

Berrima Hotel State Significant Development (SSD-66876472)

I object to the proposed redevelopment of the former Berrima Gaol by Bluesox as described in the company's EIS placed on public exhibition until 26 November 2025, for the following reasons.

Justification of the project

The Environmental Impact Statement (SUTHERLAND & ASSOCIATES PLANNING (EIS) says (p. 87) that the project “aims to celebrate and showcase the history of the site”.

This claim is not supported by the evidence in the EIS. The list of key components in the project, listed on p16, does not include components that celebrate or showcase the colonial era in Berrima in the 1830s, when the Gaol was built, nor the 186-year history of changes in punishment and corrections policy and practice at the Gaol.

The claim (p.87) that the project will “*strengthen connection with local culture*” is contradicted by the very ‘exclusive’ and ‘high-end’ concept for the redevelopment of the site. The assertion (p.87) that the project will “*contribute to the vibrancy*” of the Berrima Village, demonstrates a complete lack of understanding of Berrima’s historic character and heritage significance. The project envisages a function centre (316 m²) catering to weddings, with a liquor licence till midnight, will destroy the visitor and resident experience of a quiet colonial village, particularly at night, with adverse impacts on residential amenity from noise, traffic and light pollution.

For 18 years I volunteered as a guide at the National Trust State Heritage listed property Harper’s Mansion in Berrima. During that time, I welcomed hundreds of visitors and explained the history of the original settlement of Berrima and later development for which the Gaol is an integral factor.

On several occasions I have estimated the total number of people visiting Berrima over weekends during the year (based on a snapshot of cars parked in the village at one time). Berrima is also visited by many tourist buses; up to 25 buses (about 40 people per bus) visit Harper’s Mansion alone in some years. The Berrima Museum and Courthouse also attract visitors to the village. The Australia Day celebrations in the Shire take place in Berrima, with a heritage

theme to the annual street parade. My estimate is that Berrima welcomes of the order of 300,000 people a year to the village. This number represents about a third of all day-trippers who visit the Highlands annually. This cohort is at risk of avoiding spending time, and money, in Berrima if the village loses its authentic historic character. There was good reason that Berrima won the Best Tourist (Small) Town in Australia in 2021.

My personal experience over 18 years as a guide is that visitors come to Berrima, overwhelming, to experience an authentic colonial village with its original street layout (designed by Robert Hoddle who laid out Melbourne), its central located colonial Marketplace, one of the few remaining in NSW, and numerous state and locally listed heritage houses, churches and commercial buildings from the 1830s and 1840s; and, of course, to admire the Berrima Courthouse and the imposing 1839 Gaol that dominates the village from all directions.

The Bluesox plan to build a ‘massed bulk’ multi-storey building outside the Gaol walls and a 3 level carpark (2 underground) will permanently change the historic character of Berrima which underpins tourism to the village. Bluesox’s plan to build an exclusive high-end boutique hotel, restaurant and wellness centre caters to the few who can afford it. In my view, Berrima will lose more visitors than it might gain from the Bluesox proposal as the village character will be compromised and lead to further inappropriate development in the Berrima Heritage Conservation Area. The loss to NSW tourism is significant if the Berrima’s colonial experience is permanently compromised.

Objectives of the proposal

The objectives of the proposed redevelopment, listed on p17, are not supported by the architectural elements of the proposal. Specifically, *“(the project) achieve(s) a high level of compatibility with the existing charact of the locality.”*

No evidence is presented to support the statement that the proposal will *“enhance the cultural values of the site” (p.17)*.

Berrima’s heritage significance is derived from its colonial Georgian character which has survived largely intact from the 1830s. The Gaol and its curtilage are the predominate architectural elements within the Berrima Heritage Conservation Area.

Locating the proposed accommodation hotel suites in a "massed bulk" configuration outside the western Gaol walls destroys the curtilage of the Gaol, as does constructing a 3-level carpark (2 levels underground) outside the southern wall of the Gaol.

In no way can the EIS describes the mass block accommodation block as “*harmonious*” with the local character. (p.87)

Strategic Context

The EIS argues (p.19) that the proposal is in line with the NSW Visitor Economy Strategy 2015 as the hotel will attract tourism to Berrima.

There is no evidence present to support this claim. The Bluesox proposal for an expensive (up to \$1,000/night was suggested to me by one of the Bluesox team) boutique hotel, high end bar, restaurant and wellness centre. The function centre would cater to weddings where guests would be contained in the facility.

Indeed, rather than attracting tourists to Berrima, the highly modern, contemporary and over-scale accommodation blocks and carpark will adversely impact on tourism as the proposal compromises the authenticity of the visitor experience. Research undertaken by Berrima Heritage Matters, a local community-based group of residents, (based on face-to-face interviews with over 1400 people from February 2025 to November 2025), shows that the overwhelming reason tourists visit Berrima is to enjoy the authentic heritage character of a Georgian village, frozen in time that presents dozens of original dwellings (15 on the NSW State Heritage Register alone).

Engagement

Section 5.1.2 of the EIS claims that the community engagement was undertaken in accordance the engagement requirement of the SEARS and the ‘Undertaking Engagement Guidelines for State Significant Projects’.

The engagement with the ‘community’ was not undertaken as claimed.

First, the Conservation Management Plan (CMP) is dated 15 May 2024 and was written by URBIS in house. There was no consultation with the community by URBIS in the drafting of this report. This is in direct breach of the Engagement Guidelines as listed on p. 62 of the EIS. The CMP was only made public in February 2025 when it was released at the same time as Bluesox’s held its drop-in-sessions in Berrima and the Highlands. There was no opportunity for the

community to give its views about what the community considers significant about the site.

Importantly, the Heritage Impact Statement (HIS) (Appendix 32) cross references the CMP to justify claims made about what is significant on the site. The deficiencies in the CMP are transferred across to the HIS, which was also prepared in house by URBIS without any community engagement.

Bluesox hired a PR firm to manage its community consultation. The firm arranged meetings with the Berrima Residents Association and with other selected residents. No meetings were ever offered to Berrima Heritage Matters, despite the group opening the 7 days a week drop-in Berrima Heritage Centre next to the Berrima General Store. Meetings were also arranged with selected individuals in Berrima.

These consultations in 2024 and 2025 did not constitute ‘engagement’, as what transpired was that the proposed plans that were submitted to the DPIE in December 2023 were laid on the table and presented as a ‘fait accompli’. The community’s opposition to locating the accommodation outside the western wall of the Gaol (as evidenced by 2 public meetings in Berrima when 80% of those present opposed this concept) was met with the statement that this plan was “*not negotiable*”. At one meeting a resident was told that if they did not like the plans, “*they could move away*”. This experience cannot be described as community engagement.

I am not aware of the Bluesox changed any of its plans (as submitted to DPIE in their SEARS submission in December 2023) as a result of community responses. Plans did change between December 2023 (SEARS) and September 2025 (EIS) because of comments from the State Design Review Panel (SDRP), not the community.

Bluesox also held information sessions in Berrima, Bowral and Moss Vale in February 2025. These sessions comprised a story-board exhibition of Bluesox’s plans that were already in the public domain from December 2023. Despite receiving ‘feedback’ on the exhibition through Bluesox’s website, plans were not changed.

The claim that the proposed '*design has undergone rigorous review with community groups, the National Trust and Council*’ is not correct.

As noted above, the ‘engagement’ with selected residents and with Residents Association has been a ‘check-box exercise’ by Bluesox. Similarly, meetings with the Southern Highlands Branch of the National Trust were conducted by Bluesox in a similar dismissive manner.

Bluesox claim of engagement with Wingecarribee Shire Council (WSC) overstates the actual situation: *"To date, Bluesox has been in communication with Council and has provided updates on the project with limited information"* (email from WSC Deputy GM, Mr McCabe on 1/10/25 to the BRA).

The Heritage Impact Statement (Appendix 32) also lists stakeholder consultation (p.10). The list claims there was a face-to-face meeting with the Vice-President (VP) of Friends of Wingecarribee on 28 March 2024. However, the VP at the time has no recollection of any meeting on that day (or at any other time) and her diary does not show that any meeting was held.

Heritage

The Heritage Impact Statement (HIS) (Appendix 32) claims the project meets Heritage NSW Guidelines (p.66). This statement is unsupported.

The HIS states clearly that the heritage assessment was undertaken exclusively for the historic buildings on the site (i.e. the single lot) and was excluded assessment of the impacts on the curtilage of the Gaol, its relation to Berrima and the Wingecarribee River. Accordingly, the HIS leaves out half the issues raised by the development and so appears to be an ex-post justification of the project, rather than an independent professional assessment.

The HIS is inconsistent with NSW Draft Heritage Strategy (DPIE, May 2025) as there is no aspect of the project that unincorporates the ‘stories’ of the 186 year history of the site, the relationship of the Gaol to Berrima’s settlement in the 1830s and the expansion of the colony to the south of Sydney, and the changing role of criminal punishment in the 19th and 20th centuries.

The project is not consistent with Objectives and Controls in the WLEP (20210) or DCP, Berrima Heritage Conservation Area (p. 96-101), or the Council’s Berrima Character Statement.

Sutherland & Associates Planning submission for the SEARS, note specifically (p.63) that the project is not permissible in the zone (i.e. *"visitor accommodation", "food and drink premises" and "function centre"*), without the

adoption of the WLEP 2021 so-called 'incentives clause' (s 5.10 (10)). The EIS excludes discussion of this 'threshold' issue. I am aware of two Land & Environment Court cases which have refused the use of this clause in similar circumstance. Accordingly, it is not at all clear that the project is even permissible.

The western wall of the Gaol is obscured by the "massed bulk" accommodation building (Appendix 23, Western Elevation). (Appendix 5B Western Elevation. This option compromises the curtilage of the Gaol and obliterates the important views of the Gaol from the western side of the River and Lambie's Well walk.

The proposed demolition of the Industries Building is not justified as the building demonstrates 20th century prison inmate rehabilitation policy and so is heritage significant. The heritage significance of the building would have become apparent to URBIS if community engagement in the preparation of the CMP and HIS has been conducted according to the Guidelines for SSD projects.

Flooding

Bluesox's expert report (Martens, Appendix 25; p.18) notes that:

"The site is affected by long duration, large scale flooding from the Wingecarribee River. Whilst the proposed development is materially unaffected by flooding in rare events up to and including the 0.2% AEP event, in the PMF event the two basement levels, lower basement and the upper basement level hotel suites would potentially become inundated by flood waters."

Flooding risk of the lower level of the proposed underground carp park is reason to reject the project. NSW Government policy concerning the assessment of flooding risk now requires consideration of impacts of climate change. The EIS acknowledges that the current design of the carpark poses risk of fatalities and serious injury from a sudden inundation of the carpark. The claim that there will be sufficient time to evacuate the carpark in times a flooding is not supported by the lived experience of residents in Berrima; the River rises very quickly due to the narrow gorge cut into the sandstone just above Berrima Bridge.

Our understanding is that the lowest level of the carpark is 648 m above sea level (Martens Map 15), which is the same level as the 0.2% peak flood level. State Government SFR policy guidelines and local Council flood mitigation policy apply a 0.2% flood level and a 0.5m freeboard. On this basis, the current

design would have a 0.5m of water flowing into the carpark. This raises the question of whether the project could be insured.

Environmental issue and biodiversity

The EIS restricts consideration of biodiversity impacts to the immediate Gaol site and thus excludes the impact on the adjacent Wingecarribee River.

Accordingly, the associated expert submission only tells half the story. A new report must be prepared that take in the impacts on the River.

Amenity Impacts

Noise from the operation of the function centre pose a serious adverse impact on residential amenity. Noise impacts assessed in Appendix 12 do not include noise from the use of the uncovered section of the function centre for weddings. The EIS notes that the proponent intends to obtain a liquor licence until midnight. As the assessment in Appendix 12 only considered the use of this outdoor space for 'casual conversation' around tables, it is not surprising, therefore, that the Report concluded, misleadingly, that there are no significant impacts on neighbouring residents from noise.

We note that Appendix B to the *State Significant Development Guidelines - Preparing an Environmental Impact Statement* (p. 8, s 2.7) requires a declaration be made as follows:

2.7 Declaration

To ensure the EIS is prepared to a high standard, a registered environmental assessment practitioner (REAP) must provide a declaration in respect of completeness, accuracy, quality and clarity of the information in the EIS before it is submitted to the Department 11. This declaration must be made to the effect that:

- *the EIS has been prepared in accordance with the EP&A Regulation,*
- *the EIS contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates.*
- *the information contained in the EIS is neither false nor misleading.*

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