Secretaries Environmental Assessment Requirements Request Report

Huntley, NSW

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Prepared for Visionary Investment Group

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1 Introduction

1.1 Background

Cardno, on behalf of Visionary Investment Group Pty Ltd (Visionary) have prepared this report to inform a request for Secretaries Environmental Assessment Requirements (SEARs) associated with the proposed State Significant Development (SSD) application for development of The Avondale Resort (the development). The development comprises a tourism and recreation facility located at the western extent of Avondale Road, Avondale NSW. The development is identified as a Tourism Facility subject to State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), with further details discussed in the legislative review in **Section 4**.

Visionary have met with the Department of Planning and Environment (DP&E) on a number of occasions to introduce the proposal. An initial meeting was held on 20 February 2018 to introduce a broad concept for the site and to seek DP&E comment on the proposal. Following submission of a preliminary project description, a site visit was undertaken on 18 May 2018 to introduce DP&E and other agencies to the site detailing the proposed works at the various locations identified. A further meeting was held with DP&E officers on 29 November 2018 to provide greater detail on the proposal and to seek clarification of specific inclusions within this SEARs request document.

Having undertaken preliminary discussions and limited desktop review of the site, Visionary request the SEARs to inform the SSD proposal be prepared. The proposal seeks requirements based on a full Development Application for the site. However, there is the potential for the scheme to subsequently be reduced prior to the lodgement of the Environmental Impact Statement (EIS) for the SSD application to a Concept Development Application with details of the first stage of works provided as discussed at the November 2018 meeting. On receipt of the SEARs an EIS will be prepared to inform the overall application. The sections below provide background to the project, along with justification and preliminary environmental assessment to assist DP&E in the preparation of the SEARs.

1.2 Need and Justification

The proposed development aims to create a unique destination for local people and overseas visitors where they can enjoy a luxurious retreat within a beautiful forest backdrop created by the Illawarra Escarpment. The proposed development aims to rehabilitate and enhance the site, whilst utilising the available land in a combined effort to create a sustainable resort style destination and draw a wide range of visitors from the local area, along with tourists from regional and international markets. The development will act as an enabler to attract visitation and the associated investment to the region and Australia. The existing approval for an 18-hole golf course is a positive asset; however, it does not meet the potential of the site and the market demand.

Parts of the site have been historically cleared as a result of mine operations, with historic filling of land resulting in areas of degradation that are costly to rehabilitate. The proposed development has been located in a manner that specifically limits impacts on the environment and it is envisioned that the facilities will utilise the abundant natural resource in a harmonious manner. The site requires extensive upfront investment to rehabilitate the degraded areas of the site. The option to maintain the status quo is environmentally unviable, with remediation essential. A project that generates adequate capital is necessary to allow funds to be allocated to facilitate the remediation.

The proposed Tourist Facility comprises of the following elements:

- > 18 Hole Championship Golf Course designed by Greg Norman, utilising the natural landscape and primarily cleared agricultural land whilst supporting the rehabilitation of the former Colliery.
- Silkari Golf and Spa Hotel featuring facilities such as bars, restaurants, conference centre, fitness centre and spa. Utilising the natural views and features of the landscape and providing accommodation of up to 300 keys within the development and associated facilities.
- Silkari Hotel Villas providing approximately 75 villas managed by the Silkari Golf and Spa Hotel to be booked as exclusive accommodation alternatives.



- Escarpment Resort with associated facilities including spa, restaurants, chapel and pavilion situated on higher ground within a historically cleared area of the Escarpment providing breathtaking views of the foothills, fields, lake and ocean. The Resort would maximise use of the existing cleared plateaus and access tracks created by the former colliery and provide an approximate 50 room (80 key) accommodation option.
- > The Lodge, providing 50 key accommodation with 20 suites and 12 villas, along with a restaurant and bar, located to the north of the site with scenic views for independent accommodation in a quiet location.
- > Tennis and Recreation Centre, including a lap pool and gymnasium located on precleared land to the south of the site, offering additional facilities for the resort.
- Microbrewery and Cellar Door offering a selection of local wines produced in the Shoalhaven and Illawarra as well as craft beer produced on site. Located strategically for ease of visitor access whilst providing great views with the potential for a small feature vineyard along the entry.
- > Hospitality and Hotel Management School, developed mutually with the University of Wollongong and an internationally recognised hospitality training school to offer first class off-campus training for students in a secluded and controlled location whilst benefitting the resort.
- > Cultural Exchange Museum and Gallery to house a unique collection of prized artwork from a mix of indigenous, local and foreign artists, focusing on the connections between different cultures.

The proposed development strongly aligns with the wider aims established by the NSW government within the Visitor Economy Industry Action Plan (2012), which aims to double overnight visitor expenditure in NSW by 2020. The inclusion of a cultural exchange museum aligns with the Aboriginal Tourism Action Plan (2013-2016).

The NSW government identified tourism as one of the six priority growth sectors in our regional economy within the Illawarra Shoalhaven Regional Plan (2015). The proposal also brings to fruition many of the goals and ideas set out in both the Destination Management Plan (2013/14) prepared for Destination NSW and the Wollongong Destination Development Plan (2014) by Destination Wollongong.

Economic modelling prepared by SMART Infrastructure Facility UOW has indicated that the project represents a \$1.75 billion economic opportunity for the Illawarra region and Australia as the region transitions away from mining, mining services and heavy manufacturing industries towards a more diversified economy. The project is anticipated to support 376 direct and indirect jobs in the Illawarra and 478 jobs across Australia. This proposal has the potential to achieve substantial benefits for the local and State economy and tourism industry.

1.3 Structure of this Report

The structure of this report is as follows:

- > Section 1 introduces the development context and initial consultation undertaken
- > Section 2 analyses the site and describes the site location
- > Section 3 describes the proposed development at the application site
- > **Section 4** assesses the proposed development in relation to relevant planning legislation and policies
- Section 5 introduces the preliminary environmental impacts from the proposed development
- > Section 6 summarises the report findings
- > Section 7 references the cited documents



2 Site Location and Analysis

2.1 Site Location

The site is approximately 17 km south west of the Wollongong Central Business District (CBD). The site is approximately 571 ha in area and located at the base of the Illawarra E Escarpment, with a mix of topographies and levels. The southern and eastern parts of the site close to Avondale Road and Cleveland Road are relatively flat (circa 50m AHD) whilst the northern and western parts of the site slope upwards, in some places relatively steeply (to circa 300m AHD).

The subject site is located within the West Dapto Urban Release Area (WDURA) within the Wollongong Local Government Area (LGA) (**Figure 2-1**). The WDURA has been identified as providing long term housing supply for the LGA and Illawarra region, with an estimated 17,000 dwellings to be provided over a 40-year period. The site is located at the base of the Illawarra Escarpment and will ultimately form the transition between the WDURA urban footprint and the Environmental lands associated e Escarpment once the WDURA is fully developed.

The Avondale Masterplan encompasses two Wollongong City Council (Council) neighbourhood plans, with Avondale Road North, Huntley detailing the structure plan for future residential to the north of Avondale Road. The second neighbourhood plan, Huntley South (Stages 2 and 3) is currently in draft form. These two neighbourhood plans provide detail as to how the residential land within the site is to be developed. These aspects are not included within this proposed SSD application (residential development will be undertaken through standard approval processes with Council acting as consent authority).

The site is currently defined by rural uses, with areas in the east characterised by former mining operations and landfill operations. Avondale Road is the primary access to the site, linking Stage 2 with the Dapto Township in the east. A secondary access point is provided by Cleveland Road which will provide connection through to the proposed Bong Bong Town Centre located to the north-east.

2.2 Surrounding Areas

The subject site is located within an area characterised by rural land uses comprising low density agricultural and rural residential dwellings, cleared grassland and stands of vegetation. Extensive areas of regrowth and remnant vegetation associated with the Illawarra Escarpment surrounds the site. **Figure 2-2** identifies the characteristics of the site and immediate surrounds. Cleared grazing lands are primarily located to the east and north, with associated degraded riparian corridors and stands of vegetation punctuating this landscape. These areas are identified for future residential development as part of the Avondale North neighbourhood plan and the future stage 3 and 4 of the WDURA.

Specifically, the Avondale Resort site extent is bound by the following existing land uses:

- To the north by rural and environmental landscape, with Huntley to the far north.
- > To the **east** by low intensity agricultural land, to be developed as part of future stages of the WDURA.
- > To the **south** by an existing regrowth and remnant vegetation associated with the foothills of the Illawarra Escarpment.
- > To the **west** by the Illawarra Escarpment.

2.3 Site Analysis

The site is located in the foothills of the Illawarra Escarpment in the suburb of Huntley, which is located 5.3km west of Dapto and 2.4km south-west of the future Bong Bong Town Centre. The site comprises of a number of legal parcels of land, with these detailed below:

> Lots 14, 20 of DP 3083

> Lot 1 of DP 382339

> Lots A, B of DP 106828

> Lot 1 of DP 386238

> Lot 1 of DP 120957

> Lot 1 of DP 415430

> Lots 1, 2 of DP 229358

> Lot X of DP 416731



- > Lot 1 of DP 655151
- > Lot 1 of DP 659618
- > Lots 1, 2 of DP 549152

- > Lot 21 of DP 1079478
- > Lot 101 of DP 1247603.

The site has an extensive history of agricultural uses, but more recently was occupied by the Huntley Colliery from 1946 to 1989, which was originally a small hand worked mine from the outcrop in the Tongarra seam and later became a major coal mine with a peak of 488 employees and which by 1966 was the first coal mine in Australia to exceed a million tonnes a year. These past uses have significantly influenced the current land form in parts of the site and these are the areas which have been identified as suitable for new tourist facilities.

The site is approximately 571 ha in size and s comprises a range of different terrains. The site can be characterised by three distinct areas. Cleared grazing area, characterised by grassed managed paddocks, predominates throughout the east of the overall site. The southern central area forms the Huntley landfill area, which is no nearing the end of its operational life and is due to receive its final capping layer in the next couple of years. The west of the site is predominately densely vegetation remnant vegetation characteristic of the foothills of the Illawarra Escarpment. The vegetation portion of the site has a number of clearing spread throughout that relate to the former operation of the site as a Colliery. A number of former colliery buildings are still present throughout the site, some of which will be retained by the proposed works and utilised within the Tourist Facility.

The site has significant variations in height due to the large scale of the area proposed for works. The RL at the lowest point within the east of the site is approximately 50 m AHD, with heights to the west reaching approximately 30 0m AHD. A number of spurs extend from the Escarpment forming a number of valleys throughout the area. Views within the site are predominately towards the east due to the west-east fall of the land, with the spurs providing further outlooks both to the north and south from various locations. Views to the coast over the township of Dapto, with Wollongong visible in the north and Shellharbour in the south, are observable from the majority of the sit from cleared vantage points.

Utility services are currently limited to the site as a whole, however works have progressed in this regard due to the residential development already occurring throughout the wider WDURA and due to the current Development Application of residential development that are currently with Council for assessment. **Figure 2-2** provides a site plan showing the existing site conditions.

2.3.1 Approval History

The site is subject to a number of existing and proposed approvals including:

DA2009/1037

"Demolition of existing structures, construction of 18-hole championship golf course and associated facilities including clubhouse, golf lodge accommodation and biomechanics and sports education centre" (2009) DA2009/1037 was approved by the Southern Joint Regional Planning Panel (JRPP) in 2011 for a golf tourism project at Visionary Group's landholdings on Avondale Road, Huntley. Construction of parts of the golf course is now underway, however, since the approval, the concept for the golf course and associated facilities has been refined. The revised scheme includes a more comprehensive tourism and recreation offering that would cater for both the local market and growing international tourism market.

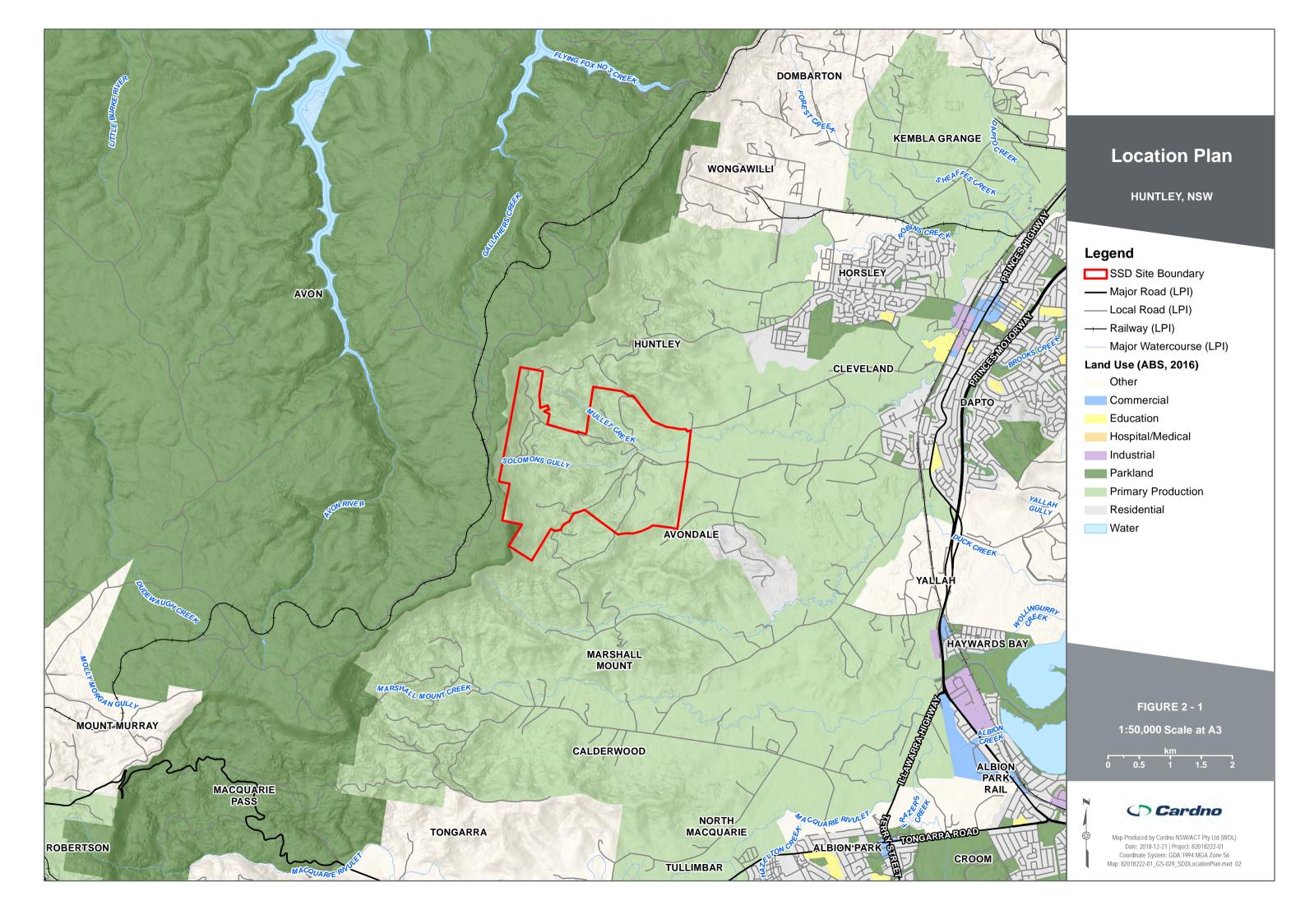
DA2016/1019 (Under Appeal)

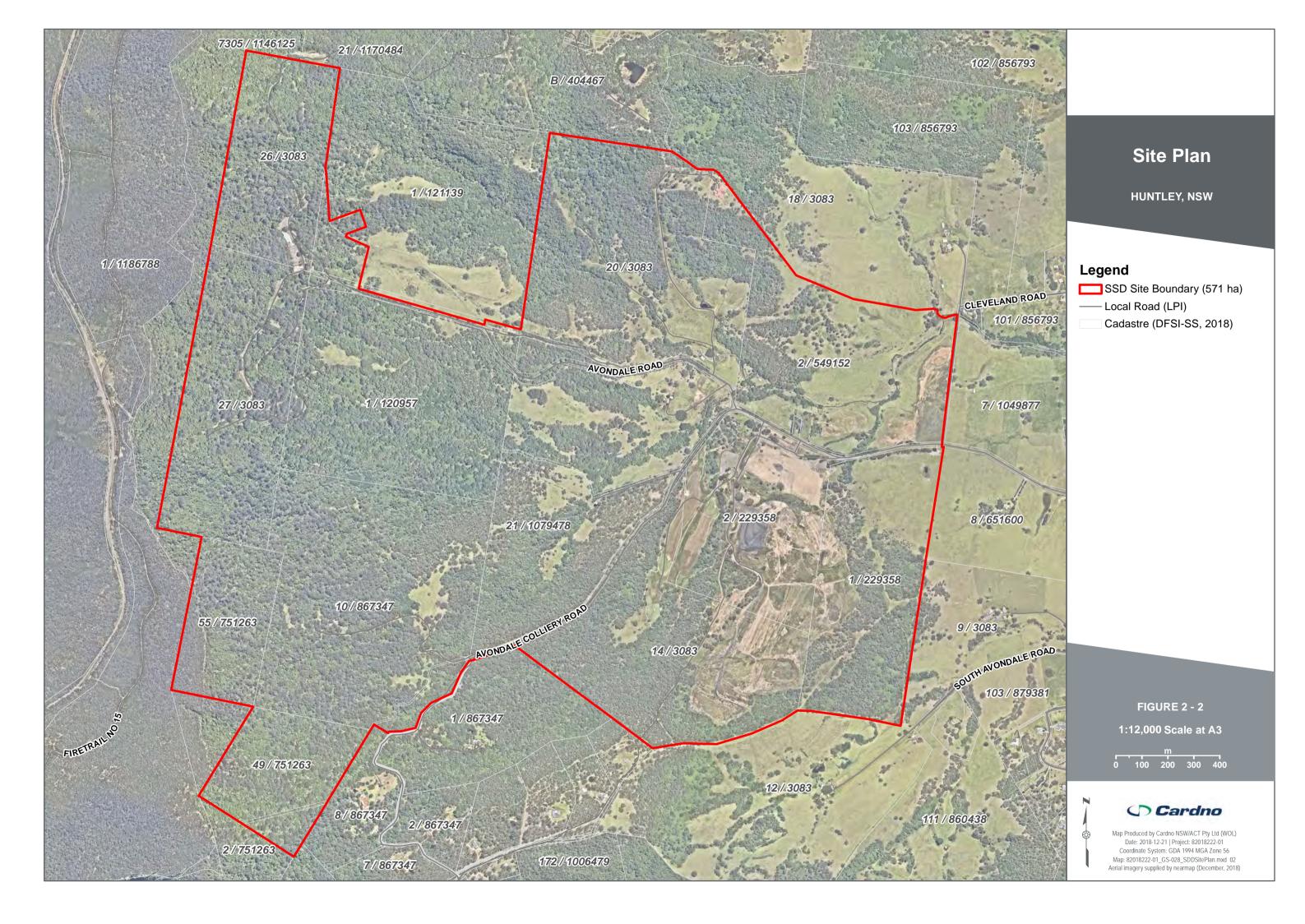
"Subdivision - 105 residential lots"

DA2016/1019 relates to the land in the north eastern corner of the site, to the north of Avondale Road. The DA is currently under appeal for the subdivision of lots 1 and 2 of DP549152 and lot 1 DP229358 to create three residential areas with associated earthworks, road network and utility infrastructure.

Stage 2 Residential DA (pending)

Visionary propose to lodge a DA for approximately 130 residential lots on existing R2 zoned land located on the eastern boundary south of Avondale Road. The DA documentation is currently being prepared for lodgement with Wollongong City Council. It should be noted that while the residential areas are included in the Masterplan (**Appendix A**), they do not form part of this application or SEARs request.







3 Proposed Development

Visionary proposes the development of an integrated tourist facility with an estimated Capital Investment Value of approximately \$400 million (refer to Error! Reference source not found. below) as an SSD. The SSD would be prepared as a Concept Development Application in accordance with Section 4.22 of the EP&A Act. The initial application would include Concept level detail for the entire site as well as detail for Stage 1. Subsequent stages of development will be supported by subsequent Development Applications providing detail for specific works undertaken for that relevant stage. Indicative staging is detailed within **Table 3-1** below.

Wider economic benefits for the Illawarra are anticipated to be in the region of \$1.75 billion. Alternative development options comprise:

- > Leaving the site in its contaminated, degraded state. This option was not progressed as it would not allow the site to be used to its potential, with ongoing contamination and erosion occurring.
- > Rehabilitating the site. This option was not progressed in isolation, as it would be costly, with no revenue generation to pay for the works.
- > Developing the site for a golf course and associated facilities as per the existing DA. This option was not progressed, as it would result in the underutilisation of the site, while not allowing the approved golf facilities to benefit from the complementary uses proposed by the development scheme.

3.1 Development Overview

Key components of the tourist facility include:

- > 18 Hole Championship Golf Course designed by Greg Norman, utilising the natural landscape and primarily cleared agricultural land whilst supporting the rehabilitation of the former Colliery.
- > Silkari Golf and Spa Hotel featuring facilities such as bars, restaurants, conference centre, fitness centre and spa. Utilising the natural views and features of the landscape and providing accommodation of up to 300 keys within the development and associated facilities.
- Silkari Hotel Villas providing approximately 75 villas managed by the Silkari Golf and Spa Hotel to be booked as exclusive accommodation alternatives.
- Escarpment Resort with associated facilities including spa, restaurants, chapel and pavilion situated on higher ground within a historically cleared area of the Escarpment providing breathtaking views of the foothills, fields, lake and ocean. The Resort would maximise use of the existing cleared plateaus and access tracks created by the former colliery and provide an approximate 50 room (80 key) accommodation option.
- > The Lodge, providing 50 key accommodation with 20 suites and 12 villas, along with a restaurant and bar, located to the north of the site with scenic views for independent accommodation in a quiet location.
- > Tennis and Recreation Centre, including a lap pool and gymnasium located on precleared land to the south of the site, offering additional facilities for the resort.
- Microbrewery and Cellar Door offering a selection of local wines produced in the Shoalhaven and Illawarra as well as craft beer produced on site. Located strategically for ease of visitor access whilst providing great views with the potential for a small feature vineyard along the entry.
- Hospitality and Hotel Management School, developed mutually with the University of Wollongong and an internationally recognised hospitality training school to offer first class off-campus training for students in a secluded and controlled location whilst benefitting the resort.
- Cultural Exchange Museum and Gallery to house a unique collection of prized artwork from a mix of indigenous, local and foreign artists, focusing on the connections between different cultures.



Appendix A shows the overall Masterplan for the site with site plans, aerial renders and preliminary floor plans. Further explanation of each component is provided in the subsections below.

The land surrounding these facilities would enable a broad range of ancillary recreation activities for visitors including zip lining, bush walking, horse riding, rock climbing, abseiling, mountain biking and outdoor theatre opportunities.

All buildings will be connected to relevant utilities (such as stormwater treatment and management works, road works, waste management and delivery of services) and these will be provided in locations that minimise environmental impacts. These works would likely occur at the same time as wider civil works to ensure that resources are efficiently used, while minimising environmental impacts.

3.2 Tourist Facility Features

Refer to **Appendix A** – Drawing A0002 for site plan with building locations and A0003 for site plan with key areas.

3.2.1 Escarpment Resort Key Area

The Escarpment Resort is situated at the highest accessible point on the western edge of the overall site, boasting a commanding view over the foothills and valleys out to the lake and ocean. It sits approximately 300m above the AHD. The resort utilises the extensive clearings and plateaus carved out by the former colliery. It integrates the existing paths and fire trails into its access and circulation concept. The resort aims to incorporate and regenerate the surrounding bushland to create an exclusive, secluded and unique forest escape. The Escarpment Resort includes features such as a spa, public spaces, villas, the earth lab and on site propagation area, a restaurant, helipad and arrival and tea pavilions.

3.2.2 The Lodge Key Area

The Lodge location is currently proposed on a ridge to the north of the overall site. The site was chosen due to its impressive outlook, with cleared land already provided by the existing house. The Lodge will serve as an independent and private accommodation option in a scenic and quiet location. The Lodge comprises of the Lodge itself and the Lodge villas.

3.2.3 The Golf Hotel Key Area

3.2.3.1 Golf Course

The Golf Course was developed by Greg Norman Golf Course Design and is situated in the eastern half of the broader site, utilising the low lying land that is flood prone and therefore unsuitable for housing. The design takes advantage of the cleared fields and grasslands and includes the regeneration of the land denuded by the former colliery. It will also assist in supporting and rejuvenating the existing creeks flowing through the site, in close coordination with the ecological strategy.

3.2.3.2 Golf Villas (North, East, West)

The serviced residences will be an independent development managed by the Golf Hotel operator. The residences can be booked as exclusive self-contained accommodation alternatives for larger groups, while maintaining the flexibility for adaptive reuse as private dwellings. The Golf Villas are situated surrounding the proposed golf course in the eastern portion of the overall site.

3.2.3.3 Golf Club and Hotel

The country club and associated facilities aim to utilise the natural vantages and features of the defined land between the golf holes. The clubhouse and pro shop are within optimum reach of the 1_{st} , 9_{th} and 18_{th} golf holes, with views to each. The principal resort facilities including restaurant, bar, conference centre and fitness centre are consolidated in a main building to provide easy access for visitors and guests, and improved efficiency for servicing. The spa facilities form an independent structure sitting on the highpoint of the ridge, offering both views and seclusion due to its vantage point. The golf academy frames the tee-off of



the proposed driving range. The accommodation utilises the existing earth banks to shape a series of single-loaded, terraced rooms, each with a distinctive vista of golf, hillside and Escarpment.

3.2.3.4 Recreation, Kids Club and Golf Academy

The tennis and recreation centre is situated on an existing artificially levelled clearing at the south of the overall site. The position grants an uninterrupted outlook north over the golf course and along the edge of the Escarpment. The centre offers additional recreational facilities to the country club, with the location providing a remote fitness retreat.

3.2.4 Culinary School Key Area

3.2.4.1 University of Wollongong Hospitality and Hotel Management School

As part of ongoing discussions with the University of Wollongong (UOW), a Hospitality and Hotel Management School has been proposed to offer off-campus tuition and student accommodation. The inclusion of this facility is viewed as mutually benefitting UOW and the Silkari development, as services can be shared between the two. The school is positioned in a secluded clearing in the middle of the overall site, contained within a valley to limit its visibility to the general public, but still within easy access of the existing road system to assist with logistics.

3.2.4.2 Coal Hopper

A small microbrewery and cellar door will provide an additional attraction at Silkari. It will offer a selection of local wines produced in the Shoalhaven and Illawarra regions, and craft beers produced on site. A clearing toward the west of the overall site has been selected for its location, to minimise the impact on existing trees. It is also close to the termination of Avondale Road, to allow for better exposure and access options for visitors. The positioning affords valley views down the coastline and the potential for a mall feature vineyard along the entry drive.

3.2.4.3 Wedding Chapel

The wedding chapel would comprise a raised wooden structure for ceremonies. Small scale supporting structures would be developed adjacent that include amenities. The structures will be recessive elements to allow the natural environment to dominate, with a particular focus on the Escarpment to the west, the two large fig trees to the east and the coastal plain beyond.

3.2.4.4 Cultural Exchange Museum and Gallery

The Silkari vision is founded on fostering connections between cultures. Visionary's aim is to weave together the Asian and Australian cultures to create an innovative, unique and exceptional experience. A Cultural Exchange Museum and Gallery has been proposed to cultivate this vision. The gallery will house prized pieces of art work from indigenous, local and foreign artists and master artisans.

3.2.5 Utility Infrastructure

3.2.5.1 Potable Water and Sewerage

The site is not currently connected to potable water or sewerage infrastructure. Provision for these services has been included within the Stage 1 residential Development Application that is progressing separately to this SSD application. 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.

3.2.5.2 Electricity

The majority of the site has historic connections to electricity. In the majority of cases this infrastructure is dated and is likely not suitable for the proposed uses throughout the site. At this early stage of works, a strategy for electricity 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.



3.2.5.3 Gas

The site currently has no active connection to the gas network. Investigations have not been progressed to determine if gas connection will be required, and if so to what proportion of the site. At this early stage of works, a strategy for gas 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.

3.3 Land Use Permissibility

Section 4.38(2) and (3) of the EP&A Act addresses permissibility for an SSD and provides that development consent can be granted for a proposal that includes some components, which would otherwise be prohibited:

- (2) Development consent may not be granted if the development is wholly prohibited by an environmental planning instrument.
- (3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.

Many of the components of the development within the RE2 zone are permissible with consent and meet the various definitions of 'recreational facility (indoor)', 'recreation facility (outdoor)', 'restaurant or café', and 'function centre'. Other components such as a hotel are not ordinarily permissible in the RE2 zone pursuant to the Wollongong Local Environmental Plan 2009 (WLEP), and none of the facilities are ordinarily permissible within the E2 or E3 zones. The permissibility of individual land uses has been detailed within the advice letter contained at **Appendix C**.

The various components of the project are proposed as a complete package. The Golf course, with its associated club house, form the major component of the project with the various other aspects of the site ancillary to this main use. Both the golf course and the club house are permissible uses within the zones in which they are proposed (and approved by Council under DA2009/1037) to be located. The ancillary uses, whilst predominately prohibited in the zone in which they are proposed to be located, will form ancillary uses to these main elements. The Golf course will be the main attraction for visitors to the site.

There are a number of discrete land uses that are not ancillary to the golf Course. However, these uses are ancillary to the overall operation of the site and provide complimentary services that relate well to the tourist facility and provide a wider benefit to the local community. These include the wedding chapel and the culinary school, with these uses being relatively minor in respect to the overall scale of the project.

Consequently, an SSD application is proposed to seek approval for the development, with land uses approved to allow the development to proceed as permissible uses.



3.4 Capital Investment Value

A breakdown of the expected costs of each feature of the development is displayed in **Table 3-1** below, along with the proposed staging. Approval for Stage 1 is proposed to be via a Project Application, with the remaining three stages included in a Concept Application. Each of the three subsequent stages are then proposed to gain subsequent approval from DP&E via separate Project Applications once sufficient detail is available following refinement of the development schemes. Helicopter access is also planned for the site, with further details to be included within the relevant project application.

As detailed within the advice contained at **Appendix C**, the proposal satisfies the capital Investment value requirements to be deemed a SSD project for a Tourist Facility, both in respect of the whole project or Stage 1 if viewed in isolation.

Table 3-1 Capital Investment Value

Indicative Staging	Proposed Facility	Capital Investment Value
1a	18 Hole Championship Golf Course	\$20 000 000
1b	Silkari Golf and Spa Hotel	\$135 000 000
2	Hotel Country Villas	\$70 000 000
3	Escarpment Resort	\$80 000 000
4a	The Lodge	\$20 000 000
4b	Tennis and Recreation Centre	\$10 000 000
4c	Microbrewery and Cellar Door	\$10 000 000
4d	Hospitality and Management School	\$15 000 000
4e	Cultural Exchange Museum and Gallery	\$50 000 000
	Total	\$410 000 000



4 Regulatory Framework

4.1 Environmental Planning and Assessment Act 1979

The EP&A Act provides the statutory planning context for environmental assessment and approval for the proposed works. Section 4.36(1), within Part 4 of the EP&A Act identifies State Significant Development (SSD) as being development 'declared' under that section to be SSD. Specifically, Section 4.36 states:

4.36 Development that is State significant development

- 1) For the purposes of this Act, State significant development is development that is declared under this section to be State significant development.
- A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.

Subsection (2) above provides that a State environmental planning policy may declare any development "or any class or description of development" to be SSD. *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) at Schedule 1 details that **Cultural, recreation and tourist facilities** are deemed to be SSD if a number of criteria are satisfied. The satisfaction of these criteria is demonstrated in **Section 4.3.1** below.

4.2 NSW Legislation

4.2.1 Protection of the Environment Operations Act 1997

Under Section 43(b) of the Protection of the Environment Operations Act (POEO Act), a licence is required to authorise the carrying out of scheduled activities at any premises. Schedule 1 of the POEO Act identifies those 'scheduled activities' that require a licence.

Under Schedule 1(10) of the Act, the existing use of the site is classified as "Coal works".

- 1. This clause applies to coal works, meaning any activity (other than coke production) that involves storing, loading or handling coal (whether at any coal loader, conveyor, washery or reject dump or elsewhere) at an existing coal mine or on a separate coal industry site.
- 2. The activity to which this clause applies is declared to be a scheduled activity if:
 - a. it has a capacity to handle more than 500 tonnes per day of coal, or
 - b. it has a capacity to store more than 5,000 tonnes of coal (not including storage within a closed container or building).

Under Schedule 1(39) of the Act, the existing use of the site is also classified as "Waste disposal (application to land)".

- 1. This clause applies to **waste disposal by application to land**, meaning the application to land of waste received from off site, including (but not limited to) application by any of the following methods:
 - a. spraying, spreading or depositing on the land,
 - b. ploughing, injecting or mixing into the land,
 - c. filling, raising, reclaiming or contouring the land.
- 2. However, this clause does not apply to an activity that involves any of the following:
 - a. sites inside the regulated area that, over any period of time, receive from off site a total of no more than 200 tonnes of the following waste (and no other waste):
 - i. building and demolition waste only,
 - ii. building and demolition waste mixed with virgin excavated natural material,



- b. sites outside the regulated area that, over any period of time, receive from off site a total of no more than 200 tonnes of the following waste (and no other waste):
 - i. building and demolition waste only,
 - ii. building and demolition waste mixed with virgin excavated natural material,

being waste generated inside the regulated area,

- c. sites outside the regulated area that, over any period of time, receive from off site a total of no more than 20,000 tonnes of the following waste (and no other waste):
 - building and demolition waste only,
 - ii. building and demolition waste mixed with virgin excavated natural material,

being waste generated outside the regulated area,

- d. sites that receive from off site no more than 5 tonnes of waste tyres per year or 500 waste tyres in total over any period (and no other waste),
- e. sites where only virgin excavated natural material is received from off site and applied to land.
- f. sites that are outside the regulated area, but only if:
 - i. the site is owned by and operated by or on behalf of a local council, and
 - ii. the site was in existence immediately before 28 April 2008 and was not required to be licensed before that date, and
 - iii. details required under clause 47 of the Protection of the Environment Operations (Waste) Regulation 2005 were provided, in relation to the site, before 28 April 2008, and
 - iv. the site receives from off site less than 5,000 tonnes per year of waste, and
 - v. that waste has been generated outside the regulated area and consists only of general solid waste (putrescible), general solid waste (non-putrescible), clinical and related waste, asbestos waste, grease trap waste or waste tyres (or any combination of them).
- The activity to which this clause applies is declared to be a scheduled activity.
- 4. For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.

An EPL (No. 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. The Environment Protection Authority (EPA) in accordance with the POEO Act previously issued the EPL. On completion of filing and capping of the landfill, it is expected that Huntley Heritage will surrender the EPL for the site.

4.2.2 Heritage Act 1977

The *Heritage Act 1977* (Heritage Act) has responsibility for listing and protecting items and areas of heritage significance in New South Wales. The NSW Heritage Council administers the Act and listings. The Act defines the following heritage items:

- > State heritage significance in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.
- > Local heritage significance in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

Biosis Pty Ltd has been commissioned by Cardno to provide preliminary Aboriginal and historical heritage advice to inform the SEARs. The preliminary advice can be viewed at **Appendix B** and is summarised within **Section 5.5.**



Further assessment is warranted based upon the known heritage values within the study area in order to satisfy the Heritage Act.

4.2.3 National Parks and Wildlife Act 1974

The Office of Environment and Heritage (OEH) administers the *National Parks & Wildlife Act 1974* (NP&W Act). This Act manages:

- > Conservation of nature
- > Conservation of objects, places and features of cultural value
- > Public appreciation, understanding and enjoyment of nature and cultural heritage
- > Land reserved under this Act (NP&W Act).

When determining applications under this Act, the consent authority must consider the objectives listed above, the public interest and appropriate management of the subject land. The NP&W Act stringently controls activities in designated Parks, Reserves and Aboriginal areas.

The ecological related aspects of the NP&W Act are not applicable to the proposed development as the land is not within a Park, Reserve or Area designated under Part 4 of the NP&W Act.

4.2.4 Roads Act 1993

The Roads Act 1993 (Roads Act) provides the regulatory framework for the use, operation, opening and closing of roads in New South Wales, the functions of Government road authorities such as Roads and Maritime Services (Roads and Maritime) and to regulate activities on public roads.

Public roads can be opened by the following entities and methods:

- > Any person, by registration of a plan of subdivision or other plan that bears a statement of intention to dedicate specified land as a public road.
- > Roads and Maritime or Councils, by notice published in the Gazette dedicating land as a public road.
- > The Minister, by notice published in the Gazette dedicating land by them as a public road.
- > The Governor, by proclamation dedicating any land held by a public authority as a public road.
- > Land acquired for the purposes of widening an existing road under Division 3 of Part 12 of the Roads Act.

Roads within the development will be managed under a community title arrangement, with all roads within the site to remain as private roads managed under the community title. The exception is the western end of Avondale Road, which will be upgraded as part of the development. Note, the upgrade of Avondale Road is already included in the existing DA for Stage 1. However, it will be included in this application to ensure improved access is possible should Stage 1 not progress prior to development. It is anticipated that road works to service the site will require an approval to be obtained prior to obtaining the Construction Certificate via a Section 138 Application under the Roads Act issued by Council.

4.2.5 NSW Bushfire Legislation

Section 4.46 (1) of the EP&A Act requires 'authorisation under section 100B (of the *Rural Fires Act 1997*) in respect of bush fire safety for subdivision of land that could be lawfully used for residential or rural residential purposes or development of land for special fire protection purposes'.

A large portion of the resort site is located on Bushfire prone land and as such is affected by this legislation.

4.2.5.1 Rural Fires Act 1997

The *Rural Fires Act 1997* (RF Act) includes provisions relating to the prevention, coordination and management of bushfires.

The RF Act at section 100B identifies the requirements that need to be addressed to allow a bushfire safety authority to be issued to authorise development on bushfire prone land. Section 100B states:



100B - Bush fire safety authorities

- The Commissioner may issue a bush fire safety authority for:
 - a. a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or
 - b. development of bush fire prone land for a special fire protection purpose.
- 2. A bush fire safety authority authorises development for a purpose referred to in subsection (1) to the extent that it complies with standards regarding setbacks, provision of water supply and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bush fire.
- 3. A person must obtain such a bush fire safety authority before developing bush fire prone land for a purpose referred to in subsection (1).
- Application for a bush fire safety authority is to be made to the Commissioner in accordance with the regulations.
- Development to which subsection (1) applies:
 - a. does not include the carrying out of internal alterations to any building, and
 - a1. does not include the carrying out of any development excluded from the operation of this section by the regulations, and
 - b. is not complying development for the purposes of the Environmental Planning and Assessment Act 1979, despite any environmental planning instrument.
- 6. In this section:

special fire protection purpose means the purpose of the following:

- a. a school,
- b. a child care centre,
- c. a hospital (including a hospital for the mentally ill or mentally disordered),
- d. a hotel, motel or other tourist accommodation,
- a building wholly or principally used as a home or other establishment for mentally incapacitated persons,
- f. seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,
- g. a group home within the meaning of State Environmental Planning Policy No 9—Group Homes,
- h. a retirement village,
- i. any other purpose prescribed by the regulations.

The development will require the issue of a bushfire safety authority (BFSA) in accordance with section 100B (1b) as the proposal relates to a special fire protection purpose of a hotel, motel or other tourist accommodation within an area of mapped bush fire prone land. The BFSA will authorise development on the site in respect to the matters addressed in section 100B (2) above. The issue of a BFSA is to be made in accordance with the *Rural Fires Regulation 2013*.

4.2.5.2 Rural Fires Regulation 2013

The Rural fires Regulation 2013 (RF Regulation) details the functions of Bushfire Management under the RF Act. Clause 44 outlines the requirements that must be detailed in the application for a BFSA. This requires that a bush fire assessment be undertaken and a review of the proposal against the standards, specific objectives and performance criteria set out in Chapter 4 of 'Planning for Bush Fire Protection 2006' (RFS 2006).

A Bushfire Assessment compliant with Clause 44 of the RF Regulation will be prepared by a qualified bushfire consultant as part of the SSD application.



4.2.6 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) protects threatened species, communities and critical habitat in New South Wales. This Act provides protection for species, populations, and ecological communities considered endangered, vulnerable, or extinct.

Any activity, which may have an impact on threatened species must consider a range of factors in the assessment and determination of the development application. Section 1.7 of the EP&A Act links with the BC Act and requires the consent authority to consider a range of factors in their assessment.

Advice prepared by Ecoplanning (2018) to inform this request for SEARs and provide preliminary ecological assessment within the site concluded that there are two threatened ecological communities (TECs) listed under the BC Act and the EPBC Act within the broader site. While no threatened flora is known within the immediate area surrounding the proposed development areas, targeted survey has the potential to identify three endangered or vulnerable species.

Refer to **Section 5.3** for a detailed summary of the ecology advice prepared by Ecoplanning (2018) to inform this request.

4.2.7 Water Management Act 2000

The Water Management Act 2000 (WM Act) is designed to provide for sustainable and integrated management and use of State water sources. The WM Act regulates controlled activities that occur within 40 metres of a water course, river bank, and lake shore or estuary mean high water mark. An approval is required to undertake controlled activities on waterfront land, unless that activity is otherwise exempt (Section 91E).

Controlled Activity means:

- (a) the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or
- (b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
- (c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- (d) the carrying out of any other activity that affects the quantity or flow of water in a water source.

This development involves the carrying out of works within 40m of a waterbody (Mullet Creek and Solomon Gully) and will therefore require consent from the Natural Resource Access Regulator (NRAR). Consequently, this application will be required to be referred to NRAR as Integrated Development.

4.3 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are Environmental Planning Instruments (EPI's) established under the EP&A Act to regulate environmental planning and assessment practices across areas of land and categories of development independently of Local Environmental Plans and other EPI's. They are typically used to target specific areas or specific kinds of development.

4.3.1 State Environmental Planning Policy (State and Regional Development) 2011

Clause 8(1) of the SRD SEPP declares development to be a State significant development for the purpose of the Act if development on the land being considered is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act and the development is specified in Schedule 1 to the SEPP.

Part 13 of Schedule 1 of the SEPP provides that the following is State Significant Development (SSD):

13 Cultural, recreation and tourist facilities

- (1) Development that has a capital investment value of more than \$30 million for any of the following purposes:
 - (a) film production, the television industry or digital or recorded media,



- (b) convention centres and exhibition centres,
- (c) entertainment facilities,
- (d) information and education facilities, including museums and art galleries,
- (e) recreation facilities (major),
- (f) zoos, including animal enclosures, administration and maintenance buildings, and associated

facilities.

- (2) Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that:
 - (a) has a capital investment value of more than \$100 million, or
 - (b) has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.

The legal advice accompanying the letter prepared by Sutherland and Associates Planning (2018) (Appendix C) concludes that all components of the proposal qualify as being defined as *other tourist related purposes*, and with the project having a total value in excess of \$100 million, the development therefore satisfies the requirements of Part 13(2) of Schedule 1 of the SEPP.

4.3.2 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) provides a State-wide approach to the remediation of contaminated land, with the aim of promoting the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of SEPP 55 provides guidelines to be considered by the consent authority when determining development applications.

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject site is listed as contaminated land owing to the waste facility operations onsite.

4.3.3 State Environmental Planning Policy (Infrastructure) 2009

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. Within the policy, Schedule 3 – Traffic Generating Developments identifies development that requires a referral to the Roads and Maritime Service (Roads and Maritime).

As identified above in **Section 3**, over 300 keys are proposed as part of the Silkari Golf Clubhouse and Hotel. This in combination with other aspects of the proposal will result in over 200 car parking spaces being required, and a gross floor area greater than 10,000 m². As the proposal is for a commercial facility that also offers food and drink premises. The development can be considered a traffic generating development, requiring referral to Roads and Maritime.



4.4 Wollongong Local Environmental Plan 2009

The LEP zones the site as a combination of RE2 - *Private Recreation*, R2 - *Low Density Residential*, E2 - *Environmental Conservation* and E3 - *Environmental Management* (**Figure 4-1**). The below text identifies the zone objectives and controls, with **Table 3-1** in **Section 3.3** identifying the permissibility of the uses associated with each zone.

The objectives and permissibility of uses within the RE2 zone are identified below:

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental protection works; Extensive agriculture; Function centres; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

The objectives and permissibility of uses within the R2 zone are identified below:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3



The objectives and permissibility of uses within the E2 zone are identified below:

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To retain and enhance the visual and scenic qualities of the Illawarra Escarpment.
- To maintain the quality of the water supply for Sydney and the Illawarra by protecting land forming
 part of the Sydney drinking water catchment (within the meaning of State Environmental Planning
 Policy (Sydney Drinking Water Catchment) 2011) to enable the management and appropriate use
 of the land by Water NSW

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environment protection works; Extensive agriculture; Recreation areas

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The objectives and permissibility of uses within the E3 zone are identified below:

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

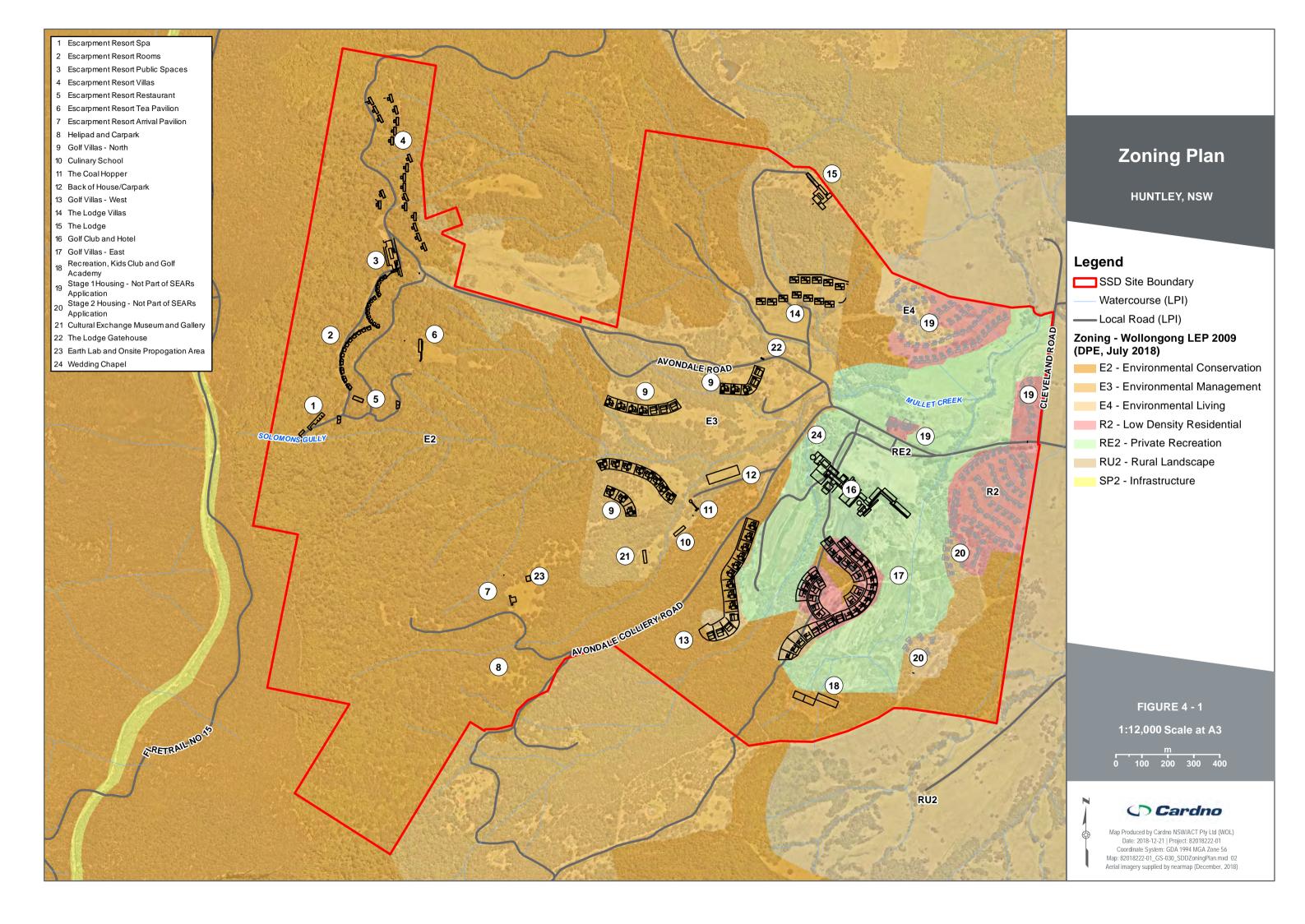
Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Home-based child care; Recreation areas; Roads; Secondary dwellings

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3





5 Preliminary Impact Assessment

5.1 Traffic and Access

The proposed development will lead to a substantial increase in visitors directly to the site, with flow on increases in visitor numbers and associated transport movements throughout the wider region, as a byproduct of increased attraction. Local roads would provide adequate access to the site due to the low level of traffic in the surrounding area, with upgrades to Avondale Road within the site proposed to improve access within the immediate vicinity of the site. As Stages 3 and 4 of the West Dapto Urban Release Area (WDURA) are developed Avondale Road will require upgrade as identified by Council's strategic planning to cater for the increased traffic numbers, with Council currently issuing tenders for the design of this road upgrade. These road upgrades will help with the management of traffic flow and safety for both motorised transport and active transport users.

The site history as a Colliery and later as a landfill has led to the development of existing roads for heavy vehicle use and traffic. However, the internal roads and access tracks are unsuitable for a significant increase in use, with road upgrades required to provide safe access at appropriate grades. The intent however is to utilise the existing road alignments through the site wherever possible to reduce impacts to the surrounding ecology on site. Design processes undertaken through the preparation of SSD documentation would refine these internal pathways to bring them up to required standards. Any associated impacts to the surrounding environment would be considered throughout the range of reporting required. It is noted that Avondale Road is required to be upgraded as part of the Stage 1 residential development that is being assessed separately to this application. This upgrade will see the road bought up to a suitable standard for use as proposed under this SSD application directly adjacent and within the site boundaries.

A traffic assessment focusing on potential traffic impacts and safe site access will be undertaken. This will include an assessment to determine that adequate on-site parking is provided through an empirical traffic impact study due to the unique nature of the use. The assessment will identify areas of concern within the local traffic network, as well as the requirements for roads within the site to ensure a safe on road experience for all visitors. The Traffic Impact Assessment would consider normal operation of the site, whilst also incorporating assessment of the traffic impacts associated with larger scale events that may be proposed to be undertaken on site. Suitable access for emergency vehicles would be a key aspect of the assessment.

5.2 Stormwater

The proposed development will involve an increase in impervious and semi impervious areas within the site. This increase of impervious area will increase stormwater runoff within the local system. The introduction of additional vehicles and maintained golf courses will further add to the stormwater treatment requirements. The site has extensive permeable areas that will remain to attenuate and treat flows, with a stormwater management scheme proposed to further treat and manage flow rates.

The sites history as a landfill and Colliery creates areas of environmental concern if stormwater runoff is not managed appropriately. The site is not identified as an area of flooding concern within Wollongong City Council's constraints maps, however the development is in close proximity to a number of water courses and the potential for localised flooding will be considered.

A stormwater assessment including suitable modelling will be prepared to address the potential for increased impact on downstream receptors as part of the environmental assessment. It will focus on varied water quality and quantity resulting from the development. Suitable mitigation measures and development measures will be recommended as part of the assessment.

5.3 Ecology and Riparian

Whilst the direct footprint of the development is situated on mostly cleared lands, impacts to native vegetation are mostly expected due to bushfire protection in the form Asset Protection Zones. The building footprints identified in the proposal are situated in the foothills and below the ridgeline of the Illawarra Escarpment where they have been located in mostly cleared or non-threatened ecological communities (TEC) vegetation. Any clearing that is undertaken would be offset within the site under the provisions of the *Biodiversity Conservation Act 2016*.



A portion of the works within riparian areas (**Figure 5-1**) are already approved under the existing DA consent as part of the development of the golf course, with further clearing proposed in the residential precincts to the east. These areas are subject to separate approvals and an ongoing Bio certification process.

Limited riparian works are currently taking place in the vicinity of Box Creek as part of the mine rehabilitation requirements. A Riparian Master Plan will be prepared for the full extent of the development inclusive of Department of Primary Industries – Water's guidelines for riparian extents and offsets. The masterplan will be supplemented by individual vegetation management plans for each proposed stage of works.

A comprehensive Flora and Fauna report will also be prepared to assess any potential impact to Flora and Fauna and include Riparian mapping as well as thorough assessment of works proposed on the Escarpment within E2 or E3 zoning and the wider site. This report will be prepared early within the SSD assessment to ensure that appropriate steps can be taken early within the design process to achieve the biodiversity impact hierarchy of avoid, minimise, mitigate and offset. The overall project is centred on the principle of providing a resort situated within the local native vegetation present on site. As such, the retention and protection of the ecological values of the site is of high priority.

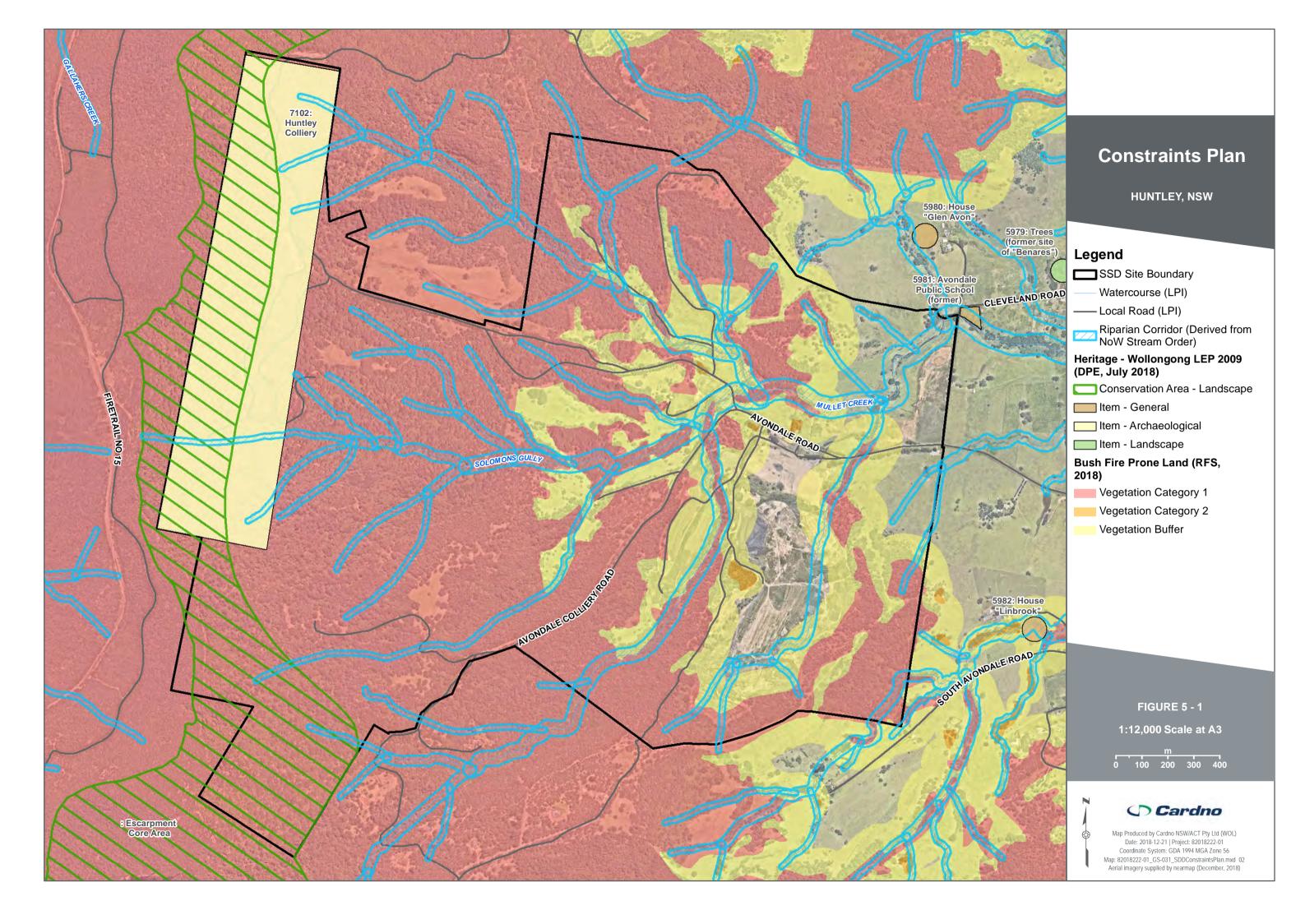
Advice prepared by Ecoplanning (2018) to inform this request for SEARs and provide preliminary ecological assessment within the site includes the following key points:

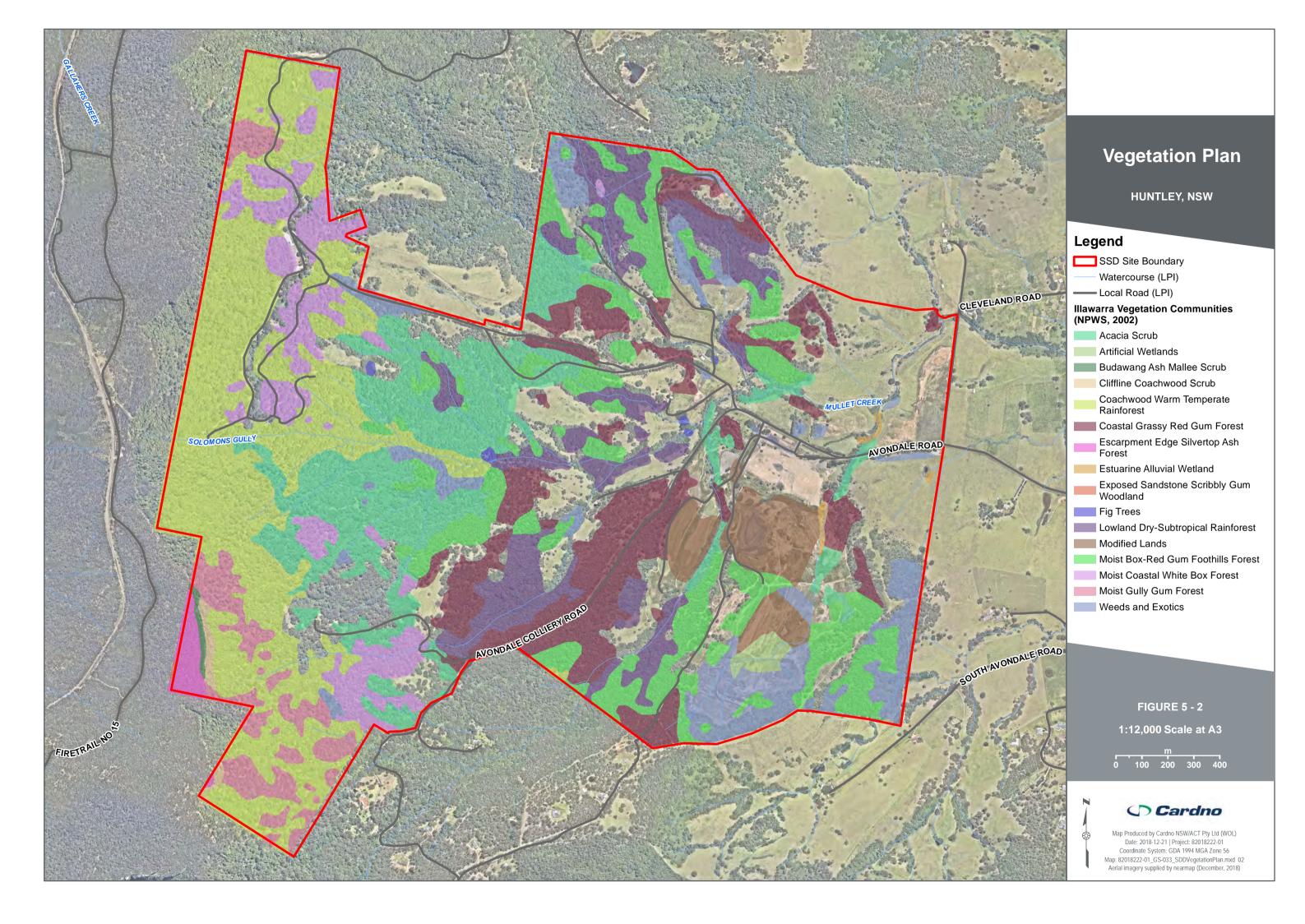
- > There are two TECs listed under the NSW *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) present in the Visionary owned land (refer **Figure 5-2** and **Figure 5-3**):
 - Illawarra Lowland Grassy Woodland Endangered (BC Act); critically endangered (EPBC Act)
 - Illawarra Sub-tropical Rainforest Endangered (BC Act); not listed (EPBC Act)
- Vegetation within the site is in many cases mature forest, however it is generally regrowth in an age cohort <100 years, meaning that important fauna habitat features such as tree hollows are mostly absent.
- > A number of threatened microbat species are known from the immediate locality, and impacts to these species may occur if development does impact on tree hollows. Further, old mine shafts and rocky overhangs in the western parts of the site may provide roosting habitat for cave dwelling microbats such as Eastern and Little Bentwings or Large-eared Pied Bat. Other highly mobile threatened fauna species that may be present in the area include, Grey-headed Flying Fox, Powerful Owl and Spot-tailed Quoll, however the amount of proposed clearing is unlikely to have significant impacts on these species (Figure 5-3).
- > No threatened flora are known from the immediate area surrounding the proposed development areas, however targeted survey has the potential to identify the following (**Figure 5-3**):
 - Cynanchum elegans Endangered (BC Act and EPBC Act)
 - Solanum celatum Vulnerable (BC Act)
 - o Irenepharsus trypherus Endangered (BC Act and EPBC Act).

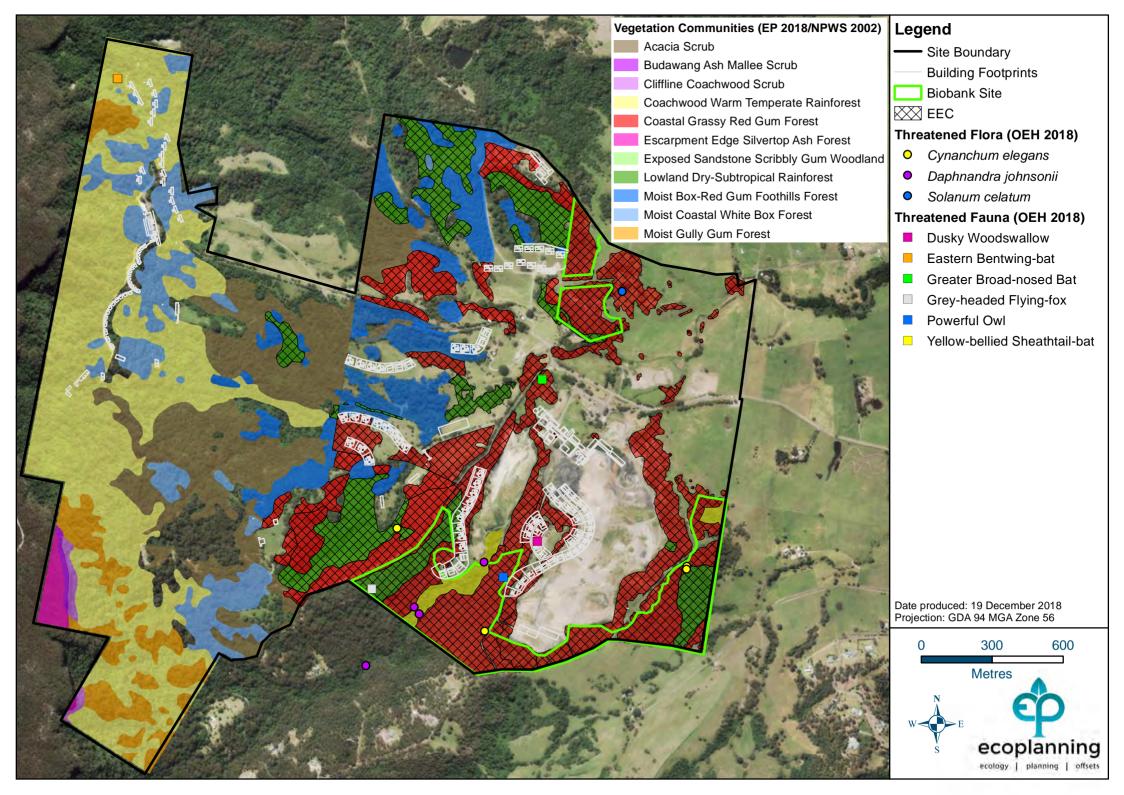
5.4 Noise

A helipad is proposed to be located on site, with intermittent movements to facilitate transfers primarily from Sydney Kingsford Smith Airport. The intermittent use of the helipad will generate noise, however, the limited extent of use will not impact on the character of the area and will only create short term noise. The increased road transport associated with the development will also generate noise. It should be noted that the site has a long history of industrial activity, with the current landfill operations resulting in extensive truck movements through Dapto and along Avondale Road. This activity is in contrast with surrounding rural and bushland setting, with correspondingly higher background noise levels.

The proposal intends to create a resort with a focus on recreation and relaxation. A noisy setting would be counter to these efforts. The proposed development is not anticipated to result in noise generating activities once construction has completed, other than intermittent helicopter use. As such the proposal is expected to improve the local noise setting.









5.5 Heritage

A development of this size within an area of significance such as the Escarpment has the potential to impact on Aboriginal and European heritage fabric, with the development required to be planned accordingly.

Biosis Pty Ltd has been commissioned by Cardno to provide preliminary Aboriginal and historical heritage advice to inform the SEARs. The preliminary advice can be viewed at **Appendix B** and is summarised below. Biosis has undertaken the following tasks to inform their advice:

- Database searches of the: Aboriginal Heritage Information Management System (AHIMS) database, NSW State Heritage Register (SHR), NSW Heritage Database, Commonwealth Heritage List (CHL) and Register of National Estate (RNE).
- > Review of Schedule 5 of the Wollongong Local Environmental Plan 2009 (LEP),
- > Review of previous assessments and publications.

No items of heritage significance have been identified from the SHR, CHL, NHL and RNE databases. Items of significance have been identified within the AHIMS and LEP databases.

The following items of significance have been identified at the site:

- > Former Huntley Colliery, Lot 101 DP1247603, Avondale Road, Avondale NSW 2530 (Archaeological item, no. 7102). This item is located within the study area and is locally significant.
- Illawarra Escarpment Landscape Area. Heritage Conservation Area identified under Schedule 5 of the LEP that traverses the western portion of the study area. The conservation area has been identified as being locally significant.
- > AHIMS sites:

0	52-5-0807	0	52-5-0812
0	52-5-0808	0	52-5-0813
0	52-5-0809	0	52-5-0814
0	52-5-0810	0	52-5-0881
0	52-5-0811		

- > "Linbrook" Homestead located next to the site
- > "Glen Avon" house located next to the site
- > "Mooreland" House located in close proximity to site.

Further to the above items, the review of previous research at the site identified potential archaeological deposits that are not currently listed on the above mentioned databases.

Biosis recommend that further assessment as part of the EIA be undertaken in the form of a complete Aboriginal Cultural Heritage Assessment (ACHA) and Historical heritage impact assessment (HIA) to fully assess the Aboriginal and European cultural significance of the area and ensure this significance is preserved appropriately.

5.6 Bushfire

Bushfires are a common threat throughout the Illawarra, with bushfire constraints applicable to the site due to the close proximity and integration with bushland and the forests of the Escarpment. A large portion of the site is classified as Bushfire Prone Land Vegetation Category 1 (**Figure 5-1**).

Preliminary bushfire assessment of the site was conducted during the period of 2011 to 2013. The desktop appraisal of the bushfire hazard and threat was made using available vegetation mapping and slope analysis. This data produced preliminary bushfire planning constraints for each area of development. These constraints included APZs and access and evacuation requirements. Typical of development on the Illawarra Escarpment, access to and egress form the site requires careful consideration to ensure safe access for emergency personnel and evacuation routes for residents and patrons during times of a bushfire emergency. Vegetation modification for the establishment and maintenance of APZs will need to be defined with



biodiversity requirements in mind. Similar considerations have historically been discussed with NSW Rural Fire Service to develop the former mine entrance for tourist accommodation.

An impact assessment with risks and suitable mitigation measures will be included as part of the environmental assessment. This assessment will review previous work and data and its applicability to the new proposal. The assessment will further consider the proposed footprint of structures, proposed access routes, and considerations developed from the Flora and Fauna assessment to develop a suitable approach to managing the bushfire risk.

5.7 Contamination and Geotechnical

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. A contamination assessment considering potential sources of contamination as a result of historic land uses will be included as part of this assessment. The assessment will identify any further investigations or areas of remediation required prior to construction. Acid Sulfate Soils are not expected to be of concern in this region however they will be further considered. An auditor has been engaged to manage the contamination associated with the landfill.

The complicated geology of the Escarpment and the lands used for mining and landfill present a unique challenge for developments on this site. Geotechnical assessment for the suitability of this development will be undertaken to ensure the development is safe and sustainable. From an initial review it appears that the site can be made geotechnically suitable subject to appropriate location of development and design.

5.8 Visual

The development utilises the properties vantage point over the surrounding landscape to provide desirable views for patrons of the proposed facilities. This places the development within the line of sight of a large view shed, with the potential to diminish the visual amenity of the landscape.

The development is proposed to be designed and sited with the utmost care to ensure the development does not diminish the natural visual environment of the Escarpment and surrounding valleys. This would include appropriate design guidelines and landscape inputs informed by a detailed visual assessment.

A view shed analysis and assessment of the impact upon the visual amenity will be included as part of the environmental assessment. This will assess the existing plans for development and provide any necessary recommendations to ensure the preservation of the visual amenity.

5.9 Character

Any development of this scale has the potential to change the character of the surrounding region. The development aligns with multiple development plans and policies at both the Regional and State level. However, it is important to further consider and assess the developments impact on the social and environmental character of the region and local area.

An assessment of the character of the proposal and its suitability for the area and wider region in relation to the current and future character of the Illawarra will be provided as part of the environmental assessment.

5.10 Engagement

Community engagement is proposed to inform the development scheme. Engagement is currently being discussed with local stakeholders, with an engagement plan proposed to be included in the application.

Urbanised Pty Ltd has been engaged to undertake community and stakeholder engagement as part of the SSD process. A detailed proposed stakeholder and community profile has already been established. Project stakeholders and communities of interest have been identified through the detailed review of various local plans such as the Illawarra Shoalhaven Regional Plan Annual Monitoring Report 2017, A Plan for the Future of the Illawarra, Regional Growth Plan Illawarra and Shoalhaven, Illawarra Shoalhaven Urban Development Program, West Dapto Masterplan, West Dapto Access Strategy and the NSW Regional Conferencing and Events Strategy.

A Community Participation Plan has been prepared in accordance with Section 2.23 of the EP&A Act and is attached in **Appendix D**. It is the intention of Visionary to collaborate closely with the planning authorities to ensure community participation can inform both planning and project delivery.

As part of the preparation for community and stakeholder engagement Visionary has met with Wollongong City Council to validate the stakeholder and community profile analysis as well as to identify further groups that could be part of consultations.

Preliminary discussions and presentations have been held with Wollongong City Council, the University of Wollongong, Shoalhaven Airport, the Urban Development Institute of Australia and the Rotary Club of Dapto.

An initial test presentation has been delivered to the Rotary Club of Dapto. It included the economic impact of the project on jobs, investment and value add as well as initial concept plans. Feedback from the presentation was particularly positive with both parties committing to ongoing discussions. Support of the development concepts has been received from local developers and the University of Wollongong. The local neighbourhood (precinct) committee, Destination Wollongong and the West Dapto Chamber of Commerce will be approached in January 2019.



6 Conclusion

6.1 Conclusion

This request for SEARs has been prepared to describe the Proposal, provide a preliminary assessment of potential environmental impacts affecting the site, and other matters of significance, which will need to be considered in the EIS. Further assessments to inform the proposed development will include:

- > Heritage (Aboriginal and Historic)
- > Flora and Fauna
- > Traffic
- > Noise
- > Bushfire
- > Stormwater
- > Contamination
- > Geotechnical
- > Visual.

Consultation with government agencies and the surrounding community throughout the following stages and development of the proposal will ensure the most favourable outcomes.

The receipt of SEARs will enable the proposed development to move to the EIS stage where specialist studies as identified above will be commissioned and more detailed investigations undertaken.

Secretaries Environmental Assessment Requirements Request Report Huntley, NSW

7 References

Biosis (2018) Preliminary Heritage Advice

Kerry Hill Architects (2018) SEARs Submission – Issue B

RFS (2006) Planning for Bushfire Protection 2006

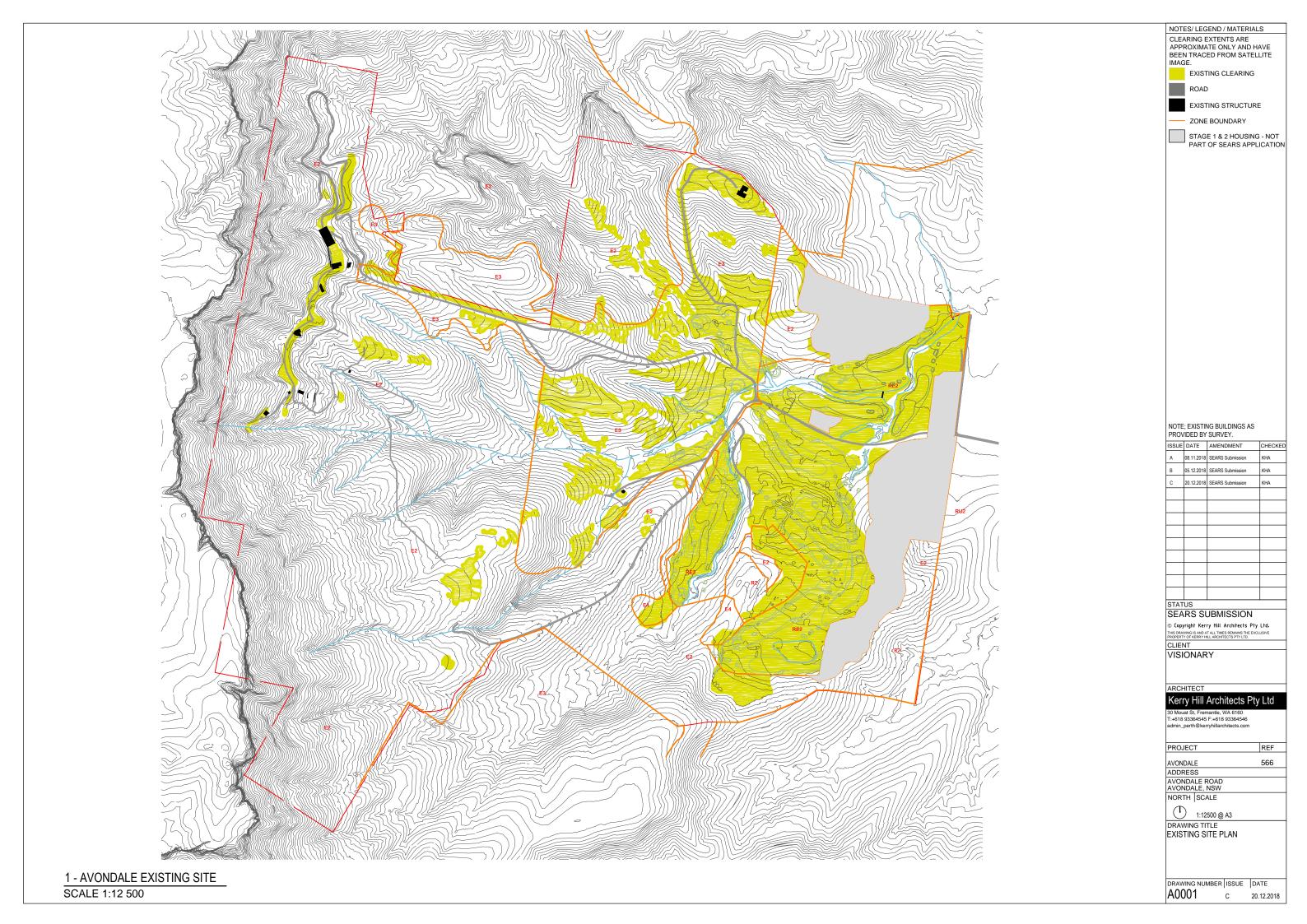
Wollongong City Council (2009) Wollongong Local Environment Plan 2009

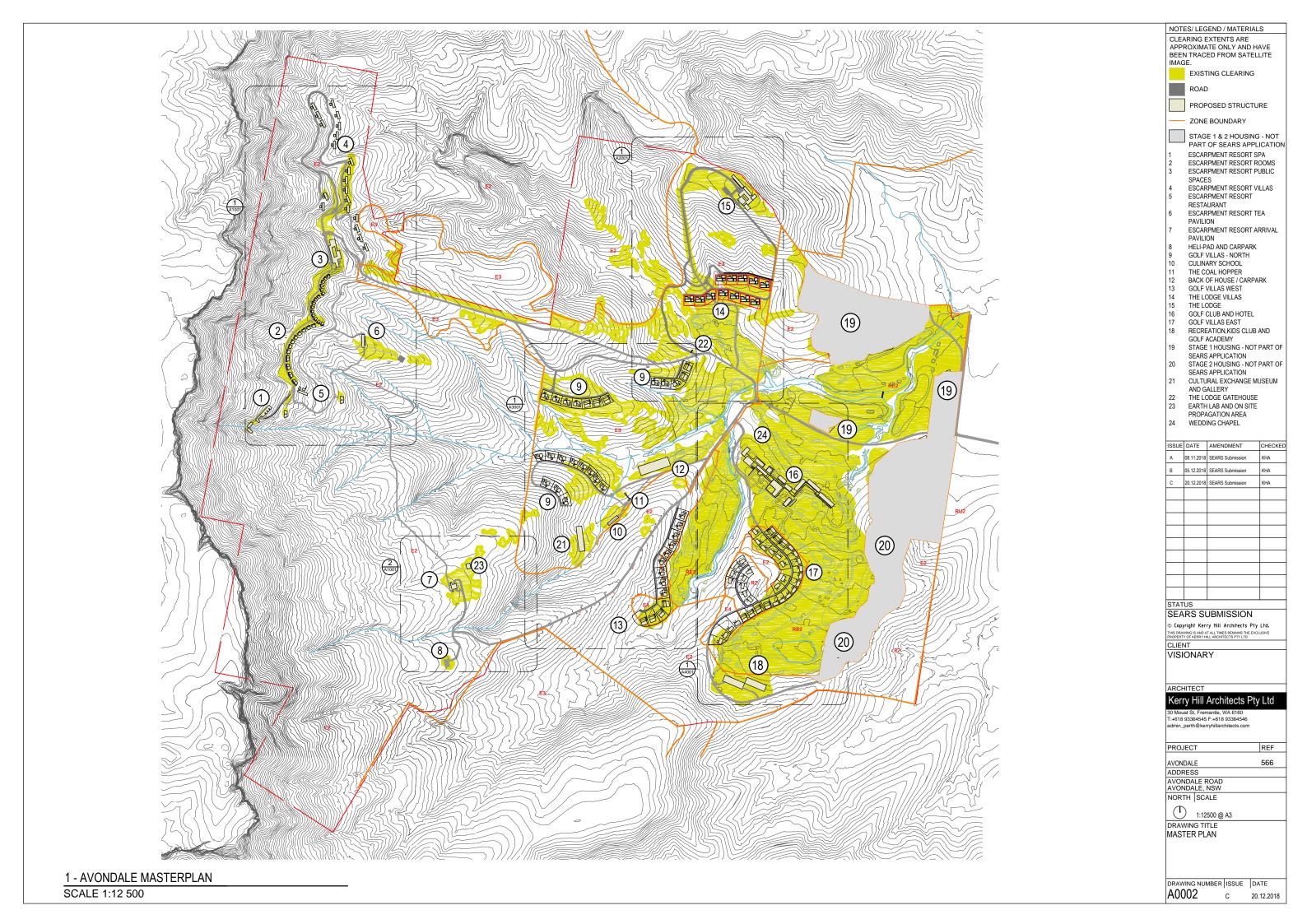
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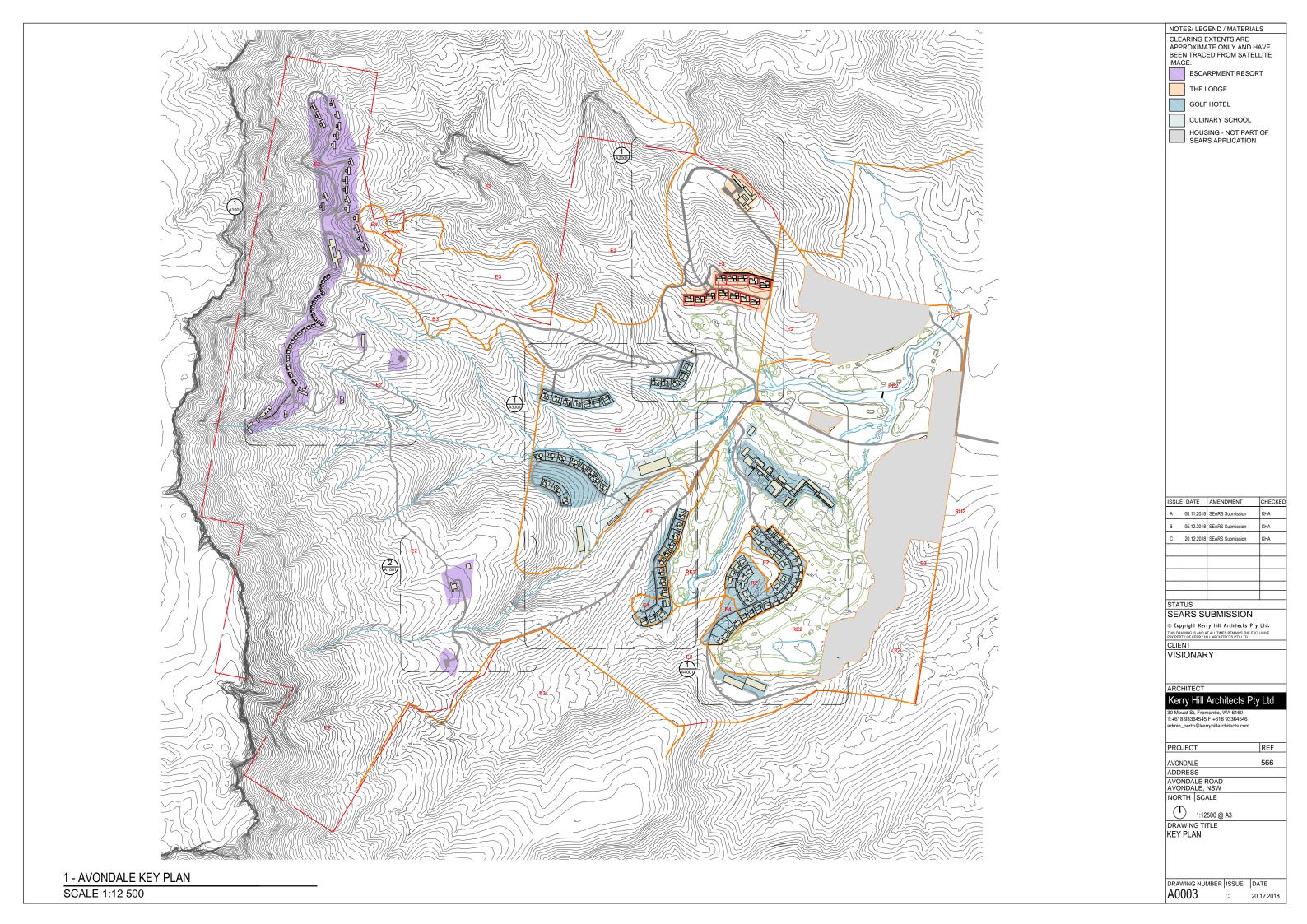
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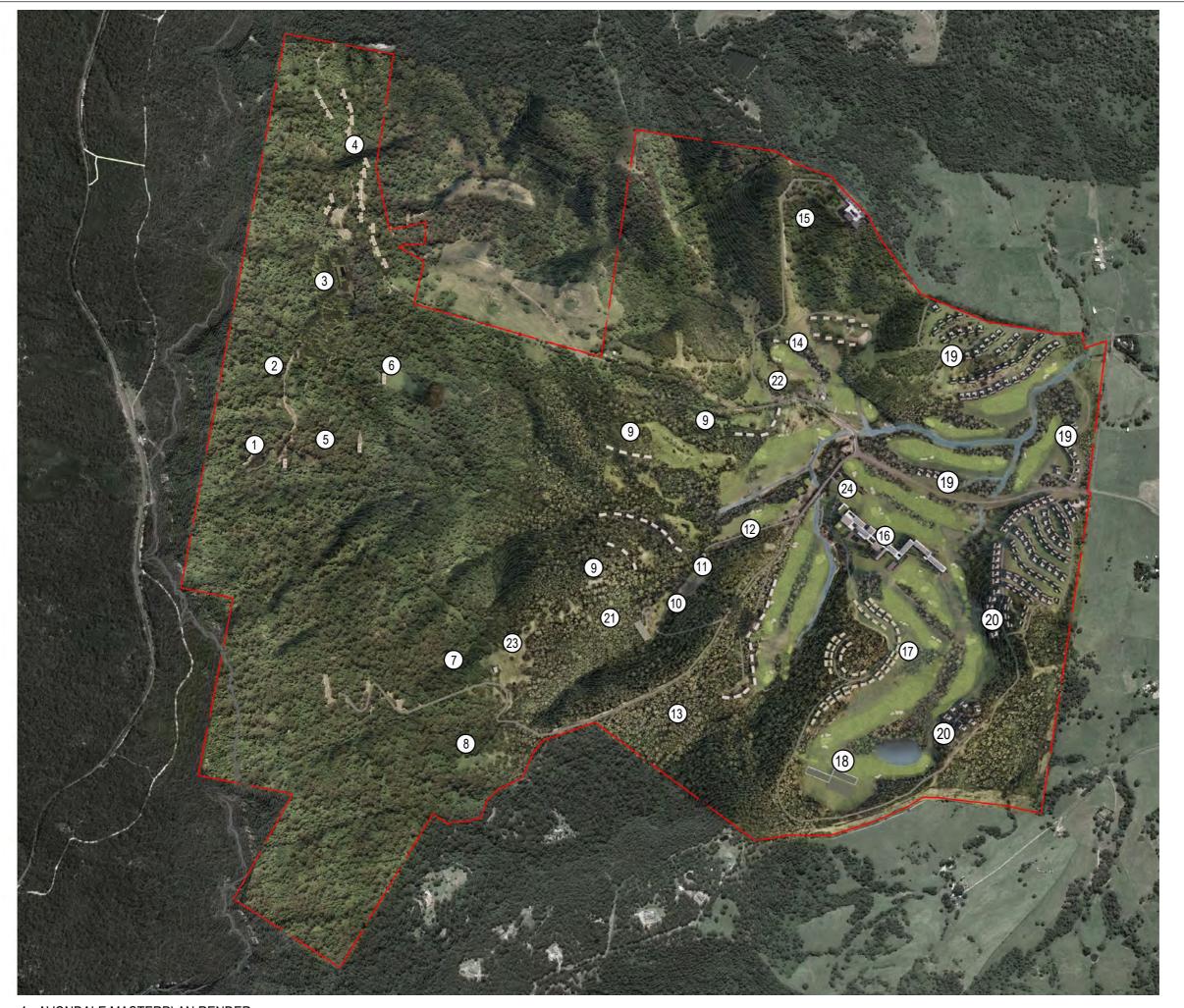
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Α	08.11.2018	SEARS Submission	KHA
В	05.12.2018	SEARS Submission	KHA
С	20.12.2018	SEARS Submission	KHA

STATUS
SEARS SUBMISSION

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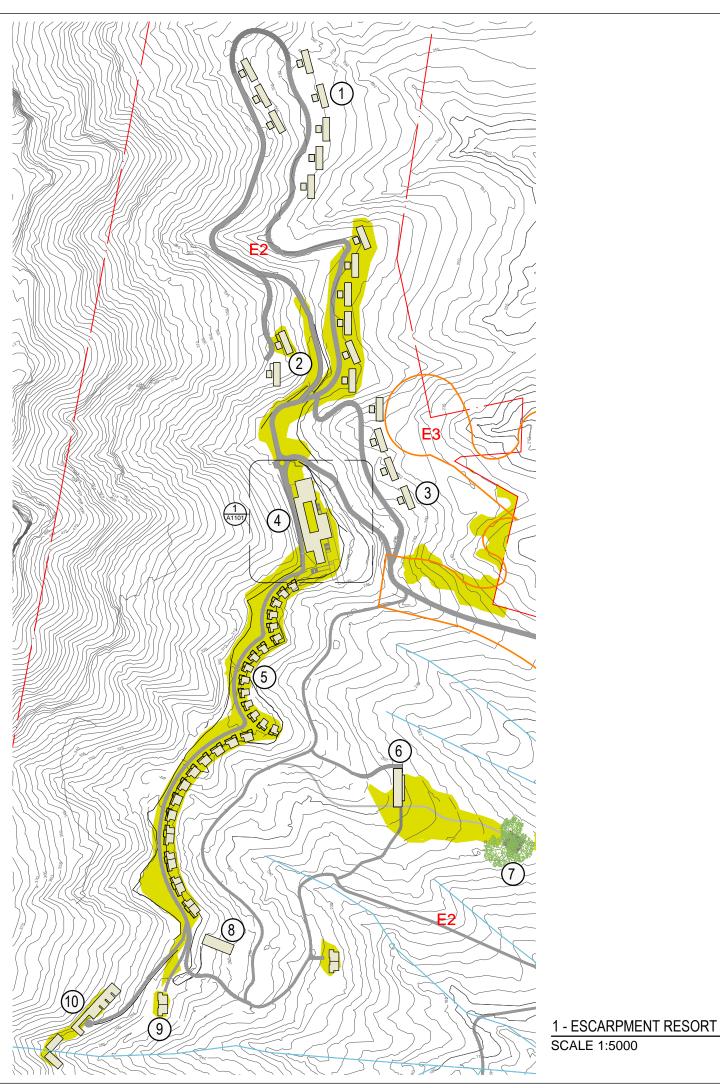
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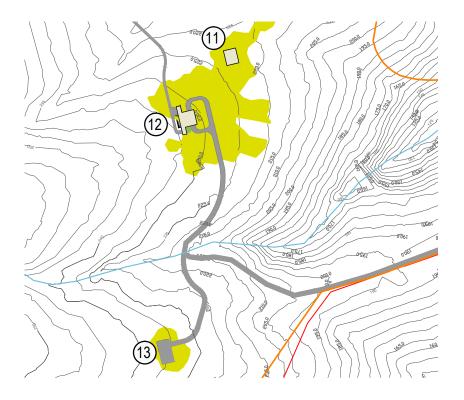
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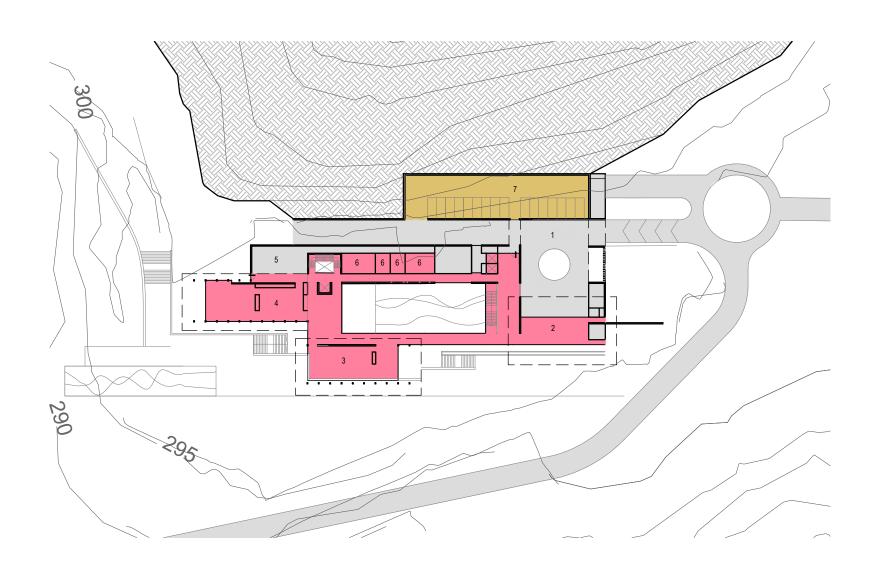
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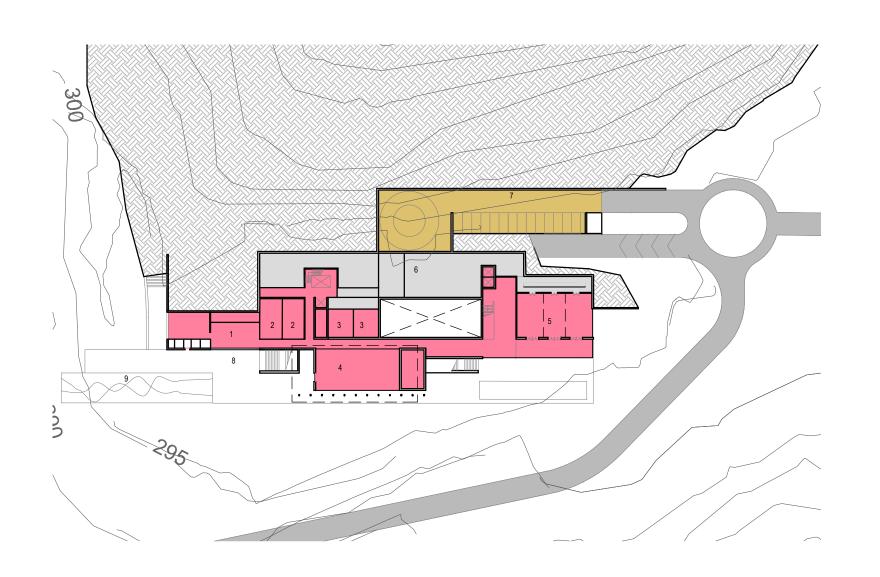


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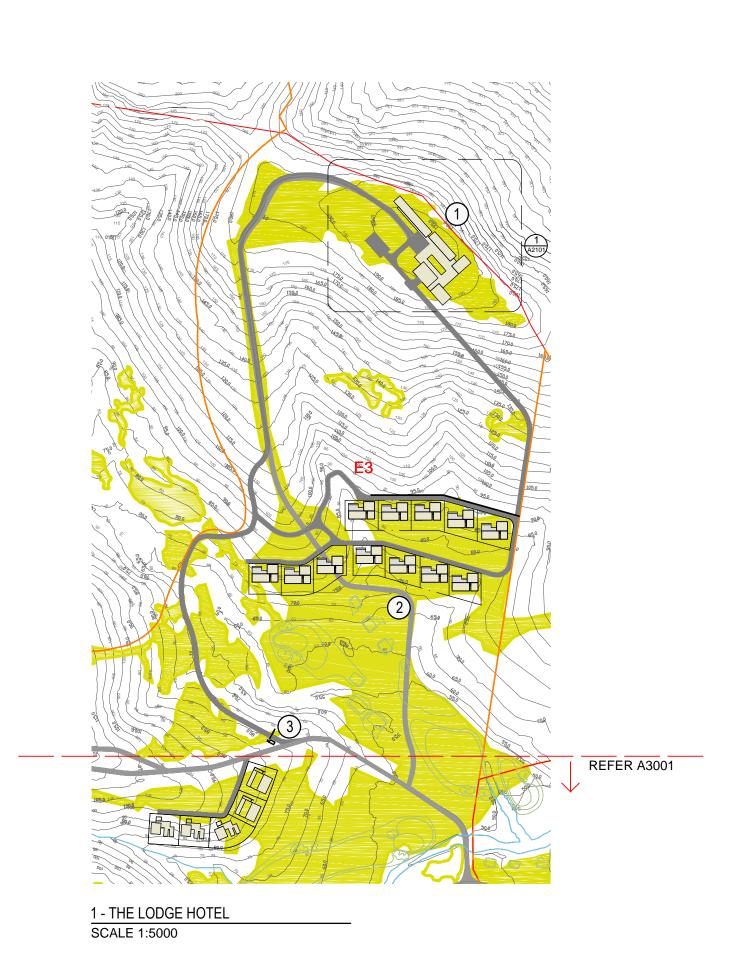


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1 - ESCARPMENT HOTEL PUBLIC AREAS LOWER GROUND

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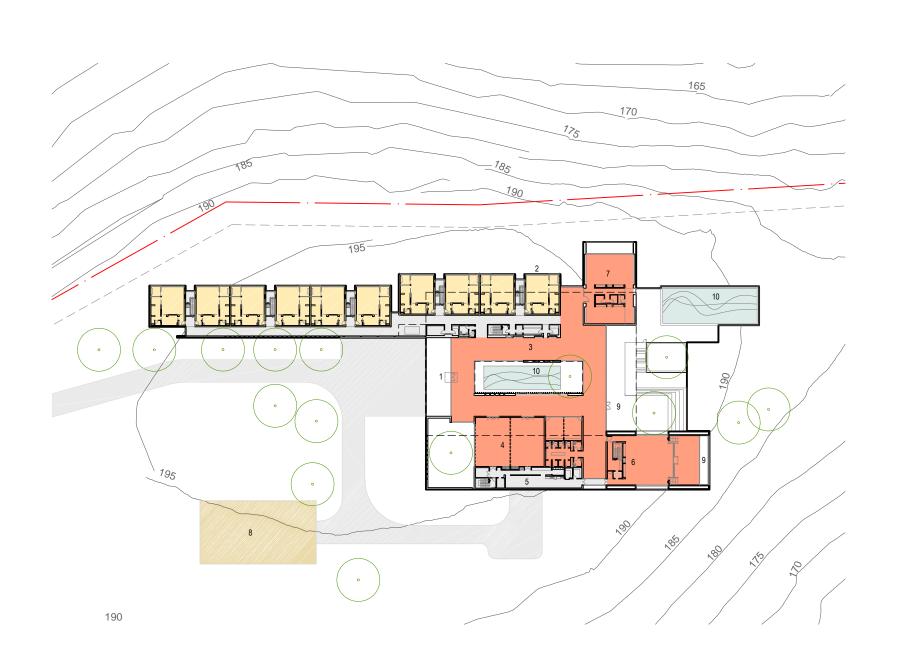
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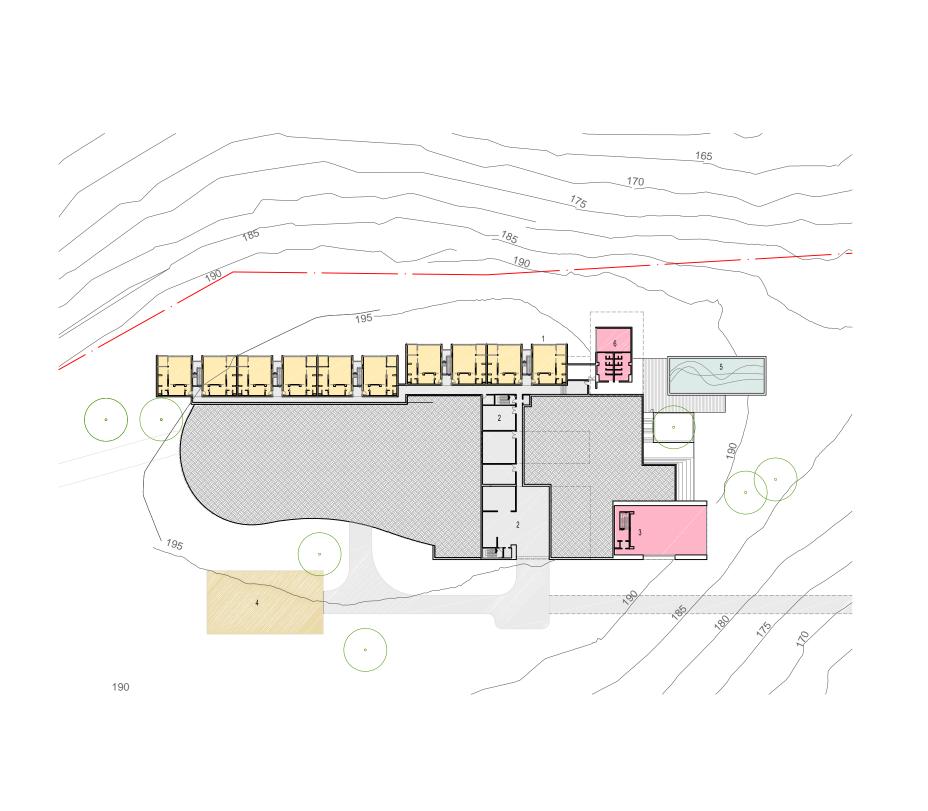


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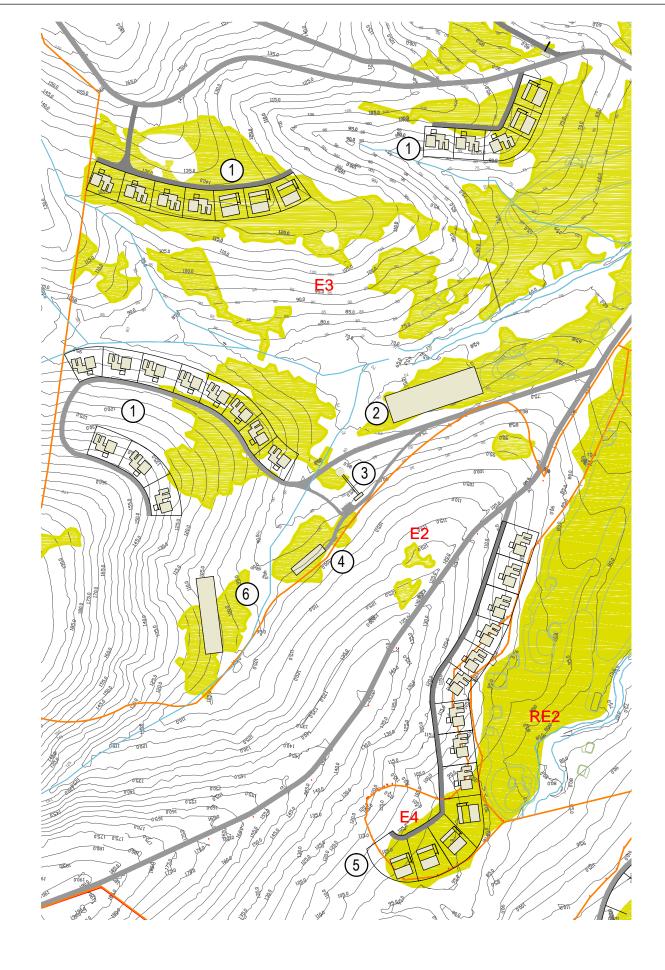
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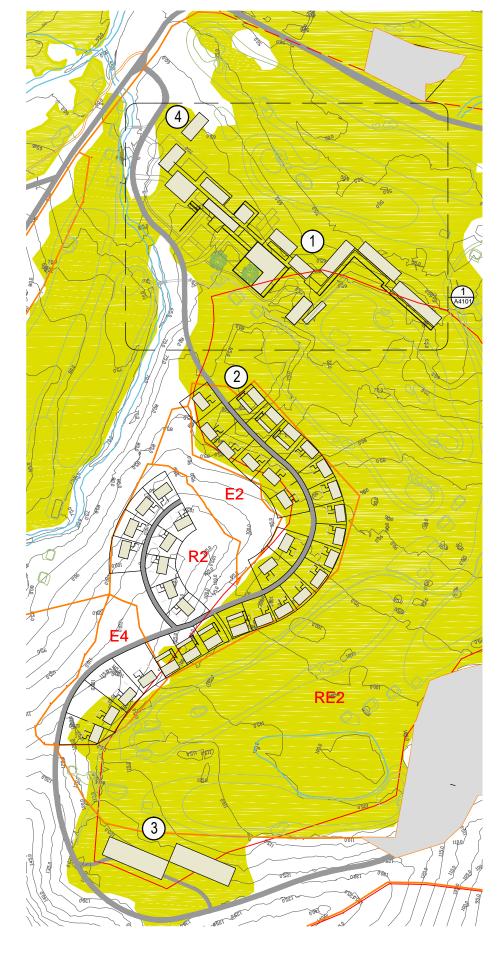


1 - GOLF VILLAS, BACK OF HOUSE, CULINARY SCHOOL AND COAL HOPPER SCALE 1:5000

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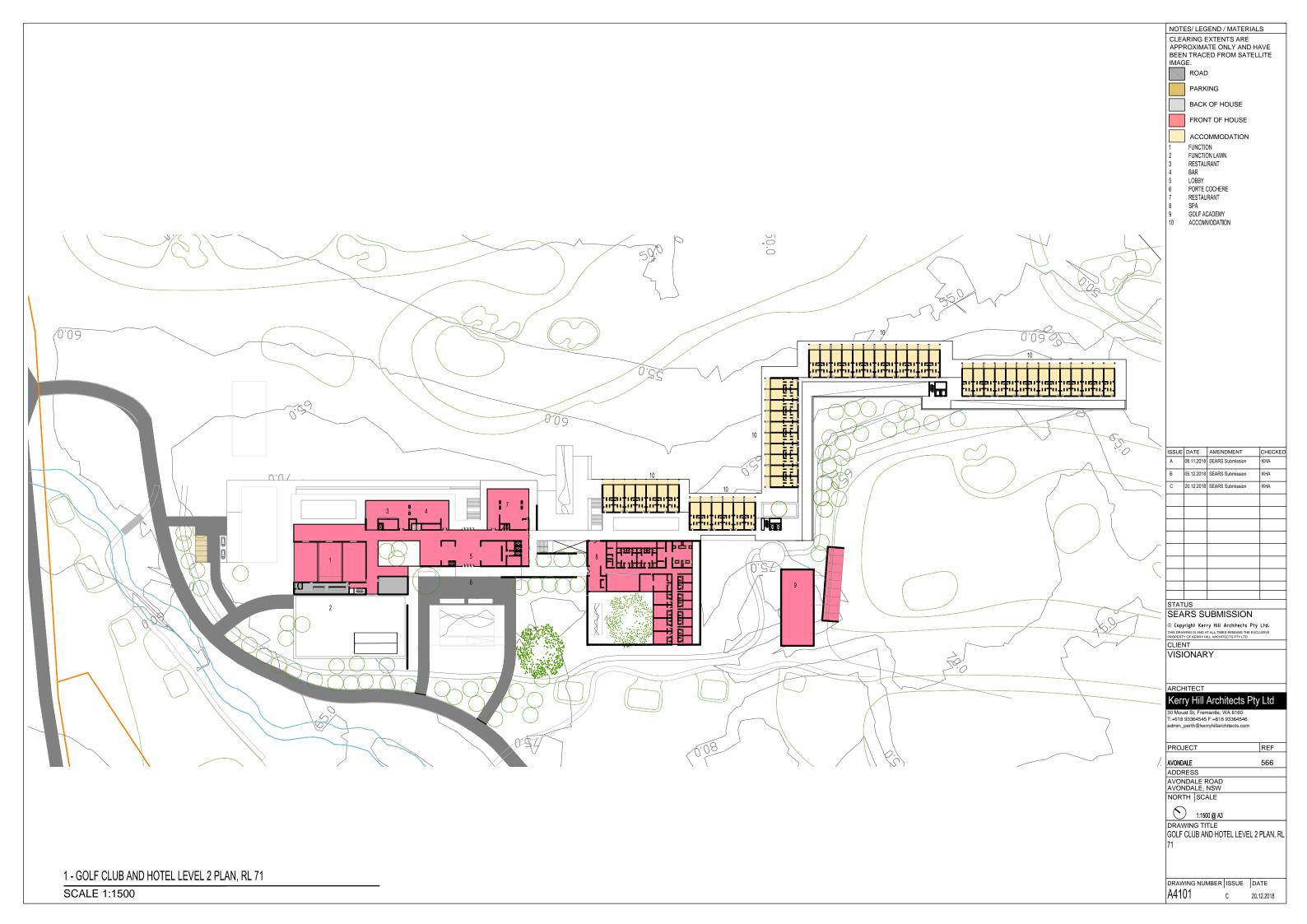
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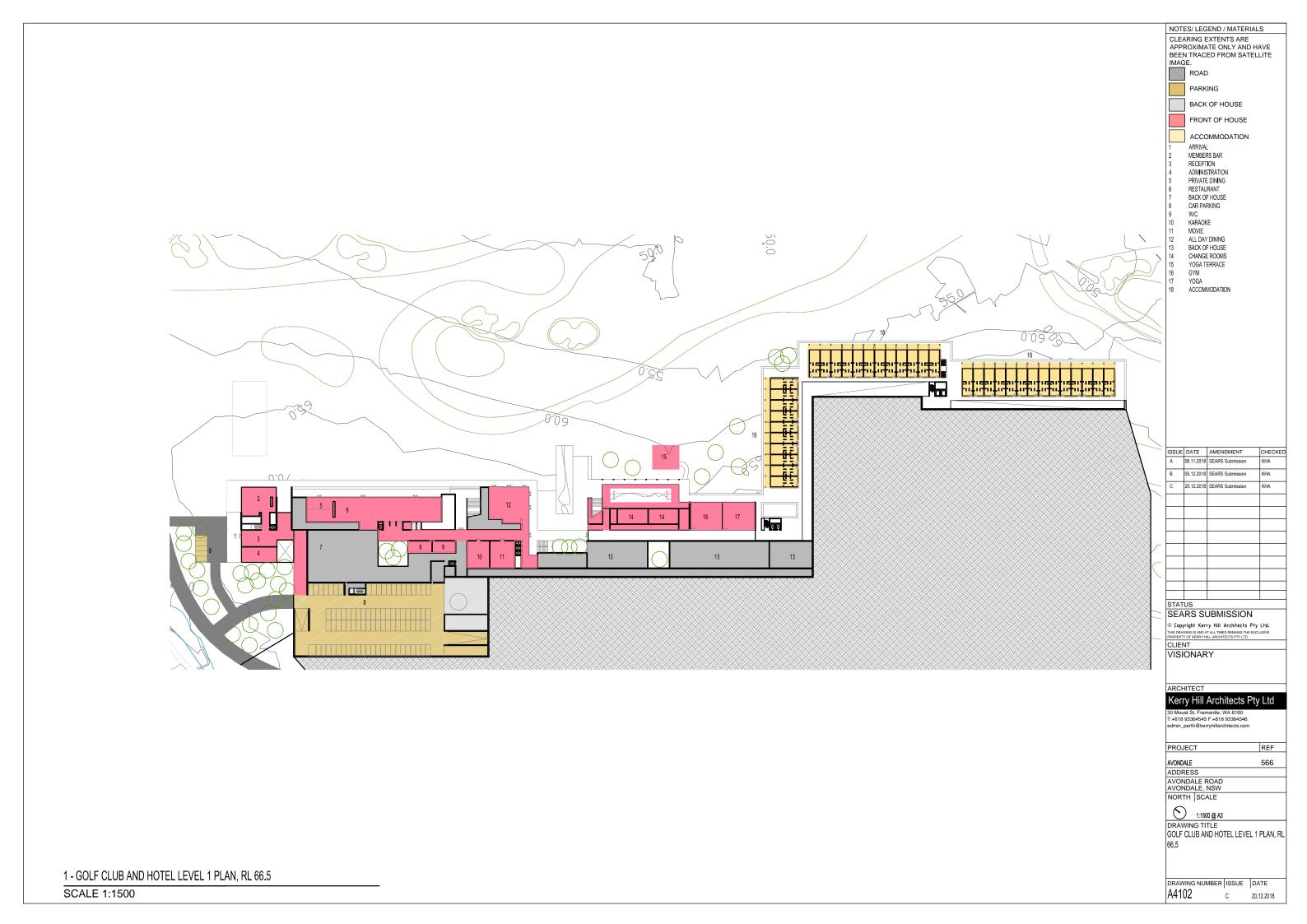


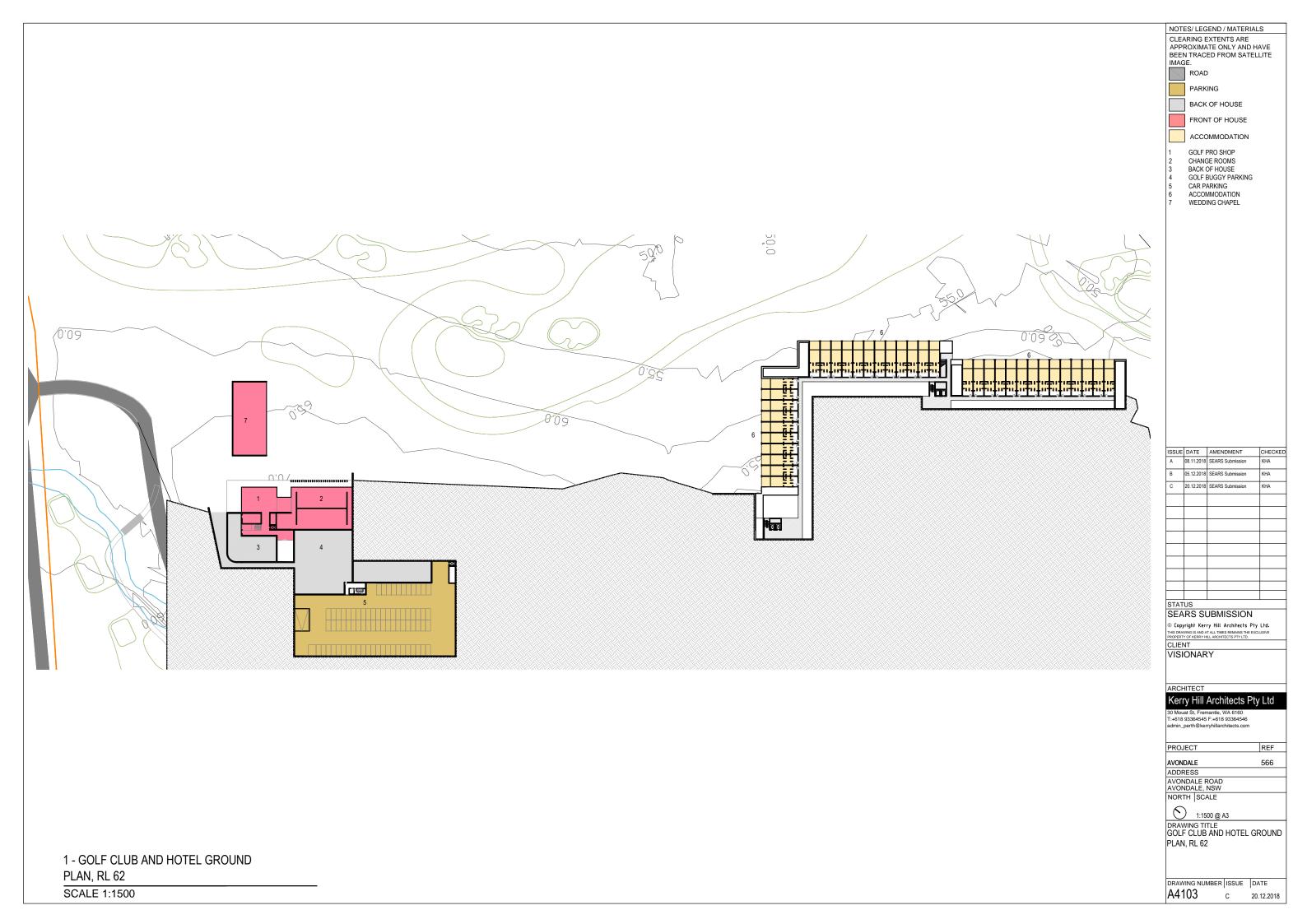
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ACADEMY SITE PLAN DRAWING NUMBER ISSUE DATE

A4001







APPENDIX

B

HERITAGE ADVICE LETTER





19 December 2018

Michael St Clair Planner Cardno Ground Floor, 16 Burelli Street Wollongong, New South Wales 2500

Dear Michael

Re: Preliminary heritage advice: The Huntley, Avondale New South Wales Our Ref: Matter

Biosis Pty Ltd has been commissioned by Cardno to provide preliminary Aboriginal and historical heritage advice to inform an application for Secretary's Environmental Assessment Requirements (SEARs) under Part 4 of the *Environmental Planning and Assessment Act 1979* for The Huntley, Avondale New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The purpose of this advice is to assist in determine the level of assessment that will be required as part of the preparation of an Environmental Impact Assessment (EIA) for the project.

In order to prepare this advice, Biosis has undertaken the following tasks:

- Database searches of the: Aboriginal Heritage Information Management System (AHIMS) database, NSW State Heritage Register (SHR) and NSW Heritage Database, Commonwealth Heritage List (CHL) and Register of National Estate (RNE).
- Review of Schedule 5 of the Wollongong Local Environmental Plan 2009 (LEP),
- Review of previous assessments and publications in order to establish the local and regional.

AHIMS

An extensive search of the AHIMS database was conducted on 19 December 2018 (Client service ID: 389781). The search identified 29 Aboriginal archaeological sites within a two kilometre search area, centred on the proposed study area (Table 1). The search identified nine of these registered sites are located within the study area (Figure 3). The mapping coordinates recorded for these sites were checked for consistency with their descriptions and location on maps from Aboriginal heritage reports where available. These descriptions and maps were relied where notable discrepancies occurred.

Table 1 AHIMS Sites within the vicinity of the study area

AHIMS No	Site name	Site type
52-5-0807	Avondale 8	Artefact
52-5-0808	Avondale 7	Artefact
52-5-0809	Avondale 6	Artefact

Biosis Pty Ltd

Wollongong Resource Group



AHIMS No	Site name	Site type
52-5-0810	Avondale 5	Artefact
52-5-0811	Avondale 4	Artefact
52-5-0812	Avondale 3	Artefact
52-5-0813	Avondale 2	Artefact
52-5-0814	Avondale 1	Artefact
52-5-0881	Avondale 9	Artefact

A review of the reports held by AHIMS identified several archaeological studies have been undertaken within the study area. These include:

- Australian Museum Business Services (2006). *Aboriginal Heritage Management Plan: West Dapto Release Area Volume 1 and 2.*
- Biosis (2007). Huntley Eco Park, Aboriginal Archaeological Assessment, NSW.
- Australian Museum Business Services (2010). *Preliminary Aboriginal and Historic Heritage Assessment:* West Dapto Urban Release Area, NSW.
- Niche (2011) Planning proposal for the Former Huntley Colliery Site and Adjacent Lands, Avondale Road, Avondale, NSW. Aboriginal Cultural Heritage Assessment Report.

The sites registered within the study area are a result of the completion of these assessments. These assessments relate to the eastern and western portions of the study area, with little to no assessment of the central portions. The known sites within the study area indicate that Aboriginal sites are present within the study area. In addition, the Biosis (2007) assessment identified areas of Potential Archaeological Deposit (PADs) within the study area that are not registered on AHIMS. The extensive AHIMS search indicates that sites AHIMS# 52-5-0809, 52-5-0810, 52-5-0811, 52-5-0812 and 52-5-0814 have had a permit (No. 4033) issued against them and may have been destroyed.

Wollongong LEP and other register searches

A search of Schedule 5 of the Wollongong LEP indicates that the study area encompasses the following listings:

- Former Huntley Colliery, Lot 101 DP1247603, Avondale Road, Avondale NSW 2530 (Archaeological item, no. 7102). This item is located within the study area and is locally significant.
- Illawarra Escarpment Landscape Area. Heritage Conservation Area identified under Schedule 5 of the LEP that traverses the western portion of the study area. The conservation area has been identified as being locally significant.

The Huntley Colliery is considered to be significant as:



"...it shows evidence of the key historical theme of mining from 1946 to 1989 in the evolution of land use and character in the Illawarra region. The Huntley Colliery is also significant for its association with the supply of coal to the local domestic market in early days and later to the Tallawarra Power Station for the supply of power to NSW from 1955-1989 and the Electricity Commission of NSW. A major investigation into the high incidence of lymphoma cancer at this site led to a major investigation and the establishment of a register to assist in tracking the incidence of all cancers among Southern District coal miners." (NSW State Heritage Inventory No. 5062584)

A search of the NSW State Archives, NSW State Library, Wollongong local studies collection and NSW Heritage Division Library indicates that the heritage fabric and potential archaeological resource associated with the Huntley Colliery has not been comprehensively assessed. There are numerous records relating to the operation of the colliery that would benefit from review.

The Illawarra Escarpment Landscape Area is considered to be significant as:

"An 'Inspirational cultural landscape' of supreme importance. Values encompass scenic, ecological, historic and indigenous cultural, social (including tourist and recreational), visual, and natural history.

The combined effect of a narrow coastal plain, rugged uplift sheer walls, rich forest and pasture lands give a most dramatic landscape of considerable grandeur which exceeds any other coastal plain and mountain landscape on the NSW coast.

There are many vantage points to experience the extensive views and vistas into and out from. Many smaller areas within the escarpment are of specific scientific, historic and scenic importance. The escarpment is located adjacent to one of the most heavily industrialised and confined areas on Australia's eastern coast (NT 1974). It is the single most important landscape feature of the Illawarra and is integral part of the wider landscape including above the escarpment and the coastal plain."

Searches of the SHR, CHL, NHL and RNE indicate that the study area is not listed on any of these databases. Figure 4 identifies the location of heritage items in relation to the study area.

Further investigations

Further assessment as part of the EIA is warranted based upon the known heritage values within the study area. As such, the following assessments would be required:

- Aboriginal Cultural Heritage Assessment (ACHA) to support the EIA. The ACHA must be prepared in accordance with the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011). This includes an Archaeological Report prepared in accordance with the Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW 2010b) and consultation with Aboriginal community in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010c). The ACHA would need to be supported by:
- Historical heritage impact assessment (HIA) to support the EIA. The HIA must be prepared in accordance with the NSW Heritage Manual and associated guidelines (Heritage Office & DUAP 1996). This assessment must investigate and manage potential impacts from the development



upon heritage values within the study area, in particular those associated with the Former Huntley Colliery and Illawarra Escarpment Landscape Area.

Please contact me if you have any enquiries.

Yours sincerely

Alexander Beben

Principal Archaeologist, NSW

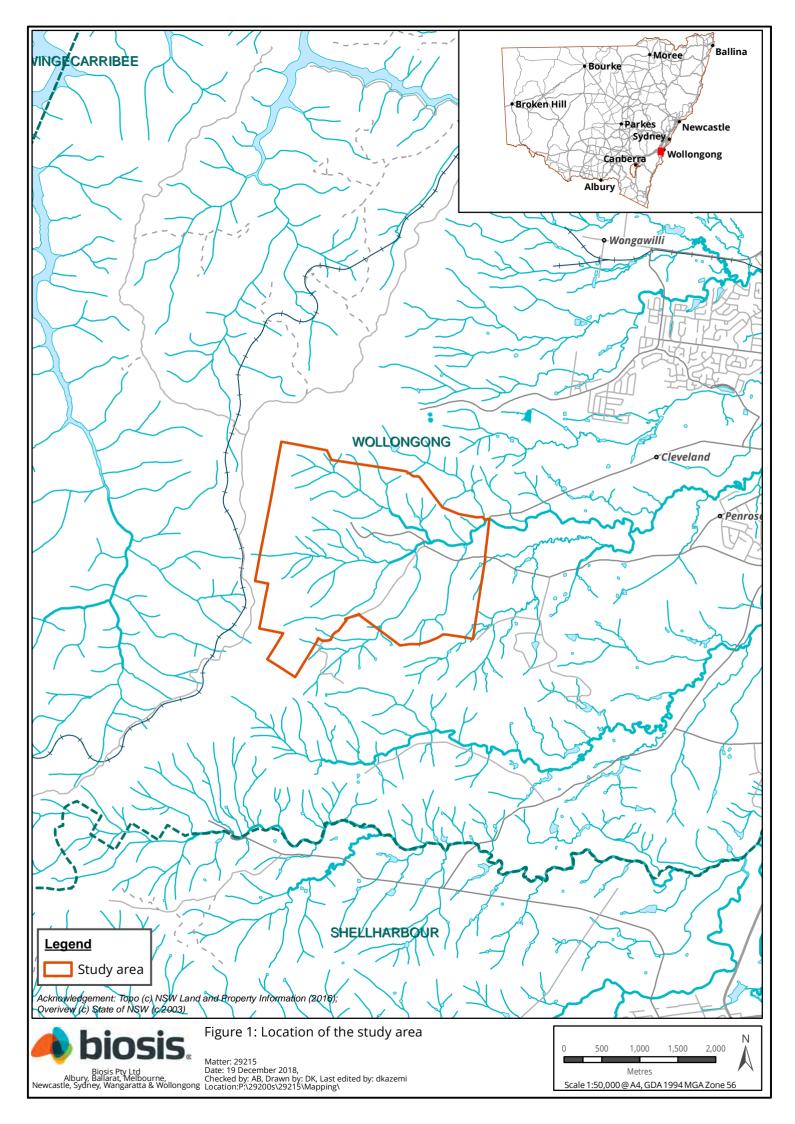
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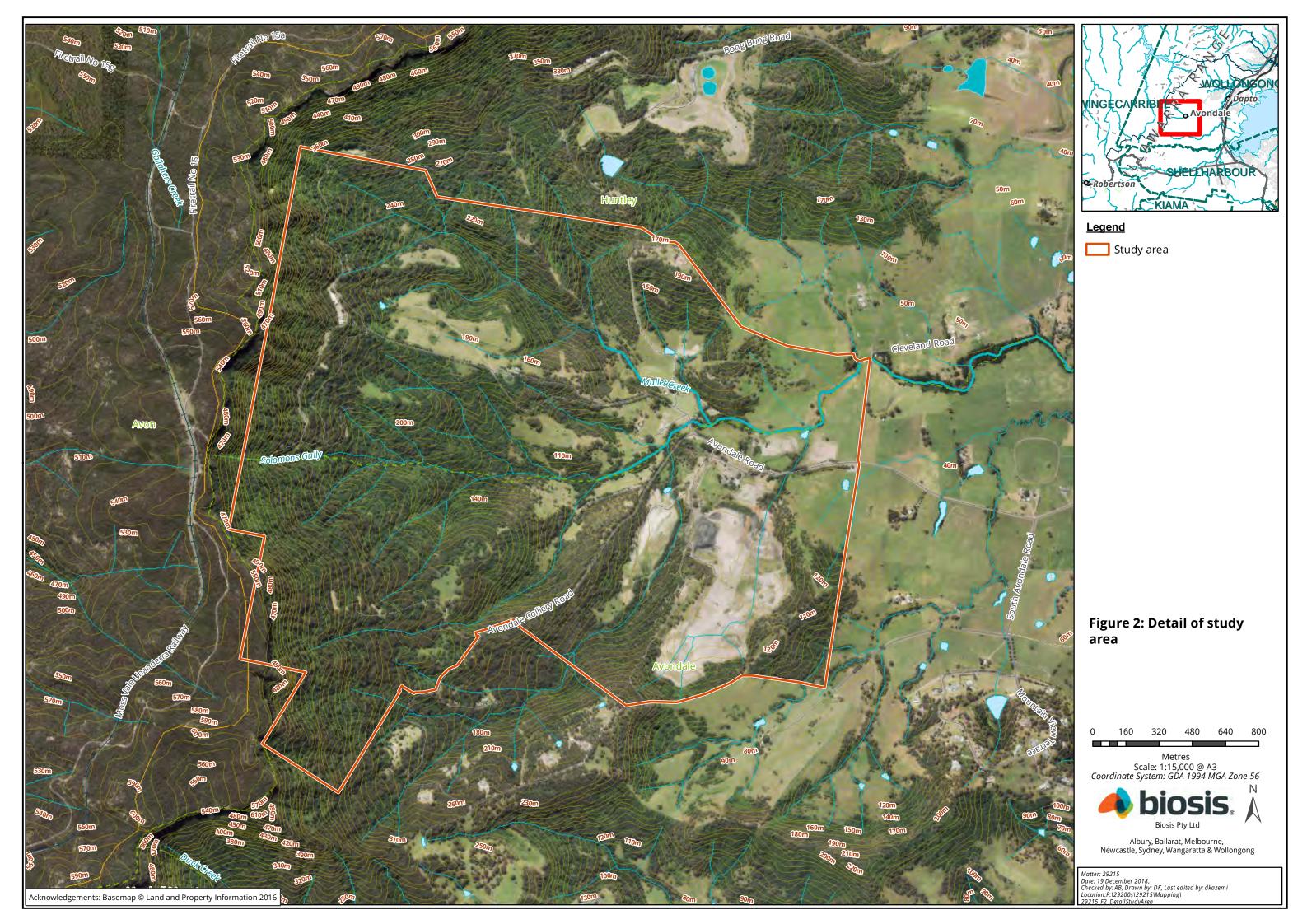
DECCW 2010a, Code of practice for archaeological investigation of Aboriginal objects in New South Wales, Department of Environment and Climate Change, Sydney NSW.

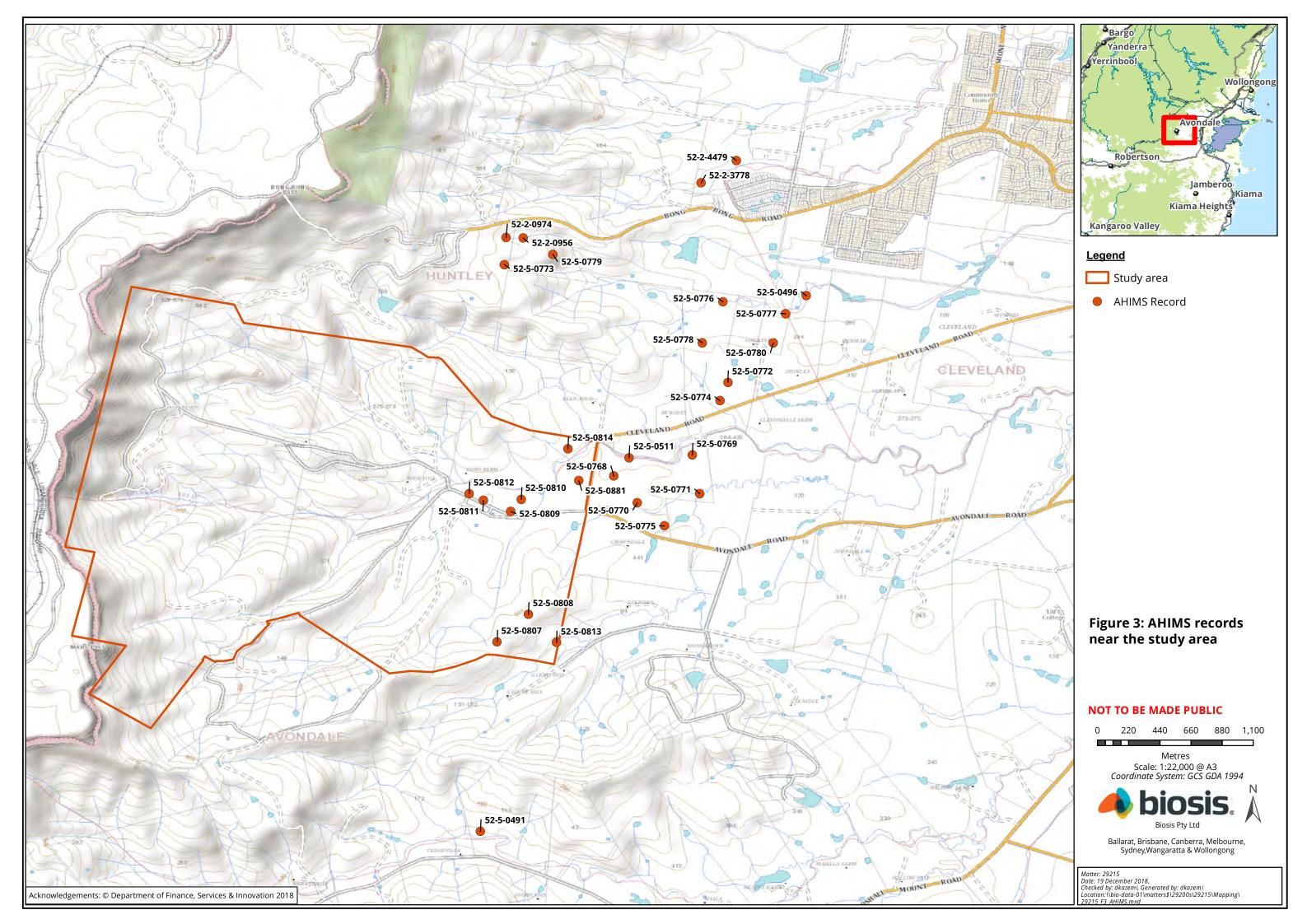
DECCW 2010b, Aboriginal cultural heritage consultation requirements for proponents, Department of Environment and Climate Change, Sydney NSW.

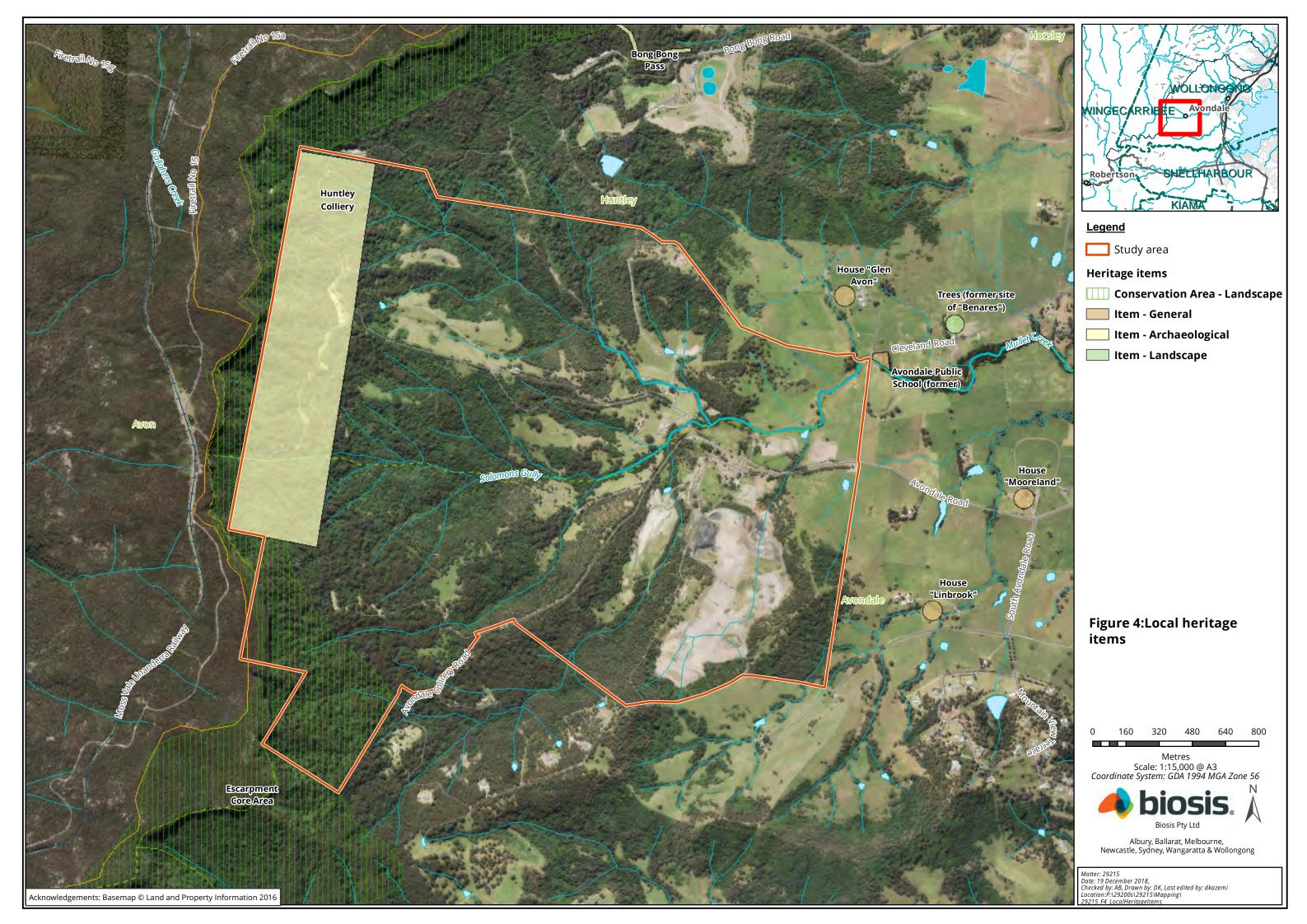
Heritage Office & DUAP 1996, NSW Heritage Manual, Department of Urban Affairs and Planning, Sydney.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.









APPENDIX

C

S & A PLANNING LETTER





16 May 2018

Joanna Bakopanos Team Leader – Industry Assessments NSW Department of Planning & Environment 23-33 Bridge Street SYDNEY NSW 2000

Dear Joanna

RE: PROPOSED STATE SIGNIFICANT DEVELOPMENT- HUNTLEY SITE

We write to you on behalf of the proponent, VIG Group in relation to a proposed State Significant Development Application for a golf tourist facility at the property known as the 'Huntley Site'. The project will involve a Concept Plan development application as well as a concurrent detailed development application for the first detailed stage of the project being the Country Club and facilities.

A meeting was held with yourself and Chris Wilson on 20 February 2018 to introduce the concept for the site. In that meeting, the capacity for all proposed components to qualify as State Significant Development pursuant to Part 13(2) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 was queried and it was agreed that legal advice would be provided to you to address this issue.

Subsequent to that meeting, legal advice has now been obtained from The Hon Malcolm Craig QC which accompanies this submission and confirms that all components of the proposed development are tourist related facilities for the purposes of the SEPP and therefore capable of qualifying as State Significant Development pursuant to Part 13(2) of Schedule 1.

The purpose of this letter is to provide a summary in relation to the site and the proposal, as well as a summary of the legal advice, and to seek the Department's confirmation that the project is considered to qualify as State Significant Development.

This request is also accompanied by the following documents:

Appendix	Document
Appendix A	Architectural package prepared by Turner architects
Appendix B	Legal opinion by The Hon Malcolm Craig QC

1.0 Site and Background

The site is approximately 17km south-west of the Wollongong CBD. The entire landholdings are approximately 556ha in area and located at the base of the Illawarra escarpment with a mix of topographies and levels with the southern and eastern parts of the site close to Avondale Road and Cleveland Road being relatively flat (circa 50m AHD) whilst the northern and western parts of the site slope upwards, in some places relatively steeply (to circa 135m AHD).

The site has an extensive history of agricultural uses, but more recently was occupied by the Huntley Colliery from 1946 to 1989 which was originally a small hand worked mine from the outcrop in the Tongarra seam and later became a major coal mine with a peak of 488 employees and which by 1966 was the first coal mine in Australia to

exceed a million tonnes a year. These past uses have significantly influenced the current land form in parts of the site and these are the areas which have been identified as suitable for new tourist facilities.

Part of the site already benefits from development consent DA2009/1037 which was approved by the Southern Joint Regional Planning Panel (JRPP) in 2011 for the construction of an 18-hole championship golf course and related facilities such as a clubhouse, golf lodge accommodation (60 lodges) and sports and education centre. Initial construction works relating to the golf course have commenced on-site which have activated this consent. However, since this approval was granted, the concept for the golf course and tourist facilities has been refined and progressed significantly such that a new and more comprehensive concept for an integrated tourist golf facility is now proposed, which is the subject of this forthcoming application.

The broader Huntley site also includes two residential stages which are not related to the proposed golf tourist facilities. The first residential stage is the subject of a Development Application which is currently under assessment by Wollongong City Council for subdivision of part of the site to create 105 residential allotments. A development application for the second and final residential stage is currently being prepared and will be lodged with Wollongong City Council in the coming months.

2.0 Proposed Development

The proposed development involves the construction of an integrated tourist facility with a circa \$500m CIV and comprises the following facilities and components as illustrated on the architectural package prepared by Turner Architects which accompanies this correspondence:

- 18 hole championship golf course
- Country club and facilities (club house, pro-shop, golf academy, driving range and putting green, function centre, restaurant and bars, gym, 300 key hotel accommodation, spa and wellness centre).
- Hotel villas and country villas
- Golf 'lodge' (20 hotel rooms, restaurant and bar).
- Escarpment resort (40 hotel villas, restaurant, spa and massage, chapel and pavilion).
- Tennis and recreation centre.
- Microbrewery and cellar door.
- University of Wollongong Hospitality and Hotel Management School.
- Cultural exchange museum and gallery.

3.0 State Environmental Planning Policy (State and Regional Development) 2011

Section 4.36(1) of the *Environmental Planning & Assessment Act 1979* identifies State Significant Development as being development 'declared' under that section to be State significant development. Subsection (2) of the same section provides that a State environmental planning policy may declare any development "or any class or description of development" to be State significant development.

Clause 8(1) of State Environmental Planning Policy (State and Regional Development) 2011 (the SEPP) declares development to be State significant development for the purpose of the *Act* if development on the land being considered is, by the operation of an environmental planning instrument, not permissible without development consent under Part t 4 of the *Act* and the development is specified in Schedule 1 to the SEPP

Part 13 of Schedule 1 of the SEPP provides that the following is State Significant Development (SSD):

13 Cultural, recreation and tourist facilities

- (1) Development that has a capital investment value of more than \$30 million for any of the following purposes:
 - (a) film production, the television industry or digital or recorded media,

- (b) convention centres and exhibition centres,
- (c) entertainment facilities,
- (d) information and education facilities, including museums and art galleries,
- (e) recreation facilities (major),
- (f) zoos, including animal enclosures, administration and maintenance buildings, and associated facilities.
- (2) Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that:
 - (a) has a capital investment value of more than \$100 million, or
 - (b) has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location

The legal advice which accompanies this submission confirms that all components of the proposal qualify as being 'other tourist related purposes' and the project has a value in excess of \$100 million and therefore the proposal satisfies the requirements of Part 13(2) of Schedule 1 of the SEPP.

Section 4.38(2) and (3) of the *Act* addresses the issue of permissibility for a State Significant Development and provides that development consent can be granted for a proposal which includes some components which would otherwise be prohibited:

- (2) Development consent may not be granted if the development is wholly prohibited by an environmental planning instrument.
- (3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.

The proposed facilities are located across the following zones under the Wollongong LEP 2009:

- E2 Environmental Conservation
- E3 Environmental Management
- RE2 Private Recreation

These zones each permit a variety of uses as outlined in Table 1 below:

Zone	Uses
E2 Environmental	2. Permissible without consent
Conservation	Nil
	3. Permitted with consent
	Environmental facilities; Environment protection works; Extensive agriculture; Recreation areas
	4. Prohibited
	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3
E3 Environmental	2. Permissible without consent

Zone	Uses
Management	Home occupations
	3. Permitted with consent
	Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Home-based child care; Recreation areas; Roads; Secondary dwellings
	4. Prohibited
	Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3
RE2 Private	2. Permissible without consent
Recreation	Nil
	3. Permitted with consent
	Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Function centres; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures
	4. Prohibited
	Any development not specified in item 2 or 3

A summary of the proposed facilities and whether they are ordinarily permitted in the relevant zone is provided in Table 2 below:

Location (refer Tuner masterplan)	Proposed Use	LEP definition	Zone	Permissible/ Prohibited
Location 1 in the masterplan	Golf course	Recreation Facility (outdoor)	RE2 Private Recreation	Permissible with consent
Location 2 in masterplan	Golf course related facilities including: golf club pro-shop, golf academy driving range putting green	Recreation Facility (outdoor) Note: The facilities associated with the golf course are considered to be ancillary components to the golf course)	RE2 Private Recreation	Permissible with consent
Location 2 in masterplan	Gym, pool, spa and yoga facilities	Recreation facility (indoor) Recreation facility	RE2 Private Recreation	Permissible with consent

Location (refer Tuner masterplan)	Proposed Use	roposed Use LEP definition		Permissible/ Prohibited	
		(outdoor)			
Location 2 in masterplan	Function centre	Function centre	RE2 Private Recreation	Permissible with consent	
Location 2 in masterplan	Restaurant	Restaurants or cafe	RE2 Private Recreation	Permissible with consent	
Location 2 in the masterplan	Accommodation (300 keys)	Hotel or motel accommodation	RE2 Private Recreation	Prohibited	
Location 2 in masterplan	Spa and Wellness Centre: Indoor pool Indoor gym Paletes and yoga studio Spa/massage Various health studios	Recreation facility (indoor)	RE2 Private Recreation	Permissible	
Location 3 in the masterplan	Hotel villas	Hotel or motel accommodation	R2 Low Density Residential	Prohibited	
Location 4 in the masterplan	Hotel country villas	Hotel or motel accommodation	E4 Environmental Management	Prohibited	
Location 5 in masterplan	Escarpment resort: • 40 villas • restaurant • spa and massage • chapel and pavilion	Hotel or motel accommodation (spa and massage ancillary to accommodation) Restaurants or café Function Centre	E2 Environmental Conservation	Prohibited	
Location 6 in masterplan	Golf 'lodge': • 20 rooms • restaurant and bar	Hotel or motel accommodationRestaurants or cafe	E3 Environmental Management	Prohibited	
Location 7 in masterplan	Tennis and recreation centre	Recreation Facility (outdoor)	E2 Environmental Conservation	Prohibited	
Location 8 in masterplan	Microbrewery and cellar door	Light industry Retail premises (Note: this use does not meet the definition of 'cellar door premises' because it is not for wine or produced from an on-site commercial	E3 Environmental Management	Prohibited	

Location (refer Tuner masterplan)	Proposed Use	LEP definition	Zone	Permissible/ Prohibited
		vineyard)		
Location 9 in masterplan	Hospitality and hotel management school	Educational Establishment (Note: it is assumed that the school is a tertiary institution)	E3 Environmental Management	Prohibited
Location 10 in masterplan	Cultural exchange museum and gallery	Information and Education Facility	E2 Environmental Conservation	Prohibited

As illustrated in the above table, a number of the proposed facilities are permissible in the respective zone, whilst some other facilities would ordinarily be prohibited in their respective zones. Accordingly, the proposal satisfies Section 4.38(2) and (3) of the *Act* in that it is not wholly prohibited by an environmental planning instrument and development consent can be granted despite parts of the project being partly prohibited by an environmental planning instrument.

4.0 Summary of Legal Advice

A summary of the legal advice prepared by the Hon Malcolm Craig QC which accompanies this correspondence is provided below:

Question	Advice
Is the proposed concept development application in respect of development that is declared to be State significant development?	The expression "tourist related purposes" is neither defined in the SEPP or in the Standard Instrument (Local Environmental Plans) Order 2006, the latter being the source of definitions for words and expressions used in the SEPP (cf cl 4(3)). Development for a "tourist related purpose" would contemplate a land use that has as its object the provision of a place or facility which people would be expected to visit because of the interest or pleasure that the facility or place offers. That formulation of the intended meaning of the phrase reflects the ordinary meaning of the word "tourist".
	All components of the Project are, in concept, capable of satisfying "tourist related" purposes as the development will be a place intended to be visited for interest or pleasure both by reason of its topographic and geographic setting together with the golfing facilities it proposes to offer.
	The development proposed by VIG in its intended concept development application is therefore State significant development: cl 8(1) of the SEPP and cl 13(2)(a) of Sch 1 to the SEPP.
	The consent authority has the power to grant consent to all elements of the proposed concept application, notwithstanding the fact that some components or elements of that application are prohibited under the LEP.
	Given that all components of the Project are capable of being characterised as development for tourist related purposes, it is not necessary to separate out any "excluded" activity for the purpose of determining that the development proposal meets the capital

Question	Advice			
	investment value criterion in cl 13(2)(a) of Sch 1 to the SEPP.			
Is it plausible that the exclusion of 'any commercial premises' and 'residential accommodation' in fact merely relates to the components of the project that are to be included for the calculation of capital investment value (CIV) (i.e. the \$100 million minimum CIV threshold that applies), rather than being an outright exclusion of any commercial and residential components as part of the SSD project?	 The object of the subclause is to identify a development purpose and a capital investment value that, together, will constitute development meeting the State significant development declaration. Clearly, 'commercial premises', 'residential accommodation' and 'serviced apartments' are all capable, in themselves, of constituting development for a tourist related purpose. The subclause is concerned to ensure that 'commercial premises', 'residential accommodation' and 'serviced apartments' do not influence the overall capital investment in a particular tourist related project because any one of them could occupied a disproportionate component of that project. CI 8(2) of the SEPP allows non-tourist related purposes to be included in an application for development that would otherwise engage the State significant development declaration. Reading that provision with cl 13(2) of Sch 1 would require that the capital investment value threshold be met solely by the tourist related aspect of the development proposal, excluding, for the purpose of calculation, the value of the nominated items in the subclause, rather than preventing any of those other uses from being part of an SSD application. 			
Whether development on some part of the Site for residential accommodation could be included in the overall concept development application and thereby be characterised as State significant development. (Note: the proposed SSD application does not include any residential components)	A non-tourist related component included in a single development application that includes development for tourist related purposes meeting the capital investment value threshold is capable, by virtue of cl 8(2) of the SEPP, itself also declared to be State significant development.			
On the assumption that the concept development application includes a museum and/or art gallery that has a CIV of more than \$30 million, is the total development application then declared to be State significant development by Part 13(1) of Schedule 1 to the SEPP?	 One of the components of the project is a "cultural exchange museum and gallery" and on the basis that the value of this component exceeds \$30 million, development for that purpose would, of itself, be State significant development pursuant to cl 13(1) of Sch 1 to the SEPP. However, the proposed museum is prohibited development in the E2 zone within which it is located. S 4.38(3) of the EPA Act would not sanction the grant of consent to all components of an application for development consent, including those components prohibited by an environmental planning instrument, where the very purpose of development that engages the State significant development declaration is itself prohibited. Therefore the proposed museum would not allow all other components of the Project to be included as if all are components of a development that achieves its status as State significant development by reason of its characterisation as development for the purpose of a museum or gallery. 			

5.0 Conclusion

This submission provides information to assist in the consideration by the Department of the project as one which qualifies as State Significant Development.

It is our view that the project is tourist related development and it has a value well in excess of \$100M and therefore satisfies the criteria of Schedule 1 Clause 13(2) of SEPP (State and Regional Development) 2011.

Furthermore, the primary components of the project are permissible in their respective zones and the fact that there are some components which would ordinarily be prohibited is of no consequence to the characterisation of the project as State Significant Development due to the provisions of Section 4.38(2) and (3) of the Act.

The purpose of this letter is to seek the Department's confirmation that the project is considered to qualify as State Significant Development to enable VIG Group to proceed with the preparation of the SEARs request for the project.

We trust that the information detailed in this letter and attachments is sufficient to enable the consideration this issue, however, if you need any further detail please contact me on 0410 452 371.

Yours faithfully

Aaron Sutherland

Sutherland & Associates Planning Pty Ltd

RE:	VIG HUN	NTLEY F	PTY L	IMITED:	PROPOSED	TOURISM	PROJECT

SUPPLEMENTARY ADVICE

Mills Oakley Lawyers PO Box H316 Australia Square Sydney NSW 2000

Attention: Anthony Whealy

ADVICE

- VIG Huntley Pty Limited (VIG) holds a large parcel of land, some 17km south-west of Wollongong and approximately 556ha in area, at the foot of the Illawarra escarpment (the Site). The Site is located within the local government area of Wollongong City Council.
- 2. Prior to its acquisition by VIG, the Site was occupied by the Huntley Colliery from which significant quantities of coal were mined. The current landform is, in part, the result of former mining activities. Areas on the north-eastern and eastern parts of the Site are substantially cleared. However, the western part of the Site generally rises toward the base of the escarpment and is, in the main, heavily vegetated. Nonetheless, there are pockets of clearing within the vegetated area, no doubt reflective of past mining activity.
- 3. VIG proposes significant development of the Site. Two small areas on the north-east and eastern parts of the Site respectively are currently the subject of applications for residential subdivision. The remainder of the Site is proposed to be developed for tourist facilities, falling within the umbrella description of a golf tourism project (the Project). Those aspects of the Project requiring more intensive works and building construction will be concentrated in the cleared eastern part of the Site. Other components of the Project will be located in those areas of clearing found in the vegetated western part of the Site.
- 4. The cost of carrying out the Project is said to be \$500 million. Given the varied elements of the Project, its size and its estimated cost, VIG proposes in the first instance to make a concept development

- application under the provisions of the *Environmental Planning and Assessment Act* 1979.
- 5. The primary land use controls applicable to development on the Site are those found in Wollongong Local Environmental Plan 2009 (the LEP). By reference to the LEP, there are three land use zones applying to different parts of the Site intended for the project, being zones 'RE2 Private Recreation', 'E2 Environmental Conservation' and 'E3 Environmental Management'. The relatively small areas adjacent to the north-eastern boundary and part of the eastern boundary are zoned 'R2 Low Density Residential', being the areas that are presently the subject of applications for consent to subdivision. I leave those areas aside for the purpose of this advice as it is not intended to include those areas as part of the Site intended for the concept development application. Hence, further reference to "the Site" does not include reference to those areas.
- 6. By reason of both the multifaceted components of the Project and the land use zones that apply to different parts of the Site, I am asked to address four questions directed to the proposed concept development application. In order to address those questions, it is first necessary to identify the elements of the project that VIG intends to include in its concept development application.

The intended Project

7. I am told that in 2011 the Southern Joint Regional Planning Panel granted development consent for construction on the eastern part of the Site of an 18-hole championship golf course together with associated facilities that are said to include a club house, 60 golf lodges for short term accommodation together with a "sports and education centre". I am also told that works on golf course construction have commenced such that the 2011 consent is now an operative development consent.

- 8. Since obtaining that consent, I am told that the overall concept for the Site has "been refined", with the consequence that a component of the proposed concept application will no doubt be the modification of the 2011 consent. The overall Site development concept now intended by VIG has the following components:
 - a 'Greg Norman designed' championship 18-hole golf course and related facilities, including club house, pro-shop, golf academy, golf driving range and putting green;
 - b) a gymnasium, pool and spa facility including an exercise centre;
 - c) a function centre;
 - d) a restaurant;
 - e) a number of buildings located at different locations within the perimeter of the golf course providing, in aggregate, 300 rooms to accommodate visiting golfers or tourists;
 - f) a "golf lodge" of 20 rooms with restaurant and bar located outside the perimeter of, but overlooking, the golf course;
 - g) an "escarpment resort" comprising 40 villas together with a chapel and pavilion;
 - h) a tennis and recreation centre;
 - i) a cultural exchange museum and gallery;
 - i) hospitality and hotel management school;
 - k) Chinese garden and meditation meadow; and
 - I) a microbrewery and "cellar door" for the sale of brewery products.
- 9. For reasons that will become apparent, it is unnecessary to identify each land use zone that controls development on land within the Site upon which of the component activities is intended to be located. Components (a), (b), (c) and (d), being the primary elements of the Project, are all permissible within the RE 2 zoned land upon which those components are intended to be located. The remaining components of the project are intended to be located on land that is either within the E2

zone or the E3 zone. Save for the Chinese garden and meditation meadow (item (k)), the remaining components, assuming each of them to reflect a separate purpose of development, constitute development that is prohibited on land within those two zones. I will return to that assumption as to identification of separate development purposes in due course.

- 10. I am told (and accept for the purpose of this advice) that the "capital investment value" of the Project, applying the definition of that phrase in cl 3 of the Environmental Planning and Assessment Regulation 2000, is \$500 million.
- 11. Having identified the Site, the land use zonings applicable to it and described the components of the intended project, it is appropriate to turn to the questions posed for my consideration. While I have slightly rephrased those questions, they nonetheless reflect the substance of the questions posed in my Brief.

Question 1:

Is the proposed concept development application in respect of development that is declared to be State significant development?

- 12. Section 4.36(1) of the EPA Act identifies State significant development as being development 'declared' under that section to be State significant development. Subsection (2) of the same section provides that a State environmental planning policy may declare any development "or any class or description of development" to be State significant development.
- 13. Clause 8(1) of State Environmental Planning Policy (State and Regional Development) 2011 (the SEPP) declares development to be State significant development for the purpose of the Act if development on the land being considered is, by the operation of an environmental planning

instrument, not permissible without development consent under Pt 4 of the Act and the development is specified in Sch 1 to the SEPP. Because of its significance in responding to the question posed for my consideration, cl 13 of Sch 1 should be quoted in full. The clause provides:

13 Cultural, recreation and tourist facilities

- (1) Development that has a capital investment value of more than \$30 million for any of the following purposes:
 - (a) film production, the television industry or digital or recorded media,
 - (b) convention centres and exhibition centres,
 - (c) entertainment facilities,
 - (d) information and educational facilities, including museums and art galleries,
 - (e) recreation facilities (major),
 - (f) zoos, including animal enclosures, administration and maintenance buildings, and associated facilities.
- (2) Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that:
 - (a) has a capital investment value of more than \$100 million, or
 - (b) has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.

(Emphasis added.)

14. The expression "tourist related purposes" is neither defined in the SEPP or in the Standard Instrument (Local Environmental Plans) Order 2006, the latter being the source of definitions for words and expressions used in the SEPP (cf cl 4(3)). Development for a "tourist related purpose" would seem to me to contemplate a land use that has as its object the provision of a place or facility which people would be expected to visit because of the interest or pleasure that the facility or place offers. That formulation of the intended meaning of the phrase reflects the ordinary

meaning of the word "tourist". The context also supports that formulation.

- 15. Each of the development purposes nominated in cl 13(1)(b)-(f) of Sch 1 to the SEPP identifies a facility or place which, by its very essence, is expected to attract visitors. The use of the adjective "other" in the phrase "other tourist related purposes", so it seems to me, is a sequel to the specific land use purposes identified in subclause (1) so that "other" unspecified facilities or places bearing the same generic description are also declared to be State significant development provided that development meets the capital investment value constraint expressed in either para (a) or para (b) of the subclause.
- 16. Finally, my formulation of the kind of development intended to engage the provisions of cl 13(2) is supported by the heading to the clause itself in its reference to "tourist facilities". While the heading is not part of the SEPP (*Interpretation Act 1987*, s 35), it may nonetheless be used to confirm the meaning that I have given to the words of cl 13(2) (*Interpretation Act*, s 34).
- 17. So understood, I am of the opinion that the intended golf course resort development for the Site, including its ancillary facilities earlier identified, being components (a), (b) and (d), would be development for tourist related purposes. It will be a place intended to be visited for interest or pleasure both by reason of its topographic and geographic setting together with the golfing facilities it proposes to offer. Indeed, from a broader perspective, it may be seen as being development that is related to and enhances the tourist attractions available to visitors within the Illawarra region.
- 18. Significantly, the golf course and those ancillary facilities that I have identified are all permissible purposes of development under the LEP by

- reason of the zoning of that part of the Site upon which those components of the development is proposed to be located.
- 19. Arguably, the function centre (component (c)) is not ancillary to the use of the Site for the purpose of a golf resort. However, assuming the function centre does constitute development for a purpose independent of the golf resort purpose, I have no doubt that it will also be characterised as having a tourist related purpose and thus potentially engaging cl 13(2) of the SEPP. Furthermore, it is permissible development under the LEP upon the area of the Site on which it is to be located.
- 20. I am told that the 300 rooms in buildings scattered through but within ithe perimeter of the golf course, are primarily intended to accommodate golf course visitors. On that basis, there is a credible argument that they are subsumed by the golf course resort purpose that is permissible on the RE2 zoned land upon which the course and its associated facilities is proposed to be located. As a use that is ancillary to the golf course resort purpose, those rooms are taken to be for the permissible golf course purpose.
- 21. Further, while cl 13(2) expressly excludes certain uses that are ancillary to the "tourist related purpose", those exclusions do not include the visitor accommodation intended for the 300 rooms. The provision of accommodation of that kind does not engage the definition of either "residential accommodation" or "serviced apartments" as those definitions are adopted by reference in the SEPP. I understand the rooms will take the form of a motel or hotel room. While rooms of that type, providing short-term accommodation, fall within the definition of "tourist and visitor accommodation" incorporated into the SEPP, as do "serviced apartments", only the latter type of "tourist accommodation" is excluded from the operation of cl 13(2).

- 22. If the premise of that discussion is correct, as I believe it to be, the provision of those rooms in conjunction with the golf course resort would constitute a permissible form of development under the LEP. No doubt, that is the basis upon which the Southern Joint Regional Panel included 60 "golf lodges" as part of the 2011 consent for golf course development on the Site. The provision of the 300 rooms contemplated by VIG in its concept development application should properly be characterised as a non-excluded ancillary element of the tourist related development in the form of the golf course resort.
- 23. My last observation remains good even if, contrary to the opinion earlier expressed, the 300 rooms are not a permissible component of the proposed development because of the land use prohibition imposed by the zoning table under the LEP on the relevant part of the Site. For reasons that I will later express, even if that be the position, it is not one that impacts upon the potential declaration of the proposed development as State significant development.
- 24. In a similar category to the characterisation of the rooms is the "golf lodge" earlier identified as component (f) of the Project. The fact that this particular facility is not located within the perimeter of the golf course or immediately adjacent to it renders an argument that is ancillary to the golf course resort purpose a little weaker to that that I have identified in respect of the 300 rooms. I accept that it is in relative close proximity to the golf course and appears to overlook it. The fact that it appears to have its own ancillary facilities is a factor militating against it ancillary characterisation.
- 25. Importantly, even if the golf lodge is regarded as having a separate development purpose, it nonetheless satisfies the characteristics of development for a tourist related purpose and is neither "residential accommodation" nor "serviced apartments" so as to be excluded by the

- terms of cl 13(2) of the SEPP. That said, as a separate development purpose from the golf course resort purpose and having regard to the E3 zoning of the land upon which it is to be located, it is prohibited development under the LEP.
- 26. Further, in my opinion it would be difficult to contend that the remaining components of the overall development earlier identified can properly be characterised as being ancillary to the golf course resort development such that the latter characterisation would be assigned to those components. However, all remaining components are capable of being characterised as tourist related forms of development. In so saying, I assume that the 40 villas intended for the "escarpment resort" (item (g)) will not be designed with the elements of "serviced apartments" as defined, that is with each villa providing self-contained accommodation. I have assumed that the villas will collectively be managed in the form of a small hotel.
- 27. It follows from what I have written that all components of the Project are, in concept, capable of satisfying "tourist related" purposes that do not include elements that would exclude the overall development concept from engaging the provisions of cl 13(2) of Sch 1 to the SEPP. Further, I have already recorded that the capital investment value for the project is in excess of the minimum value imposed by cl 13(2)(a).
- 28. As a consequence, the interaction between cl 8(1) of the SEPP and cl 13(2) of Sch 1 to that instrument would support a contention that the Project contemplated by VIG is development that is declared to be State significant development. However, it is next necessary to consider how that position is affected, if at all, by the circumstance that several components of the overall proposal constitute development that is prohibited by the EPA Act, having regard to the land use provisions of the LEP.

- 29. It has been suggested that cl 8(2) may address that situation. The subclause relevantly provides:
 - (2) If a single proposed development the subject of one development application comprises development that is only part State significant development declared under subclause (1), the remainder of the development is also declared to be State significant development except for:
 - (a) so much that the remainder of the development as the Director-General determines is not sufficiently related to the state significant development...
- 30. In my opinion cl 8(2) does not address the position where part of or a component of development that would otherwise be declared to be State significant development is intended for land upon which that part or component is prohibited by reference to another planning instrument. Rather, the subclause is confined to the circumstance that the particular development in contemplation has components that meet a State significant development declaration but also contain components that fall outside development so declared. The subclause has the consequence, subject to the Director-General's determination identified in para (a) that all components or elements of the development become State significant development notwithstanding that one or more of those elements, considered independently, would not so qualify.
- 31. In short, cl 8(2) addresses the characterisation of an application that includes a State significant component. The clause does not address the permissibility of that application.
- 32. The answer to the permissibility element of a given development application that is otherwise development attracting a State significant development declaration is found in s 4.38 of the EPA Act. Subsections (2) and (3) of that section relevantly provide:
 - (2) Development consent may not be granted if the development is wholly prohibited by an environmental planning instrument.

- (3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.
- 33. As I have earlier demonstrated, a major component of the proposed concept development application both in the scope of works intended and (I assume) cost, namely the development of the golf course and its ancillary development, is development that is permissible under the LEP. Therefore, the provisions of s 4.38(2) have no bearing upon the proposed concept development application because the development proposed is not "wholly prohibited". Section 4.38(3) clearly gives power to the consent authority to grant consent to a single development application for State significant development although there are components of that application that are prohibited. The power to grant consent in those circumstances means that the consent authority may properly receive an application for State significant development, including a concept development application, that proposes elements that are permissible under a relevant planning instrument as well as elements that are prohibited by such an instrument.

Conclusion of answer to Question 1

- 34. In summary, for the reasons I have expressed I conclude that the development proposed by VIG in its intended concept development application is State significant development: cl 8(1) of the SEPP and cl 13(2)(a) of Sch 1 to the SEPP. Further, I am of the opinion that the consent authority has the power to grant consent to all elements of the proposed concept application, notwithstanding the fact that some components or elements of that application are prohibited under the LEP.
- 35. Given my conclusion that all components of the Project are capable of being characterised as development for tourist related purposes, I do not

consider it necessary to separate out any "excluded" activity for the purpose of determining that the development proposal meets the capital investment value criterion in cl 13(2)(a) of Sch 1 to the SEPP. On the assumption that the capital investment value of the project is \$500 million, I cannot imagine that even if that figure was required to be reduced to reflect the relevant value of any excluded items, the figure would fall to \$100 million.

36. As would be apparent from the provisions of cl 8(2) of the SEPP and s 4.38(2) of the EPA Act, it will be necessary for VIG to demonstrate that, in fact, each component of the Project is "tourist related".

Question 2:

Is it plausible that the exclusion of 'any commercial premises' and 'residential accommodation' in fact merely relates to the components of the project that are to be included for the calculation of capital investment value (CIV) (i.e. the \$100 million minimum CIV threshold that applies), rather than being an outright exclusion of any commercial and residential components as part of the SSD project?

- 37. While the provisions of cl 13(2) are not expressed with pellucid clarity, I consider that the answer to the question, as posed, is "yes". The syntax of the subclause leads me to give that answer, particularly as the nomination of excluded components of "tourist related purposes" are included in parenthesis, coupled with the necessity to read the opening words of the subclause with para (a) or para (b) as part of the same sentence.
- 38. The object of the subclause is to identify a development purpose and a capital investment value that, together, will constitute development meeting the State significant development declaration. Clearly, 'commercial premises', 'residential accommodation' and 'serviced apartments' are all capable, in themselves, of constituting development for a tourist related purpose. It is quite conceivable that the drafter of the

subclause was concerned to ensure that each of those aspects of development did not influence the overall capital investment in a particular tourist related project because any one of them occupied a disproportionate component of that project.

39. In my opinion, further support for the contention implicit in the question arises from cl 8(2) of the SEPP, allowing non-tourist related purposes to be included in an application for development that would otherwise engage the State significant development declaration. Reading that provision with cl 13(2) of Sch 1 would require that the capital investment value threshold be met solely by the tourist related aspect of the development proposal, excluding, for the purpose of calculation, the value of the nominated items in the subclause.

Question 3:

Whether development on some part of the Site for residential accommodation could be included in the overall concept development application and thereby be characterised as State significant development.

- 40. In light of my earlier discussion, the answer to this issue must be in the affirmative. The non-tourist related component included in a single development application that includes development for tourist related purposes meeting the capital investment value threshold is, by dint of cl 8(2) of the SEPP, itself also declared to be State significant development. While residential accommodation, as defined by reference to the SEPP, is prohibited in each of the land use zones under the LEP that apply to so much of the Site as is intended to be included in the concept application, that component of the development would be permissible by operation of s 4.38(3) of the EPA Act.
- 41. In answering this question in the manner that I have, I have done so by identifying what is legally possible in formulating an application intended

to engage those provisions of the SEPP and the EPA Act to which I have referred.

Question 4:

On the assumption that the concept development application includes a museum and/or art gallery that has a CIV of more than \$30 million, is the total development application then declared to be State significant development by Part 13(1) of Schedule 1 to the SEPP?

- 42. I have earlier recorded the provisions of cl 13(1) of Sch 1 to the SEPP. It will be noticed from the subclause that one form of development declared to be State significant development is "museums and art galleries" that meet a capital investment value threshold of \$30 million. One of the components of the Project intended by VIG is a "cultural exchange museum and gallery" (item (i) in my earlier list of components). Assuming what is intended by that item meets the ordinary meaning of "museum" and on the assumption that I am asked to make that the relevant value exceeds \$30 million, development for that purpose would, of itself, be State significant development. However, I do not believe that circumstance would allow all other components of the Project to be included as if all are components of a development that achieves its status as State significant development by reason of its characterisation as development for the purpose of a museum or gallery.
- 43. The museum intended for the Site is proposed to be located on land within the E2 zone under the LEP. As such, it is prohibited development. I do not consider that s 4.38(3) of the EPA Act would sanction the grant of consent to all components of an application for development consent, including those components prohibited by an environmental planning instrument, where the very purpose of development that engages the State significant development declaration is itself prohibited. Adding a non-declared form of permissible

development to an application for a particular form of declared development that is prohibited seems to me to be more likely to attract the absolute prohibition expressed in s 4.38(2) than the exercise of discretion available to grant consent under s 4.38(3). I form that opinion taking into account the context and apparent purpose of those provisions.

44. However, even if I am wrong in so concluding, I consider it unlikely that the Director-General would countenance an application founded upon the museum component of the proposed development application as one for State significant development when the significance of all other components appear to be far greater than the erection and use of a building to house a museum and gallery. If all other components were excluded, involving, as I believe, a proper exercise of a discretion under cl 8(2)(a) of the SEPP, there would be no development remaining for which consent could be granted: s 4.38(2).

Conclusion on Question 4

- 45. In my opinion, a surer course for VIG to take is to submit the concept development application on the basis that it proposes tourist related development, meeting the criteria in cl 13(2) of Sch 1 to the SEPP and proposing substantial components both physically and in cost that are permissible forms of development. Those less significant components that are prohibited as separate forms of development appropriately engage the provisions of both cl 8(2) of the SEPP and s 4.38(3) of the EPA Act.
- 46. As would be apparent, I have addressed the questions posed for my consideration have involved the consideration of legal issues directed to both the content of any concept development application and the legal capacity of the consent authority to grant consent to that application.

Nothing that I have written should be taken as expressing any opinion as to the merits of the proposed concept development application.

Chambers

16 April 2018

MALCOLM CRAIQ QC

APPENDIX

COMMUNITY ENGAGEMENT PLAN



DRAFT

Community Participation Plan for Avondale by Visionary Investment Group

14 August 2018

Prepared by Urbanised Pty Ltd

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1. Introduction

This report provides a framework for undertaking community participation in the Avondale Project proposed by Visionary Investment Group (VIG). It is part of the State Significant Development Planning Proposal submitted by VIG to the Department of Planning and Environment.

This is a complex project that can deliver substantial economic benefits to the region and the State of New South Wales. A comprehensive community participation plan will help guide planning and project conception to realise the project benefits.

Community participation is the responsibility of the planning authority. However, this strategy will use traditional methods along with world leading technologies to ensure that consultation and participation in the project is both efficient and effective and will have the potential to inform both planning and the project.

A framework for undertaking community participation is developed in this paper by:

- 1. Outlining the project:
- 2. Scoping the extent of community participation;
- 3. Developing a methodology for community participation;
- 4. Considering the methodology's relevance to the Environmental Planning and Assessment Act 1979; and
- 5. Identifying critical dates for key participation milestones.

The report proposes that VIG takes responsibility for community participation and works closely with the planning authority. There will be transparency in the process where the planning authority will have access to all information in real time through the technology platforms.

2. The Project

Avondale is the largest integrated resort development being undertaken in New South Wales. The project is a major remediation and rejuvenation initiative that will transform the former Huntley Colliery into a tourism, sport and recreation, education and cultural precinct for Wollongong and New South Wales.

Independent research undertaken by the University of Wollongong shows that the project will bring around \$1 billion in investment to the region and State and add almost 1000 new jobs. At a high level the project involves:

Given the significance of the region, VIG understands that getting the community's input into the project is vital. This is not just based on the scale of the project but the heritage of the site and the economic spin offs that can be delivered to the local area. VIG will use traditional engagement methods, however we will also introduce leading edge technology to enhance community participation for this project

Site Location

- Avondale NSW, site situated on old Huntley colliery 18 km southwest of the Wollongong CBD at the base of the Illawarra escarpment.
- Accessible from both Sydney and Wollongong.
- 90 minutes from Sydney airport.
- 15 minutes from the Wollongong Cruise Port at Port Kembla.

Project Inclusions

- 18-hole championship golf course
- Golf Hotel (300 keys)
- Lodge Hotel (40 keys)
- Spa Hotel (20 keys)
- Restaurants and function centre
- Tennis and recreation centre
- Sports academy
- Hospitality School
- Art centre

University of Wollongong has undertaken an Economic Impact Assessment for the Silkari Integrated Resort Development. It highlights the value that will be added to the region from the development and it is impressive - about \$1.2 billion in new economic activity and 1000 new jobs during construction but a permanent 400 new jobs for the region. It is the most economically significant tourism and recreation projects ever undertaken in the Illawarra.

This one project will represent 35% of the total new jobs growth that occurred in the five years up to 2016. At its peak the project will add around 1,000 jobs then it will permanently employ at least 400 people. It will grow the total number of jobs in the region by 1.8%. It represents 2.6% per year of the regions total private gross fixed capital expenditure.

The residential elements alone will make up 25% of the new buildings forecast over the next two decades for Avondale.

There will be around 67,000 overnight tourists visiting the resort each year spending at least \$45 million per annum. This doesn't include the day trippers that will come and experience the world class golf, recreation and cultural facilities.

There will be substantial environmental benefits from the project. The impacts that 50 years of mining have had on the site will be removed. Slopes will be recontoured to create long term stability of the site and promote revegetation. All land disturbed from mining will be rehabilitated and the site will be returned to a State equivalent pre-mining land use.

The opportunities provided by this project are significant but so too is community involvement and participation in the project. The site is rather isolated and does not have significant communities adjoining it. However, it does hold strong heritage significance (whether it be environmental, aboriginal or employment) for different groups within the region. By engaging with the community, the significant heritage items can be identified and enhanced while the region can benefit from the economic externalities produced by the project.

3. Community Participation

This is an economically significant and complex project. As highlighted previously, the site does not have large communities on its boundary due to its rural location. It does however have environmental, aboriginal and employment heritage significance for different groups within the regional community. The project also generates many positive economic externalities for the regional community. Community participation will need to be calibrated with these project characteristics in mind.

VIG have been pleased with the feedback and support for the project so far. A comprehensive approach to community participation in the project has been developed to ensure that there is ongoing community engagement and participation in the project.

VIG will introduce new technologies that have been tested in global markets to maximise community participation in the project at all levels. Civic Comment, Future Dialogue and Havarra are all discussed in detail later in this plan.

Traditional techniques will also be employed. This is to ensure that everyone regardless of access to technology or the ability to use technology has the ability to provide input. Techniques such as deliberative democracy including focus groups, project drop ins, social media and letter drops will all be used.

This project is so large that the community participation will be arranged at the project element level. The reason for this is that each of the elements will have different levels of interest from the community and will require the use of different techniques. That being said, there will be an opportunity for information and feedback on the overall project through the technology platforms.

The way we accommodate the narrowcasting of community participation in the overall strategy is to use project filters for different elements of the project. The filters will be used to determine the approach that will be taken to community participation.

The first step will be to establish agreed project elements with the approval authority. Then the elements are tested for the level of community impact they have. They are ordered by the type of impact ie whether it is State, Regional or Local. The next step is the level of this impact ie whether it is high or low.

Depending on where the element of projects sits within the matrix will determine the level of participation in the second stage. The various levels of participation are inform, consult, involve, partner. Each of these are not mutually exclusive. Each level will require different actions.

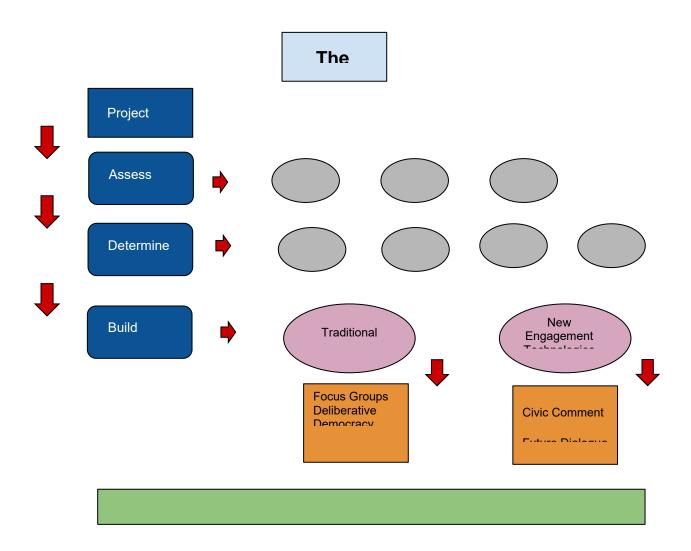
The final stage will be how to engage the community in the project. This will be done using the relevant impact and the requisite level of participation. Specific engagement tools will be used to ensure the appropriate level of community participation is conducted on specific elements of the project. These are all listed within the following presentation. The actions are a combination of traditional community participation methods and using the technology platforms.

The next section discusses the Community Participation Methodology in detail.

4. Community Participation Methodology

Diagram 1 below graphically represents the methodology that will be used to conduct Community Participation for the Avondale Project. Each of the stages and the requisite steps and action will be outlined in detail.

Diagram 1. Community Participation Methodology



The methodology has four major steps:

- Step 1. Select Project Element
- **Step 2.** Assess the level of impact that the project has on the community.
- **Step 3.** Assess the level of community consultation to achieve a good project outcome.
- **Step 4.** Decide on the community consultation strategies using the Consultation Planning Guide.

The methodology lends itself to customising consultation and participation within the project to ensure that the areas that have the greatest intensities of interest will have the greatest amount of resources allocated towards them.

4.1 Select Project Element

Project elements will broadly relate to the different development stages of the project. They may also relate to specific issues that are embodied within the broader project such as aboriginal heritage, mining heritage or environmental heritage. It is proposed that the project elements be agreed between the developer and the state planning authority during the lodgment of the State Significant Development (SSD) planning proposal.

4.2 Level of Impact

Each project element will have different levels of impact and within that differing intensities interest in outcomes from the community. Individually each project element will go through a level of impact filter and be classified accordingly. Table 1 below is a matrix that will classify the level of impact of each project element. Each element will be classified as HS, HR, HL, LS, LR or LL. Outside of the matrix will be project elements that have negligible impact. The level of impact will also be the subject of agreement between the developer and the state planning authority during the SSD planning proposal.

Table 1. Level of Impact Matrix

	State	Regional	Local
High Level	Major impact across the State. It may also impact on State planning strategies or directions. Such projects would involve a gateway Airport, a major mining venture, a port facility etc	Major impact across the region or on a number of regional population groups. Such projects may involve a regional airport, a freeway bypass, or a new regional road xxx more examples	Real impact on a particular local area or a number of different parts of the area or on a particular population group. There will be a high level of community interest. Such projects may include major new subdivisions, sporting and recreation fields xx more examples
Lower Level Impact	Continuation of a project or program that will create minimal inconvenience or behavioural change at a State level. Examples may include minor amendments to capital works delivery of a major road, relocation of a particular asset within a major development where there are minimal impacts or small improvements.	Projects/activity that are ongoing or new that will improve or not induce major regional inconvenience. Such projects can be major but will involve remediation or adaptive re-use of an existing site. Other examples may include road widening or upgrades. It may also involve higher number of movements of vehicles on existing roads during project construction.	Small changes or improvements to local services or amenities. Examples may include: Naming of the roads, amendments to the approved masterplans, parks and playgrounds upgrades, minor traffic proposals

4.3 Assess the Level of Participation

The level of impact will be used to inform the assessment of the level of participation for each of the project elements. The various stages of participation are: inform, consult, involve and partner. It is anticipated that the majority of community participation will take place in the inform and consult levels however there will be activity in the involvement and partnering levels especially in relation to community and other public infrastructure. Table 2 below codifies and describes each of the levels of participation that will take

place in the project. This will also be dependent on the project element and impact assessment.

Table 2. Codifying the Level of Community Participation

Level of Participation	Objective	Engagement	Actions
Inform	Provide the community with information to make them aware of and understands issues surrounding the project.	Keep the community updated on the project.	Advise the community of the project (or elements of). Inform of the project progress. Do not seek feedback at this level.
Consult	To obtain feedback on significant elements of the project or alternatives.	Keep the relevant community informed, seek feedback and then advise them of how feedback was considered.	Use technology engagement platforms to seek feedback. (Provide a range of technologies that will also accommodate different demographic and ability groups.) Depending on relevant engagement community and issue use local workshops to garner feedback. Use the results of consultation in discussions with decision makers. Provide responses (technological and traditional) to feedback.
Involve	Work directly with the community and Government to ensure that concerns are continuously understood and considered.	Work with the relevant community and government to ensure issues and concerns are considered and alternatives developed and provide feedback on how involvement has influenced the decision.	Involve the relevant community in project discussion and progress using technology platforms. Where necessary use traditional engagement mechanisms such as workshops and focus groups on major project issues. Use participatory approach during meetings and forum and establish regular opportunity to formally engage in the project.
Partner	Partner with the public in relevant areas of decision	Seek direct advice and innovation in formulating solutions to issues	Establish partnerships with the community and Government for involvement in decision making.

making including the development of alternatives where necessary and identifying solutions.	and input that into the decision making process.	In face to face meetings ensure the participatory approach is used. Use technological platforms to supplement this approach. Build mechanisms for ongoing participation and have clear objectives and responsibilities for achieving meeting outcomes.
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4.4 Deciding on the Community Participation Plan

The final stage is to bring together the former steps to apply community participation techniques and methods to the plan. This will bring together traditional community participation methods along with leading edge technology. The technology will be discussed later. However, the more traditional methods are outlined below and stratified by impact. Within the matrix the use of the method will be classified as N - necessary; C- consider; N/A - not applicable.

All the methods are relatively self-explanatory. For clarification, focus groups will be established using the principles of deliberative democracy (DD) where the groups will not necessarily self-select and there will be a randomisation of membership and the groups will be governed by a set of rules that apply to DD. Drop ins will be half day open fora where project architects, development manager, construction manager and other relevant project staff such as hotel managers, golf pros will be available for discussion with the community and address any issues they may have.

The 4 matrices below outline what consultation method will be used for each level permutation.

Table 3. Inform

Method of Consultation	нѕ	LS	HR	LR	HL	LL
Telephone contact	С	С	С	С	С	С
In person meeting	С	С	С	С	С	С
Response to correspondence	Е	Е	Е	E	E	Е
Pamphlet	С	С	Е	С	E	С
Letter box drop	С	С	С	С	Е	С
Advertising	E	С	Е	С	Е	С

Media Release	Е	С	Е	С	С	С
Site display	Е	С	Е	С	Е	С
Web information	Е	Е	Е	E	Е	Е
Information to Precinct Committees	N/A	N/A	N/A	N/A	N/A	N/A
Dedicated websites	С	С	С	С	С	С
Updates via social media	Е	С	Е	С	Е	E

Table 4. Informing and Consulting

Method of Consultation	нѕ	LS	HR	LR	HL	LL
Telephone contact	С	С	С	С	С	С
In person meeting	С	С	С	С	Е	С
Response to correspondence	E	Е	Е	E	Е	E
Pamphlet	С	С	С	С	С	С
Letter box drop	С	С	С	С	Е	С
Advertising	E	С	Е	С	Е	С
Media Release	Е	С	E	С	E	С
Site display	Е	С	E	С	E	С
Web information	E	Е	Е	E	Е	E
Information to Precinct Committees	N/A	N/A	N/A	N/A	N/A	N/A
Dedicated websites	Е	Е	E	Е	E	Е
Updates via social media	Е	Е	Е	E	Е	E
Technology that takes suggestions and surveys	E	Е	E	E	E	E
Letter and email to key stakeholder and resident groups pointing them to various means of providing feedback	С	С	Е	С	Е	Е
Advertise website and methods of communication in local media.	Е	Е	E	E	E	E
Interview key individuals	Е	С	Е	С	Е	С
Publically exhibit project	E	Е	Е	Е	Е	Е

Conduct focus groups	E	С	Е	С	Е	С
Social media	E	Е	Е	E	E	E
Dedicated website	E	Е	E	E	E	E

 Table 5.
 Informing, Consulting and Involving

Method of Consultation	SH	SL	RH	RL	LH	LL
Telephone contact	С	С	С	С	E	С
In person meeting	С	С	С	С	Е	С
Response to correspondence	С	С	С	С	С	С
Pamphlet	С	С	С	С	E	С
Letter box drop	С	С	С	С	E	С
Advertising	E	С	E	С	E	С
Media Release	E	С	E	С	E	С
Site display	E	С	E	С	E	E
Web information	Е	E	Е	E	Е	Е
Information to Precinct Committees	NA	NA	NA	NA	NA	NA
Dedicated websites	E	Е	E	E	E	E
Updates via social media	E	Е	E	E	Е	Е
Technology that takes suggestions and surveys	E	С	E	С	E	С
Letter and email to key stakeholder and resident groups pointing them to various means of providing feedback	Е	С	Е	С	Е	С
Advertise website and methods of communication in local media.	Е	E	Е	E	E	E
Interview key individuals	Е	С	Е	С	Е	С
Publically exhibit project	Е	С	Е	С	Е	С
Conduct focus groups	С	С	Е	С	E	С
Social media	E	E	Е	Е	E	E
Residents Panel	С	С	С	С	С	С
Meetings with Stakeholder Groups and User Groups	E	С	Е	С	Е	С

Workshop sessions	E	С	E	С	Е	С
Community forum	С	С	С	С	Е	С
Meeting by invitation	С	С	С	С	С	С
Site tours	С	С	С	С	С	С
Advisory Committee	С	С	С	С	С	С

 Table 6.
 Informing, Consulting, Involving and Partnering

Method of Consultation	SH	SL	RH	RL	LH	LL
Telephone contact	С	С	E	С	Е	С
In person meeting	С	С	С	С	С	С
Response to correspondence	E	Е	E	E	Е	E
Pamphlet	E	С	E	С	Е	С
Letter box drop	С	С	С	С	Е	С
Advertising	E	С	E	С	Е	С
Media Release	E	Е	E	E	Е	Е
Site display	E	С	E	С	Е	С
Web information	E	Е	E	E	Е	Е
Information to Precinct Committees	NA	NA	NA	NA	NA	NA
Dedicated websites	E	Е	E	E	Е	Е
Updates via social media	Е	Е	Е	Е	Е	Е
Technology that takes suggestions and surveys	E	Е	E	E	Е	E
Letter and email to key stakeholder and resident groups pointing them to various means of providing feedback	Е	С	Е	С	E	С
Advertise website and methods of communication in local media.	Е	E	Е	Е	Е	Е
Interview key individuals	Е	С	Е	С	Е	С
Publically exhibit project	Е	С	Е	С	Е	С
Conduct focus groups	С	С	Е	С	Е	С
Social media	Е	Е	Е	Е	Е	Е

Public meeting	E	С	E	С	Е	С
Advisory Committee	С	С	С	С	С	С
Committee of management	С	С	С	С	С	С
Taskforce or working party	С	С	С	С	С	С
Joint venture	С	С	С	С	С	С
Series of workshops	E	Е	E	E	Е	Е

4.5 Engagement Technologies

There are various engagement technologies available in the market at the moment. A desktop review has been undertaken on the technologies in light of the needs of the project. This project is so significant that issues will emerge as a result of community participation and it is important that these issues are identified early and feedback through the entire community participation and plans.

The project will bring together a suite of technologies that are proven in Europe, the US and Asia to provide a level of community participation that has been unmatched in the New South Wales development sector. The three technologies proposed are:

To inform...

Future Dialog - is a personalised mobile application, Future Dialog helps engage the community in projects by ensuring they are continually informed on the relevant project elements in line with the community participation plans (as well as providing broader public updates). It will enable the project to narrowcast messaging by publishing relevant content to relevant target groups.

The technology enables the proponents and planning authorities to collect instant feedback effortlessly and allow people to have their voices heard conveniently.

To consult...

Civicomment - which is used for gathering stakeholder input or public comments on draft documents. It helps the project managers and the approval authorities to

Easily collect feedback on PDFs

Simply upload draft documents, participants can click anywhere to comment

Save time managing comments

 Reduce duplication, group comments by category, and review comments in context

Generate intuitive reports

Quickly download CSV or PDF reports to analyse comments

To inform, consult, involve and partner...

Harava - The technology will be interactive map-based online engagement tool for smart planning. It will enable VIG to conduct structured surveys with spatial data to gain a wider perspective for decision making. It will collect insights, ideas, and feedback from the community who often have practical knowledge and understanding of their surroundings which may not have been anticipated at project conception.

More information on this technology can be found at the vendor's website www.arnetech.com.au. This technology will complement traditional methods at the beginning but hopefully will replace such methods throughout the project as more members of the community start to interact and engage with the three platforms.

Relevance to the Environmental Protection and Assessment Act

Part 2, Division 2.6, Section 2.23 of the Environmental Planning and Assessment (EP&A) Act 1979 sets out principles for community plans to be prepared by planning authorities. The community participation plans discussed in this paper are designed to meet the relatively new principles outlined in the EP&A Act. While the onus is legislatively on the relevant planning authority, it is the intention of VIG to collaborate closely with the planning authorities to ensure community participation can inform both planning and project delivery.

The table below reconciles the requirements under the EP&A Act with the detail set out in this plan.

"A planning authority to which this Division applies is required to prepare a community participation plan about how and when it will undertake community participation when exercising relevant planning functions (subject to this section).

Table 7. Responses to the EP&A Act in Respect of Community Participation

Legislative Requirements	Response
(2) A planning authority is to have regard to the following when preparing a community participation plan:	
(a) The community has a right to be informed about planning matters that affect it.	There is a comprehensive inclusive strategy for participation on matters relating to planning and the project.
(b) Planning authorities should encourage effective and ongoing partnerships with the community to provide meaningful opportunities for community participation in planning.	The methodology assesses various levels of engagement to deliver more effective community participation, is ongoing and with leading edge technologies will be iterative.
(c) Planning information should be in plain language, easily accessible and	There are traditional and new technology platforms that will improve

in a form that facilitates community participation in planning.

- (d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- (e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- (f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- (g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- (h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

(3) For the purposes of this Division:

accessibility and also promotes greater participation by the community.

The three stages of engagement, especially with respect to technology will help with early engagement and also inform the future participation process. Documents will be able to be commented and viewed by the community in real time.

Using techniques such as deliberative democracy along with technology will ensure that participation is absolutely inclusive but also representative of the community.

There has been a level of consultation with major regional stakeholders.
However, consultation with the members of the community will be undertaken once SEARS are issued.

Planning decisions are the responsibility of the relevant planning authorities however information on community views will be readily available.

This is significant and complex project, therefore the community participation approach that has been proposed is particularly comprehensive.

(a) a community participation plan prepared by the Planning Secretary applies to the exercise of relevant planning functions by the Minister, and This is a matter for the Secretary and the relevant planning authority.

(b) a general community participation plan prepared by the Planning Secretary applies to the exercise of relevant planning functions by determining authorities under Division 5.1 (other than councils or prescribed public authorities), and As above.

(c) the regulations may provide that the community participation plan of a planning authority applies to the exercise of relevant planning functions by another planning authority and that the other planning authority is not required to prepare its own community participation plan.

To assist in this it will be proposed that there is a level of transparency in community participation that will enable other planning authorities to have involvement in identifying the relevant elements of the project and assessing the impact in accordance with the methodology.

(4) A council need not prepare a separate community participation plan if it includes all the matters required under this section in its plan and strategies under section 402 of the *Local Government Act 1993*."

It is intended that there will be a close relationship with Council with respect to the development of community participation plans especially for participation plans that are assessed as having local impact.

6. Possible Project Timelines

The timeframes will be dependent on when the SSD planning proposal is submitted and when the SEARS are delivered. The program cannot be specifically designed until VIG are in receipt of the SEARS. However, in the time frame between lodging the planning proposal and the release of the SEARS the community participation infrastructure will be prepared and constructed. Possible timelines with milestones are listed below. A complete project plan will be completed soon after the SEARS are delivered.

Milestone	Actions	Critical Date
SSD Planning Proposal Submitted	Include this document in the SSD Planning Proposal	December 20, 2018
Technology fit for purpose	Scope, test and review recommended technology	December 14, 2018
SEARS Issued	SEARS will outline community that is affected by the development. Hold preliminary discussions with those groups identified in SEARS.	June 30, 2019
	With the planning authorities and being informed by the discussions	Internal identification 20 December 2018
	, , , , , , , , , , , , , , , , , , ,	Meeting with Council January 2019
		Meeting with DPE March 2019
Impact Assessed	With the planning authorities and focus groups assess the impacts of the planning elements.	End April 2019
Methods of Participation established	With the planning authorities, stakeholders and focus groups agree on the methods of participation.	TBC
Community Participation process	Methods of participation implemented.	TBC
commences.	Technology deployed.	