

NSW Department of Planning, Housing and
Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

REFERENCE

Date

DE-2024/41

29 April 2024

Dear Madam

Request to Provide Advice on SEARs

Development	Escarpment Resort Avondale - Concept Plan for Eco-Tourist Facility - Request to Provide Advice on the Secretary's Environmental Assessment Requirements (SEARS) - SSD 69465207
Location	Lot 101 DP 1247603, Lot 1 DP120957, Lot 1 DP 386238, Lot 1 DP 415430, Lot X DP 416731, Lot B DP 106828, Lot 1 DP 655151 Avondale Road AVONDALE NSW 2530

Thank you for the opportunity to provide comments to the Escarpment Resort Project, SSD 69465207 request for SEAR's.

Notwithstanding, the potential economic benefits of a development of this scale as relates to regional exposure and both direct and indirect employment generation from allied service providers, there are a number of key considerations and alignments with existing environmental planning instruments and endorsed plans that present challenges and require sufficient demonstrated resolution to enable the proposal to proceed.

At this early point in the statutory process and with the understanding that further opportunity will be afforded at the Environmental Assessment stage for review, Council would normally refrain from overly detailed commentary, rather providing for a summary of key issues for both the Department and the proponent to consider in the preparation of and response to the SEARs respectively. However, given the coupling of the concept plan, unique site attributes, constraints it is unavoidable that a complete suite of our current understandings and future desired outcomes be conveyed.

As an overview, it is considered essential that if the proposal were to proceed key documents need to be identified and provided for, then considered and agreed to at the concept stage to appropriately guide the subsequent stages via actionable/evidenced commitments as relates to overall site management/land uses, the built form and the natural/cultural environments.

The information below 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)*. Specific parts of relevant policies have been highlighted – it is intended that these should be addressed in the EIS and supporting documentation and studies.

Landuse Planning

It is noted that the site has been the subject of multiple previous development applications, planning proposals and draft neighbourhood plans. Council has current unresolved neighbourhood planning processes for Huntley South.

Previous attempts to rezone the subject land to SP3 Tourist were abandoned due in part to the range and complexity of issues arising in relation to bushfire risk and its management. Tourism uses have been previously objected to by the Rural Fire Service (RFS) due to:

- inadequate access and egress in the case of emergency,
- the impact of the required Asset Protection Zones on the environmental sensitivity of the land
- ability to comply with reticulated water supply requirements for Bushfire Protection

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 Wollongong LEP 2009. Acknowledging the provisions for partial non-compliant uses as part of SSD, it is Council's expectation that the SEARs will require a robust demonstration of strategic merit and alignment with the statutory objectives for the land under its current zoning.

Clear intent as to whether any Stage 1 works or works to be approved under 4.22 (4)(b) of the Environmental Planning and Assessment Act (the EP&A Act), will form part of the Concept DA is to be included in the EIS.

Permissibility

The Department needs to be satisfied that all aspects of the proposal meet the SSD qualification requirements. Council acknowledges that the applicant seeks consent the provisions for partial non-compliant uses for State Significant Development pursuant to section 4.38(3) of the Act. It is considered that dominant and primary use of the land is for an eco-tourist facility that is prohibited in C3 and C2 zoned land in WLEP 2009. This is based on the review of the significant proportion of cost of the eco-tourist facility as identified in the *Estimated Development Cost Report* submitted. The proposed environmental protection works, and environmental facilities are clearly ancillary development to the eco-tourist facility use. Consideration is to be given to requesting the applicant to seek legal advice and further legal opinion sought by the Department demonstrating that there is an appropriate statutory assessment pathway for consent to be granted for this SSD application.

Local Statutory Context

Wollongong LEP 2009

The Scoping proposal notes the Land Use table requirements for C2 and C3, 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 its impact on the Heritage Conservation Area.

The EIS must also address 1.2 *Aims of the LEP* and 5.13 *Eco-tourist facilities* (see notes below) which are not currently addressed in the Scoping Proposal report.

The Concept DA must include sufficient information to demonstrate alignment with the aims, objectives and clauses of the LEP in order to give confidence that subsequent DAs, subject to the Concept DA, will be able to achieve compliance and will facilitate a consistent determination process in accordance with 4.24(2) of the *Environmental Planning and Assessment Act 1979* (**the EP&A Act**).

In particular, the Concept DA should lock in building locations and envelopes, the vehicle access routes, servicing and parking areas, and the scale and location of any asset protection zones required.

Despite Clause 5.13 Eco-tourist facilities not being included in Wollongong LEP 2009 (due to the use not being permitted) the EIS should demonstrate compliance with this clause with respect to the proposed non-compliant use.

1.2 Aims of the Plan

- The conservation of the Illawarra Escarpment is an aim of the Wollongong LEP 2009: *(h) to ensure that significant landscapes are conserved, including the Illawarra Escarpment, Lake Illawarra, the drinking water catchment and the coastline.*

5.13 Eco-tourism facilities

- Note that this clause is mandatory in LEPs where eco-tourist facilities are a permitted use with consent. As Wollongong LEP does not permit this use, the clause is not included.

Wollongong Development Control Plan (WDCP) 2009

B6 – Development in the Illawarra Escarpment

- The site is within the Marshall Mount/Calderwood Escarpment Precinct. This precinct is the southern most precinct and highest precinct of the Illawarra Escarpment and extends northwards from the Wollongong City LGA southern boundary with Shellharbour City Council to Huntley Colliery / Avon Colliery at Bong Bong Pass.
- 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.
- Refer to other comments in relation to requirements in this chapter for heritage, threatened species, Geotech, landscaping, stormwater, water supply, wastewater, waste management, and riparian corridor management.

Strategic Context Comments

Illawarra Escarpment Strategic Management Plan

The IESMP provides a strategic framework for planning proposals and developments in the Illawarra Escarpment 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 EIS will need to demonstrate alignment with the IESMP. 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.

The Plan requires that any planning proposals or development applications on the escarpment will need to undertake detailed mapping of the values of the Core Escarpment, Biophysical Support for Core, Landscape Support for Core and Escarpment Interface, as outlined in the IESMP. Development in the core or biophysical support for the core would not be consistent with the IESMP.

The IESMP requires that development should only occur within cleared areas and vegetation should not be removed to create Asset Protection Zones. Asset Protection zones would need to be established to protect the proposed development, which is likely to require clearing of vegetation. The EIS must demonstrate that no native vegetation removal is required to create APZs.

The Plan includes Character Statements for the different land use zones represented throughout the Escarpment. At 5.2.1 E2 – *Environmental Conservation Character Statement* the Plan notes that lands applicable to this zone are recognised as potentially having valuable community appeal for ecotourism, heritage and recreational type activities. Ecotourism is not currently a permissible use within Wollongong LEP 2009, however, some ecotourism and recreational type activities including the establishment of walking trails, informal picnicking and camping areas or heritage interpretation areas are considered potentially suitable for this zone. Ecotourism 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. The EIS must demonstrate alignment with these principles.

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 paying guests.

Illawarra Shoalhaven Regional Plan 2041

The Plan notes that 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.

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

The Scoping Report references Objectives 5 and 11. Alignment with the actions under these objectives are to be demonstrated.

Discussion of and demonstration of alignment with the actions under *Objective 23: Celebrate, conserve and reuse cultural heritage* are also relevant.

Wollongong Local Strategic Planning Statement

The scoping Proposal notes Council's land use objectives for the Escarpment – to conserve and enhance – and its high aesthetic value to the local community.

It is important to note that the proposal is for a private development for paying guests, which will not be accessible to the general community. The general community, which holds the aesthetic value of the area highly, may only experience negative impacts in terms of visual intrusion.

Any Planning Proposal on the Escarpment needs to focus on the conservation outcome proposed for the Escarpment and demonstrate how changes will provide an overall improvement to the environmental and cultural values of the Illawarra Escarpment, including for the general community.

West Dapto Land Release Area

The proposal does not appear to be identified in, referred to or demonstrate consistency with key Council policy documents including the West Dapto Vision Document, a policy adopted by WCC dated 10 December 2018.

Any Environmental Assessment would need to demonstrate consistency with the objectives and principles of the West Dapto Vision which are also outlined in Chapter D16 West Dapto Release Area, of Wollongong DCP 2009.

Demonstrated connectivity with the wider West Dapto Urban Release Area (WDURA) and how the interface treatments will contribute to resilient and sustainable future communities is required. This will be particularly important for areas adjacent to the site towards the east where there are likely future residential interfaces and connections to future village and town centres (see the West Dapto Vision 2018 and structure plan principles within this strategic policy document).

Development Contributions

Local development contributions and conditions that ensure the development would contribute towards required (identified and potential additional requirements given the proposed development demographic and infrastructure impacts are not included in any local or regional strategic instrument to date) local infrastructure to support the proposed development (identified in the West Dapto Development Contributions Plan 2020 and currently under revision).

If the applicant is proposing any dedication of land or infrastructure to Council the EIS should clarify future Land Titling arrangements and identify asset ownership.

Wollongong Tourism Accommodation Discussion Paper

The discussion paper identifies the distribution and supply gaps of tourist accommodation in Wollongong LGA and identifies constraints to attracting/developing tourist accommodation activities that are present in land use planning zones and controls.

The Discussion Paper outlines the history of eco-tourism facilities in the Wollongong LEP and states that Council needs to determine whether the use should become a permissible use under certain zones in the current Wollongong LEP 2009, or if the Standard Instrument definition and clause remain available for consideration as part of any site-specific proposal. This issue has not been resolved to date.

The Paper acknowledges that the definition and standard clause do not provide any guidance on the scale (size) of an eco-tourism facility meaning it could apply to anything ranging from a single building to a large resort. The Paper also highlights issues with a previous court approved DA for a, eco-tourism facility in Coledale.

The EIS for the Concept DA should demonstrate compliance with the Standard Instrument Clause 5.13 Eco-tourist facility.

Wollongong Industrial Lands Review

The document reviewed the current Industrial zoned land in Wollongong LGA. This included 6 precincts zoned RU1 Primary Production – associated with existing or former mining related activities. The Huntley lands were not included in the review given the current zoning of C2 and C3.

The Review acknowledges that in many locations, the presence of physical constraints as well high environmental and cultural value, make the most likely land use transition from RU1 an environmental zoning. It is however recognised that within some precincts, existing mining infrastructure has an industrial character, and there may be opportunities to explore land use transition to an alternate employment generating land use.

Huntley mine closed in 1989. It's noted that the land at Huntley mine has been zoned for Environmental Conservation under the current and previous two LEPs (LEP 1990 – *7b - Environmental Protection Conservation Zone* and LEP 38 - *7e Environmental Protection (Escarpment) Zone*). Ecotourism facilities were a permitted use with consent in Zone 7b under the 1990 LEP, under a previous definition. Eco-tourism facilities were excluded as a use from the Standard Instrument LEP until 25/02/2011. They are not a mandatory use in any zone.

Notwithstanding the continued Environmental Conservation zoning of the land, the existence of the redundant mine structures and cleared land does present an opportunity to consider an alternate use on these portions of land, consistent with the objectives of the zoning, the principles of the IESMP and the direction stated in the Review (employment generating). The EIS should demonstrate the employment generation capacity of the development.

Design Review Panel (DRP)

Based on the proposed project value and nature of the application, this SSD does not appear to require referral to the NSW State Design Review Panel (SDRP).

Council would recommend a voluntary local Design Review Panel Process to assist in the assessment and consultation process.

Environment

Terrestrial and Aquatic Biodiversity

Letter Report - Avondale Escarpment - Water and Wastewater Management (CJ Arms 2024)

In summary the letter report proposes for potable water servicing:

- Rainwater harvesting from roof areas
- Supplementary supply could potentially be made up from local groundwater extraction and harvesting
- Water trucks for top-up in emergency situations or for fire tank refill after use
- Detailed site assessments will be required to establish the feasibility of each item and the extent to which they are relied on.

For wastewater management CJ Arms (2024) propose the following:

- Onsite treatment by irrigation and provision of land set aside for surface dispersal

- Consideration of centralised and decentralised treatment and dispersal options to match the ground conditions across the site
- Location of dispersal and irrigation systems higher in catchments where possible, away from primary streamlines and gullies that can be wet and have limited infiltration
- Having backup storage systems that can be trucked away
- Detailed site assessments are required including appropriate offsets from water courses and vegetation, land capability (for infiltration) assessments.

Regarding detailed site assessments for potable water serving and wastewater management CJ Arms (2024) highlight the proposed development will be an 'off-grid system' requiring 'a deep understanding of climate and rainfall patterns for harvesting, knowledge of groundwater systems (availability and quality), ground and soil conditions (land capability) for wastewater dispersal.'

Letter Report - Avondale Escarpment - Electrical Services Infrastructure (COVA, 2024)

The preliminary analysis of the electrical servicing suggests the following upgrades to electrical service infrastructure are required to support the proposed development:

- New overhead and underground electrical reticulation with connection into the existing overhead mains infrastructure
- Kiosk substations installed where required
- Temporary emergency generator connections provided at each precinct.

Despite the emphasis on the proposed ecotourism developments sustainability credentials the report by COVA (2024) is silent on the potential for even a portion of the power supply to rely on site renewable energy generation e.g., roof top solar, large panel arrays in existing cleared and disturbed areas, wind turbines, etc.

Letter Report - Re: Preliminary Biodiversity Assessment, Avondale Road, Huntley (Ecoplaning 2023)

The content in the brief letter report is noted. In summary, the suggested suite of subject high conservation BC And EPBC Act threatened biodiversity for future assessment by Ecoplaning (2023) is understated for the full spectrum of potential habitat on the subject site, study area and locality. In particular, the well understood lack of survey effort both on site and in the limited 5km database records search area, has been overlooked. Along with Figure 1, Figure 2: Regional vegetation mapping demonstrates that much of the proposed new buildings, structures and access are located in areas of mapped native vegetation.

In addition to the above there is no discussion:

- That the two *Biodiversity Conservation Act 2016* (BC Act) threatened ecological communities Illawarra Lowlands Grassy Woodland and Illawarra Sub-tropical Rainforest are also BC Act Serious and Irreversible Impact entities.
- An area of the subject site is included in the NSW Government Biodiversity Values Map
- That groundwater dependant ecosystems are mapped on the subject site.
- The subject site is within a regional biodiversity corridor.

The report concludes that a Biodiversity Development Assessment Report (BDAR) will be prepared. Although there is discussion that the proposed development has the potential to improve and manage biodiversity values 'significantly by providing a working capital to manage the lands in perpetuity' there is no definitive recommendation of how 'working capital' funds would be raised and managed for in-perpetuity environmental protection works over an area greater than 170 hectares as presented in Figure 4 of Sutherland and Associates Planning (2024).

Estimated Development Cost Report (MBM, 2024)

Attachment 1 of the MBM (2024) report provides cost estimates for key elements of the proposed development. Item 1 Demolition and Remediation of the schedule provides cost estimates of ecological restoration works noting:

- Item 1.9 is for an 'Establishment' phase of a 5 year of weed management program during development process
- Item 1.10 provides for a weed management 'Maintenance' phase limited to 10 years
- Item 1.11 provides for a bush regeneration program limited until 'resort opening'

Item 2 Environmental Facilities – C3 Zoning provides cost estimates for a range of tourism experience related infrastructure including pedestrian trails, mountain bike trails, footbridges, boardwalks and viewing decks.

In analysis of the demolition, construction and establishment cost estimates of the proposal:

- The Eco-tourism facility would cost in the order of \$154,700, 000 or approximately 82% of the pre GST total cost
- Works that would be considered 'environmental protection works' would cost in the order of \$4, 135, 000 or approximately 2.2% of the pre GST total cost
- Works that would be considered 'environmental facilities' would cost in the order of \$2, 116, 000 or approximately 1.12% of the pre GST total cost
- Works that would be considered 'environmental protection works' and 'environmental facilities' equate to approximately 3.3% of the pre GST total cost
- Investment in the primary tourist facilities is approximately 25 times greater than the combined investment in environmental protection works and environmental facilities and where the investment in environmental protection works is limited to 15 years as opposed to in perpetuity

Based on the above its clear the primary purpose of the proposal is the construction of an eco-tourism development with environmental protection works and environmental facilities a significantly secondary but permissible land use. There is also no certainty the environmental protection works, that are relied on to enable a variation to permissible development in the C2 Environmental Conservation land uses, will be in perpetuity.

Request for Secretary's Environmental Assessment Requirements – Escarpment Resort Avondale – Concept Plan for Eco-Tourist Facility (Sutherland and Associates Planning, 2024)

The 'Project justification' content highlights 'The site requires an initial investment to rehabilitate degraded areas and ongoing investment for continual land management and incremental improvement.' Complementary to this it is suggested the proposal will have the benefit of providing 'an economically viable pathway to facilitate the rehabilitation of the site and to transform the former industrial land use to an environmentally compatible new use that respects and enhances the values of the Illawarra Escarpment.'

Section 3.2 Numerical summary identifies the proposed Suites and Villas will have cumulative post construction internal and external area development footprint of 5860 sqm with the proposed camping pavilions post construction development footprint, 1275 sqm. This equates to over 7100 sqm and will be greater once the construction footprint is taken into account.

Figure 4 presents an indicative area for environmental protection works that is greater than 170 ha, and the indicative location of greater than 7 km of walking tracks, 11 footbridges, 5 lookouts and 3 picnic shelters. Based on an average 1.5m width for walking trails, the construction footprint for the recreation facilities is likely to be greater than 10,000 sqm

Section 6.1 provides commentary on biodiversity matters based on a preliminary desktop assessment and a brief two-hour site inspection by an ecologist. In discussion of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Matters of National Environmental Significance (MNES) it is suggested the proposed development is unlikely to require a referral to the Commonwealth Minister for the Environment for a determination on a EPBC Act controlled action. This suggestion has no substance and should be disregarded as:

- No detailed ecological surveys have been carried out including for presence/absence of EPBC Act threatened ecological communities (TECs) according to assessment guidelines such in the *Approved Conservation Advice (incorporating listing advice) for the Illawarra and South Coast Lowland Forest and Woodland Ecological Community* (TSSC, 2016)
- The development footprint and its direct and indirect impacts on the yet to be surveyed biodiversity values, is yet to be reasonably understood (e.g., new transmission lines and easements).
- The EPBC Act mandatory process of impact avoidance and minimisation for direct and potential indirect impacts to EPBC Act MNES is yet to occur.
- Assessment for EPBC Act TECs, threatened species or migratory fauna according to the *Matters of National Environmental Significance. Significant Impact Guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999* (DotE, 2013) are yet to be prepared.

The remaining content of Section 6 Assessment of Impacts is noted including commitment to further site investigations, capability assessments, strategies and reports as part of an Environmental Impact Statement (EIS) including but not limited to:

- A BDAR
- Architectural package including for built structures, landscape and bulk earthworks plans
- Traffic and transport plan
- Economic assessment
- Waste management analysis
- Bushfire assessment report prepared according to *Planning for Bush Fire Protection* (NSW RFS, 2019)
- Infrastructure services assessment
- Integrated water management strategy
- Water cycle management plan

Environment matters requirements for EIS supporting studies – Specific

Biodiversity Development Assessment Report

The proposal is likely to impact areas included in the NSW Government Biodiversity Values map. 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 BOS applies:

- Human made structures
- Non-native vegetation
- Water quality, water bodies and hydrological processes

The WLEP 2009 Clause 4.1 minimum lot size of the subject land is 39.99 hectares, and it is considered likely the proposed development will significantly exceed the 0.5-hectare native vegetation clearing threshold that applies to the proposal. Based on the concept layout of the development footprint and taking into the account what is proposed for services infrastructure upgrades, new service delivery (CJ Arms 2024 and COVA 2024) and recreational facilities, clearing of native vegetation will be required for the following during construction:

- The proposed villas, other buildings and camping facilities
- Road and vehicle access trail upgrades including waterway crossings designed to the relevant standards applicable to the site and its proposed land use
- Vehicle parking
- Water and wastewater serving and management (including impacts of irrigation/effluent management areas).
- Upgrades to existing and new electricity service
- Construction of walking trails, boardwalks and viewing platforms
- Establishment of asset protection zones for the buildings, vehicle roads and trails and essential services infrastructure
- Installation of fencing

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 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
- Designing essential service infrastructure such as potable water delivery and wastewater management to minimise impacts to terrestrial, aquatic and groundwater ecosystems and biodiversity values
- Adopting a worst case scenario for the transport infrastructure as it is currently proposed where the design for new and upgrades of existing access roads and tracks including final alignments, batters, bridges will come at a later stage (Sutherland and Associates Planning, 2024).

The preliminary biodiversity assessment by Ecoplanning (2023) has identified potential BC Act Serious and Irreversible Impact (SAIL) entities on the subject site and must address Section 9.1 Assessment for serious and irreversible impacts on biodiversity values of the *Biodiversity Assessment Method* (DPIE, 2020).

Presence or absence of EPBC Act threatened ecological communities requires field survey according to assessment guidelines such in the *Approved Conservation Advice (incorporating listing advice) for the Illawarra and South Coast Lowland Forest and Woodland Ecological Community* (TSSC, 2016) and *Conservation Advice (incorporating listing advice) for the Illawarra-Shoalhaven subtropical rainforest of the Sydney Basin Bioregion* (DotEE, 2019).

The terrestrial and aquatic biodiversity values documented by the field and desktop surveys are to be used to plan all other aspects of the proposed development before there is a calculation of the need of offsets. This process must be documented and demonstrated in the BDAR highlighting design iterations including diagrams and an inventory of measures undertaken. Residual impact to biodiversity values must account for all aspects of the proposed development including 'environmental facilities' and long-term indirect impacts from infrastructure such as nutrification of groundwater impacting terrestrial and aquatic biodiversity. Offsets may not be required if adequate impact avoidance and minimisation is adopted.

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

The BDAR is to propose how an in perpetuity improved outcome for biodiversity values will operate including in perpetuity funding.

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 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 infrastructure.

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

Architectural package including for built structures, landscape and bulk earthworks plans

The preparation of design and construction plans for buildings and associated landscape constructed elements is to be consistent with *State Environmental Planning Policy (Sustainable Buildings) 2022*. A design report is to:

- Include all required items in *State Environmental Planning Policy (Sustainable Buildings) 2022* 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 the Climate Change Adaptation Plan for Wollongong (WCC, March 2022)

Traffic and transport plan

The preparation of design and construction plans for the traffic and transport plan requires detail to inform the BDAR and for assessment that the objectives of WLEP 2009 Clause 7.4 Riparian lands will be met including 'to ensure that development does not adversely impact upon riparian lands.' The accompanying design report is to discuss alignment 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). Alignment and support for the NSW Electric Vehicle Strategy is to be demonstrated.

Economic assessment

As the Scoping Report has suggested the proposed ecotourism development as the only 'economically viable pathway to facilitate the rehabilitation of the site and to transform the former industrial land use to an environmentally compatible new use that respects and enhances the values of the Illawarra Escarpment' and noting the DPE (2021) *State significant development guidelines – preparing an environmental impact statement*, Appendix E and the mandatory requirement to address the relevant objects of the EP&A Act, 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 proposed sustainable construction and operation measures and initiatives such as renewable energy and recycled wastewater.

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).

Waste management analysis

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.

Infrastructure services assessment

Design of infrastructure services assessment requires detail to inform the BDAR and adopt current Endeavour Energy network design standards adopting the correct risk factors such as for bushfire hazard and geotechnical. The assessment 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. The assessment is to include the provision of EV charging facilities and associated considerations.

Integrated water management strategy and water cycle management plan

The integrated water management strategy and water cycle management plan must adopt the outcomes and targets in the *NSW Government Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions* (OEH and EPA, 2017). This framework presents a structured approach that decision-makers, such as councils and environmental regulators, can use to help manage the impact of land-use activities on the health of waterways in New South Wales.

The strategy and plan are to be informed by an impact assessment on groundwater dependant ecosystems (as an Appendix) prepared by a qualified and experienced terrestrial and aquatic ecological consultant. The strategy and plan must adopt and describe in detail measures to avoid and minimise any impacts to terrestrial, aquatic and groundwater ecosystems.

Potable Water and Wastewater Management

The applicant shall demonstrate how potable water will be sourced and wastewater services will be provided for the proposed development, though the concept plan stated it will be addressed at later stage. In Councils' opinion this matter shall be considered at concept plan stage. The proposed development site is ecological and hydrologically sensitive any extraction of groundwater will impact on Lake Illawarra ecosystem that is currently suffering with excessive nutrients load with minimum recharge.

Site Contamination

The proposed development site was part of Huntley Collieries and during the mine's operation a number of uncontrolled fill material locations were placed in a 571-hectare area including Illawarra Escarpment. The adjacent site has an EPL (No. 10997) for HTT Huntley Heritage Pty Ltd operations on the premises (known as "Huntley Colliery"). The EPL allowed waste disposal including Coal Wash Rejects, used tyres, domestic and industrial demolition material. Communication with EPA has indicated that the adjacent fill site could have active combustion happening below ground because of uncontrolled waste accepted by license holder. The impact of fill activities in the locality and from the proposed development site, especially on groundwater is not known.

In terms of site contamination, the applicant should appoint an NSW EPA accredited site auditor to oversee the site remediation/rehabilitation and issuing of separate SAS and SAR reports depending on

the proposal (sensitive use or passive recreation) under CLM Act 1997 and to comply with the SEPP Resilience and Hazards 2021 Clause 4.6.

Environmental Impact Statement – Environment general

Biodiversity management

The Scoping Report is in part justifying the proposed ecotourism development as the only ‘economically viable pathway to facilitate the rehabilitation of the site and to transform the former industrial land use to an environmentally compatible new use that respects and enhances the values of the Illawarra Escarpment’. In support of this rationale Sutherland and Associates Planning (2024) acknowledge there needs to be an initial investment ‘to rehabilitate degraded areas’ including the environmental protection works and ‘ongoing investment for continual land management and incremental improvement.’ which in the context of ecologically sustainable development includes biodiversity values. Further, the preliminary biodiversity assessment by Ecoplaning (2023) establishes the proposed development has the potential to improve and manage biodiversity values ‘significantly by providing a working capital to manage the lands in perpetuity’.

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 [see Attachment 1 items 1.9, 1.10 and 1.11 in MBM (2024)], 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 improve outcome for biodiversity values will operate including in perpetuity funding and this must be adopted in the ‘Justification’ content of the EIS.

Escarpment Strategic Management Plan (WCC 2015)

Detailed discussion of how the proposed development responds to all provisions of the Illawarra Escarpment Strategic Management Plan (WCC 2015) (IESMP) is to be provided. Clear and reasonable justification is required where the proposed development will counteract the objectives and outcomes IESMP. In particular, consistency with Section 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.

Lake Illawarra Coastal Management Program (2020-2030)

The subject site is in the catchment of Lake Illawarra and is captured by the in place and NSW Government endorsed *Lake Illawarra Coastal Management Program* (2020-2030) (BMT, 2020). The EIS must provide detailed discussion of how the proposed development responds to outcomes being pursued in this plan.

Wollongong Local Environmental Plan 2009

The EIS must meaningfully describe in detail how it is consistent with the objectives and outcomes sought in the *Wollongong Local Environmental Plan 2009* (WLEP 2009) including but not limited to the following key environment related clauses:

- Clause 7.2 Natural resource sensitivity—biodiversity
- Clause 7.4 Riparian lands

- Clause 7.5 Acid Sulfate Soils
- Clause 7.6 Earthworks
- Clause 7.8 Illawarra Escarpment area conservation

Illawarra-Shoalhaven Regional Plan 2041

The EIS must meaningfully describe in detail how it is consistent with the objectives and outcomes sought in the *Illawarra-Shoalhaven Regional Plan 2041* (DPIE, 2021) including but not limited 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
- Objective 17: Secure water resources

Bushfire

The site is bushfire prone land and development is a special fire protection purpose (SFPP). A bushfire assessment report is required to be prepared by an BPAD consultant and address Planning for Bushfire Protection 2019.

The requirements for SFPP developments are located in section 6 of PBP 2019. Significant concerns are raised in how the proposal would comply with the requirements for ecotourism developments with a building to be used as refuge for the maximum number of occupants on site to have a minimum 10kW/m3 Asset Protection Zone, to be constructed to BAL-12.5 and have vehicular access. Cabins must be within 100m walking distance of the refuge building.

Heritage

The development site includes both the heritage listed former Huntley Colliery site and the Illawarra Escarpment Heritage Conservation Area.

The site is also known to contain a number of Aboriginal Sites and places of Aboriginal Cultural Heritage Significance. Any future proposal and assessment should carefully consider these matters, and also consider the implications and strategic direction provided by the Aboriginal Heritage Study: Illawarra Escarpment which found that all landforms across the Escarpment have a high potential to contain Aboriginal sites.

The proposed development should give consideration to Chapters E10: Aboriginal Heritage, E11: Heritage Conservation and Chapter B6: Development in the Illawarra Escarpment of the WDCP 2009.

Historic Heritage

The impacts of the proposed development on the existing mining buildings and infrastructure associated with the Huntley Colliery, including facilities related to the mines operation that may not be captured within the mapped heritage curtilage (e.g., at the bottom of the conveyor belt) and any associated archaeology should be carefully considered and properly understood. Both a non-Aboriginal Archaeological Assessment Report and A Heritage Impact Assessment Report should be required.

The Huntley Colliery is listed in the WLEP 2009 as an archaeological heritage item; therefore, the potential for disturbance of significant archaeology will need to be properly considered. A preliminary archaeological assessment will need to be undertaken and an excavation permit under the NSW Heritage Act 1977 is likely to be required depending on the recommendations of the report.

The potential for sensitive and appropriate adaptive re-use of the remaining colliery buildings and structures on the site, and their incorporation into the proposed development should be a key goal and consideration in the assessment of the application.

Council suggests that a Conservation Management Plan (CMP) should be developed for the site to guide the management and future maintenance and conservation of the significant components on the site as part of the proposed redevelopment. The Strategic Management Plan Historic Coal Mining Sites of the Illawarra 2005 should be addressed in the CMP.

Heritage Interpretative devices, including the use of landscaping, should be incorporated into the planning and design of the proposed development to ensure that the story of the site's history is integrated into any future development and use.

Aboriginal Heritage

There have been a number of Aboriginal Heritage studies undertaken on the site as part of earlier applications and assessment processes, including the Huntley Stage 1 DA and Golf Course application. However, these studies have not covered the whole of the subject site, in particular the archaeological potential of the central portion has not been adequately investigated. Council notes that as well as the recorded sites, BIOSIS has identified the potential for further PAD's to be located on the site that are not currently identified on the AHIMS register.

Therefore, further archaeological testing of the site should be conducted to determine the size, extent and significance of any archaeological deposits present to inform meaningful conservation outcomes.

The OEH has provided previous comment on Huntley Stage 1 subdivision in their letter dated 10 March 2017. The OEH noted the cumulative impacts on Aboriginal heritage in the region must be considered in the ACHAR and conservation should be proposed for sites that are becoming rare in their context such as open artefact scatters. An Aboriginal Cultural Heritage Assessment Report (ACHAR) and Aboriginal Archaeological Assessment should be required for the whole site.

The proposed development should be further considered and modified as required in order to allow for the retention of significant and/or increasingly rare sites and mitigation measure taken to ensure conservation outcomes should be made clear in the documentation.

The application should provide for positive conservation outcomes for Aboriginal Heritage values associated with the site due to its sensitive location at the base of the escarpment. This includes the identification of intangible values associated with the subject site.

Council suggests that the local Aboriginal Community should be engaged with in the development of plans and management responses for any Aboriginal Heritage Sites or places of Cultural Significance identified.

Illawarra Escarpment

Significant works are proposed within the Illawarra Escarpment Heritage Conservation Area. The principles of the Illawarra Escarpment Heritage Study Assessment prepared by Mayne-Wilson & Associates 2007 should be addressed by the proponent in any Heritage Impact Statement provided. Separately the principles set out in the Aboriginal Heritage Study: Illawarra Escarpment (2008) by AMBS should also be considered and addressed.

The submission of a Visual Impact Assessment that considers the visual impact of the proposal on the Illawarra Escarpment should be provided in support of the application.

Heritage Interpretation

A Heritage Interpretation Strategy/Plan should be required for the proposed development site and provide detailed recommendations for the delivery of onsite heritage interpretation material and interpretive devices, to reference the history of the site, its past ownership and its significance in the history of West Dapto including the Huntley Colliery. This report should also include culturally appropriate Aboriginal Heritage interpretation.

Flooding and stormwater management

- The proposal should be designed to satisfy the objectives, performance criteria, and controls in Chapters E13 (Floodplain Management), E14 (Stormwater Management) of the Wollongong Development Control Plan (WDCP) 2009, Clause 7.3 of the Wollongong Local Environment Plan (LEP) 2009, and the NSW Government Floodplain Development Manual (2005).
- A flood study should be prepared by a suitably qualified civil engineer in accordance with Chapters E13 and E14 of the WDCP2009 and the NSW Floodplain Development Manual (2005), to identify flood risk precincts and flood levels/extents applicable to the development and demonstrate how the proposal will satisfy all relevant floodplain management related objectives, performance criteria, and controls.
- The proposal will require flood access to be provided to connect the site to the designated flood access routes as mapped within Chapter D16 - West Dapto Release Area of Wollongong Development Control Plan 2009. This will require the developer to provide significant road upgrade works along Avondale Road.
- A Concept Stormwater Management Plan for the proposal is required and should be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of the WDCP2009, including on-site stormwater detention (OSD) and stormwater disposal for each component of the development.
- The proposal should demonstrate how the WDCP 2009 Chapter E 15 – Water Sensitive Urban Design (WSUD) will be implemented.

Traffic management

- The proposal should align with Chapter E3 – Car Parking, Access, Servicing/ Loading Facilities and Traffic Management of the WDCP2009. In this regard a Traffic Impact Assessment needs to be prepared by a suitably qualified consultant in accordance with Table 2.1 of the RTA Guide to Traffic Generating Development.
- The proposal will need to address the capacity of the existing local road network/access to and from the site and the capacity and level of service at relevant intersections in the current and future year scenario. Data required should include an empirical assessment of the proposed traffic generation which also compares up-to-date traffic survey results of a range of other similar facilities.
- The analysis should determine the peak operating hours of the development and provide details of the split of vehicle types, as well as a multi modal analysis across a 24-hour period for both a weekday and weekend day.
- The proposal will need to provide details on likely traffic impacts at all relevant intersections and provide details of any required upgrades that are needed to ensure an acceptable level of service.

The applicant will need to demonstrate acceptable management of any potential safety and capacity impacts as a result of the expected traffic increase.

- Details of required upgrades to the road network will need to be put forward to ensure that the network is able to accommodate future background traffic growth as well as development generated traffic. The proposal will also need to demonstrate how the safety of local road users will be maintained i.e., provision of additional pedestrian and cyclist infrastructure.
- The proposed site access design should comply with the AS2890 series and be designed for the largest anticipated vehicle to enter the site with adequate clearances. 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. A service vehicle must also be shown passing a B85 vehicle throughout the development. AS2890.2 requires a maximum grade of 15.4% for service vehicles which should also be taken into consideration.
- A green travel plan should be developed for the site for both visitors and employees.

Landscape

- The site presents unique opportunities to increase the quality and quantity of vegetation with the provision of street tree planting, enhancing existing remnant vegetation and riparian areas and significant tree planting within open spaces, all of which should align with the principles of the Council's Urban Green Strategy 2017-2037 which aims to strategically increase the quality and quantity of all vegetation in an urban setting particularly tree canopy cover on all land types.
- An extensive plant list should be developed to reflect the existing species richness on the site. A planting palette developed for the site should contain species selected from the locally native community such as the Illawarra sub-tropic rainforest and the Illawarra Lowlands grassy woodland. Exotic species should be excluded at this location.
- Details should be provided as to how environmental and ecological impacts can be mitigated from construction and future bushfire control land management activities and maintenance of asset protection zones.

If you have any questions regarding the above, please contact Vivian Lee, Senior Development Project Officer on 4227 7314 or vlee@wollongong.nsw.gov.au

This letter is authorised by

John Wood
City Wide Development Manager
Wollongong City Council
Telephone (02) 4227 7111



RFS



Department of Planning, Housing & Infrastructure (Parramatta)
Locked Bag 5022,
PARRAMATTA NSW 2124
Australia

Your reference: SSD-69465207
Our reference: DA20240411001415-SEARS-1

ATTENTION: Sally Munk

Date: Wednesday 24 April 2024

Dear Sir/Madam,

Development Application

State Significant – SEARS – Tourist and visitor accommodation

Escarpment Resort - AVONDALE RD HUNTLEY NSW 2530, 101//DP1247603, 1//DP120957, 1//DP386238, 1//DP415430, X//DP416731, B//DP106828, 1//DP655151

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 08/04/2024.

The New South Wales Rural Fire Service (NSW RFS) has considered the information and advises that the site is subject to significant risk, is subject to a number of constraints (for example access, significant slope, provision of services and limited ability to manage/modify vegetation due to land zoning). These types of constraints may be inconsistent with the level of vulnerability associated with the proposed land use of tourist accommodation (including eco-tourist accommodation).

The RFS notes the SEARs are for State Significant Development, notwithstanding the proposal appears to include introducing a land use into the C2 Conservation zone that under the LEP would not currently be permissible (eco-tourist accommodation). Given the scope of the proposal, risk profile of the site and proposed land uses within the C2 zone, the RFS is of the opinion that the SEARs should include a requirement that initially a Strategic Bush Fire Study (SBFS) be prepared in accordance with Chapter 4 'Strategic Planning' of Planning for Bush Fire Protection 2019. Subject to the findings of the SBFS, a bush fire assessment report may subsequently be required.

The Strategic Bush Fire Study should include consideration of the exclusion of inappropriate development in bush fire prone areas as follows:

- a) the bush fire risk makes it inappropriate for new development to occur (in some cases, even despite compliance with PBP);
- b) the development is likely to be difficult to evacuate during a bush fire due to its siting in the landscape, fire history and potential behaviour and/or size and scale of a fire;
- c) the development will adversely affect other bush fire protection strategies or place existing development at increased risk;
- d) the development is within an area of high bush fire risk where evacuation issues for both existing and new occupants;

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



RFS



e) environmental constraints/zoning do not allow for the ongoing provision of a suitable suite of bush fire protection measures;

The most important objective for strategic planning of bush fire is to identify whether new development is appropriate subject to the identified bush fire risk on a landscape scale. An assessment of proposed land uses and potential for development to impact on existing infrastructure is also a key element of the strategic planning process in bush fire prone areas. Land use planning policies can be introduced to limit the number of people exposed to unacceptable risk.

In conclusion, a proposal of this nature in this location will be carefully considered by the NSW RFS, to ensure the aim and objectives of Planning for Bush Fire Protection 2019, and the Rural Fires Act are able to be satisfied.

For any queries regarding this correspondence, please contact Bryan Netzler on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
**Supervisor Development Assessment & Plan
Built & Natural Environment**



Ms Sally Munk
Principal Planning Officer
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

(via Major Projects Portal: PAE-69469463)

Dear Ms Munk,

Subject: Major Projects – New Request for Advice – Request for Secretary’s Environmental Assessment Requirements (SEARs) –Escarpment Resort Avondale (SSD-69465207) (Wollongong City)

Thank you for your email dated 8 April 2024 (via the Major Projects Portal) seeking input to the Secretary’s Environmental Assessment Requirements (SEARs) for the preparation of an Environment Impact Statement (EIS) for the above project.

Our standard environmental assessment requirements are provided for integration into the final SEARs and set out in **Attachment A**.

The proponent should also refer to the relevant guidance material listed in **Attachment B**.

In relation to biodiversity impacts, the documentation indicates the project will largely utilise existing cleared areas. However, the degree of any additional or unavoidable clearing is unclear. It is important the proponent consider all clearing relating to the development footprint but also clearing associated with any bushfire asset protection, any roadworks taking account of any future clearing for embankments or cuttings or any clearing for temporary access, stockpiling or storage.

Additionally, BCS considers there could be impacts to the following potential SAIL entities:

- Illawarra Subtropical Rainforest in the Sydney Basin Bioregion
- Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion
- Illawarra Socketwood (*Daphnandra johnsonii*)
- Scrub Turpentine (*Rhodamnia rubescens*)
- Little bent-winged bat (*Miniopterus australis*)
- Large bent-winged bat (*Miniopterus orianae oceanensis*)
- Large-eared pied bat (*Chalinolobus dwyeri*)

BCS recommends early engagement between BCS and the proponent where such entities are likely to be impacted.

The documentation indicates onsite offsetting of any unavoidable biodiversity impacts and to achieve this a Biodiversity Stewardship Agreement (BSA) would be needed. We support this approach and recommend the proponent consult early with the Credit Supply Taskforce about the BSA.

The supporting documentation has outlined the strategic context for the project but the EIS should consider and address the fact that the proposed site is within the Illawarra Shoalhaven Regional Biodiversity Corridors (Illawarra Escarpment Woronora), a sub-component of High Environmental Value land, as mapped and referred to in the Illawarra Shoalhaven Regional Plan. This dataset is available via the NSW SEED Portal and is a recent update to the previous regional corridor mapping. The purpose of the mapping is to protect, manage and enhance the functionality of identified corridors.

Finally, the EIS should include a Landscape Plan which incorporates locally indigenous species (no cultivars). For further guidance on suitable native species, see the profiles for the relevant validated Plant Community Types and Table 3 of Wollongong DCP 2009 – E6 Landscaping: https://www.wollongong.nsw.gov.au/data/assets/pdf_file/0026/8972/Wollongong-DCP-2009-Chapter-E06-Landscaping.pdf

If you have any further questions about this issue, please contact Mr Chris Page, Senior Team Leader, Planning (Illawarra), Biodiversity, Conservation and Science Group, on 02 4224 4180 or at chris.page@environment.nsw.gov.au.

Yours sincerely



12/04/2024

Michael Saxon

Director South East

Biodiversity Conservation and Science Group

Department of Climate Change, Energy, the Environment and Water

Enclosures:

Attachment A – Standard Environmental Assessment Requirements

Attachment B – Guidance Material

Attachment A –Standard Environmental Assessment Requirements for Escarpment Resort Avondale (SSD-69465207)

Biodiversity

1. The EIS must assess biodiversity impacts related to the proposed development in accordance with [Section 7.9 of the Biodiversity Conservation Act 2016](#) using the [Biodiversity Assessment Method \(BAM\) 2020](#) and documented in a Biodiversity Development Assessment Report (BDAR), unless:

- a) a BDAR waiver is granted, or
- b) the site is on biodiversity certified land.

The BDAR must include information in the form detailed in the *Biodiversity Conservation Act 2016* (s6.12), *Biodiversity Conservation Regulation 2017* (s6.8) and the BAM.

2. The BDAR must apply the avoid, minimise and offset hierarchy including assessing all direct, indirect, uncertain and prescribed impacts in accordance with the BAM.

3. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix K of the BAM.

4. The BDAR should include details of the measures proposed to address the offset obligation as follows:

- a) The total number and classes of biodiversity credits required to be retired for the development/project;
- b) The number and classes of like-for-like biodiversity credits proposed to be retired;
- c) The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
- d) Any proposal to fund a biodiversity conservation action;
- e) Any proposal to conduct ecological rehabilitation (if a mining project);
- f) Any proposal to make a payment to the Biodiversity Conservation Fund.

If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.

5. The BDAR must be prepared by a person accredited in accordance with the [Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017](#) under s6.10 of the *Biodiversity Conservation Act 2016*.

6. The EIS must contain a summary of the commitments set out in the BDAR to avoid, minimise and mitigate the biodiversity impacts of development that are to be implemented by their inclusion in a Biodiversity Management Plan (BMP). The BMP must include detailed measures to minimise impacts on biodiversity, monitoring and reporting requirements, proposed adaptive management measures, performance criteria recommended to meet stated outcomes, remedial actions to be undertaken if actions fail to achieve stated outcomes, and any additional actions relevant to the management of biodiversity.

7. If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification

NOTE – A BDAR template and guidance document has been created to assist accredited assessors to prepare a BDAR. It has been developed in accordance with best practice, minimum information requirements, and to support BDAR reviewers. The BDAR Template can be found [here](#) and the Guidance for the BDAR Template can be found [here](#). Supporting digital data as per Appendix K of the BAM is also required to be submitted.

Water and soils

8. The EIS must map the following features relevant to water and soils including:

- a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map)
- b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method)
- c. Wetlands as described in s4.2 of the Biodiversity Assessment Method
- d. Groundwater
- e. Groundwater dependent ecosystems
- f. Proposed intake and discharge locations

9. The EIS must describe background conditions for any water resource likely to be affected by the development, including:

- g. Existing surface and groundwater
- h. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations
- i. Water Quality Objectives (as endorsed by the NSW Government <http://www.environment.nsw.gov.au/ieo/index.htm>) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
- j. Where locally derived indicators and guideline values are not available for the relevant Water Quality Objectives, the EIS must refer to the [Australian and New Zealand Guidelines for Fresh and Marine Water Quality](#) (ANZG, 2018).

10. The EIS must assess the impacts of the development on water quality, including:
- a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction, using the [Risk-based framework for considering waterway health outcomes in strategic land use planning decisions](#).
 - b. Identification of proposed monitoring of water quality or required changes to existing monitoring programs

11. The EIS must assess the impact of the development on hydrology, including:
- a. Water balance including quantity, quality and source
 - b. Effects to downstream rivers, wetlands, estuaries, marine waters (including marine protected areas) and floodplain areas
 - c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems
 - d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches)
 - e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water

- f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options
- g. Identification of proposed monitoring of hydrological attributes

Flooding hazards

12. The EIS shall include a flood impact and risk assessment (FIRA). As a minimum the FIRA must:

- a. Consider the relevant provisions of the NSW Flood Risk Management Manual and associated guides, and existing council and government studies, information and requirements
- b. Identify and describe existing flood behaviour on the site and its surrounding areas for the full range of events, including 5% AEP, 1% AEP, PMF and 0.5% AEP or 0.2% AEP and provide an assessment of the compatibility of the development and its users with flood behaviour. This may require flood modelling where existing flood information is not available
- c. Determine and describe changes in post development flood behaviour, impacts of flooding on existing community and on the development and its future community for full range of events, 5% AEP, 1% AEP, PMF and 0.5% AEP or 0.2% AEP. This will typically require flood modelling
- d. Consider impacts of climate change due to both sea level rise and increase in rainfall intensities considering relevant Council and government advice. The 0.5% AEP or 0.2% AEP events can be used to provide an understanding of the scale of change of flood behaviour relative to the 1% AEP event
- e. Propose and assess the effectiveness of management measures required to minimise the impacts and risks of flooding to the development and its users and existing community

Note:

- The FIRA will need to be tailored to suit the project being considered, whilst maintaining consistency with the FIRA guide.

Note:

- Flood modelling is to be undertaken by a suitably qualified engineer consistent with Council's requirements and Australian rainfall and Runoff and is to consider the influence of oceanic conditions in coastal areas.

- Flood behaviour includes flood volume, extent, depth, level, velocity, duration, rate of rise, flood function and flood hazard.
- Impacts include those on different elements at risk such as the existing community, property, floor levels, access etc due to changes to flood behaviour and risks to the community including emergency management response for the community.

Attachment B - Guidance Material

Title	Web address
Relevant Legislation	
<i>Biodiversity Conservation Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/63/full
<i>Coastal Management Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/20/full
<i>SEPP (Resilience and Hazards) 2021</i>	https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2021-0730
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	https://www.legislation.gov.au/Series/C2004A00485
<i>Environmental Planning and Assessment Act 1979</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203
<i>Water Management Act 2000</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-2000-092
Biodiversity	
Biodiversity Assessment Method 2020 & assessor resources (including legislation, manuals, BDAR templates, survey guidelines, registers and databases)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020 https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors/assessor-resources

Title	Web address
Guidance to assist a decision maker to determine a serious and irreversible impact	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf
SEED Data Portal (access to online spatial & environmental data)	http://seed.nsw.gov.au/
Water and Soils	
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
Australian and New Zealand Guidelines for Fresh and Marine Water Quality	https://www.waterquality.gov.au/anz-guidelines
Water Quality Guidelines Mixing zones	https://www.waterquality.gov.au/anz-guidelines/resources/key-concepts/mixing-zones
Approved methods for the sampling and analysis of water pollutants in NSW (2022)	https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/licensing-under-poeo-act-1997/licensing-to-regulate-water-pollution/approved-methods-for-sampling-and-analysing-water-pollutants

Title	Web address
Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions.	https://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning
Flooding and Coastal Hazards	
Floodplain development manual	https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual
Flood Risk Management Manual	https://www.environment.nsw.gov.au/research-and-publications/publications-search/flood-risk-management-manual
Flood Impact and Risk Assessment	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Floodplains/flood-risk-management-impact-risk-assessment-220057.pdf
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Floodplain Risk Management Guidelines	http://www.environment.nsw.gov.au/topics/water/coasts-and-floodplains/floodplains/floodplain-guidelines
Australian Rainfall and Runoff: A Guide to Flood Estimation	http://arr.ga.gov.au/

Department of Climate Change, Energy, the Environment and Water

Our ref: OUT24/4816

Sally Munk

Planning and Assessment Group
NSW Department of Planning, Housing and Infrastructure

Email: sally.munk@planning.nsw.gov.au

08 April 2024

Subject: **Escarpment Resort Avondale (SSD-69465207)**

Comment on the Secretary's Environmental Assessment Requirements (SEARs)

Dear Sally,

The NSW DCCEE Water Group has developed standard SEARs for SSD and SSI projects. Please see Attachment A for detailed requirements.

If any of the requirements do not apply to this project, the proponent should describe why in a short statement.

Should you have any further queries in relation to this submission please do not hesitate to contact DCCEE Water Assessments at water.assessments@dpie.nsw.gov.au.

Yours sincerely



Alistair Drew

Project Officer, Assessments, Knowledge Division

NSW Department of Climate Change, Energy, the Environment and Water

Water Take and Licensing

No.	Assessment Requirement	Relevant Policy/Guideline/Legislation
1	A detailed and consolidated site water balance.	
2	Description of all works/activities that may intercept, extract, use, divert or receive surface water and/or groundwater. This includes the description of any development, activities or structures that will intercept, interfere with or remove groundwater, both temporary and permanent.	NSW Aquifer Interference Policy, section 3 & 5 of the <i>Water Management Act 2000</i>, Water Sharing Plans Clause 24 of the <i>Water Management (General) Regulation 2018</i> Groundwater Guidelines- https://www.industry.nsw.gov.au/water/licensing-trade/major-projects
3	Details of all water take for the life of the project and post closure where applicable. This is to include water taken directly and indirectly, and the relevant water source where water entitlements are required to account for the water take. If the water is to be taken from an alternative source confirmation should be provided by the supplier that the appropriate volumes can be obtained.	Section 3 & 5 of the <i>Water Management Act 2000</i>, Water Sharing Plans Section 2 of the NSW Aquifer Interference Policy provides explanation of water take for aquifer interference activities
4	Details of Water Access Licences (WALs) held to account for any take of water where required, or demonstration that WALs can be obtained prior to take of water occurring. This should include an assessment of the current market depth where water entitlement is required to be purchased. Any exemptions or exclusions to requiring approvals or licenses under the <i>Water Management Act 2000</i> should be detailed by the proponent.	Water Sharing Plans Sections 3, 5, 60A & 60I of the <i>Water Management Act 2000</i> WAL must nominate a work to satisfy s60D of the <i>Water Management Act 2000</i> and this is completed by a dealing application under s71W of the <i>Water Management Act 2000</i> Exemptions or exclusions information: ○ Clause 21-23, 34-50, sch.1 and 4 <i>Water Management Regulation 2018</i> ○ Sections 4.41 and 5.23 of the <i>EP&A Act 1979</i>

		Water licensing and works approvals exemptions - https://water.dpie.nsw.gov.au/licensing-and-trade/licensing/water-licensing-and-works-approvals-exemptions
--	--	--

Water Impacts

No.	Assessment Requirement	Relevant Policy/Guideline/Legislation
5	A description of groundwater conditions that provides an understanding of groundwater level across the site under a range of wet and dry conditions.	NSW Aquifer Interference Policy Groundwater Guidelines
6	Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, groundwater dependent ecosystems, and ground water levels; including measures proposed to reduce and mitigate these impacts.	<i>Water Management Act 2000</i> Part 1, Division 1, Section 5(2d; 4c) & Part 3 Div 2 Sect 97 <i>Water Management Act 2000</i> Part 1, Division 1, Section 5(4a;5a; 6a; 7a; 8a)) NSW Aquifer Interference Policy Groundwater Guidelines
7	Proposed surface and groundwater monitoring activities and methodologies.	Groundwater Guidelines NSW Water Quality and River Flow Objectives Australian and New Zealand fresh and marine water quality guidelines (ANZG 2018)

Assessment against Policy and Guidelines

No.	Assessment Requirement	Relevant Policy/Guideline/Legislation
-----	------------------------	---------------------------------------

8	Identification and impact assessment of all works/activities located on waterfront land including an assessment against Guidelines for Controlled Activities on Waterfront Land (NRAR 2018).	Guidelines for Controlled Activities on Waterfront Land (NOW 2012)
9	Assessment of project against relevant policies and guidelines	Water Sharing Plans, Floodplain Management Plans, NSW Aquifer Interference Policy, Guidelines for Controlled Activities on Waterfront Land (NOW 2012), Groundwater Guidelines

Our ref: HMS ID 6154

Sally Munk
Principal Planner
Department of Planning, Housing and Infrastructure
PO BOX 404
PARRAMATTA NSW 2124
By email: sally.munk@planning.nsw.gov.au

Request for Secretary's Environmental Assessment Requirements (SEARs) for Escarpment Resort Avondale (SSD-69465207)

Dear Ms Munk,

Thank you for your referral dated 8 April 2024 inviting SEARs input from the Heritage Council of NSW on the above State Significant Development (SSD) proposal.

The proposed SSD site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. However, the site contains *Huntley Colliery* (including archaeological site) which is listed on the Wollongong Local Environmental Plan (LEP) 2009 as item no. 7102. The *Illawarra Escarpment Landscape Area*, a Heritage Conservation Area listed on the Wollongong LEP 2009, also traverses the western portion of the site.

It is therefore recommended that the following SEARs are included with regards to historic heritage and archaeology:

Heritage and archaeology

1. A Statement of Heritage Impact (SOHI) prepared by a suitably qualified heritage consultant in accordance with the *Guidelines for preparing Statements of Heritage Impact*. The SOHI is to address the impacts of the proposal on the heritage significance of the site and adjacent areas and is to identify the following:

- a. all heritage items (State and local) within the vicinity of the site including built heritage, landscapes and archaeology, detailed mapping of these items, and assessment of why the items and site(s) are of heritage significance;
 - b. compliance with relevant Conservation Management Plans;
 - c. the impacts of the proposal on heritage item(s) including visual impacts, required BCA and DDA works, new fixtures, fittings and finishes, any modified services;
 - d. the attempts to avoid and/or mitigate the impact on the heritage significance or cultural heritage values of the site and the surrounding heritage items; and
 - e. justification for any changes to the heritage fabric or landscape elements including any options analysis.
2. If the SOHI identifies impact on potential historical and/or maritime archaeology, an historical and/or maritime archaeological assessment should be prepared by a suitably qualified archaeologist in accordance with the guidelines Archaeological Assessment and Assessing Significance for Historical Archaeological Sites and Relics. This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential archaeological resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. If harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations or salvage programme.

As the site contains local heritage items, advice should be sought from the relevant local council.

If you have any questions about this correspondence, please contact Sam Gibbins, Senior Assessments Officer - Historical Archaeology at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely

Michael Ellis.

Michael Ellis
Manager Assessments
Heritage NSW
Department of Climate Change, Energy, the Environment and Water

As Delegate of the Heritage Council of NSW

18 April 2024

Sally Munk

From: Nicole Davis
Sent: Wednesday, 10 April 2024 12:57 PM
To: Sally Munk
Subject: Heritage NSW - Aboriginal Cultural Heritage - Advice on SEARs - Escarpment Resort Avondale (SSD-69465207) (Wollongong City)

Dear Sally,

Heritage NSW recommends that the following SEAR's be included with respect to Aboriginal cultural heritage (ACH) in relation to the proposed Escarpment Resort Avondale (SSD-69465207) (Wollongong City).

Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR), prepared in accordance with relevant policy and guidelines, identifying, describing and assessing any impacts to Aboriginal cultural heritage sites or values associated with the project.

- The ACHAR must be prepared in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011) and the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), including results of thorough archaeological survey and test excavations (where required);
- Include evidence of adequate and continuous consultation with Aboriginal stakeholders in determining and assessing impacts, developing and selecting options for avoidance of Aboriginal cultural heritage and mitigation measures (including the final proposed measures), having regard to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010).

If you require any further information please contact me directly.

Kind Regards

Nicole Davis

Manager Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water (DCCEEW)

E nicole.davis@environment.nsw.gov.au



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

From: no-reply@majorprojects.planning.nsw.gov.au <no-reply@majorprojects.planning.nsw.gov.au>
Sent: Monday, 8 April 2024 10:55 AM
To: Simone Horton <simone.horton@environment.nsw.gov.au>; Kelly Pleasance <kelly.pleasance@environment.nsw.gov.au>; OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>; Tanya Pelz <tanya.pelz@environment.nsw.gov.au>; Jacqueline Burges <jacqueline.burges@environment.nsw.gov.au>

Cc: Sally Munk <Sally.Munk@planning.nsw.gov.au>

Subject: Major Projects – New Request for Advice - Escarpment Resort Avondale (SSD-69465207) (Wollongong City)

The Department has sent you a request for advice in relation to the Escarpment Resort Avondale. The due date for this request is 22/04/24.

Please sign in to your account to view the details of this request and to upload your advice.

If you have any enquiries, please contact Sally Munk on 9274 6431 /at sally.munk@planning.nsw.gov.au.

To sign in to your account click [here](#) or visit the Major Projects Website.
Please do not reply to this email.

Kind regards

The Department of Planning and Environment



[Subscribe to our newsletter](#)

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



From: [LANDS](#)
To: [Sally Munk](#); [DPE PSVC Wollongong Mailbox](#)
Cc: [LANDS](#)
Subject: RE: Escarpment Resort Avondale - Request for Input to SEARs
Date: Tuesday, 9 April 2024 2:45:37 PM
Attachments: [image009.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

Hi Sally,

Jemena has reviewed the location of this Scoping Proposal and undertaken a review of the documentation provided/linked.

Jemena has no objection to this Scoping Proposal - it is noted that Jemena have a high pressure pipeline approximately 4kms from the proposed Escarpment Resort Avondale site.

As such, Jemena does not anticipate that the proposal will impact Jemena's high pressure natural gas pipeline. Consequently, Jemena does not wish to provide objections or further comments to the Scoping Report.

Regards,

Farrah Albermani
Lands Management Officer
Jemena
0423 501 758
Farrah.Albermani@jemena.com.au
www.jemena.com.au



From: Sally Munk <Sally.Munk@planning.nsw.gov.au>
Sent: Monday, April 8, 2024 10:54 AM
To: LANDS <lands@jemena.com.au>; DPE PSVC Wollongong Mailbox <wollongong@planning.nsw.gov.au>; urbangrowth@sydneywater.com.au
Subject: Escarpment Resort Avondale - Request for Input to SEARs

⚠ WARNING: This email originated from outside of the organisation. Do **not** click links or open attachments unless you recognise the sender and are expecting the content or attachment from the sender.

The Department of Planning, Housing and Infrastructure has received a request from Avondale Escarpment Pty Ltd (the Applicant) for the Planning Secretary's Environmental Assessment Requirements (SEARs) for the Escarpment Resort Avondale. The proposed development is State Significant Development under the *Environmental Planning and Assessment Act 1979*. A copy of the Scoping Report and associated appendices can be viewed at the project page - <https://www.planningportal.nsw.gov.au/major-projects/projects/escarpment-resort-avondale>.

The Applicant is proposing to submit a concept development application (DA) for the proposal.

Your organisation is invited to provide input into the SEARs for the concept DA proposal including details of any key issues and assessment requirements by **Monday 22 April 2024**.

Please direct any queries regarding this request to me via email or phone.

Kind regards
Sally

Sally Munk
Principal Planner
Industry Assessments
Department of Planning, Housing and Infrastructure

T (02) 9274 6431 E sally.munk@planning.nsw.gov.au

4 Parramatta Square, 12 Darcy Street, Parramatta | Locked Bag 5022, Parramatta NSW 2124

dpie.nsw.gov.au



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

This is a confidential message intended for the named recipient(s) only. The contents herein are privileged to the sender and the use thereof is restricted to the intended purpose. If you have received this e-mail in error, please do not use, disclose, distribute, copy, print or relay on this email. If receipt is in error, please advise the sender by reply email. Thank you.

23 April 2024

Sally Munk

Department of Planning, Housing and Infrastructure

sally.munk@planning.nsw.gov.au

RE: Sydney Water input to SEARs for SSD-69465207 Escarpment Resort Avondale

Thank you for notifying Sydney Water SSD-69465207 Escarpment Resort Avondale, which proposes a concept Plan application for environmental protection works, environmental facilities and an eco-tourist facility, collectively referred to as Escarpment Resort Avondale. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

The proposal is located outside of Sydney Water's servicing catchments for both water and wastewater and we have no current plans or funding to extend these catchment. However, we note that servicing is proposed to be managed via private onsite water and wastewater management proposed under this SSD and will not require connections to our network. Sydney Water has no comments on the proposed private servicing requirements.

Should DPHI require any further information, please contact the Growth Planning Team via urbangrowth@sydneywater.com.au.

Yours sincerely,



Kristine Leitch

Commercial Growth Manager

City Growth and Development, Business Development Group

Sydney Water, 1 Smith Street, Parramatta NSW 2150

9 April 2024

TfNSW reference: STH24/00289

Your reference: SSD-69465207

The Department of Planning, Housing and Infrastructure

By Email: sally.munk@planning.nsw.gov.au

Attention: Sally Munk

REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS SSD-69465207 – Escarpment eco-tourist Resort – Avondale Rd HUNTLEY

Dear Sally

Transport for NSW (TfNSW) is responding to the request for input into the Planning Secretary's Environmental Assessment Requirements (SEARs) for the Escarpment Resort Avondale referred on 8 April 2024.

TfNSW has reviewed the scoping report prepared by Sutherland & Associates Planning, dated March 2024 for the proposed Escarpment Resort. TfNSW requests the matters outlined in Attachment 1 are included in any SEARs issued and subsequently addressed by the applicant in the Environmental Impact Statement prepared for the proposal.

If you have any questions, please contact Rachel Carocci, Development Services Case Officer, on 9983 2093 or email development.south@transport.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read "R Carocci", enclosed in a yellow rectangular box.

Rachel Carocci

Development Case Officer, Development Services

OFFICIAL

REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS SSD-69465207 – Escarpment eco-tourist Resort – Avondale Rd HUNTLEY

Context

TfNSW notes for this DA:

- The key state road is the Princes Motorway.
- The Department of Planning, Housing and Infrastructure is seeking input from TfNSW into the SEARs for the concept DA proposal. The proposed development is State Significant Development under the Environmental Planning and Assessment Act 1979.
- The development proposes environmental protection works, environmental facilities and an eco-tourist facility, collectively referred to as Escarpment Resort Avondale. The proposed access to the development site is from Avondale Road and Avondale Colliery Road, both local roads managed by Council.

TfNSW Requirements

The following TfNSW requirements are provided for inclusion in the SEARs:

- As identified in Section 6.5 of the Scoping Report, a Traffic and Transport Impact Assessment is required to identify the traffic impacts on the network and key intersections generated by the development and identify appropriate upgrades (if required).

Note:

- TfNSW considers a significant portion of traffic generated by the proposal will feed onto the Princes Highway, via the greater local road network. The Princes Highway (at this location) is a regional classified road, managed by Wollongong City Council. Investigation should be undertaken to determine the suitability of the existing intersection of Avondale Road and the Princes Highway, to the satisfaction of Council.

8 April 2024

Contact: Alison Kniha

Telephone: 0407 088 372

Our ref: D2024/24187

Sally Munk
Department of Planning & Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Munk,

Escarpment Resort Avondale – Request for SEARs (SSD-69465207)

Thank you for your Major Projects Planning Portal referral dated 8 April 2024, requesting WaterNSW's advice in relation to the above SEARs. It is understood that the project will involve environmental protection works, environmental facilities and an eco-tourist facility, collectively referred to as Escarpment Resort Avondale.

WaterNSW has reviewed the Scoping Report (Sutherland & Associates Planning; dated March 2024). We note that a small part of Lot 101 DP 1247603 lies within both the Sydney Drinking Water Catchment (SDWC) and the Metropolitan Special Area, which is declared under the *Water NSW Act 2014*. Access to the Schedule 1 Special Area is prohibited without the written consent of WaterNSW. The proponent should be advised that no development will be permitted on that part of the subject site.

Additionally, the western end of the proposed Mars Pass Walk and associated rest area appear to be within the SDWC (but not the Special Area). It is difficult from the figures provided in the Scoping Report (particularly Figure 4; p.25) to ascertain if this is actually the case. We request that the proponent clarify this by providing a figure overlaying the facilities plan with the boundary of the SDWC. Should these components of the proposal be within the SDWC, then they must achieve a neutral or beneficial effect (NorBE) on water quality before any consent can be issued in favour of the applicant. The proponent should therefore discuss this in the EIS prepared (if relevant).

WaterNSW requests that the Department continues to notify us of all developments that may impact on our assets, infrastructure or land, using the email address

Environmental.Assessments@waternsw.com.au. If you have any questions regarding this letter, please contact me at alison.kniha@waternsw.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to be "Alison Kniha", with a long horizontal stroke extending to the right.

ALISON KNIHA
Environmental Planning Assessments & Approvals Manager

Sally Munk

From: Trevor Wilson
Sent: Monday, 29 April 2024 5:00 PM
To: Sally Munk
Cc: Chris Kelly
Subject: RE: Escarpment Resort Avondale - SEARs Input
Attachments: EPA SEARS (2019) - Request for Secretary's Environmental Assessment Requirements - Escarpment Resort Avondale.pdf

Hi Sally,

The EPA provided SEARS to the Department for the proposal at Avondale back in 2019.

As the 2024 proposal for Avondale is substantially the same as the 2019 proposal the EPAs SEARS issued in 2019 (see attached) are considered to be appropriate.

If you have any further questions please contact me on (02) 9995 5646.

Regards

Trevor

Trevor Wilson

Manager Operations

NSW Environment Protection Authority

+61 2 9995 5646

trevor.wilson@epa.nsw.gov.au www.epa.nsw.gov.au [@EPA_NSW](https://twitter.com/EPA_NSW)



www.epa.nsw.gov.au [@NSW_EPA](https://twitter.com/NSW_EPA)

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents 131 555 or +61 2 9995 5555

Please note that you may be receiving this email out of normal business hours.

The EPA supports flexible working, hence while this works for me your reply would be welcomed inside your normal business hours.

From: Sally Munk <Sally.Munk@planning.nsw.gov.au>

Sent: Monday, 29 April 2024 4:54 PM

To: Trevor Wilson <Trevor.Wilson@epa.nsw.gov.au>

Subject: Escarpment Resort Avondale - SEARs Input

Hi Trevor



DOC19/114787

Ms Sally Munk
Principal Planning Officer
Department of Planning & Environment

Email: Sally.Munk@planning.nsw.gov.au

Dear Ms Munk

Request for Secretary's Environmental Assessment Requirements - The Avondale Resort, Avondale (SSD 9883)

I refer to your request dated 12 February 2019 for the Environment Protection Authority (EPA) to provide its key issues and environmental assessment requirements for the above proposal and preparation of an Environmental Impact Statement (EIS).

The EPA has considered the details of the project as provided by the Department of Planning and Environment (DPE) and has identified several key environmental issues that should be addressed as part of the project. These issues have been identified in Attachment A and include:

- General Planning Matters
- EPA Regulatory matters
- Air Quality
- Noise and Vibration
- Water Quality
- Waste
- Contaminated Land

Guidance and supporting documents which may be useful in addressing the above issues are included in Attachment B.

If you have questions regarding the above, please phone William Dove on (02) 4224 4100.

Yours sincerely

William Dove *26.02.2019*

WILLIAM DOVE
a/Manager Regional Operations Illawarra
Environment Protection Authority

Attachments A and B

Phone 131 555
Phone 02 4224 4100
(from outside NSW)

Fax 02 4224 4110
TTY 131 677
ABN 43 692 285 758

PO Box 513
WOLLONGONG
NSW 2520

Level 3
84 Crown Street
WOLLONGONG NSW
2500 AUSTRALIA

info@epa.nsw.gov.au
www.epa.nsw.gov.au

ATTACHMENT A

Environmental Assessment Requirements

General Planning Matters

The proposed Tourist Facility appears to comprise the following elements:

- 18 Hole Championship Golf Course, Golf and Spa Hotel (up to 300 keys) and Hotel Villas (around 75 villas).
- Escarpment Resort with associated facilities including spa, restaurants, chapel and pavilion.
- The Lodge, providing 50 key accommodation with 20 suites and 12 villas, along with a restaurant and bar.
- Tennis and Recreation Centre, including a lap pool and gymnasium.
- Microbrewery and Cellar Door.
- Hospitality and Hotel Management School.
- Cultural Exchange Museum and Gallery.

Details are required on the location of the proposed development including the affected environment to place the proposal in its local and regional environmental context including surrounding landuses, planning zonings and potential sensitive receptors. Information relating to the staging, hours of operation and duration of the works should also be provided.

Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts including any cumulative impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment. Appropriate Best Management Techniques should also be outlined. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

EPA Regulatory Matters

Environment Protection Licence Number 10997 is currently in place for HTT Huntley Heritage Pty Ltd's operations on the premises (known as "Huntley Colliery"). The licence applies to part Lot 14 DP 3083, part Lot 1 DP 229358 and part Lot 2 DP 229358.

On completion of filling and capping of the landfill, it is expected that Huntley Heritage will apply to surrender the licence. At that time, the EPA may approve the surrender of the licence and issue a Surrender Notice under Section 80 of the Protection of the Environment Operations (POEO) Act 1997. The proponent should note that this Notice will contain conditions requiring ongoing monitoring at the closed landfill and/or other conditions that the EPA considers appropriate having regard to the environmental issues at the site.

When sufficient evidence can be provided that the landfill is stable and non-polluting, the occupier may seek to complete all obligations by submitting a certified statement of completion to the EPA. This statement must certify that the closure plan has been implemented, remediation work has been completed, and further environmental management of the premises is not required. Further details on the criteria that a certified statement of completion must address can be found in the EPA's Environmental Guidelines: *Solid Waste Landfills, Second Edition, 2016*.

The proponent should also consult the EPA's, *Guide to Licensing* to determine whether a licence is required under the POEO Act for any other activities intended to be undertaken as part of the proposal.

Air Quality

The environmental outcomes of the project should be to ensure:

- emissions do not cause adverse impact upon human health or the environment.

- compliance with the requirements of the POEO Act and its associated regulations.
- no offensive odours are caused or permitted from the premises.
- emissions of dust from the premises are prevented or minimised.
- all relevant guidelines in regard to ambient air quality are satisfied.

The EIS should include a detailed description of the proposal and identify and describe all processes and sources (including odour and dust) that could result in air emissions. Sufficient detail to accurately communicate the characteristics and quantity of all emissions must be provided. A description of any proposed mitigation, monitoring and management measures the proponent intends to apply to ensure the above environmental outcomes are satisfied should also be included.

Australian Standard (AS) 2601 – *The Demolition of Structures* should be consulted for all demolition activities. This should include the preparation of a Hazardous Substances Management Plan following an audit of hazardous substances that may be present, for example asbestos, PCBs, lead paint or roof dust, to ensure the protection of the environment and human health.

Noise and Vibration

The environmental outcome of the project should be to minimise adverse impacts due to noise and vibration from the project. The facility be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).

The EIS must include an assessment of the predicted noise impacts associated with the project in accordance with the EPA's *Interim Construction Noise Guidelines* and *Industrial Noise Policy*. The assessment should include, but need not be limited to:

- identification and assessment of all potential noise and vibration sources associated with the proposed redevelopment works.
- identify the locations of all sensitive receptors.
- proposed hours associated with any demolition activities.
- an assessment of compliance with the project specific construction noise emission criteria as determined using the above guidelines.
- any proposed noise mitigation, monitoring and management measures which are necessary to achieve the above outcome.

As the project will be potentially traffic generating, the assessment should consider noise impacts of vehicle movements on current and future receivers. In addressing these planning principles and considerations, the EPA considers that the *NSW Road Noise Policy (2011)* guidelines would form the basis of this component of the noise assessment.

Water Quality

The information states the site is not currently connected to potable water or sewerage infrastructure. At this early stage of works, a strategy for potable water and sewerage provision has not been defined. This aspect of the proposal will be rationalised as part of the design process undertaken during the preparation of SSD documentation.

The environmental outcomes for the project should be to ensure:

- there is no pollution of waters (including surface and groundwater).
- the facility is connected to the existing municipal sewerage system and this system has capacity to cater for any increased loads. This includes any pipelines and pumping stations used to convey sewage generated.
- wastewater is collected, treated and beneficially reused, where this is safe and practicable to do so.

The EIS should describe the nature and degrees of any likely impacts to both surface water and groundwater from the proposed works and clearly outline any proposed mitigation, monitoring and

management measures the proponent intends to apply to ensure the above outcomes are satisfied. The EIS should clearly identify any sensitive areas nearby and provide details on any potential impact this proposal may have on these areas including any associated mitigation measures.

Construction activities may result in exposed soils from excavations. It is important that prior to, during and following construction, appropriate stormwater and erosion/sedimentation management systems are implemented to prevent water pollution from the site.

Waste

The goal of the project should be to ensure waste is managed:

- in accordance with the principles of the waste hierarchy and cleaner production.
- the handling, processing and storage of all materials used at the premises does not have negative environmental or amenity impacts.
- the beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so.
- no waste disposal occurs on site.

The EIS should include a Waste Management Plan which includes the following matters:

1. Identify, characterise and classify all waste that will be generated, recycled, reused and disposed of as a result of the construction activities.
2. Provide an estimate of the quantities of materials generated.
3. Provide details of how waste will be handled and managed both onsite and offsite to minimise pollution. This should include information on the procedures and protocols to be implemented to ensure that any waste leaving the site is transported and disposed of lawfully and does not pose a risk to human health or the environment. If the waste possesses hazardous characteristics, the EIS must provide details of how the waste will be treated or immobilised to render it suitable for transport and disposal.
4. Describe the proposed methods of treatment, processing, reuse, recycling and disposal for each of these waste types (for example, crushing on site, treatment on site, removal to another premises for treatment or disposal).

The proponent should also consult NSW EPA's, *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (Dec 2012). This guideline provides information on better waste management practice in design, establishment, operation and ongoing management of waste services in commercial and industrial developments. This guideline can be accessed at: <http://www.epa.nsw.gov.au/warr/BPGuideCIFacilities.htm>.

All contaminated soil and associated waste materials must be managed in accordance with the POEO Act 1997 and associated regulations and characterised in accordance with the EPA's Waste Classification Guidelines.

The storage, disposal and transport of asbestos waste must be undertaken in accordance with the Protection of the Environment Operations (Waste) Regulation 2005. EPA also recommends that NSW Health Infrastructure consult with NSW Health and WorkCover in regard to this matter.

Contaminated Land

The proposal is located on lands with a history of industrial use as a coal mine and later as a landfill in the eastern portion of the site. The potential for contamination is a concern for the site.

The environmental outcome of the project is to ensure any contaminated land is identified and appropriately managed for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The requirements of *State Environmental Planning Policy (SEPP) 55* will need to be satisfied and documented in the EIS. SEPP 55 states that as part of the development process, the following key considerations should be addressed:

- Whether the land is contaminated.
- If the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used.
- If the land requires remediation; will be made suitable for any purpose for which the land will be used.

In cases where land is potentially contaminated, the investigation and any remediation and validation work are to be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* and be in accordance with the requirements and procedures in the following:

- *Contaminated Land Management Act 1997*
- *Contaminated Land Management Regulation 2013*; and
- *SEPP 55 – Remediation of Land*.

The contamination assessment should also consider the potential for landfill gas to impact buildings and infrastructure proposed to be constructed within 250 metres of waste deposited in the Huntley landfill. At a minimum, this assessment should consider potential impacts on the proposed:

- Golf club and hotel
- Golf villas (east)
- Recreation, kids club and golf academy
- Wedding chapel

It should be noted that the EPA does not support any development:

- on land that has previously been used for waste disposal; or
- within 250m of the fill areas without a site-specific risk assessment being conducted and, if necessary, mitigation measures being incorporated into the footings of the proposed buildings.

The EPA recommends DPE consider the involvement of an EPA-accredited Site Auditor during the contamination management process, including the provision of a Site Audit Statement certifying that the land is suitable for the proposed use(s).

ATTACHMENT B - GUIDANCE MATERIAL

Title	Web address
Relevant Legislation	
<i>Contaminated Land Management Act 1997</i>	http://www.legislation.nsw.gov.au/#/view/act/1997/140
<i>Environmentally Hazardous Chemicals Act 1985</i>	http://www.legislation.nsw.gov.au/#/view/act/1985/14
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/#/view/act/1979/203
<i>Protection of the Environment Operations Act 1997</i>	http://www.legislation.nsw.gov.au/#/view/act/1997/156
<i>Water Management Act 2000</i>	http://www.legislation.nsw.gov.au/#/view/act/2000/92
Licensing	
Guide to Licensing	www.epa.nsw.gov.au/licensing/licenceguide.htm
Air Issues	
Air Quality	
Approved methods for modelling and assessment of air pollutants in NSW (2016)	http://www.epa.nsw.gov.au/air/appmethods.htm
POEO (Clean Air) Regulation 2010	http://www.legislation.nsw.gov.au/#/view/regulation/2010/428
Noise and Vibration	
Interim Construction Noise Guideline (DECC, 2009)	http://www.epa.nsw.gov.au/noise/constructnoise.htm
NSW Noise Policy for Industry	http://www.epa.nsw.gov.au/your-environment/noise/industrialnoise/noise-policy-for-industry-(2017)
Assessing Vibration: a technical guideline (DEC, 2006)	http://www.epa.nsw.gov.au/noise/vibrationguide.htm
Industrial Noise Policy Application Notes	http://www.epa.nsw.gov.au/noise/applicnotesindustnoise.htm
Environmental Criteria for Road Traffic Noise (EPA, 1999)	http://www.epa.nsw.gov.au/resources/noise/roadnoise.pdf
Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects (DECC, 2007)	http://www.epa.nsw.gov.au/noise/railinfranoise.htm
Environmental assessment requirements for rail traffic-generating developments	http://www.epa.nsw.gov.au/noise/railnoise.htm
Human Health Risk Assessment	

Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards (enHealth, 2012)	http://www.eh.org.au/documents/item/916
Waste, Chemicals and Hazardous Materials and Radiation	
Waste	
Environmental Guidelines: Solid Waste Landfills (EPA, 2016)	http://www.epa.nsw.gov.au/waste/landfill-sites.htm
EPA's Waste Classification Guidelines 2014	http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm
Resource recovery orders and exemptions	http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm
European Union's Waste Incineration Directive 2000	http://ec.europa.eu/environment/archives/air/stationary/wid/legislation.htm
EPA's Energy from Waste Policy Statement	http://www.epa.nsw.gov.au/wastestrategy/energy-from-waste.htm
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	http://www.epa.nsw.gov.au/wastestrategy/warr.htm
Chemicals subject to Chemical Control Orders	
Chemical Control Orders (regulated through the EHC Act)	http://www.epa.nsw.gov.au/pesticides/CCOs.htm
National Protocol - Approval/Licensing of Trials of Technologies for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
National Protocol for Approval/Licensing of Commercial Scale Facilities for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
Water and Soils	
Acid sulphate soils	
Coastal acid sulfate soils guidance material	http://www.environment.nsw.gov.au/acidsulfatesoil/ and http://www.epa.nsw.gov.au/mao/acidsulfatesoils.htm
Acid Sulfate Soils Planning Maps	http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm
Contaminated Sites Assessment and Remediation	
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	http://www.epa.nsw.gov.au/clm/planning.htm
Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	http://www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf
Guidelines for the NSW Site Auditor Scheme - 2nd edition (DEC, 2006)	http://www.epa.nsw.gov.au/resources/clm/auditorguidelines06121.pdf
Sampling Design Guidelines (EPA, 1995)	http://www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf

National Environment Protection (Assessment of Site Contamination) Measure 1999 (or update)	http://www.scew.gov.au/nepms/assessment-site-contamination
Soils – general	
Managing land and soil	http://www.environment.nsw.gov.au/soils/landandsoil.htm
Managing urban stormwater for the protection of soils	http://www.environment.nsw.gov.au/stormwater/publications.htm
Landslide risk management guidelines	http://australiangeomechanics.org/admin/wp-content/uploads/2010/11/LRM2000-Concepts.pdf http://www.australiangeomechanics.org/resources/downloads/
Site Investigations for Urban Salinity (DLWC, 2002)	http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf
Local Government Salinity Initiative Booklets	http://www.environment.nsw.gov.au/salinity/solutions/urban.htm
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/leo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	Contact the EPA on 131555
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approved-methods-water.pdf