



ASSESSMENT REPORT

Section 75W Modification – Emirates Luxury Tourist Resort, Wolgan Valley

1 BACKGROUND

Emirates Hotels (Australia) Pty Limited (Emirates) proposes to develop a luxury resort in the Wolgan Valley, adjacent to the Greater Blue Mountains World Heritage Area (GBMWA), north-west of Sydney (see Figure 1).

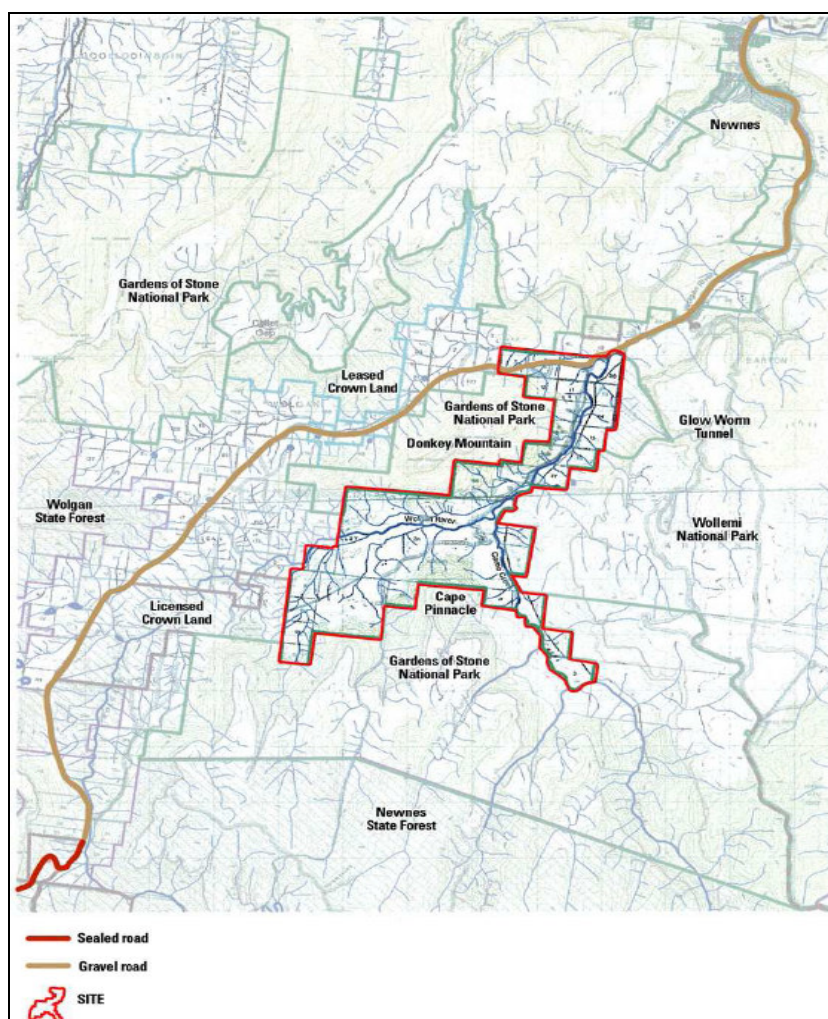


Figure 1: Regional Context

The project has a total capital investment value of \$60 million, and would employ 150 workers during construction and 100 workers during operation.

On 12 May 2006, the Acting Minister for Planning approved a concept plan for the proposed resort (refer to Figure 2). That is, the broad parameters of the project were approved and as part of this approval, Emirates was required to submit project applications for the detailed design and development of the project.



Figure 2: Concept Plan

On 20 November 2006 Emirates lodged two additional applications with the Department:

- one to modify the approved concept plan for the resort; and
- the other seeking project approval for the modified concept plan.

On 13 April 2007, the Minister for Planning approved the modification to the concept plan and project application (refer to Figure 3). These approvals allow for:

- a 40 villa resort complex;
- ancillary facilities such as a reception building, a spa complex, staff accommodation, gatehouse, pool building and stables; and
- associated infrastructure (internal roads, utilities works, helipad, landscaping electricity line and fibre optic cable).

Some of the resort facilities are to be located on land that is owned by the Department of Environment and Climate Change (DECC) and forms part of the Wollemi National Park. The land is part of a land swap with DECC. This land swap has been endorsed by Cabinet and agreed to in principle by the Minister for the Environment. While the land swap is being finalised, the Minister for the Environment has agreed to lease the land in the GBMWA (that is subject to the land swap) to Emirates.

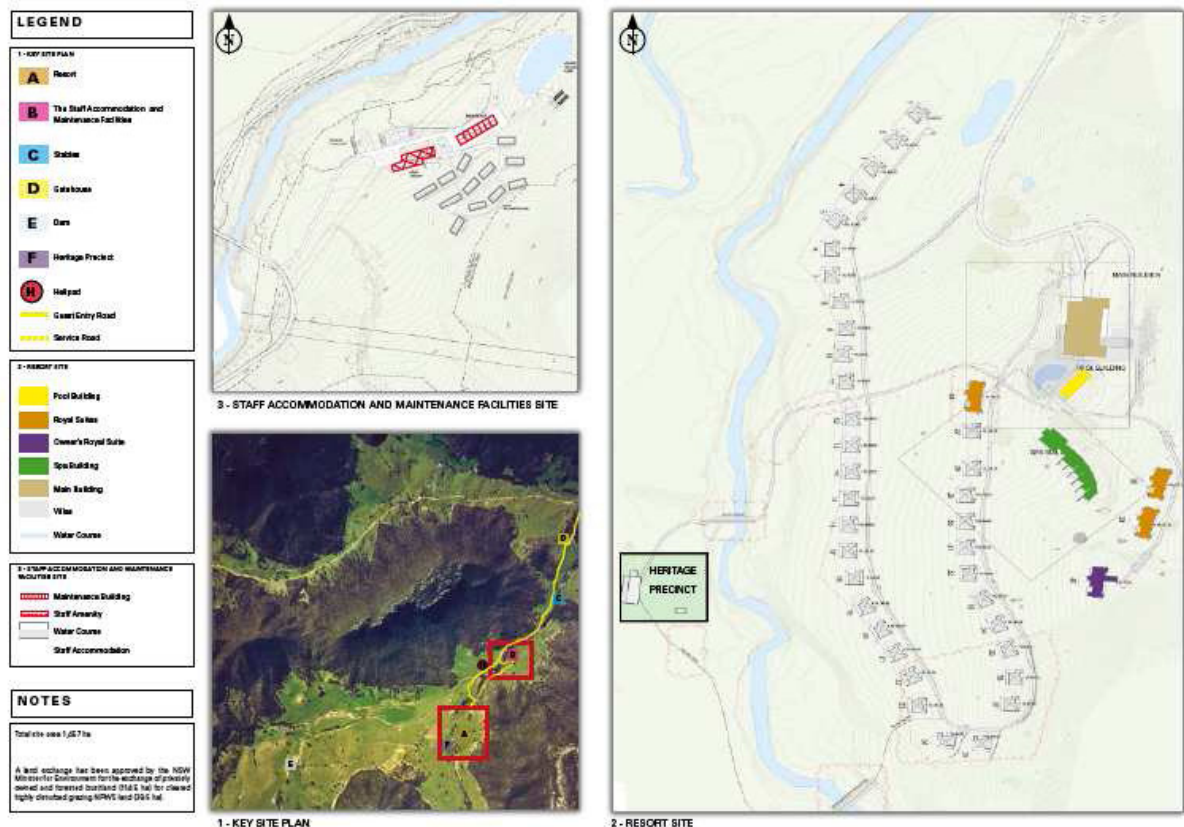


Figure 3: Approved Site Layout

2 PROPOSED MODIFICATION

On 20 September 2007, Emirates submitted an application with the Department, seeking approval to amend the Minister's consent under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification applies to the staff accommodation component of the proposal only.

As part of the detailed design of the staff accommodation component of the project, Emirates has decided to make minor amendments to the approved design to reduce the number of buildings and footprint of the staff accommodation.

In summary, Emirates is proposing to replace the approved 14 single story dwellings (single, double and quad bedroom units) (see Figure 4) with:

- 1) five double storey dwellings (single, double and quad bedroom units); and
- 2) four single storey dwellings (single, double and quad bedroom units).

The proposed change to the design of the staff accommodation has resulted in a minor change to the orientation of the buildings and to the location of utilities. The proposed changes are depicted in Figure 5.

The Department notes that the staff accommodation facilities are not located on the land that is subject to the land swap with DECC.

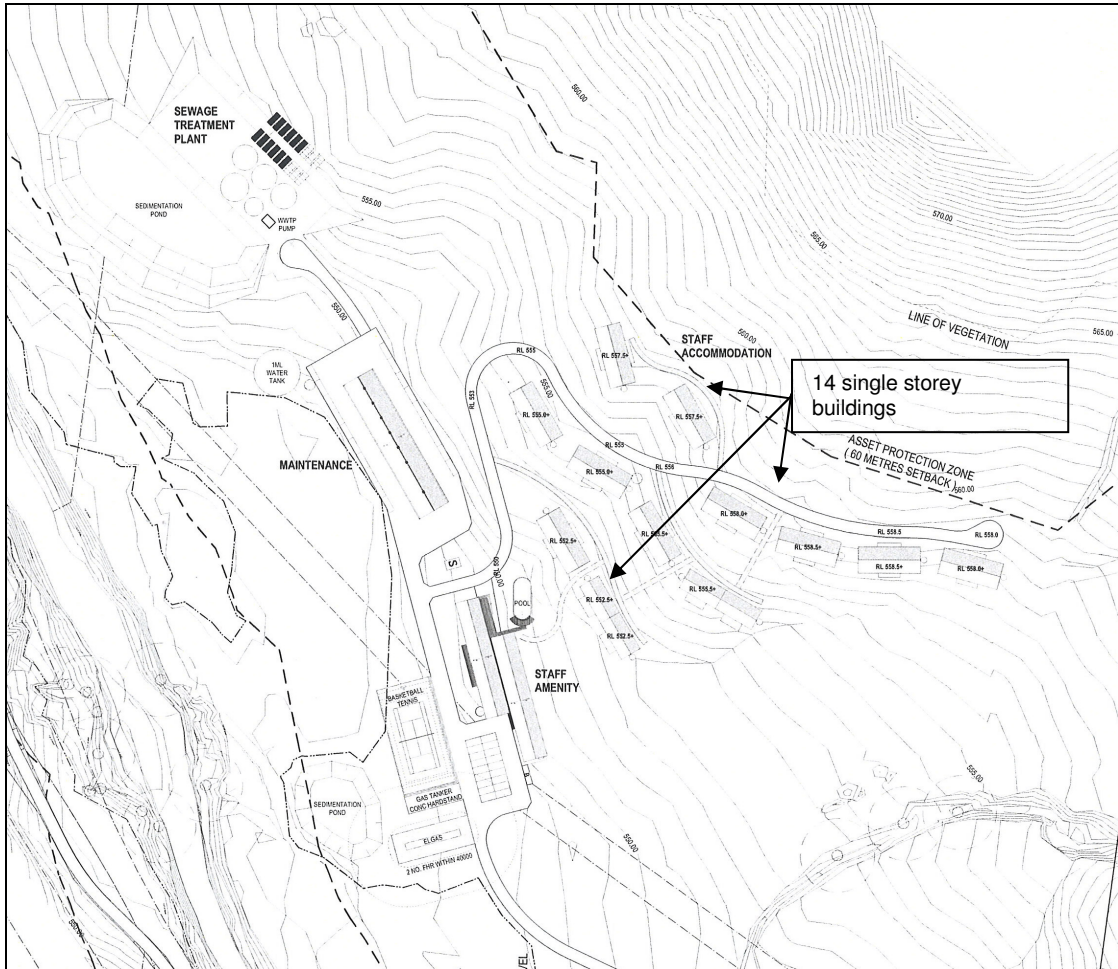


Figure 4: Approved Staff Accommodation Layout

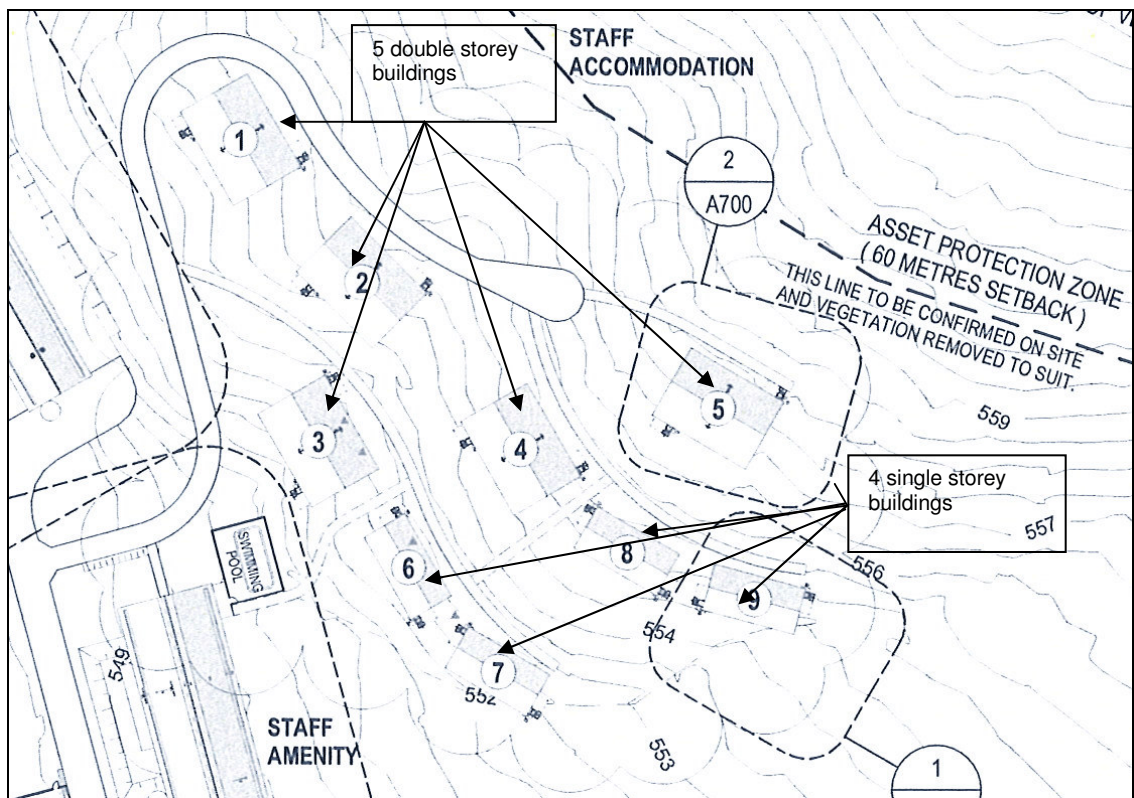


Figure 5: Proposed Modification to Staff Accommodation Layout

3 STATUTORY FRAMEWORK

The Minister was the consent authority for the original project application, and is consequently the consent authority for this modification application.

On 7 June 2007, the Minister delegated his powers and functions as an approval authority to modify certain project approvals under section 75W of the EP&A Act to the Executive Director, Major Project Assessment. This modification application meets the terms of this delegation, consequently, the Executive Director may determine the application under delegated authority.

4 CONSULTATION

The Department is not required to notify or exhibit the application, and does not consider it necessary to notify or exhibit the application.

5 ASSESSMENT

The Department's assessment of the key issues is provided below.

5.1 Aboriginal Heritage

The staff accommodation area was not identified as having any Aboriginal sites or areas of potential significance. Additionally, the reduced footprint would further reduce the potential for any disturbance or impact. Notwithstanding, the existing project approval requires that Emirates prepare a Aboriginal Heritage Management Plan detailing measures to salvage Aboriginal objects which are found during construction and to respond to the discovery of any new objects or skeletal remains. The Department therefore considers that appropriate measures are in place to ensure Aboriginal heritage items are protected.

5.2 Visual

The staff accommodation would be located in an area which is not visible from Wolgan Road. While the building height of the staff accommodation would increase for five of the buildings (from one to two storeys), the height of these buildings would be lower than the highest building on site – the reception building.

Given the removed location of the staff accommodation from Wolgan Road and the reduced width of the staff accommodation buildings from 170 metres to 120 metres, the Department considers that the proposed changes would not result in any adverse visual impacts.

5.3 Flora and Fauna

The area of the staff accommodation is predominantly cleared and has not been identified as having any significant flora and fauna species. However, the reduction in the developable footprint of the staff accommodation would reduce the potential disturbance during the construction. Additionally, the project approval requires Emirates to prepare a flora and fauna management plan prior to construction detailing measure to protect areas adjacent to construction areas and to undertake pre-clearance survey. As such, the Department is satisfied that the changes to the staff accommodation would not impact on threatened species, populations or ecological communities.

5.4 Bushfire Management


Emirates has identified asset protection zones in consultation with the NSW Rural Fire Service and relevant guidelines. A 60m asset protection zone is proposed around all buildings. Emirates are not proposing any changes to the asset protection zone, and the proposed staff accommodation would be located further from the edge of this asset protection zone compared to the approved layout. The project approval also requires Emirates to prepare and submit a bushfire management plan and an emergency management plan prior to the commencement of construction. Consequently, the Department is satisfied the protection of assets and the safety of visitors and staff at the resort can be managed through the measures proposed by Emirates and the project approval.

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6 RECOMMENDATION

It is RECOMMENDED that the Executive Director:

- consider the findings and recommendations of this report;
- approve the proposed modification under section 75W of the EP&A Act; and
- sign the attached notice of modification.



10/10/07

David Kitto
Director
Major Development Assessment



10.10.07

Chris Willson
Executive Director
Major Project Assessment