



9 May 2023

Office of the Chief Executive Officer

Reference File: F13776

NSW Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Sir/Madam,

**SUBJECT Request to amend SEARs for Wildlife and Tourism
Development, Wentworth Falls**

I write in response to the recent request by the applicant for the Wildlife and Tourism Development in Wentworth Falls to amend the Planning Secretary's Environmental Assessment Requirements (SEARs).

Blue Mountains City Council strongly opposes the use of the State Significant Development pathway to allow inappropriate development, particularly in areas where such development is not permitted by our Local Environmental Plans.

Our concerns with the proposed wildlife and tourism development at Wentworth Falls were made clear in our submission in response to the request for input into the SEARs in March 2021. Our submission highlighted how this proposed development is likely to breach multiple aspects of our Council's Local Environment Plan 2015 and Development Control Plan 2015.

The amended proposal only heightens these concerns, particularly as it includes even more clearing of protected native vegetation, more earthworks and more hardstand with our C2 Environmental Conservation zone.

On 26 April 2023, in response to a Notice of Urgency regarding the request to amend the SEARs, the elected Blue Mountains Council resolved:

That the Council notes the request to amend the SEARs may be an attempt by the project applicant to gain a further extension of time. The amended proposal which is the subject of the request for amended SEARs is similar to the original proposal which formed the basis of the original SEARs. It represents a gross overdevelopment of this sensitive site which is likely to breach multiple aspects of our Council's Local Environment Plan and Development Control Plan including:

- a. building footprints and hardstand areas encroaching into our Environmental Protection zone;*
- b. clearing of protected bushland;*
- c. exceeding building height limits;*
- d. being visually prominent and impacting on the scenic values of the Blue Mountains;*

That the Council writes to the Department of Planning and Environment, as well as the new Minister for Planning, with a copy to the Member for Blue Mountains, asking that the SEARs not be amended and reiterating Council's position that the State Government should immediately end the State Significant designation for the proposed Wildlife and Tourism Development, respect our local planning settings and return the assessment of this development proposal to our Council

Accordingly, please note that this Council does not support the request to amend the SEARs. As made clear in the request for amended SEARs itself, the proposal is, in substantive planning terms, the same as was subject to the originally issued SEARs. The SEARs issued in March 2021 are fit for purpose and should remain in place unamended.

Further, Council strenuously objects to the proposed access arrangements and the proposal for Stage 1 to be separated from the assessment of the rest of the development:

- The proposed signalised intersection on the Great Western Highway, which is on a very steep section of the highway, presents an unacceptable safety risk to users of the highway and should not be supported.
- The location of the proposed intersection results in an unacceptable degree of earthworks and hardstand within the subject site, largely within the C2 zone. This should not be supported.
- The access arrangements are in no way finalised with the relevant roads authority (whether it be Transport for NSW or Council) so the proposed bulk earthworks proposed as part of Stage 1 should not be approved ahead of that matter being finalised.
- The proposed staging risks large areas of the site being cleared without any definite purpose, due to the need for further development applications for the later stages. It therefore pre-empted the assessment of future development applications. The isolated pockets of clearing and fire trails should not be cleared until as late as possible in a project. The proposed staging should not be supported.
- The hugely significant impacts this proposal will have on the Blue Mountains warrants a comprehensive assessment of the proposal in full. Breaking up the assessment into stages should not be supported.

Respect for our planning instruments is critical to maintaining community trust in the planning and development system. It is also critical to protecting the environment and scenic qualities of this special place.

I call on you not to accept the amended proposal and not to issue amended SEARs.

I reiterate our previous request to end the State Significant designation for this development proposal, respect our local planning settings and return the assessment of this development proposal to Blue Mountains City Council.

Yours faithfully



Hailie Ryzak
Acting Chief Executive Officer