determine subsurface conditions and constraints to demonstrate the feasibility of the proposed development.

E-16 Bushfire management

Ecotourism is considered Special Fire Purpose Protection (SFPP) development under the Rural Fires Act and Planning for Bushfire Protection (PBP) 2019. However, under Section 4.41(1)(f) of the EP&A Act a Bushfire Safety Authorisation is not required for SSD and SSD are not required to be assessed under Section 4.14 of the EP&A Act. PBP 2019 Section 2.4.2 notes though that given the scale of SSD projects that the requirements of PBP should still be applied and seeking advice from the RFS is encouraged. Even where comments have been provided by the NSW RFS at the strategic planning stage, future DA's may benefit from further advice from the NSW RFS. The applicant has noted in the Scoping Report, p 27, that it is their intention to seek advice from the NSW RFS.

PBP 2019 Section 6 details the controls for ecotourism development. Section 6.4.2 indicates that at least one building must be provided on site that can be used as a refuge for the maximum number of occupants on site. The building must have a minimum 10kW/m² APZ, be constructed to BAL-12.5 and have vehicular access. Cabins must be within a 100m walking distance of the refuge building. A refuge building has not been nominated. Should the Pavilion or Environmental Facility be nominated as the refuge building it should be noted that they do not appear to satisfy this requirement of PBP as not all the cabins are within 100m of these buildings.

The Biodiversity Constraints Assessment Project No 40831 dated 30 May 2024 prepared by Biosis appears to indicate the vegetation hazard within the vicinity of the development is sclerophyll forest. Table A1.12.1 indicates that the APZ's for the refuge building could be between 93m and 100m depending on direction and slope. Should the Pavilion or Environmental Facility be nominated as the refuge building in their current location it should be noted that APZ's satisfying the acceptable solutions of PBP may extend beyond the boundary of the subject site. It should be noted however, that Council does not support vegetation clearance in C2 zoned land for the purposes of APZ's

E-02 CEPTD, E-01 Accessibility and Community matters

Social Impacts should be included in the preparation of any EIS and consider the following:

Access

Accessibility provisions are to be demonstrated:

- Designated accessible parking in the car park,
- Continuous accessible paths of travel from the designated accessible parking to the shared facilities at the property,
- Inclusion of a unisex accessible toilet in communal areas,
- Accessible tourist cabins including continuous accessible paths of travel to the cabin/s,
- Emergency evacuation for all including people with a disability.

Community impacts

Demonstration of how this development benefit and impact nearby communities will. Clear information regarding any impacts be detailed and include mitigation methods where possible including demonstrated alignment with the *Climate Change Adaptation Plan for Wollongong (WCC, March 2022)*

Public facilities appear limited, and it is unclear how this would be managed. The reference to informal education is raised as a concern as this is a locally significant Aboriginal area and any information would require cultural knowledge and approval from community groups.

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Additional visitors to the site

Concern is raised over the scale of the proposal the ecotourism appears to be primarily accommodation with views. The use of the site for the wider community other than guests paying to stay is unclear. Areas of public viewing and footpaths are unclear. The proposed parking would not be sufficient to permit members of the community to park and visit any common areas.

Safety and emergency

Concern is also raised over emergency evacuation of the site with significant bushfire and other constraints.

The isolated nature of the site raises concern with safety of overnight visitors. How will anti-social behaviour in this area be managed? Council has several isolated areas and car parks that are frequently impacted by vandalism, graffiti, car hooning and other uses which continually impact communities.

E-06 Landscaping, E-17 Preservation and management of vegetation

- A landscape concept plan should identify all proposed retaining walls, driveways, fences existing/proposed and existing vegetation to be removed/or retained and any proposed car parking areas would need a minimum of 50% shade. The landscape concept plan should show all existing trees on site accurately plotted, species identified and numbered to correspond with the arborist report.

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- Landscape Plan to be prepared by Registered Landscape Architect or person eligible for registration with the Australian Institute of Landscape Architects.
 - An Arboricultural Impact Assessment (AIA) Report should be prepared. This report must be completed by a qualified Arborist who is eligible for membership as a 'Consulting Arborist' with Arboriculture Australia (www.arboriculture.org.au), or the Institute of Australian Consulting Arboriculturists (www.iaca.org.au), and who has attained a Level 5 Certificate of Horticulture / Arboriculture or equivalent. Compensatory planting will be required for any trees requiring removal.
 - Landscaping to the site is to comply with the principles in Appendix 4 of Planning for Bush Fire Protection 2019 (PBP 2019) and Standards for Asset Protection Zones (NSW Rural Fire Service) and take into consideration all recommendations of bushfire reports prepared.
 - Integration with the stormwater management and overall development is required. Site landscaping must be integrated with the stormwater management (drainage) controls. In particular, the location and nature of on-site stormwater detention should not conflict with landscaping areas and objectives.
 - Any proposed planting should not conflict with sightlines from site entry/exits. Signage would need to be complementary, not conflict with sightlines and be in scale.
 - Treatment of undercroft areas of decking & structures should be considered.
 - The implementation of plant recovery program should be considered on site to enable some of existing vegetation to be reused and relocated

E14 -Stormwater management and E-15 Water sensitive urban design

- An independent detailed survey plan of the site by a registered surveyor to Australian Height Datum (AHD), including lot boundaries, contours/spot levels, easements, services, pavement surface levels, existing drainage system, watercourse (incl. top and bottom of banks), etc.
- A stormwater concept management plan will need to be prepared by a suitably qualified civil engineer demonstrating compliance.
- Stormwater disposal will need to comply with Section 9.3.
- Council is not supportive of any increase in stormwater discharges to any existing public stormwater drainage system.
- The method of stormwater disposal (as shown on the stormwater concept management plan) will need to be consistent with advice from, and endorsed by, a suitably qualified geotechnical engineer to confirm it is geotechnically suitable for the site.
- The proposed stormwater and landscape plans will need to be compatible, including stormwater pits/pipes/detention storage facilities and existing/proposed trees and vegetation.
- An integrated water management strategy and water cycle management plan are to be informed by an impact assessment on groundwater dependant ecosystems and marine receiving waters (as an Appendix) prepared by a qualified and experienced terrestrial and marine ecological consultant. The strategy and plan must adopt and describe in detail measures to avoid and minimise any impacts to terrestrial, groundwater and nearshore marine ecosystems.

E-03 Carparking, access, servicing and loading facilities, E-07 Waste Management

Transport and Accessibility

- A Transport Impact Assessment needs to be prepared by a suitably qualified consultant. This assessment report must include, but not be limited to the following:

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- An analysis of the existing transport network, including the road hierarchy and any pedestrian, bicycle or public transport infrastructure, current daily and peak hour vehicle movements, and existing performance levels of nearby intersections.
 - An outline of the proposed development, including likely pedestrian and vehicular access arrangements, parking arrangements and rates (including bicycle facilities), drop-off/pick-up-zone(s) and provisions for servicing and loading/unloading.
 - An analysis of the impacts of the proposed development (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict), and any cumulative impact from surrounding approved developments.
 - Measures to mitigate any traffic impacts, including details of any new or upgraded infrastructure to achieve acceptable performance and safety, and the timing, viability and mechanisms of delivery of any infrastructure improvements in accordance with relevant standards.
 - Measures to promote sustainable travel choices for employees and visitors, such as connections into existing walking and cycling networks, minimising car parking provision, encouraging car share and public transport as well as providing adequate bicycle parking.

Vehicle Access

- The proposed development is seeking to gain access from Lawrence Hargrave Drive (LHD) which is a State Classified Road. An off-road shared path/cycleway (The Grand Pacific Walk) passes the site which is a high use recreational facility. The driveway intersection must be designed to give priority to passing pedestrians and cyclists demonstrating minimum vehicle and pedestrian/cyclist sightlines as per AS2890.1 and Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling.
- The proposed vehicle access needs to comply with Austroads Guide to Traffic Management Part 6, Section 3.3.6 Warrants for BA, AU and CH Turn Treatments, and Figure 3.25 – Warrants for Turn Treatments on Major Roads at Unsignalised Intersections. This assessment will identify if there is a need for a deceleration lane and/or a right turn lane to manage the risks from vehicles slowing down or stopping within the existing traffic lanes on approach to the site.
- Swept paths need to be shown which demonstrate that a B99 vehicle can pass a B85 vehicle on entry and exit to the site (free flow entry and exit from each travel lane), with additional clearances of 300mm to opposing vehicle paths and solid obstructions.

Pedestrian Access

- The proposed pathway and viewing platform that deviates from the Grand Pacific Walk (GPW) is not supported. This infrastructure is not outlined within Councils Strategic documents such as the Grand Pacific Walk Vision Report and Masterplan as a priority as this portion of the GPW has been designed, consulted on, and constructed. There is also an existing Wodi Wodi track viewing platform further north of the site. There is infrastructure that is identified to fall within Public Land, with multiple geotechnical challenges and would require ongoing maintenance programming. Council does not accept this infrastructure being vested to Council or perceived to be owned and maintained by Council. Any infrastructure that is to adjoin the GPW should be owned and managed in perpetuity by the property owner of this proposed development.

Car Parking

- The applicant will need to provide a car parking assessment which is based on the number of eco-tourism visitors, staff, overnight guests and any servicing or maintenance requirements. Ongoing development car parking demands must be accommodated entirely within the site so as not to impact on existing tourist car parking and traffic demands.

Internal Layout

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- The applicant must provide all internal access dimensions on the site plan, including grades, access widths, parking aisle widths which comply with AS2890.1 and AS2890.2.
 - Car parking for people with disabilities also needs to be provided in accordance with NCC requirements and the design specification must meet the requirements of AS2890.6 (providing a dedicated shared area for the unloading of wheelchairs etc).
 - Provisioning for EV charging facilities and associated considerations.
 - A series of vehicle movement plans will be required to demonstrate that the internal road network is able to accommodate all sizes of vehicles likely to enter the site and access all areas with forward ingress and egress. As per the requirements of AS2890.1, a B99 vehicle must be shown passing a B85 vehicle on all critical corners with additional clearances of 300mm to opposing vehicle paths and solid obstructions.
 - A car parking aisle with more than 6 angle parking spaces, open to the public, needs to provide a dedicated turning bay.

Loading, Servicing and Waste Collection

- The dimensions of the largest anticipated vehicle to enter the site (design vehicle) needs to be clarified and swept paths must be provided which demonstrate that the vehicle is able to enter the site, turn in no more than 3 turning movements and leave in a forward direction with a maximum longitudinal grade of 15.4%.
- The applicant needs to identify the waste storage and collection areas on the plans and show the waste collection vehicle accessing the nominated waste collection area, turning in no more than 3 turning movements and leaving in a forward direction.
- The waste management analysis is to demonstrate the development aligns with the *NSW Waste and Sustainable Materials Strategy 2041* (DPIE, 2021), the *NSW Government's Net Zero Plan Stage 1: 2020–2030* (DPIE, 2020) and the outcomes sought in the *Net Zero Wollongong Climate Change Mitigation Plan 2023-30* (WCC, 2023) during both the construction and operation phases.

Construction Traffic Management Plan

- A Construction Traffic Management Plan must be provided detailing proposed construction vehicle routes, access and parking arrangements, coordination with other construction occurring in the area, and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated.

E-20 Contaminated land management

A Detailed Site Investigation (DSI) is to be carried out by an accredited environmental consultant for the proposal on the basis of;

- Historic aerial imagery that indicates landfilling and materials stockpiling on the subject site
- There is one mapped subsurface stormwater pipe with an inlet in the rail corridor that traverses the subject site in a drainage easement. Installation will have required earthworks and backfilling
- Three open stormwater lines are mapped traversing the subject site which are characterised by inlets and pits in both the South Coast rail and Lawrence Hargrave Drive road corridors. The rail corridor has a long history and continues to be used to transport freight from Port Kembla and further south to Bomaderry, including materials used or manufactured in industrial and agriculture in the Illawarra region
- Illegal roadside waste dumping has been and continues to be problematic in Wollongong LGA, especially in locations with little passive surveillance such as is the case for the subject site.

A-02 Ecologically sustainable development

The Architectural package including for built structures, landscape and bulk earthworks plans must consider and demonstrate the preparation of design and construction plans for buildings and associated landscape constructed elements consistent with *SEPP (Sustainable Buildings) 2022*. A design report is to:

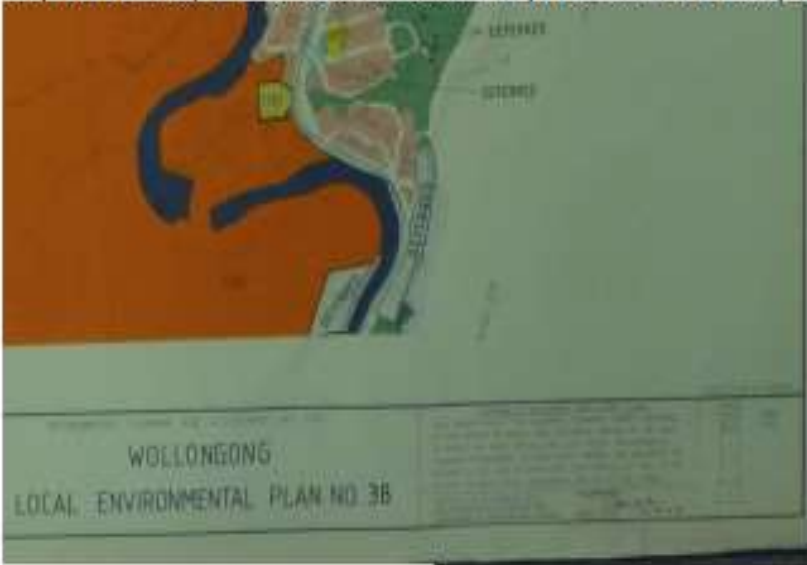

- Include all required items in the SEPP and highlighted in *Sustainable Buildings SEPP An overview of the new State Environmental Planning Policy for sustainable residential and non-residential development* (DPE, 2023)
- Demonstrate the *NSW Waste and Sustainable Materials Strategy 2041* (DPIE, 2021) has been considered
- Demonstrate alignment with the NSW Government's *Net Zero Plan Stage 1: 2020–2030* (DPIE, 2020)
- Demonstrate alignment with the outcomes sought in the *Net Zero Wollongong Climate Change Mitigation Plan 2023-30* (WCC, 2023)
- Demonstrate alignment with Climate Change Adaptation Plan for Wollongong (WCC, March 2022)

If you have any enquiries or wish to discuss these matters further, please contact me on (02) 4227 7365.

This letter is authorised by

John Wood
City Wide Development Manager
Wollongong City Council
Telephone (02) 4227 7365

Attachment 1 - Site development and zoning history

Year	Action
1968	Illawarra Planning Scheme Ordinance (ISPO) – site zoned Non-urban
1984	<p>Wollongong LEP No.38 (a LGA-wide LEP under the (then new) Environmental Planning and Assessment Act 1979) – “deferred matter” – The zoning remained Non-urban under the ISPO. In the early 1980s the Department of Planning identified the site (and others) for acquisition for County Open Space / coastal visual protection. The Department did not acquire the site, the reasons are unknown (other sites were acquired).</p>  <p>LAND DCP IS LIABLE TO ACQUIRE (COUNTY OPEN SPACE) 30-8-85</p> 

	<p>WOLLONGONG LEP 1990 (AMENDMENT NO. 38)</p> <p>LAND DOP IS LIABLE TO ACQUIRE</p>
1990	Wollongong LEP 1990 – retained the “deferred matter”. The zoning remained Non-urban under the ISPO
1993	Wollongong LEP 1990 (Amendment No. 38) rezoned the site to 7(a) Special Environmental Protection, as well as other sites along the Illawarra Escarpment
2008	The owner made a submission during the exhibition of the draft Wollongong LEP (comprehensive LEP) seeking the rezoning of the site to SP3 Tourist to permit tourism accommodation. The request was considered by Council on 28/7/2009 and not supported as it was a significant coastal location, geotechnical concerns – known landslip area and safety considerations.
2010	Wollongong LEP 2009 – translated the 7(a) zoning to E2 Environmental Conservation
2018	DA-2018/1175 Environment protection works – approved 28/3/2019
Feb 2021	An eco-tourism concept was presented to Council officers. Council officers would have indicated that the site is zoned C2 Environmental Conservation, and not suitable for the proposed use.
2021	E2 zone renamed by DPE to C2 Environmental Conservation
14/12/ 2023	Without prejudice briefing to Council Executive and senior staff

The proponent had the option of lodging a Scoping Proposal / Planning Proposal with Council, but has chosen an alternative pathway through the Department.