

<b>JRPP No:</b>	2009STH009
<b>DA No:</b>	DA-2009/1037
<b>Proposed Development:</b>	Demolition of existing structures, construction of an 18 hole championship golf course and associated facilities including clubhouse, golf lodge accommodation and biomechanics and sports education centre
<b>Property</b>	Lots 1 & 2, DP229358, Lot 14, DP3083, Lots 1 & 2, DP549152, Lot 1, DP382339, Avondale Road, Avondale
<b>Applicant:</b>	HTT Huntley Heritage Pty Ltd
<b>Report by:</b>	Vivian Lee, Development Project Officer, Wollongong City Council

## Planning Assessment Report

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### EXECUTIVE SUMMARY

#### Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to Joint Regional Planning Panel pursuant to clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005 as the capital investment value of the proposed development exceeds \$10 million.

#### Proposal

This application seeks consent for the development of a Greg Norman designed 18 hole championship golf course complex and associated ancillary facilities upon the subject site lodged on 25 August 2009.

The subject site comprises of the consolidation of six (6) existing parcels of land with a total area of 179.594 hectares. The proposed layout of the 18 hole golf course is dissected by Avondale Road with the southern section comprising of three (3) existing parcels of land known as Lots 1 & 2, DP 229358 and Lot 14, DP 3083 (ie Holes 1 – 10, 17 and 18) and the northern section comprising of three (3) existing parcels of land known as Lots 1 & 2 DP 549152 and Lot 1, DP 382339 (i.e. Holes 11 - 16). Originally Lot B DP 10628 was included as part of the application with a proposed potable water dam however this has been deleted for the proposal and does not form part of the application.

The southern part of the site (ie south of Avondale Road) is the site of the former Huntley Colliery Rehabilitation Area, whilst the northern part of the site is currently used for livestock grazing purposes.

The main components of the proposed development are, as follows:

- Demolition of the existing structures.
- Construction of an 18 hole Greg Norman designed golf course.
- Construction of entry from unnamed road to the west of the site linked to Avondale Road.
- Construction of a motorised golf cart and pedestrian underpass, below the existing Avondale Road carriageway, in order to provide physical connection between the northern and southern parts of the 18 hole golf course.
- Golf Clubhouse with a floor area of 3610m<sup>2</sup> that comprises of:
  - Lower ground level : motorised golf cart receiving area, green keepers store, administration room, cart maintenance and storage area;

- Ground floor level: lobby entrance with an observation platform from the entry, reception, pro shop, administration/board room, bar with adjacent terrace areas, amenities and lockers, storage and loading dock area;
- First floor level: Café and restaurant, function area and members lounge with a gaming area both with an associated balcony and a lounge bar.

Golf course accommodation: these are stay and play golf lodges providing short term accommodation to visitors of the golf club managed by the club. These lodges are comprised of 4 buildings two (2) storeys in height with a total of 60 lodges. The lodges are a mix of 1-2 bedrooms including living room and kitchen.

- Golf driving range.
- Two (2) tennis courts.
- Biomechanical sports and education centre with a floor area of 419m<sup>2</sup>. The centre comprises of a sports centre, consulting rooms, therapy and outdoor pool, kiosk and associated amenities. A car parking and coach parking area containing 232 car spaces and 2 coach parking spaces, provided at lower ground and ground levels of the site.
- An on-site tertiary sewerage treatment plant system of 600 equivalent population (ep) and associated storage tanks, pumping station and sewer/irrigation pipelines.

## Permissibility

Development Application No. 2009/1037 was formally lodged with Council on 25 August 2009.

Wollongong Local Environmental Plan (WLEP) 1990 is the relevant environmental planning instrument which must be given the determinative weight in the assessment of the current application.

Under Wollongong Local Environmental Plan 1990, the site is zoned Part 7(b) Environmental Protection Conservation and Part 1 Non-Urban zone. The south-western portion of the site is zoned 7(b) whilst the remainder of the site is zoned 1 Non-Urban. The proposed golf course development is defined as a “recreation area”. The proposal is permissible with consent upon land zoned 1 Non-Urban zone and is also permissible with consent upon land zoned 7(b) Environmental Protection Conservation, if in the opinion of Council clause 11 is satisfied.

The proposed development satisfies the criteria contained in clause 11 of WLEP 1990 and therefore, is permissible with consent upon the subject site.

Wollongong Local Environmental Plan 2009 came into effect on 26 February 2010 and Wollongong Local Environmental Plan (West Dapto) 2010 came into effect on 5 May 2010. Both these plans are considered as draft planning instruments as they were exhibited but not yet commenced prior to the lodgement of this application.

The subject parcels of land known as Lot 2 DP 229358 and Lot 14 DP 3038 are contained in the Draft WLEP 2009 and zoned RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management in which “recreation facilities (outdoor)” are only permitted with consent in zone RU2.

The three lots north of Avondale Road, Lot 2 DP 549152, Lot 1 DP 549152 & Lot 1 DP 382339 and south eastern lot, Lot 1 DP 229358 are identified on the Land Application Map as “Deferred matter” in WLEP (West Dapto) 2010 and therefore this plan is not applicable to these lots. Therefore WLEP 1990 remains the planning instrument for these parcels of land.

## Consultation

Neighbour notification and advertising has been carried out in accordance with the requirements of the Environmental and Planning Act, 1979 and Regulation and Council's Notification Policy. Three (3) submissions were received as part of the public exhibition process, including a submission from the State Member for Shellharbour. The main issues raised in the submissions related to requests for the clarification of matters relating to the application and advice as to the progress of the application. The main issues and relevant town planning comment on the issues raised are addressed later in the report.

The application was formally referred to the NSW Roads & Traffic Authority (RTA), NSW Office of Water and NSW Rural Fire Service. The comments received from the relevant government departments / statutory authorities are discussed later in this report.

The application was also referred to relevant internal divisions of Council for appropriate review and comments. The comments made by the relevant internal Council divisions are discussed later in this report.

## **Main Issues**

The main issues arising from the assessment of the application are:-

- Design and operation of the proposed on-site tertiary sewerage treatment plant and system regarding the irrigation system and its impact of the land north of Avondale Road identified as 'moderate' aboriginal archaeological potential.
- Motorised golf cart and pedestrian access linkages between the northern and southern area of the golf course.

## **Conclusion**

This application has been assessed having regard to the matters for consideration prescribed by Section 79C(1) of the Environmental Planning and Assessment Act 1979.

The proposed development is permissible with development consent in the 1 Non-Urban zone and 7(b) Environmental Protection Conservation zone and is reasonably consistent with the zone objectives and satisfies clause 11 of WLEP 1990. The proposed development is reasonably consistent with all development standards and miscellaneous provisions with the exception of car parking variation which have been outlined and is supported.

The necessary consultations with NSW Public Authorities such as the Roads and Traffic Authority, Office of Water and Rural Fire Service have been undertaken with satisfactory referral comments and required concurrences granted.

The proposal has been examined with regard to its environmental, social and economic impacts and is considered to be acceptable subject to recommended draft deferred commencement conditions. The deferral relates to the need to address alternative methods of spray irrigation for the subject land north of Avondale Road, the inconsistencies of the proposed irrigation areas of the golf course, and the design details of the underpass at Avondale Road.

The site is considered suitable for the proposal and on balance, the proposed development is considered to be in the public interest subject to the applicant satisfying the deferred commencement conditions.

## **RECOMMENDATION**

It is recommended that Development Application 2009/1037 be granted "Deferred Commencement" and Integrated consent pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the proposed draft consent conditions as contained in Attachment 7 to this report.

## ASSESSMENT REPORT

### 1 Background

The former Huntley Colliery is located adjacent to the Illawarra Escarpment at Avondale and is west of Dapto. Since its opening in 1946, the colliery had numerous operations from a small hand worked mine to providing service requirements to the Tallawarra Power Station. Following the closure of the mine in 1989, the mine has been undergoing Mine Rehabilitation works for approximately 8 years.

#### Lot 1 DP 382339 and Lot 2 DP 549152 (Lots north of Avondale Road)

Previous Site History – Previous Applications	Description	Decision
<u>Development Application No. 1999/716</u>	Subdivision of 2 lots	Approved 18 September 2001
<u>Development Application No. 2000/43</u>	Use of land as leisure area (Don S Farm)	Approved 18 September 2001
<u>Building Certificate Application No. 2000/227</u>	Building associated with Don S Farm	Approved 15 March 2000
<u>Development Application No. 2002/839</u>	Proposed Nursery supply business	Withdrawn 31 July 2002
<u>Pre-Lodgement Meeting 2009/716</u>	Huntley Village and ecotourism centre comprising of an 18 hole golf course, golf club, lodges, bio mechanics and sports education centre, hotel and conference centre, chalets, observatory, education and interpretive centre, training centre and parking	Completed 14 May 2009

#### Lot 1 & Lot 2 DP 229385 and Lot 14 DP 3083 (Lots south of Avondale Road)

Previous Site History – Previous Applications	Description	Decision
<u>Development Application No. 2004/1349</u>	Designated and Integrated Development - Development of an inert waste landfill for the purposes of addressing waste material on-site (stockpile) and allowing its emplacement in front of tailing dam number 2	Approved 22 December 2004
<u>Pre-Lodgement Meeting 2009/716</u>	Huntley Village and ecotourism centre comprising of an 18 hole golf course, golf club, lodges, bio mechanics and sports education centre, hotel and conference centre, chalets, observatory, education and interpretive centre, training centre and parking	Completed 14 May 2009

Below outlines vision of the land comprising of the former Huntley Colliery site provided by the applicant in their statement of environmental effects that has been paraphrased.

#### The Huntley Vision

“This current development application is the first stage of the vision of the land comprising of the former Huntley Colliery. A brief outline of the overall vision is provided to place the current application in context of the proposed future development for the former Huntley Colliery site.

The former Huntley Colliery site comprises of 20 allotments with an approximate area of 440 hectares located adjacent to the Illawarra Escarpment and approximately 6 kilometres west of Dapto.

The overall vision is the redevelopment of the entire site with the use of selected degraded areas for a range of recreational, education and ecotourism and residential purposes. There are 3 stages to the project:

- Stage 1 – The development of the lower eastern part of the site for an 18 hole golf course and associated facilities that is this subject application.
- Stage 2 – An ecotourism facility of the western portion of the site comprising of a hotel, conference centre, restaurant/bar (within the former Huntley Mine Building to be adaptively re-used), accommodation cabins, villas, a natural amphitheatre, education facilities and walking tracks.
- Stage 3 – This is the final stage of the project and will comprise of approximately 470 dwellings around the golf course and 21 rural residential lots to the existing roads in the foothills.

Stage 2 is to be subject to a separate application in the future.

Stage 3 of the vision and future development is reliant upon the current planning proposal for the land.”

Refer to Attachment 2 for the submitted masterplan for the entire Huntley Colliery site.

### **Planning Proposal Process**

The subject site forms part of the land for which a planning proposal has been submitted, known as the former Huntley Colliery site. A discussion is provided below of this planning process. It is noted that this planning proposal will not impact the outcome this development application DA-2009/1037.

The rezoning application has been an ongoing process with Council and Department of Planning since August 2006 with the applicant seeking the rezoning of the site under Wollongong Local Environmental Plan 1990 and Section 54 of the Environmental Planning and Assessment Act 1979.

On 28 July 2009 Council considered a staff report “Item 5: Draft Wollongong Local Environmental Plan 2009 –Remaining Issues” which addressed the rezoning of the entire Huntley site. Council resolved that additional information be submitted to the Department of Planning for evaluation and if endorsed by the Department of Planning the draft proposal will be exhibited for community comment.

Council has forwarded the Planning Proposal to the Department of Planning on 23 February 2010 which recommends a range of zones applied to the site under Wollongong Local Environmental Plan 2009 to accommodate the stages of development for the Huntley vision. The Gateway decision was made on 27 March 2010 which allows the draft rezoning proposal to go on exhibition.

The draft proposal for rezoning was notified by Council from 7 June 2010 to 23 July 2010. Refer to Attachment 3 for a map for the proposed rezoning for the former Huntley Colliery site.

Currently, the submissions received by the public, external and internal referrals are being reviewed by Council.

## **2 Site description**

The site is located at Avondale Road, Avondale near the intersection of Cleveland Road. The site comprises of 6 allotments legally defined as:

Lot/DP	Area (hectares)
<i>North of Avondale Road</i>	
Lot 1 DP 549152	0.216
Lot 2 DP549152	46.523
Lot 1 DP 382339	0.085
<b>South of Avondale Road</b>	
Lot 1 DP229358	41.733
Lot 2 DP229358	37.518
Lot 14 DP3083	53.522
<b>Total</b>	<b>179.594 ha</b>

The allotments have a total area of 179.594 hectares having frontage to Avondale Road and Cleveland Road.

Situated on the subject land is a series of access driveways and structures associated with the existing landfill operation and former colliery operations. There is a weighbridge, temporary office and a number of buildings and workshops that remain predominantly on Lot 2 DP229358 south of Avondale Road. Land filling activities have been occurring on site as part of the Mine Rehabilitation Plan and scheduled to be completed towards the end of this year.

The subject land north of Avondale Road is characterised by rural landscape predominantly cleared pastureland. While the subject land to the south of Avondale Road comprises of the former tailings dams and is currently undergoing rehabilitation, characterised by disturbed land/earthworks including large stockpiles.

The site contains a number of watercourses that flow northerly forming a small area of the Mullet Creek Catchment consisting of Box Creek, Heritage Creek and Mullet Creek. Box Creek flows through the western boundary of the site, south west of the proposed golf club and associated buildings. The proposed entrance driveway will transverse this watercourse and the proposed golf course car park and internal access road are located within 40 metres from the top of bank from Box Creek. Heritage Creek runs parallel to the eastern boundary of Lot 2 DP 229358 and crosses Avondale Road where it joins Mullet Creek. Mullet Creek traverse in a north east direction through Lot 2 DP 549152 which is predominantly cleared pastureland. The subject land is noted having high, medium and low flood risk affectation. The riparian corridor associated with Box Creek presents as a bushfire risk and the site is therefore considered bushfire prone.

The surrounding area to the north east and west is predominantly large rural holdings and smaller rural residential allotments situated on the lower slope of the Illawarra Escarpment. The upper slopes and cliff tops of the Illawarra Escarpment are located to the west of the subject site.

### 3 Proposal

The main components of the proposed golf course complex and ancillary facilities are as follows:

- Demolition of the existing structures.
- Construction of an 18 hole Greg Norman designed golf course.
- Construction of entry from unnamed road to the west of the site, south off Avondale Road.
- Construction of an underpass to provide motorised golf cart and pedestrian access, below the existing Avondale Road carriageway, in order to provide physical connection between the northern and southern parts of the 18 hole golf course.
- Golf Clubhouse with a floor area of 3610m<sup>2</sup> that comprises of:

- Lower ground level : motorised golf cart receiving area, green keepers store, administration room, cart maintenance and storage area
- Ground floor level: lobby entrance with an observation platform from the entry, reception, pro shop, administration/board room, bar with adjacent terrace areas, amenities and lockers, storage and loading dock area.
- First floor level: Café and restaurant, function area and members lounge with a gaming area both with an associated balcony and a lounge bar.
- Golf course accommodation: these are stay and play golf lodges providing short term accommodation to visitors of the golf club managed by the club. These lodges are comprises of 4 buildings two (2) storeys in height with a total of 60 lodges. The lodges are a mix of 1-2 bedrooms including living room and kitchen.
- The golf lodge building details are:

Lodge Building	No. of Lodges
A (Lodges 1-13)	13
B (Lodges 14-33)	20
C (Lodges 34 -47)	14
D (Lodges 48 -60)	13
<b>Total</b>	<b>60</b>

- Golf driving range
- Two (2) tennis courts
- Biomechanical sports and education centre with a floor area of 419sqm. The centre comprises of a sports centre, consulting rooms, therapy and outdoor pool, kiosk and associated amenities.
- 232 car spaces and 2 coach parking spaces provided at lower ground and ground level.
- An on-site tertiary sewerage treatment plant of 600 ep and associated storage tanks, pumping station and sewer/irrigation pipelines.

The proposed golf course club and associated buildings are situated within the southern lots of Avondale Road including the car parking and holes 1-10, 17 and 18. The northern lots contain the fairways for holes 11-16. Access between the northern and southern part of the golf course will be by a two-way underpass located at the eastern side of the subject land where Avondale Road intersects to provide motorised golf cart access it is to be conditioned that this underpass is to include pedestrian access.

A management plan has been provided in relation to the proposed biomechanics and sports education centre which will include staff and part –time specialists to provide golf and tennis coaching. The golf club will manage this centre.

Proposed vehicular access to the development will be via the unnamed road that runs parallel to the western boundary Avondale Road. There are total of 232 car spaces to be provided and two (2) coach parking spaces. The majority of the car spaces are located on ground level comprising of approximately 133 car spaces to predominantly service the golf club. A total of 63 car spaces are to provided for the 4 buildings comprising of the 60 lodges that are located above ground and at in basement level in addition to 36 spaces for the biomechanical & sports education centre. Separate internal access roads will link the club house and the associated facilities.

The golf course and associated facilities will operate seven days a week. The lodge reception will operate 24 hours with the clubhouse operating 6am to 11pm. The golf course, driving range, tennis courts and the biomechanics sports and education centre will operate during daylight hours only.

## 4 Other Approvals Required



### Water Management Act 2000

The proposal requires a 'controlled activity approval' as works is proposed to be carried out on waterfront land under Section 91 of the Water Management Act 2000. There are proposed structures within 40 metres of the top of bank from Box Creek including the proposed entrance driveway, carpark and a small area of the golf club observation terrace. The application has been referred to the NSW Office of Water and General Terms of Approval have been granted that have been included in the draft conditions of consent in Attachment 7.

### Rural Fires Act 1997

The site is affected by bushfire hazard and is considered development of land for special fire protection purposes under section 100B of the Rural Fires Act 1997. The application has been referred to NSW Rural Fire Service and bushfire safety authority has been issued subject to conditions that have been included in the draft conditions of consent in Attachment 7.

### Roads Act 1993

Approval is required under Section 138 of the Roads Act 1993 in relation to any work within the road reserve.

All external authorities that have been consulted and conditional advice have been provided.

## 5 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in section 79C(1) of the EP&A Act 1979 as are of relevance to the development. The following table summarises the relevant matters of consideration under section 79C(1) and the significant matters are discussed in further detail in the report.

Section 79C(1) of the Environmental Planning and Assessment Act 1979
<p><b>(a)(i) any environmental planning instrument</b></p> <p><u>State Environmental Planning Policies</u></p> <ul style="list-style-type: none"> <li>• SEPP No. 55 - Remediation of Land</li> <li>• SEPP (Major Development) 2005</li> <li>• SEPP (Infrastructure) 2007</li> </ul> <p><u>Relevant Planning Policies</u></p> <ul style="list-style-type: none"> <li>• Illawarra REP No. 1 1986 (deemed SEPP 1 July 2009)</li> <li>• Illawarra Regional Strategy (2007)</li> <li>• Illawarra Escarpment Strategic Management Plan (2006)</li> </ul> <p><u>Local Environmental Planning Policies</u></p> <ul style="list-style-type: none"> <li>• Wollongong Local Environmental Plan (WLEP) 1990</li> </ul> <p>Detailed assessment is provided below this table.</p>
<p><b>(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority</b></p> <ul style="list-style-type: none"> <li>• Draft Wollongong Local Environmental Plan 2009 (exhibited but not commenced prior to lodgement of this DA)</li> </ul>



- Draft Wollongong Local Environmental Plan (West Dapto) 2010 (exhibited but not commenced prior to lodgement of this DA)

**(a)(iii) any development control plan**

- Wollongong Development Control Plan 54 - Managing our Flood Risks
- Wollongong Development Control Plan 49 - Residential Development
- DCP 6 Commercial and Industrial Development
- Wollongong Section 94A Development Contributions Plan 2009
- Geotechnical Development Control Plan

**(a)(iia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F**

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

**(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

The application involves demolition and as such the provisions of AS 2601-1991: The Demolition of Structures apply.

The site is located on land to which the Government Coastal Policy applies however the NSW Coastal Policy 1997 only applies to the seaward part of the LGA.

**b) the likely impacts of development**

Context and Setting:

The proposed golf club, lodges and biomechanics and sports education centre are one and two storey buildings. The golf club will have a height of 9.88 metres and the golf lodge building an average height of 7 metres.

The surrounding area is predominantly large rural holdings and smaller rural residential allotments situated on the lower slope of the Illawarra Escarpment with limited structures or buildings. The design of the lodges and setback from the Avondale Road is considered to utilise the topography well. The siting is considered appropriate in respect to the site's constraints and existing vegetation. The built form with a collection of building types and scale is integrated into the landscaped setting, compatible with the context of the Illawarra Escarpment area located to the west of the subject site.

It is considered that the proposed development overall will visually improve the subject land south of Avondale Road and is consistent with the surrounding landscape. The proposed use of the land north of Avondale Road will also generally maintain the existing open rural character of the site being utilised as fairways number 11 to 16.

Overall the rehabilitation of the former mine site situated on the southern lots will be an improvement of the land environmentally and aesthetically. The proposed development will be in context with the surrounding rural landscape and is permissible with consent.

Access, Transport and Traffic:

A vehicular driveway is proposed to be constructed from the unnamed road that runs parallel to the western boundary of the site and links to Avondale Road. This will provide access to the site and the entrance road will run east west leading to the main car park which connects to the internal access driveways to the separate buildings.

A total of 232 car parking spaces are provided for the proposed development. The main car park adjacent to the entrance driveway comprises most of these spaces with further parking provided adjacent to the golf club building and lodge building A and the biomechanics/sports centre. Each of the four golf lodge buildings also provide basement car parking accessed from separate driveways. The required number of car parking spaces under DCP No. 6 – Commercial and Industrial Development is a total of 264. The applicant has requested a variation to this control and it has been assessed and considered acceptable, refer to Section 15 of this report.

Internal driveways and parking facilities are proposed but the plans have not provided all internal and access dimensions to confirm access and parking will comply with the relevant Australian Standards AS 2890.1 However, the parking spaces and aisles in principle appear to comply with the relevant Australian Standards. To ensure compliance with this standard relevant conditions are included in Attachment 7 of this report.

The golf course is separated into two sections intersected by Avondale Road. The southern area contains the golf course containing fairways No. 1-10 & 17&18 and all associated buildings, with the northern area containing fairways No. 11-16. A two way underpass is proposed at the most eastern point of the site where it intersects Avondale Road to provide motorised golf cart access between the northern and southern areas of the golf course. This underpass will connect with a golf cart path over a 20m transition up to a width of 4m. A pedestrian crossing is also proposed across Avondale Road between the 10th and 11th holes approximately 35m from the junction of the new unnamed road and Avondale Road.

There is a proposed pedestrian crossing located at the western end boundary frontage to Avondale Road, this is to be deleted due to safety concerns. Pedestrian access to and from the northern and southern part of the golf course shall be contained within the underpass to be conditioned by way a deferred commencement conditions requiring design and construction to be of this underpass to the satisfaction of Council.

A traffic management plan has been previously approved by Council as part of the existing mine rehabilitation works regarding the maintenance of Huntley and Avondale Road. However, there is no local road infrastructure upgrade works proposed as part of the application. The applicant has argued that due to the relatively remote location of the site, the construction of a footpath along the full site frontage will not serve a practical purpose. Due to the scale of the development Council proposes a draft condition that a minimum 2.5m wide grass verge level with the road surface shall be provided in Avondale Road and the unnamed road for the full frontage of the site and up to the proposed vehicular driveway entry on the unnamed road (informally known as Avondale Colliery Road). The condition is considered reasonable and necessary as providing improvement for site amenity and access on Avondale Road adjacent to the property.

RTA matters

The proposal falls under “traffic generating development” in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as “recreation facilities” in relation to development on a site that has direct vehicular or pedestrian access to any road having 200 or more car parking spaces. The 232 car parking spaces therefore required the development application to be considered by the RTA Southern Regional Development Committee. The RTA requires the installation of traffic lights at the intersection of Princes Highway and Huntley Road prior to the occupation of the development. Conditions have been included in Attachment 7 to account for this matter.

Public Domain:

The development will not have an unreasonable impact on the public domain. The proposed buildings are setback a significant distance from the boundaries of the site and are not considered to create any overshadowing impacts due to siting and no adjoining buildings or dwellings are within close vicinity.

#### Sewerage Provision

An on-site tertiary sewerage treatment plant with the capacity of 600ep (estimated population) is to be located south of the proposed tennis courts between the internal access road and golf driving range. This area is to be fenced and screened by landscaping. South west of this area are 2 existing concrete tanks to be used for storing treated effluent. A sewage pumping station is located close to Avondale Road near hole number 18, where the weighbridge is currently located. The reticulation network of the system also involves sewer and irrigation pipelines. The irrigation line is proposed to be extended to subject lands north of Avondale Road where holes 11-16 of the golf course are located. It is proposed the waste water generated from the development (club house, lodges and associated facilities) will be collected and treated to provide for reuse on the site for the irrigation of the golf course.

Additional information was requested from the applicant on 8 September 2010 in relation to the proposed on-site tertiary sewerage treatment system as insufficient information had been provided to enable a proper assessment. Additional information was submitted by the applicant on 29 September 2010 to Council.

The sewerage provision information has been reviewed by Council's Environment section and is considered acceptable subject to suitable conditions of consent included in Attachment 7 of this report.

Further details are required to clarify the inconsistencies in relation to the proposed areas of spray irrigation with treated effluent and rainwater to ensure there is no adverse impact on the watercourses situated on the subject land and catchment area. This is to be managed in a deferred commencement condition in Attachment 7 of this report.

Further details are also required to be addressed regarding the alternative methods of spray irrigation for the golf course specifically for the subject land north of Avondale Road as this area had been identified having 'moderate' aboriginal archaeological sensitivity, this is discussed in section 12 of this report.

#### Heritage:

The Aboriginal Heritage Report prepared by Biosis Research dated March 2007 identifies the subject land north of Avondale Road of having 'moderate' archaeological potential. Comments received from DECCW and Council's Heritage officer suggests that the Aboriginal Heritage significance has not been adequately addressed and requires further investigations prior to the approval of the development application to assess the impacts on the areas of the site with archaeological potential. Given that this area is proposed for spray irrigation involving sub surface disturbance Councils proposes a draft deferred commencement condition that the no works are to occur within the subject land north of Avondale Road that will disturb the ground sub surface. Refer to section 12 of this report for further discussion.

#### Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources subject to appropriate management being employed during construction.

#### Water:

The site is presently serviced by Sydney Water by a temporary line water mains along Avondale Road however the applicant has stated the proposed development will aim to be self-sufficient such that the site will implement an Integrated Water Cycle Management approach to potable water, recycled water and the capture and use of rain water and stormwater minimising the dependence on potable water from Sydney Water.

The proposal is not envisaged to have unreasonable water consumption and the principles of Water Sensitive Urban Design are proposed to be implemented.

The site contains a number of watercourses that flow northerly forming a small area of the Mullet Creek Catchment consisting of Box Creek, Heritage Creek and Mullet Creek. Box Creek flows through the western boundary of the site, south west of the proposed golf club and associated buildings. The proposed entrance driveway will transverse this watercourse and the proposed golf course car park and internal access road are located within 40 metres from the top of bank from Box Creek.

The application was also referred to the NSW Office of Water as Integrated Development. There are works being proposed in the riparian zone of Box Creek. The NSW Office of Water has provided General Terms of Approval in relation to the development which have been incorporated in to the draft conditions of consent in Attachment 7 of this report.

#### Soils:

There is no indication that the site is affected by acid sulfate soils however the site is known to contain contaminated land. It is considered the proposal satisfies the requirements of SEPP No. 55 – Remediation of Land as subject to conditions the land will be remediated suitable for the proposed development prior to construction. This is discussed in section 7 of this report.

The suitability of the soil and impacts of spray irrigation of soil from proposed spray irrigation of treated effluent is discussed above within sewerage provision section. It is noted that the full spray irrigation details are to be provided by way of a deferred commencement condition to ensure there is no sub surface disturbance to land north of Avondale Road identified as having “moderate” archaeological sensitivity, refer to section 12 of this report for further discussion.

#### Air and Microclimate:

Whilst the proposal is not expected to have any negative impact on air quality following completion of construction, there may be some short term impacts arising during the construction phase of the development. Dust barriers are proposed to be provided to construction fencing, and suitable dust suppression measures will be required to be implemented during construction of the proposed development.

#### Flora and Fauna:

There are a total of seven vegetation communities within the study area including two vegetation communities listed under the NSW Threatened Species Conservation Act 1995 the Illawarra Subtropical Rainforest and Illawarra Low land Grassy Woodland. It is noted all vegetation communities were moderately or highly disturbed with high levels of weed invasion. Section 5A Assessments of Significance (7 part tests) for the impacts of the proposal were applied to the 2 endangered ecological communities, 1 threatened flora population, 5 threatened flora species and 4 threatened fauna species. For all these species the proposal assessed as having potential to affect threatened species habitat but these impacts could be mitigated through safeguards. The proposal was reviewed by Council’s Environment section and considered satisfactory subject to the safeguards and mitigation measures being implemented, ensured by way of conditions as presented in Attachment 7 of this report.

The proposal will involve the removal of 25 trees which occur within a 15m radius of the proposed clubhouse and on-site stormwater detention structures. Areas of disturbed/regenerating vegetation to the north of the clubhouse to a distance of 50m and a small are of Moist Box – Red Gum Foothills Forest regrowth in the vicinity of the 3rd Tee.

Council’s Landscape section gave consideration to the proposed tree removals and has indicated the identified trees are permitted to be removed. Further requirements for the compensatory planting of 30 trees, with a 100 litre pot size of Illawarra escarpment species, is included in draft conditions in Attachment 7 of this report.

The retention of trees on the site and subsequent compensatory planting requirements are partially constrained by the conditions issued with the Bush Fire Safety Authority by the Rural Fire Service. However compliance with the s100B bush fire authority is required and the landscaping has taken into

the account the creation of the required Asset Protection Zones.

A Vegetation Management Plan has not been provided however, the landscaping of the riparian corridor (Box Creek) west of the car park is required to be detailed by the Office Of Water General Terms of Approval previously discussed.

#### Waste:

##### Construction Waste:

Conditions of consent have been recommended for imposition in relation to this issue waste management plan in relation to the construction phase.

##### Ongoing Waste Management

The applicant has provided that the site will be serviced by a private contractor for waste collection once a week. Onsite collection will be by a large rigid vehicle.

Waste storage areas are provided in the basement car park for each of the golf accommodation lodges and within the golf club and biomechanical centre.

#### Energy:

Electricity service provision for the former Huntley Colliery is still available to the site and proposed to be utilised for the development, subject to Integral Energy's confirmation by way of condition.

#### Noise and vibration:

The proposal is a considerable distance from any residential development. No adverse noise impacts are expected from the proposal. Noise and vibration impacts during the construction of the new building and associated facilities may be managed in line with Council's standard conditions.

Hours of operation shall be conditioned to ensure operation of the golf course and associated facilities will not adversely impact the amenity in terms of noise for the adjoining properties.

#### Natural hazards:

The site is known to be flood hazard affected. This issue has been considered by Council's Stormwater section who initially raised concerns, however these have been resolved through the submission of amended plans and additional information and found to be satisfactory subject to conditions.

The applicant has provided a geotechnical report and the application has been assessed by Council's Geotechnical section and is considered satisfactory subject to conditions.

The site is identified as being bush fire prone land. A conditional 100B Bush Fire Safety Authority has been issued by the Rural Fire Service with respect to the proposed development.

#### Technological hazards:

Council records list the site as contaminated land affected. SEPP 55 is applicable to the site and is discussed in section 7 this report.

#### Safety, Security and Crime Prevention:

This application is not envisaged to result in any opportunities for criminal or antisocial behaviour due to the isolated siting of the development. Visitors to the facility will be required to drive.

#### Social Impact:

The proposed development is considered to deliver social benefits via the provision of golf course and associated recreation facilities to the residents within the West Dapto area and in terms of the ability to attract tourism to the area Illawarra region.

Economic Impact:

The proposal is not expected to result in any negative economic impacts. The proposal will provide an active use of the site in recreation and associated accommodation contributing to tourism of the area which will support economic growth and the creation of additional employment opportunities.

Site Design and Internal Design:

The application does not result in any departures from development standards or Council's development control plans with exception of the variation sought to vary the number of parking spaces. This variation is considered reasonable in this instance.

A condition is proposed to be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Sufficient arrangements appear to have been made in relation to access/egress subject to conditions to ensure compliance with the relevant Australian Standards.

Construction:

Construction impacts are likely to be significant given the size of the site and the scale of development proposed. Construction impacts can be managed and it is recommended that conditions be imposed in relation to matters such as hours of work, implementation of erosion and sedimentation controls, impacts on the road reserve, protection of excavations, impacts on neighbouring buildings, and the like.

The proposed development is assessed as feasible from a geotechnical perspective by Council's geotechnical section subject to further project specific investigation to determine actual underlying soil and rock parameters from which appropriate foundations and footing design options can be derived. These detailed geotechnical investigations are required to support the structural designs of the buildings and are required prior to issue of and Construction Certificate.

If consent is granted, an additional condition will be attached to any consent granted that WorkCover be contacted for any demolition or use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

It is not anticipated that there will be ongoing cumulative impacts arising from the proposed development.

**c) the suitability of the site for development**Does the proposal fit in the locality?

The proposal results in an improvement and rehabilitation of the existing former mine site. The proposal is a suitable use of the existing degraded land and the golf course and associated facilities will be in keeping with the general landscape setting of the site within the Illawarra Escarpment. The proposal is considered reasonable and appropriate for the locality.

Are the site attributes conducive to development?

The site is subject to a number of constraints that occur mainly as a result of the watercourses traversing the site, in particular Box Creek. The land is flood affected and vegetation within the riparian zone as a bush fire risk. In addition the former use of the site as a mine results in the land being affected by contamination, requiring the remediation and validation of the site prior to any redevelopment.

**d) any submissions made in accordance with this Act or the regulations**

The application was notified in accordance with Council "Development Assessment and Compliance Notification Policy". At the conclusion of the notification period, there were three (3) submissions received which are discussed in section 20.1 of this report.



Submissions from public authorities

Council consulted with the Rural Fire Service and the NSW Department of Environment, Climate Change and Water and RTA in relation to the proposed development. The comments received from these public authorities are outlined in section 20.3 below. No objection was raised to the proposed development, subject to conditions.

**e) the public interest**

The application is not expected to have any unreasonable impact on the environment or the amenity of the locality. The proposal will be an improvement of the existing degraded land and redevelopment of the site as a golf course and associated facilities will be compatible with the landscape setting of the site within the Illawarra Escarpment. The development will also provide a recreation facility of benefit to the community and the Illawarra region. The proposal is considered appropriate in relation to the zoning and the character of the area and approval will therefore serve the public interest, subject to the applicant addressing the proposed deferred commencement conditions within Attachment 7 of this report.

**6 State Environmental Planning Policy (Major Development) 2005**

The Joint Regional Planning Panel is the determining authority for this proposal as it has a capital investment value of more than \$10 million and the proposal is not a Part 3A development under the Environmental Planning and Assessment Act.

**7 State Environmental Planning Policy No 55—Remediation of Land**

State Environmental Planning Policy 55 (SEPP 55) provides a statewide planning approach to the remediation of contaminated land. The Policy states:

*(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.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
  - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*



A Phase 1 contamination assessment report prepared by GHD was submitted with the application. A separate NSW DECCW Clean-up Notice was issued to the site owners relating to asbestos contaminated stockpile on site. Initial concerns were raised that the site is contaminated and that further investigations were required which had not been provided to determine whether the land was suitable for the proposed development.

Further documentation has been submitted by the applicant to determine whether contamination of the site may have implications to the proposed development including materials that have been imported to the Huntley Emplacement Area, landfill closure management plan and targeted soil and groundwater investigation.

The report prepared by Pacific Environmental states the process and results of the targeted soil testing of the mine rehabilitation site and advises that of the soil samples taken from the site fill material meets the chemical characteristics for residential development and that of the samples tested for asbestos revealed no asbestos was present in the fill.

The additional information was referred to Council's Environmental Unit for comment and proposal is now satisfactory subject to conditions that the rehabilitation of the site and emplacement of fill shall be carried out as recommended in the specified reports and as per the requirements of NSW DECCW as part of the mine rehabilitation and closure plan. Therefore it is considered the proposal satisfies the requirements of SEPP No. 55 – Remediation of Land as the land will be remediated and validated by an accredited NSW DECCW auditor as suitable for the proposed development prior to the issue of the construction certificate.

## **8 State Environmental Planning Policy (Infrastructure) 2007**

Schedule 3 of the SEPP provides an outline of development considered to be 'traffic generating development'. The proposal falls under Category of "tourist facility, recreation facilities" in relation to development on a site that has direct vehicular or pedestrian access to any road having 200 or more car parking spaces. The proposed development has 232 car parking spaces therefore required the development application to be considered by the RTA Southern Regional Development Committee.

The Regional Development Committee and the RTA has reviewed the proposed development and has provided comments which are outlined in section 20.3 of this report.

Issues raised by the RTA have been considered by Council's Traffic section. The proposal is satisfactory subject to conditions being imposed. This includes the installation of traffic lights at the intersection of Princes Highway and Huntley Road prior to the occupation of the development.

The RTA has specified that the local road and internal issues raised at the Regional Development Committee meeting are a matter of Council to consider. These are further discussed in section 15 of this report.

## **9 Illawarra REP No. 1 1986 (deemed SEPP 1 July 2009)**

The aim of this plan is to maximise the opportunities for the people of the region and the State to meet their individual and community economic and social needs with particular reference to the way in which these needs are related to the allocation, availability, accessibility and management of the region's land resources and applies to all the land within the City of Wollongong.

Division 1: Objective relating to the escarpment

### Clause 101 – Objectives

The objectives relating to the escarpment include protecting the natural environmental and scenic amenity of the land, while promoting its use for recreational purposes and accommodating the needs of the coal industry.

Division 2: Development Applications - the escarpment

### Clause 102 – Escarpment area

In deciding whether to grant consent to a development application to carry out development of any land shown on the map as escarpment area the consent authority shall:

- (a) *Consider the visual impact of the proposed development when viewed from a public place, and take such measures that will, in its opinion, minimise any visual impact,*

The design of the lodges and setback from the Avondale Road is considered to utilise the topography well. The siting is considered appropriate in respect to the site's constraints and existing vegetation. The built form with a collection of building types and scale is integrated into the landscaped setting, compatible with the context of the Illawarra Escarpment area located to the west of the subject site.

It is considered that the proposed development overall will visually improve the subject land south of Avondale Road and is consistent with the surrounding landscape. The proposed use of the land north of Avondale Road will also generally maintain the existing open rural character of the site being utilised as fairways number 11 to 16.

Overall the rehabilitation of the former mine site situated on the southern lots will be an improvement of the land environmentally and aesthetically. The proposed development will be in context with the surrounding rural landscape.

- (b) *Repealed*

- (c) *Be satisfied that the development will not be subject to slip hazard.*

This application has been assessed by Council's Geotechnical Engineer and no concerns were raised subject to the imposition of conditions as recommended.

#### Clause 139 - Development applications – high rise buildings

Clause 139 (2) of IREP No. 1 specifies an 11 metre concurrence provision for development outside of the regional commercial centre and Residential 2(c) zoned land of Central Wollongong (LEP 38). Height is defined as:

*"height", in relation to a building which has ceilings, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point."*

The golf club building is the highest building proposed with a maximum height 9.88 metres. This proposal is less than 11 metres high and does not require concurrence from the Department of Planning.

## **10 Illawarra Regional Strategy (2007)**

The primary purpose of the Illawarra Regional Strategy (2007) is to *"ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region's population over the next 25 years."*

The applicant has provided a summary of how the proposal conforms to the intent and specific Outcomes and Actions of the Illawarra Regional Strategy (IRS):

### **Chapter 4: Economic Development and Growth**

*The Strategy acknowledges the importance of the natural and cultural assets of the Region, including the Illawarra Escarpment, for the tourism sector to increase visitor numbers and drive employment growth. The Strategy also states, "continued growth in the conference, events and accommodation sector would better utilise these assets and strengthen growth in the tourism industry." (p14)*

*Action: Local Environmental Plans will identify appropriate sites for major tourism developments (eg. accommodation, reception venues, leisure and recreation facilities) and specific tourism precincts....*

*Development of such sites should focus on enhancing leisure and recreation, culture and nature-based tourism, and visitor assets of the Region to cater for tourists.*

Applicant's comment: The golf course, together with associated accommodation and sporting facilities will provide a high quality tourist facility with long term direct and indirect employment benefits. The proposal, located adjacent to the Illawarra Escarpment, optimises the spectacular natural attributes of the site and surrounds. The proposed development is therefore consistent with the Economic Development and Growth aims of the Strategy.

Council's comment: It is considered that the proposal will provide a tourism development as a leisure and recreation facility and also contribute to employment benefits and overall economic growth of the region

### **Chapter 7: Natural Environment**

*Action: Local environmental plans are to maximise protection of 'Significant Native Vegetation', 'Indicative Habitat Corridors' and 'Other Indicative Habitat Corridors' shown on Map 2. The location of Significant Native Vegetation and Indicative Habitat Corridors will be verified with Councils in conjunction with the Department of Environment and Conservation. Development proposals in these areas will protect biodiversity values including the retention of native vegetation and rehabilitation of disturbed areas.*

*Action: Development proposals affecting riparian lands will be required to suitably protect the values of riparian land by methods such as maximising the retention of native vegetation, especially in riparian corridors and rehabilitating disturbed areas.*

Applicant's comment: The various environmental reports undertaken for the site have identified developable precincts. These areas are generally restricted to the disturbed and previously used parts of the rehabilitated areas. The proposal therefore incorporates the environmental constraints as identified by these detailed environmental reports. Specifically, endangered ecological species located on the site will not be impacted by the golf course design, riparian corridors across the site are to be rehabilitated and degraded and disturbed areas of the site are to be enhanced. The vision and physical design of the site has resulted from a response to the particular qualities and constraints of the landscape and environment. Therefore the proposal inherently achieves the Natural Environment aims of the Strategy.

Council's comment: The applicant has submitted a Flora and Fauna Assessment report and further information. Council's Environmental Unit has reviewed the information and did not raise any concerns subject to conditions relating to the safeguards and proposed mitigation measures being implemented accordingly. The application was also referred to DECCW and General Terms of Authority have been granted subject to conditions which include the provision of a Vegetation Management Plan and establishing a riparian corridor along the 3 watercourses that traverse the site.

### **Chapter 10: Rural landscape and rural communities**

*Action: The location of non-compatible uses in core productive agricultural and mineral resource areas will be limited to allow agricultural land to be used for farming and mineral resources to be extracted as appropriate.*

Applicant's comment: The site is not located within a core agricultural or mineral resource area and has only limited potential for mineral resource extraction, as evidenced by the closure and rehabilitation of the former Huntley Colliery Mine. Further, the site has an extremely limited potential for agricultural activities due to the existence of disturbed and degraded areas and the extent of vegetative cover outside of such areas.

Council's comment: It is agreed that the site is not located or zoned for core agricultural or mineral resource activities. Therefore the proposal in its subject location is not considered a non-compatible use and would be an improvement of the former colliery site.

### **Chapter 11: Cultural Heritage**

*Outcome: The Regional Strategy will support the identification, management and conservation of existing and yet to be identified cultural heritage sites, places and landscapes in the Illawarra Region, particularly in those areas expected to undergo significant change.*

**Applicant's comment:** An Archaeological Assessment (prepared by Biosis Research Pty Ltd) was conducted for the site and the recommendations of this study has been incorporated into the proposal. The proposal will acknowledge and celebrate the industrial history of the Huntley site. Opportunities will be explored to provide interpretation of the history of the site, such as the relocation of the existing silo to be integrated within the landscape design of the golf course.

**Council's comment:** The Aboriginal Heritage Report prepared by Biosis Research dated March 2007 identifies the site north of Avondale Road of having 'moderate' archaeological potential and comments received from DECCW and Council's Heritage officer indicate that the Aboriginal Heritage significance has not been adequately addressed and requires further investigations. Therefore it is proposed to be conditioned subject to deferred commencement so that the no works are to occur within the subject land north of Avondale Road that will disturb the ground sub surface. Refer to section 12 of this report for further discussion.

**Applicant's conclusion:** The proposal is consistent with, and supports the aims and actions of the Illawarra Regional Strategy, particularly its economic and employment outcomes and actions.

**Council's conclusion:** The proposal is consistent with the Illawarra Regional Strategy.

## 11 Illawarra Escarpment Strategic Management Plan (2006)

The subject site is covered by the Illawarra Escarpment Strategic Management Plan (IESMP) 2006. The Escarpment Management Plan – Map 3 in the IESMP identifies the site as predominantly Core Escarpment and Landscape Support for Core, with also part of the land Biophysical Support for Core.

The proposed buildings (golf club, lodges and biomechanical and sports facility) and some of the fairways are located within the Landscape Support for Core zone. The remaining fairways are located in the Core Escarpment, and/or Biophysical Support for the Core zones.

The applicant has provided the following information in their statement of environmental effects:

The proposal is consistent with section 4.2 (proposed New Land Use Zones) of the IESMP as follows:

- Land within the core and biophysical support for core zones will incorporate appropriate land management mechanisms for its improvement, protection and conservation by the rehabilitation of the site and by the design of a 'low impact' attractive recreation use (golf course) landscape incorporating extensive vegetation.
- The proposed uses for the site are complimentary to the objectives and principles, with particular reference to vegetation enhancement, maintenance of heritage, and recreation suitability.
- Clearing of significant native vegetation is not proposed.
- The development is consistent with the desired future outcomes and objectives for the Environmental Protection – Management Zone.

The general objectives of the Illawarra Escarpment Strategic Management Plan (2006) are:

- *Identify important environmentally significant areas of the escarpment and foothills*
- *Assess the existing land-use zones within the escarpment and identify changes to the zoning regime to align conservation requirements and land-use zones*
- *Provide framework for consistency in applying WCC land use planning policies to current and future public and private land use*
- *Identify voluntary land management options for all land tenures consistent with the conservation values*
- *Outline potential implementation strategies to facilitate partnerships between public and private land holdings with respect to voluntary management options*

- *Discuss possible conservation incentives to encourage conservation outcomes*

The escarpment attributes on the subject site are identified to contain core and biophysical support. Under the Illawarra Escarpment – Strategic Management Plan the site would be classified as Environmental Protection Zone – Management.

The proposed objectives of Environmental Protection Zone – Management are to:

- *identify areas suitable for residential development,*
- *ecologically enhance identified areas,*
- *provide an environmental buffer to the escarpment high conservation zone,*
- *allow opportunities for the establishment of ecotourism facilities,*
- *protect the visual amenity of the escarpment,*
- *provide for agricultural opportunities where other objectives are not prejudiced,*
- *ensure agricultural undertakings follow best environmental practices with special emphasis on maximising air and water quality,*
- *protect and conserve creeks and their buffer areas,*
- *allow some diversity of activities that will not prejudice the above objectives.*

It is considered the proposed development satisfies the objectives of the plan.

## 12 Wollongong Local Environmental Plan 1990

The site is zoned 7(b) Environmental Protection Conservation and 1 Non-Urban pursuant to WLEP 1990. The south western portion of the site is zoned 7(b) while the remaining is zoned 1 Non-Urban. Refer to Attachment 4 for WLEP 1990 zoning map.

### Clause 6 – Definitions

**Recreation Area:** means an area used for outdoor sporting activities including changing rooms and other associated activities, but does not include a racecourse, showground, sports stadium and the like.

### Land Use Description

The proposed development is for an 18-hole golf course and associated facilities. The associated facilities include golf course accommodation and biomechanics/sport education centre. The applicant has submitted that the associated facilities proposed are ancillary to the primary use of the subject site as a golf course and fall under the land use “recreation areas” as defined in Wollongong Local Environmental Plan 1990.

Council requested further details to be provided on the permissibility regarding the Golf Course Accommodation under the land use “Recreation Areas” and how this differs from the land use definition of “serviced apartments” or “motel” as defined in Wollongong LEP 1990. Further details were also requested on the permissibility of the Biomechanics/Sports Education Centre in terms of the operations of the centre and the services to be offered. The applicant has submitted further information to clarify the land use of the golf course accommodation and biomechanics/sport education centre.

The applicant has provided information confirming other existing golf courses which provide similar “stay and play” facilities to those proposed. The information provided specifies golf lodges integrated with the golf course design, for short term accommodation and exclusively provided for visitors and guests using the golf course, administered by golf course management. In addition each lodge is proposed to include for self-catering. The provisions of meals will also be available to guests as part of the service of the facility.

The information provided is accepted that the lodges may function to service the outdoor recreational use of the golf course. However, this is subject to conditions to ensure that temporary accommodation of the golf lodges remains ancillary to the proposed outdoor recreation use.

To ensure the permissibility of the proposed associated facilities, the following indicative conditions of consent are recommended and to imposed with the consent.

“Golf Lodges

- Persons accommodated in the lodges shall not reside in the lodges for more than 14 days consecutively and not more than 28 days in any 12 month period.
- The lodges shall not be occupied other than by persons engaged in outdoor recreational activities on the property.”

The applicant has reviewed the above conditions and advised that this is consistent with the intended operations of the Golf Lodges.

The biomechanics and sports education centre is integrated with the golf driving range and tennis courts, which are to be staffed by golf club employees and integrated with golfing activities on site. Any operational management plan for the programs that are proposed to run at the centre would be ancillary to the overall ‘recreation areas’ use of the golf course.

The golf driving range and tennis courts are considered to be outdoor sporting activities and included in recreation area use.

All development components identified as the associated facilities are characterised as ancillary development to the proposed golf course as the dominant use and fall under the definition of “recreation area.”

**Permissibility**

The proposed development including the club house and associated facilities are located within zone 1 Non -Urban section of the site, with the golf course fairways holes 1 -3 located in zone 7(b) Environmental Protection Zone of the subject land.

Recreation area is permissible with consent in 1 Non -Urban, while in zone 7(b) a recreation area is permissible with consent after advertising and satisfying clause 11.

**Zone 1 Non-Urban Zone**

The objectives of the zone are:

- a) *to provide a rural atmosphere on the outskirts of the city of Wollongong and to act a reservoir from which land suitable for:*
  - i) *urban development to cater for planned natural urban growth; or*
  - ii) *environmental protection, can be drawn and*
- b) *to allow for peri-urban pursuits which are not likely to:*
  - i) *inhibit or prejudice the present environmental quality or future development potential of the land, or*
  - ii) *lead to a demand for further public services or render them more difficult or expensive to provide once urban development takes place.*

The proposal is considered to be consistent with the objectives of this clause.

**7(b) Environmental Protection Zone**

The south western part of the golf course is located within the 7(b) zone. Objectives of the zone are:

- a) *to identify, protect and enhance areas that have special conservational, aesthetic or scenic qualities that enhance the environment, and*
- b) *to identify and protect escarpment areas that enhance the visual amenity and possess special aesthetic or conservational value, and*



- c) *to allow some diversity of activities on degraded land that will not prejudice achievement of the objectives referred to in paragraph (a) and (b) or significantly detract from the environment or visual quality or character of the locality or the amenity or operation of any existing or proposed development in the locality.*

The proposal is considered consistent with the objectives of the zone, further discussion is provided in addressing Clause 11 of WLEP 1990 below.

#### Clause 11. Restrictions on granting certain consents

*The Council shall not grant consent to a development application to which this clause applies unless it is satisfied as to the following matters:*

Criteria	Applicant Comments	Compliance
a) the development is consistent with one or more of the objectives of the zone in which it is proposed that it be carried out	The only part of the development located on the 7(b) zone is the south-western part of the golf course, and is limited to the entire second fairway and part of the first and third holes/fairways. The majority of this land has limited environmental scenic and conservational value, as most of this area is located on the disturbed land (former tailings dam). Significant improvements to the environmental qualities of this land will be achieved, including riparian areas. Some of the southern parts of the golf course will be located adjacent to (but not within) areas of significant vegetation which will be protected by the careful treatment of the fairway areas.	The proposal is consistent with the objectives of the zone 7(b) as the golf course will result an improvement to the environment and amenity of the existing degraded former Colliery site.
(b) the development is necessary for any one of the following reasons:		
i) it provides a service primarily for the area	Chapter 10 of the statement of environmental effects addresses the economic and social benefits of the proposal. This section details how the proposed development <i>provides a service for the area (a), meets an urgent community need (b)</i> , being for employment. It is a well documented fact that the Illawarra (particularly the southern Illawarra) experiences very high unemployment levels. Buchan (Huntley Village and Ecotourism development, 2009) confirm that the development will address the recommended actions for the adjacent west Dapto release area where the emphasis is on a regional approach to jobs growth ( <i>West Dapto Economic and Employment Study</i> , SGS, 2005). Buchan conclude that <i>"the development of Huntley will make a contribution to jobs growth on site, in West Dapto and in the broader Wollongong LGA. This will include direct jobs in construction and</i>	It is not considered the proposal meets an urgent community need in terms of the proposed development as a golf course and the associated facilities as it is not a conventional form of development associated with the need or basic service or infrastructure for the community. For example a school or hospital.
ii) it meets an urgent community need		
		Although it could be argued that the proposal would provide employment where jobs are a relatively urgent need



	<p><i>hospitality and indirect jobs in retail and other services”.</i></p> <p>In addition to the community benefits, which the development will provide through employment, the project will also deliver a number of social benefits. Buchan confirm that the project will deliver major benefits to the region and <i>“will offer a major regional asset with the development of a high quality and environmentally sensitive precinct. The golf course and club will provide recreation facilities for persons in the residential precinct and for the broader community.”</i></p>	<p>in the Illawarra area generally.</p> <p>The service would not just be primarily for the area and the type of golf course and the associated facilities directs the use to tourists (local or international) with the provision of short term accommodation lodges.</p>
iii) it comprises an owner-occupier operated small scale tourist related development	N/A	N/A
iv) the most exceptional circumstances apply	The proposal also can be considered as an <i>exceptional circumstance</i> , as it provides an appropriate redevelopment of a degraded former mine site.	It is considered exceptional circumstances do apply as the site is a former mine site which is degraded land and the proposal allows the rehabilitation and redevelopment of the land. The proposed use is suitable and sympathetic to the landscape and context of the area compared to other forms of development.
c) no more appropriate zoned site or (if appropriate) accommodation is available in reasonable proximity to the proposed development or the proposed development constitutes a change from an existing use, within the meaning of Division 10 of Part 4 of the Act	The subject area zoned 7(b) is considered to be the most appropriate location for the three fairways/partial fairways of the golf course as the other adjacent land zoned 1 Non-Urban (where the land use is permissible) is not appropriate due to constraints to the golf course design and/or location of Endangered Ecological Communities. It is argued that the land zoned 7(b) has limited Environmental values as most of this area is located on the former tailings dam area. Hence, it is considered that <i>there is no other appropriately zoned site available in reasonable proximity to the proposed development</i> , which would accommodate the second fairway and part of the first and third holes.	The location of fairways is acceptable as the site constraints on alternative zoned land within proximity would be less suitable.
d) adequate car parking (if relevant) can be provided	<i>adequate car parking is be provided and any increase in traffic will be small compared to existing</i>	It is considered adequate car parking

and any increase in traffic will be small compared to existing traffic	<p><i>traffic</i> as demonstrated in Chapter 12 of this Statement and as detailed in the Traffic Impact Assessment was prepared by BECA in May 2009 accompanying this development application.</p>	has been provided for the proposed development and variation to the DCP No. 6 is supported and the traffic generated will not adversely impact the local road network. Refer to Section 15 of the report for discussion.
e) there will be minimal interference with the amenity of the area	<p><i>There will be minimal interference with the amenity of the area</i> as demonstrated in Chapter 9 of this Statement. In fact the proposal will provide improved amenity to the immediate locality as it will finalise the rehabilitation of a former mine site and provide an appropriate land use outcome providing an attractive visual landscape for the locality and a beneficial sporting and tourism facility for the Illawarra.</p>	<p>The proposed development will improve the overall amenity of the area with the rehabilitation of the former mine site and subject to conditions ensuring the use of the associated golf lodges and infrastructure work relating to the provision of adequate access to the site.</p> <p>Further design and operation of the on-site tertiary sewerage treatment system involving the proposed irrigation of the golf course shall be conditioned by way of deferred commencement to ensure the development will not result in any impacts that may adversely affect amenity of the area.</p>
f) the development is generally in character with the scale and ambience of the immediate area	<p><i>the development is generally in character with the scale and ambience of the immediate area</i>, as the landform of the proposed golf course is consistent with the approved Huntley Mine Rehabilitation Emplacement Plan, which follows the topography of the surrounding land. The golf course, characterised by attractive vegetated open spaces will be in character with and have the ambience of the western Illawarra landscape, and will vastly improve the visual attractiveness of the site. The scale of the proposed buildings is</p>	<p>The proposed development will not adversely affect the scale and ambience of the immediate area.</p>

appropriate to the site, as the clubhouse, accommodation and biomechanical centres form a number of low-scale (one or two storey) buildings, in suitable locations and will provide a positive visual impression to the locality.

g) if the development will provide a service, there is a clear need for the service in the area	<i>there is a clear need for the service in the area</i> as it addresses the much-needed economic and social benefits to the Illawarra as detailed in Chapter 10 of this Statement.	It is considered the development will provide a service for the area in the provision of employment and long term economic and social benefits.
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It is considered the applicant has adequately demonstrated that the proposed development satisfies Clause 11 of the WLEP 1990.

#### **Clause 17 - Development in Zone No 7(a), 7(b) or 7(d)**

The fairways No. 1-3 of the proposed development are located within zoned 7(b) land.

Criteria	Comment
(1) In deciding whether to grant consent to a development application to carry out development of any land within Zone No 7 (a), 7 (b) or 7 (d), the Council shall:	
(a) consider the visual impact of the proposed development when viewed from a public place, and take such measures as will, in its opinion, minimise any visual impact, and	<p>The design of the lodges and setback from the Avondale Road is considered to utilise the topography well. The siting is considered appropriate in respect to the site's constraints and existing vegetation. The built form with a collection of building types and scale is integrated into the landscaped setting, compatible with the context of the Illawarra Escarpment area located to the west of the subject site.</p> <p>It is considered that the proposed development overall will visually improve the subject land south of Avondale Road and is consistent with the surrounding landscape. The proposed use of the land north of Avondale Road will also generally maintain the existing open rural character of the site being utilised as fairways number 11 to 16.</p>
(b) be satisfied that the development minimises any detrimental impact on the environment by way of vegetation clearance, drainage pollution or bushfire risk.	Vegetation clearance is proposed and has been reviewed by Council's Landscape and Environment section and considered satisfactory subject to

Criteria	Comment
	<p>conditions.</p> <p>The application has been referred to the RFS and there was no objection subject to recommended conditions.</p> <p>The application was referred to Council's Stormwater section and Stormwater and flooding matters have been resolved subject to conditions of consent.</p> <p>The Environment unit has reviewed the application and the proposal in principle can be supported subject to suitable conditions.</p> <p>It is considered the proposed development will not have any detrimental impact on the environment.</p>
(2) The Council shall not grant development consent to an application to carry out development on land within Zone No 7 (a), 7 (b) or 7 (d) unless it is satisfied that:	The application was referred to Council's Environmental Unit and was returned satisfactory subject to conditions.
(a) the development will not have a detrimental effect on the rainforest or rainforest species, or	
(b) any detrimental effect on the rainforest or rainforest species can be justified by other factors.	
(3) The Council shall not grant consent to the carrying out of development for the purposes of forestry on land within Zone No 7 (a) unless the Council is satisfied that the development will be so managed as not to have any long term detrimental effect on the rainforest or any species of local or regional significance.	The proposal does not involve forestry.
(4) The Council shall not grant consent to the carrying out of development having the effect of bridging, obstructing or otherwise affecting waterways on land within Zone No 7 (a), 7 (b) or 7 (d) unless it is satisfied that reasonable opportunities for wildlife movement will be maintained.	
(5) The Council must not grant consent to an application to carry out development on land within Zone No 7 (a), 7 (b) or 7 (d) which, in the opinion of the Council, will involve significant tree felling or vegetation clearance unless it is satisfied that:	Box Creek is located within 7(b) land. To ensure there are no adverse impacts on this watercourse as a result of the operation of the golf course, specifically in terms of irrigation of the fairways with recycled water from the proposed on-site tertiary sewerage treatment plant, a deferred commencement conditions as discussed in section 5 of this report is required.
(a) the development will be so managed as not to have any long term detrimental impact on opportunities for wildlife movement, or	
(b) any detrimental effect on opportunities for wildlife	The application was referred to

Criteria	Comment
movement can be justified by other factors.	Council's Environment section and it is considered the proposed development will not involve significant tree or vegetation clearance that will impact wildlife movement subject to flora and fauna safeguard conditions.
6. (Repealed)	

### **Clause 21 – Land suitable for future urban use**

*“In deciding whether to grant consent to a development application to carry out development on land at West Dapto, Marshall Mount or Yallah, the Council shall take into consideration:*

- (a) whether the proposed development is likely to prejudice the future use of the land for urban purposes, and*
- (b) if the proposed development is likely to prejudice the future use of the land for urban purposes, whether the benefit to the community of the proposed development, if carried out, is greater than the costs to the community of refusing consent to the development application.”*

Lot 2 DP 549152 and Lot 1 DP 229358 are located within the West Dapto Urban Release Area. The proposed development will not prejudice the future use of the land for urban purposes and the proposal involves continuing the rehabilitation of the former mine site and allowing the redevelopment of the land.

### **Clause 26(1) - Development in flood prone land**

The site is flood affected and was referred to Council's Stormwater section. Concerns raised in relation to flooding and stormwater management have been resolved through the submission of amended plans and additional information. The proposal is now satisfactory subject to conditions.

### **Clause 27 - Protection of heritage items and heritage conservation areas**

The proposed site does not contain listed European heritage items and is not situated in a heritage conservation area.

### **Clause 29A - Development affecting places or sites of known or potential Aboriginal heritage significance**

*“Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:*

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and*
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice is sent.”*

The Aboriginal Archaeological Assessment report submitted by the applicant identified 2 Aboriginal Archaeological sites recorded as Avondale Site 1 and Avondale Site 2. Nine (9) local Aboriginal communities were notified of the proposed development as the application may affect places or sites of known or potential Aboriginal heritage significance. No comments were received.

**Clause 29B - Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

*“(1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:*

- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and*
- (b) be satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.*

*(2) This clause does not apply if the proposed development:*

- (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or*
- (b) is integrated development.”*

The potential impacts on archaeological sites relating to the construction of the golf course were initially not clear.

Upon request the applicant provided further information to clarify the potential impacts of the proposed development on the aboriginal archaeological sites and this was referred to Council’s Heritage Officer. It is considered that the 2 recorded artefact scatters (Avondale 1 and Avondale 2), will not be disturbed by the proposed works and the existing ground surface within the area defined as having moderate sensitivity within the BIOSIS report will not be disturbed by the construction of the Golf Course. Instead, limited amounts of fill and topsoil will be brought into the site to create greens and tees etc.

The following comments were provided by Council’s Heritage Officer after a review of the additional information submitted to Council on 29 September 2010 in relation to the on site sewerage treatment plant:

It has become apparent that the recommendations and conclusions of the most recent Archaeological report by Jamie Reeves of Niche for this DA are inaccurately based on the proposal involving no sub-surface ground disturbance in the area of the golf course north of Avondale Road (holes 11-16). This is made apparent by the plan recently submitted by the applicant which shows the required installation of an irrigation system throughout this part of the course which will require excavation below the existing surface levels.

The original Aboriginal Heritage Report by Biosis was clear that disturbance of the ground surface within the area identified by them as being of 'moderate' archaeological potential required Section 87 investigations prior to the finalisation of plans and the approval of the project. The additional information letter requested by Council dated 2 November 2009 (based on my original referral comments) that this matter be resolved to allow for assessment of the Aboriginal Heritage Impacts of the application.

The applicant subsequently engaged Niche to provide a report, dated 23 April 2010, which countered the Biosis recommendations on the basis that the proposed golf course would not involve excavations below the existing ground surface within the area identified in the Biosis Report as having 'Moderate' archaeological potential. Based the review of the plans and documents submitted for the development application there was no evidence found to the contrary and on that basis, the comments provided in the heritage file note dated 22 June 2010, noted that the application was satisfactory subject to a condition that would have meant that no excavation beneath the existing ground surface for holes 11-16 was to be undertaken without an additional consent.

On 29 September 2010, the applicant provided additional information including a sewerage layout and irrigation plan for the golf course. This plan clearly indicates that the proposed development will involve sub-surface excavations and as such, it is now clear that the assumption



of no sub-surface disturbance used as the foundation of Niche's recommendations in their report of 23 April 2010 was incorrect.

As a result of this inconsistency between the submitted Niche Report and the Sewerage and Irrigation Plan submitted on the 29 September 2010, it is clear that the works will involve disturbance of the existing ground surface within the area identified by Biosis as having 'moderate' archaeological potential. This includes holes 11-16 of the golf course (the area of the development north of Avondale Road) and therefore has no implications for the remainder of the development area (which is much more heavily disturbed).

In light of a letter received by Council from the DECCW in relation to the related planning proposal for this site dated 30 July 2010, it is clear that DECCW are of the opinion that the site requires additional archaeological investigations and that the Aboriginal Heritage significance of the site has not been adequately addressed. It notes for example that 'this study should be treated as a preliminary assessment only'. It also notes that:

*'Systematic test excavation is warranted in a sample of landform locations to establish the nature and extent of archaeological evidence in those landforms and provide information to inform the rezoning decision **and future development applications**'.*

and:

*'The future discovery of Aboriginal objects and management of this process through stop work provisions (Recommendation 9) is not appropriate and is not supported by DECCW'.*

Whilst it is recognised that these comments relate to the rezoning application and not to the DA itself, this advice provides a strong indication that the DECCW do not feel that the Aboriginal Archaeological and Cultural Heritage Impacts of the proposed golf course have not been adequately addressed. It is also acknowledged that these comments relate strictly to the information provided by the Biosis Report and that DECCW did not review or comment on the Niche Report, but given the Niche Report assumed no sub-surface disturbance in the construction of holes 11-16, and the newly submitted plans indicate this is inaccurate it is clear that DECCW feel this matter requires further address prior to the approval of Development Application impacting on the areas of the site with archaeological potential.

The only other relevant point to this matter is that since the previous considerations a range of changes to the National Parks and Wildlife Act 1974 have come into effect (as of 1 October 2010) that remove the Section 87 process under the Act and put in place new requirements for the undertaking of archaeological works in accordance with new DECCW Codes of practice. Recent discussions with DECCW in October 2010 clarify the impacts of these changes on Council's process and have been advised that under the new procedures and laws, it is still DECCW's position that the archaeological investigations recommended by Biosis to determine the 'nature and extent' of the archaeological resource should be completed prior to the issue of development consent. These investigations would provide additional information relevant to the assessment of the proposed developments impacts on the potential archaeological resource.

Given the wording of Clause 29A of the WLEP 1990, it is considered the requirements of this clause in relation to that part of the development situated north of Avondale Road, made up of holes 11-16 of the proposed golf course and identified in the Biosis report as having moderate archaeological potential have not been adequately addressed. This is because the study area has been identified by the Aboriginal Community, in their submissions to Biosis (included in the report) identify the site as being of high cultural significance and that the archaeological potential of the site can not be properly understood given the lack of archaeological investigations recommended in recommendation 3 of the Biosis Report.



The following action is recommended:

Council request the applicant to undertake additional Archaeological investigations, in accordance with the 'DECCW Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW', and provide a copy of the report on these investigations to Council for consideration as part of the assessment.

In terms of the assessment of the application, the approval of that part of the golf course made up of holes 11-16, within the area identified in the Biosis Report as having moderate archaeological potential and to the north of Avondale Road should not be approved prior to the resolution of this matter. This position is supported by DECCW as best practice and is consistent with Clause 29A of the WLEP 1990, as well as Recommendation 3 of the Biosis Report.

Given that the issues relating to this concern are restricted to that part of the site identified above, it may be possible to split the application and approve that part of the golf course proposal not affected by the above recommendation. This would not be of concern but would effectively mean that the golf course would be a 12 hole course.

As a result of the recent information submitted the proposed irrigation system for the golf course on the lots situated north of Avondale Road will clearly disturb the sub surface ground of the land identified being moderate archaeological potential that requires further investigations. Therefore as no further archaeological investigations have been carried out the proposed development shall be conditioned by way of a deferred commencement condition requiring alternative methods of proposed spray irrigation to be provided such that there shall be no disturbance of the sub surface ground of the subject land north of Avondale Road.

#### **Clause 29C - Development in the vicinity of a heritage items**

*“(1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.*

*(2) This clause extends to development:*

- (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*
- (b) that may undermine or otherwise cause physical damage to a heritage item, or*
- (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.*

*(3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.*

*(4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.”*

An adjoining property is identified as having regional heritage significance. This site is known as the former Avondale Public School located on 410 Cleveland Road. The application was referred to Council's Heritage section to review the proposal, no concerns were raised.

#### **Clause 30 – Services**

The Council shall not consent to the carrying out of development on any land unless:

- (a) a water supply and facilities for the removal or disposal of sewage and facilities for drainage are available to that land, or
- (b) arrangements satisfactory to the Council have been made for the provision of that supply and those facilities.

There will be sufficient infrastructure available to service the development for the supply of water and electricity subject to conditions. The proposed on-site tertiary sewerage treatment plant will be sufficient to service the estimated population of the proposed golf course and associated facilities.

### **Clause 32 - Consideration of certain applications**

*(1) The Council shall, in respect of an application to carry out development on land within view of any waterway or adjacent to any main road, railway, public reserve or land zoned as open space, take into consideration the probable aesthetic appearance of the proposed building or work on that land when used for the proposed purpose and viewed from that waterway, main road, railway, public reserve or land zoned for open space.*

*(2) The Council shall, in respect of an application to carry out development likely to cause increased vehicular traffic on any road in the vicinity of that development, take into consideration:*

- (a) whether adequate vehicular exits from and entrances to the sites have been provided so that vehicles using those exits and entrances will not endanger persons using those roads,*
- (b) provision of space on the site or on land adjoining the site, other than a public road, for the parking or standing of such number of vehicles as the Council may determine, and*
- (c) (Repealed)*
- (d) whether adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.*

The design of the lodges and setback from the Avondale Road is considered to utilise the topography well. The siting is considered appropriate in respect to the site's constraints and existing vegetation. The built form with a collection of building types and scale is integrated into the landscaped setting, compatible with the context of the Illawarra Escarpment area located to the west of the subject site.

It is considered that the proposed development overall will visually improve the subject land south of Avondale Road and is consistent with the surrounding landscape. The proposed use of the land north of Avondale Road will also generally maintain the existing open rural character of the site being utilised as fairways number 11 to 16.

The appearance of the proposal from Box Creek that traverses the site within closest vicinity of the proposed buildings and structures will be acceptable. The creation of a riparian corridor and required vegetation management plan in accordance with the GTAs issued by NSW Office of Water will provide a buffer and minimise the visual impact of the car park from Box Creek. This will result in an increase in the amenity of the area of the subject land. It is considered that the proposed development will also have minimal impact when viewed from the other 2 watercourses that traverse the site as riparian corridors will be established. The development near these watercourses involves the fairways associated with the golf course.

The increased vehicular traffic from the proposed development, including access to the site, parking and manoeuvring has been addressed in the Traffic Impact Assessment provided in support of the application. This has been considered by Council's Traffic section who had no objection to the proposed development subject to the imposition of appropriate conditions.

### **Clause 34 - Tree preservation**

The proposal involves the removal of trees. The application was referred to Council's Landscape and Environment Unit and was considered satisfactory subject to conditions. The conditions specify those trees to be removed and retained.

### 13 Wollongong Local Environmental Plan (West Dapto) 2010

Wollongong LEP (West Dapto) 2010 was gazetted on 5 May 2010, after the lodgement of this development application. Clause 1.8A provides a savings provision in relation to pending development applications:-

“If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”

The three lots north of Avondale Road, Lot 2 DP 549152, Lot 1 DP 549152 & Lot 1 DP 382339 and south eastern lot, Lot 1 DP 229358 are identified on the Land Application Map as “Deferred matter” and therefore this plan is not applicable to these lots. These lots are to be part of Stages 3 & 4 of the West Dapto Plan.

### 14 Draft Wollongong Local Environmental Plan 2009

Wollongong LEP 2009 was gazetted on 26 February 2010, after the lodgement of this development application. Clause 1.8A of WLEP 2009 provides a savings provision in relation to pending development applications:-

*“If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not finally been determined before that commencement, the application must be determined as if this Plan had not commenced.”*

This application was lodged on the 25 August 2009.

Accordingly the proposed development has been assessed with regard to WLEP 2009 though consideration has been given to the provisions of the draft plan in the form it was immediately prior to its making.

Three of the total 6 lots of the subject land are contained in the Draft WLEP 2009. These are Lot 2 DP 229358 and Lot 14 DP 3038.

It is to be noted that the zoning of the subject lots varies between exhibition and final gazettal. Refer to Attachment 5a & 5b for the zoning maps, Attachment 5b has been extracted from applicant’s SEE dated 21 August 2009 and edited.

#### **Definitions**

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

It is noted that this definition is based on the standard LEP template definition and the definition of recreation facility (outdoor) remains the same in the exhibited and gazetted version of WLEP 2009.

Lot 2 DP 229358, Lot 14 DP 3038 and Lot B DP 10628. are zoned RU1 and E2 in the exhibited WLEP 2009. While in the gazetted WLEP 2009 the lots are zoned RU2, E2 and E3.

As discussed in section 12 of this report in relation to the categorisation of the proposed use of the associated facilities under WLEP 1990 it is considered the same principle also applies for assessment under Draft WLEP 2009. It has been demonstrated that proposed associated facilities are ancillary to the primary/dominant use of the golf course which is a “recreation facility (outdoor)”.

Recreation facility (outdoor) is not permissible in zones RU1 Primary Production, E2 Environmental Conservation and E3 Environmental Management zone. Recreation facility (outdoor) is permissible in zone RU2 Rural Landscape.

Under the exhibited WLEP 2009 the proposed development is not permissible. Under the gazetted WLEP 2009 the subject lots that are zoned RU2 which would contain the proposed buildings is permissible with consent, however the remaining elements of the proposal such as the fairways for the golf course are located on zone E2 and E3 land where recreation facility (outdoor) is not permissible.

The objectives of zone RU2 are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage the retention, management or restoration of native vegetation.*

It is considered the proposal would be generally consistent with the objectives of the zone.

Section 79C(1) requires the consideration of draft planning instrument in the assessment of a development application, the current weight of assessment is based on the environmental planning instrument in force when the application is lodged which is Wollongong Local Environmental Plan 1990. As discussed in 11 of this report the proposed development is permissible under this plan.

Previously discussed in section 1 of this report, the draft proposal for rezoning was on notification by Council from 7 June 2010 to 23 July 2010 and the submissions received from the notification period are currently being reviewed by Council. Refer to Attachment 3 for the proposed zoning map for the former mine site. The subject land is proposed to be rezoned to RE2 Private Recreation and R2 Low Density Residential where “recreation facilities (outdoor)” are both permissible. Whilst this is only a draft rezoning proposal it is considered that the proposed development would be permissible and consistent with the desired future character of this land.

The relevant provisions are discussed under the gazetted version of WLEP 2009 that is applicable to this application however the exhibited version of WLEP 2009 is also discussed where variations occur.

#### Clause 4.3 - Height of Buildings

*(1) The objectives of this clause are as follows:*

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to have views of the sky and receive satisfactory amounts of sunlight.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The maximum height shown on the land for the Height of Buildings Map is 9m. The proposed golf club building is proposed at a height of 9.88 metres and the maximum height of the golf lodge accommodation buildings is 8.1 metres. Therefore the golf club building exceed the maximum height by 0.88m.

Clause 4.6 of Draft Wollongong LEP 2009 Exception to development standards, allows the consideration of a departure from a development standard subject to adequately satisfying the relevant considerations in this clause. No justification has been provided by the applicant in relation to Clause 4.6 however, due to the design of the building and setback from the boundaries and marginal difference in height from 9

metres the proposal is not considered detrimental to the visual impact of the surrounding area due to the scale of the development in the context of such a large site therefore acceptable. In addition the proposed would be consistent with the objectives of clause 4.3.

Draft Wollongong LEP 2009 is a draft planning instrument and the determinative weight of the assessment is based on the current planning instrument in force when the application was submitted, 25 August 2009, which is Wollongong Local Environmental Plan 1990. WLEP 1990 does not contain a height development standard for zone 1 Non-Urban. The non-compliance with the height standard in Clause 4.3 of the draft instrument Draft Wollongong LEP 2009 is not considered to warrant rejection of the proposal in this circumstance.

#### Clause 4.4 – Floor Space Ratio

There is no maximum floor space ratio shown of on the Floor Space Ratio Map for the subject land.

#### Clause 5.10 – Heritage Conservation

The land is not identified as having any heritage items, heritage conservations or archaeological sites on the subject land under Schedule 5 of Draft WLEP 2009.

As discussed previously in 11 of this report the original Aboriginal Heritage Report provided by the applicant identifies the site north of Avondale Road of having ‘moderate’ archaeological potential. NSW DECCW and Council’s Heritage officer are of the opinion that the Aboriginal Heritage significance has not been adequately addressed and require further investigations prior to the approval of the development application. It is considered that under subsection (2)(d) of Clause 5.10 it is reasonable to suspect that the proposed works (specifically the installation of the irrigation system for Holes no. 11-16) may result in a relic being discovered, exposed, moved, damaged or destroyed.

This matter may be dealt with via deferred commencement conditions in Attachment 7 of this report.

#### Clause 7.1 -Public Utility Infrastructure

There will be sufficient infrastructure available to service the development for the supply of water, electricity subject to conditions to ensure the appropriate provision is provided. The proposed on-site tertiary sewerage treatment plant has been reviewed by the Council’s Environment section and considered acceptable subject to suitable conditions.

#### Clause 7.2 – Natural Resource Sensitivity – Biodiversity

A flora and fauna assessment report was provided and assessed by Council’s Environment Unit. It is considered the report had correctly identified the threatened species, communities and their habitats and subject to conditions the proposal will protect, maintain and improve the integrity of the identified areas of environmental significance consistent with objectives and requirements of this clause.

This clause is the exhibited WLEP 2009 as clause 6.2 Environmentally Sensitive Land – significant vegetation contain principally the same objectives and requirements applicable however notably a change in the description.

#### Clause 7.3 - Flood Planning Land

The subject land is flood affected and was referred to Council’s Stormwater section for comment. It is considered the proposal has in principal been designed in relation to its flood constraints and is satisfactory subject to conditions.

#### Clause 7.4: Riparian Lands

The Riparian Land Map indicates the site has two Category 1 watercourses on the subject land. The proposal has considered the impact on riparian land and opportunities for rehabilitation of vegetation and habitat on riparian lands. The application was referred to NSW Office of Water and GTAs

were issued requiring the establishment of riparian corridors of the 3 watercourses that traverse the subject land and a vegetation management plan to be implemented.

Clause 7.8: Illawarra Escarpment area conservation

Lot 2 229358 and Lot 14 DP 3083 are located within the Illawarra Escarpment Area as indicated on the relevant Map. The proposed development complies with this clause as the golf course and associated facilities will incorporate already approved rehabilitation measures to enhance the Illawarra Escarpment and are located so as improve the natural features and environment.

## 15 DCP 6 Commercial and Industrial Development

Development Control Plan No 6 - Commercial and Industrial Development applies to the development. The requirements of Part 2 have been considered and addressed under the assessment of the statutory requirements. The proposal complies with this part in so far as it relates to the development.

Part 3 contains the development standards which have been addressed below as they apply to the development.

Part 4 sets the context within which development is set and will be taken into account when assessing applications which have been addressed below as they apply to the development.

Part 3 – Development standards (Commercial)

Criteria	Comment
Design	<p>The maximum building height of the proposed buildings is the golf club at 9.88m and does not exceed 11 metres high (IREP No. 1 clause 139).</p> <p>There is external glazing proposed on all the buildings. The applicant has provided that non-reflective glass to comply with the reflexivity index less than 10% so there will not be a hazard to pedestrians and traffic. In addition the buildings have been designed to incorporate overhangs and awnings to minimise reflection and glare from external glazing.</p> <p>The proposed development is setback within the site and does not have direct street frontage. A schedule of external finishes has been provided.</p>
Site areas	The prescribed minimum site area is applicable to drive-in/take away food shops and caravan parks. The proposed development does not involve these uses therefore this control is not applicable.
Site coverage	The maximum site coverage for commercial development is 70%. Due to the size of the subject site 179.594 hectares, the proposed development will not exceed the maximum site coverage.
Floor space	There is no floor space ratio specified for land in zone 7(b) or zone 1.
Transfer of development rights	There is no transfer of development rights for the proposed development.
Setbacks	Setbacks for commercial buildings are required for road frontages boundaries. There are no specific setback controls for the proposed development however the closest road frontage would be the unnamed road (known informally as Avondale Colliery Road) and the closet building Golf Lodge Building A is 60 metres from this road.
Higher buildings	This control relates to buildings over 20 metres high. The highest building is the golf club at 9.88m.



## Pedestrian paving

This control relates to properties in the Central Business District. The site is not located in this area. However it is noted that there are no road reserve works located on the frontage of the site with Avondale Road. The applicant has argued that due to the relatively remote location of the site, the construction of a footpath along the full site frontage will not serve a practical purpose. Due to the scale of the development it will be conditioned a minimum 2.5m grass verge is to be provided level with the road surface shall be provided in Avondale Road for the full frontage of the site and the length of the road up to internal access driveway in accordance. The condition is not considered unreasonable or unnecessary as the formalisation of the road reserve on Avondale Road adjacent to the property is required to improve the current road and amenity of the site.

## Landscaping

The Landscape Plans submitted indicates the design of the buildings and car parks are integrated with the landscaping on the site. The proposed open car parks adjacent to Golf Lodge Building A and Biomechanics Centre incorporated adequate tree planting in these areas. The application was referred to Council's Landscape section and no concerns were raised subject to conditions.

## Advertising structures

There is no advertising proposed. Any future signage or advertising will require a separate development application to be lodged for consideration.

## Wollongong City Centre

The proposed development is not located within Wollongong City Centre.

Planning for traffic

Criteria	Comment
Site access	A vehicular driveway is proposed to be constructed from the unnamed road (informally known as Avondale Colliery Road) that runs south of Avondale Road close to western boundary of the site. Subject to the Traffic Impact assessment submitted with the application the proposed vehicular driveway has a separate entry and exit and is approximately 230 metres from the closest intersection (junction of unnamed road and Avondale Road). It will not be closer to than 1.5m to the site boundaries and located on a level area where there will clear sightlines for vehicles.
Parking	<p>The applicant has provided the following information in relation to the calculation of the proposed car parking for the proposed development:</p> <p><i>Parking provision to be in accordance with the rates listed in the table for various land uses. Parking for development not listed will be assessed on anticipated traffic generation using State Guidelines as a basis.</i></p> <p><i>DCP 6 includes the following applicable parking provision rates:</i></p> <p><i>Offices: 1 space per 40m<sup>2</sup>;</i></p> <p><i>Shop: 1 space per 25m<sup>2</sup>;</i></p> <p><i>Bars, Club Rooms/Lounges: 1 space per 5m<sup>2</sup> + 1 space per 2 jobs;</i></p> <p><i>Dining/Restaurants: 1 space per 4 seats (or 1 per 6.7m<sup>2</sup>);</i></p> <p><i>Motel: 1 space per unit + 1 space per 2 jobs;</i></p>



*Tennis Courts: 3 spaces per court;*

*Golf Course: No parking rates in DCP or Section 5 of RTA Guidelines.*

Note: in respect of jobs, the exact break down is not known, so total number of job is extrapolated from Buchan report (39 direct jobs for proposal in total). For the purposes of parking space generation, a maximum of 50% (20) is a conservative figure for the number of jobs for all facilities likely to be on the site at any given time. This figure will be used for the number of jobs on site.

The following number of car parking spaces are generated by the proposed development:

Golf Lodges(motel rate):

60 spaces (1 per lodge) provided.

Note: the car parking rate required by DCP 49 (Residential Development) is not appropriate to apply to short-stay accommodation.

With respect to the various uses within the Golf Club Building:

Restaurant/Café:  $240\text{m}^2/6.7\text{m}^2 = 36$

Bar/Lounge:  $700\text{m}^2/5 = 140$

Admin/Board/Reception:  $154\text{m}^2/40 = 3$

Pro Shop:  $119\text{m}^2/25 = 5$

**Total spaces required = 244 (+ 20 jobs)= 264**

**Spaces provided = 232**

The submitted BECA report predicted peak number of vehicle trips to the various components (refer Table 7 of this report identifying extrapolated figures). As indicated, the AM/PM peak number of vehicles to/from the golf course and associated facilities is 169 and 46. The number of parking spaces provided (232) is sufficient to cater for the expected vehicles.

The applicant has requested a variation to this control.

Based on supplementary information provided in relation to the traffic impact assessment report including the further review of the expected site usage patterns and a survey of other similar golf course facilities, Council's Traffic section has reviewed the matter and considers the provision of 232 car spaces (in addition to the 2 coach parking spaces) is sufficient to adequately service the proposed development and request for variation is acceptable.

On-site circulation	Turning templates have been provided for delivery and waste collection vehicles and have been approved by Council's Traffic section.
Dimensions	The submitted plans have not provided all internal and access dimensions on the site plan such as widths between internal facilities, access width and parking space widths and depths. While the parking spaces and aisles appear to comply with the relevant Australian Standards. It is recommended via proposed conditions that the car

park is to comply with AS2890.1.

#### Land constraints

Constraint	Comment
Flood	The site is known to be flood prone with low, medium and high risk. The proposal has been designed having regard to this matter Council's Stormwater section have recommended conditions of approval.
Landslip	The site is known to be affected by unstable land and a geotechnical report was submitted. The application was referred to Council's Geotechnical section and the proposal is considered satisfactory subject to conditions including further investigations to be conducted and construction work implemented as recommendation in the geotechnical report submitted.
Archaeology	As discussed previously in 11 of this report the original Aboriginal Heritage Report provided by the applicant identifies the site north of Avondale Road of having 'moderate' archaeological potential and comments received from DECCW and Council's Heritage officer is in the opinion that the Aboriginal Heritage significance has not been adequately addressed and requires further investigations prior to the approval of the development application to assess the impact on the areas of the site with archaeological potential. Therefore it is to be conditioned by way of deferred commencement that the no works are to occur within the subject land north of Avondale Road that will disturb the ground sub surface.
Soil and Water	Concerns were raised by Council's Environment section regarding soil and water management of the proposed development specifically relating to on-site tertiary sewerage treatment plant and irrigation of the fairways with rainwater and treated effluent. This matter can be managed by appropriate conditions and further details regarding the proposed spray irrigation for the golf course subject to a deferred commencement condition.

#### Part 4 – Development Policies and Guidelines

Criteria	Comment
General Objectives	It is considered that the application complies with the objectives of planning in the Wollongong. In this regard the development will rehabilitate existing degraded land of the former mine site with the redevelopment of the site that will encourage economic diversification and increase employment to the area.
Retail Strategy	Whilst the proposed development is not located within a commercial centre it provides a variety of employment opportunities. It is considered that the application satisfies the retail strategy component of the DCP. The subject site is zoned for the subject use and complies with the planning controls.
Employment Strategy	The subject site is appropriately zoned for the intended use and promotes employment opportunities
Objectives of zones	This has been previously discussed in section 12 of this report; the proposed development is consistent with the objectives of the applicable zones.

## Traffic objectives

Council's Traffic Engineer has provided a satisfactory referral subject to conditions, the traffic matters have been discussed above in the 'Planning for Traffic' section.

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## 16 Development Control Plan No. 49 – Residential Development

The statement of environmental effects has addressed this DCP No. 49 – Residential Development. Whilst the applicant's statement acknowledges that the proposed golf lodge accommodation is not intended for permanent residential development or for serviced apartments they have addressed this plan in terms of a 'residential apartment building.' It is considered that the proposed development involving temporary accommodation, golf lodges for the golf course does not constitute residential development and DCP No. 49 – Residential Development is not required to be addressed.

## 17 Geotechnical Development Control Plan

This plan aims to outline the procedure to be followed when Council is considering applications for the development of sites that may be subject to slope instability and to establish whether the proposed development is appropriate having regard to geotechnical concerns.

### Part 2 - Controls

#### *2.1 Identification of land which may be subject to slope instability*

The site is identified on Council's records as being 'unstable land'.

#### *2.2 Land Identified as having an acceptable risk of slope instability*

A Geotechnical report has been submitted with the application.

#### *3 Criteria for Assessment*

An M11 form has been submitted with the Geotechnical Report and is satisfactory.

## 18 Wollongong Development Control Plan 54 – Managing our Flood Risks

The subject site is known to be flood prone. The proposed development has been assessed with regard to DCP 54 by Council's Stormwater section and initially raised some concerns. These have been resolved through the submission of amended plans and additional information and conditions of consent are proposed.

## 19 Wollongong Section 94A Development Contributions Plan 2009

The applicant has provided a detailed cost estimate report in accordance with the plan. The estimated cost of works is \$27, 500, 000 and a Section 94A levy is therefore applicable. A condition of consent has been imposed in this regard.

## 20 Consultation

### 20.1 Notification Policy

The application required notification in accordance with Council "Development Assessment and Compliance Notification Policy". Three (3) submissions were received and the main issues identified in the submissions are discussed below:

- Clarification on matters

Two of the submissions required further clarification on certain matters related to the application. The matters raised involved were noise, fire mitigation, proposed access to the south western

common boundary, traffic impacts for Avondale mine road, trespassing of land and remediation of the land.

Comment: The former Huntley Colliery mine site contained in the southern section of the site has been undergoing Mine Rehabilitation for approximately 8 years since its closure in 1989. The land is to be remediated and validated in accordance with the Rehabilitation Plan prior to the construction of the proposed development if consent is to be granted. The remaining issues in relation to noise generated from construction, fire mitigation, and traffic impacts of the proposed development is considered to have been adequately addressed subject to the imposition of relevant conditions in any consent granted. Access to the site is via the existing unnamed road linked to Avondale Road.

The proposed development is not expected to generate significant noise during its operations as the buildings are setback a significant distance from the site boundaries adjoining nearby residential properties and the golfers using the fairways are considered unlikely to generate significant amount of noise during daylight hours.

- Progress of the application

A submission was received from the Member of Shellharbour, Lylea McMahon MP on behalf of the Dapto Branch of the Australian Labor Party. They wanted to know if the application was approved and when construction and operation of the golf course would begin.

Comment: The application is currently under assessment and will be determined by the JRPP panel.

It is considered that the matters raised in the submissions relevant to the proposed development have been adequately addressed or may be resolved through conditions.

## 20.2 Internal consultation

### Stormwater

Initial concerns raised in relation to flooding and stormwater management have been resolved through the submission of amended plans and additional information. The proposal is now satisfactory subject to appropriate conditions

### Traffic

The application was referred to Council's Traffic section and returned satisfactory subject to appropriate conditions. The details of the proposed underpass for a pedestrian and motorsied cart access between the north and southern sections of the golf course are to be provided by way of a deferred commencement condition.

### Environment

The application was referred to Council's Environment section and whilst concerns was raised that there was inadequate information submitted in relation to the proposed on-site tertiary sewerage treatment system, sufficient information has been provided to confirm that the proposal will not result in an adverse impact on the environment. However, deferred commencement conditions relating to the design and operation of the sewerage treatment plant in addition to details of the proposed irrigation of golf course, are considered necessary to ensure the proposal will be satisfactory. Refer to section 5 of this report.

### Geotechnical

The application was referred to Council's Geotechnical section and returned satisfactory subject to appropriate conditions.

### Landscaping

The application was referred to Council's Landscaping section and returned satisfactory subject to appropriate conditions.

### Civil Works

The application was referred to Council's Civil Works section and returned satisfactory subject to conditions.

#### Strategic

The application was referred to Council's Strategic Unit and returned satisfactory. Their comments brought attention the current rezoning proposal in process that involves the subject land but which does not affect the current outcome of this application.

#### Heritage

The application was referred to Council's Heritage section and concerns were raised relating to the proposed irrigation works on the subject lots north of Avondale Road that will disturb the ground sub surface that is identified as 'moderate' archaeological sensitivity and further investigations have not been carried as required under section 87 consent as discussed in section 12 of this report. The application can be supported subject to a deferred commencement condition that there shall be no works that will disturb the sub surface of the land on the northern part of the golf course specifically in relation to the spray irrigation system associated with the on-site tertiary sewerage treatment plant.

### 20.3 External consultation

#### NSW Roads & Traffic Authority

The Regional Development Committee reviewed the proposed development and, whilst not objecting to the proposal in principal, raised a number of issues for Council and the applicant's further consideration. The RTA has required the installation of traffic signals at the intersection at Huntley and Avondale Roads as part of their referral condition advice. These issues have been resolved through the submission of additional information and consent conditions. Council's Traffic section has considered to proposal to be satisfactory subject to conditions including a deferred condition relating the proposed underpass of Avondale Road.

#### NSW Rural Fire Service

The Rural Fire Service issued a 100B conditional Bushfire Safety Authority, subject to conditions, under section 100B of the Rural Fires Act 1997.

#### Department of Environment and Climate Change and Water

The NSW Office of Water have issued General Terms of Approval (GTAs) for "works" requiring a Controlled Activity Approval under the Water Management Act 2000.

### **CONCLUSION**

This application has been assessed having regard to the matters for consideration prescribed by s79C(1) of the Environmental Planning and Assessment Act 1979, including all relevant environmental planning instruments, Council DCP's, Codes and Policies and public submissions received for the proposal.

The proposal development has been considered with regard to all relevant provision contained within the applicable environmental planning instruments including SEPP No. 55 – Remediation of Land, SEPP (Major Development) 2005 and SEPP (Infrastructure) 2007.

The proposed development is permissible with development consent in the 1 Non-Urban zone and 7(b) Environmental Protection Conservation zone of Wollongong Local Environmental Plan 1990 and is reasonably consistent with the zone objectives and satisfies clause 11 of WLEP 1990. The proposed development is reasonably consistent with all development standards and miscellaneous provisions with the exception of car parking variation which have been outlined above and is supported.

The necessary consultations with NSW Public Authorities such as the Roads and Traffic Authority, Office of Water and Rural Fire Service have been undertaken with satisfactory referral comments and required concurrences granted.

The proposal has been examined with regard to its environmental, social and economic impacts and is considered to be acceptable subject to recommended draft deferred commencement conditions. This deferral relates to the need to address alternative methods of spray irrigation for the subject land north of Avondale Road, the inconsistencies of the proposed irrigation areas of the golf course, and the design details of the underpass at Avondale Road.

The site is considered suitable for the proposal and on balance, the proposed development is considered to be in the public interest subject to the applicant satisfying the deferred commencement conditions.

## **RECOMMENDATION**

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It is recommended that Development Application 2009/1037 be granted “Deferred Commencement” and Integrated consent pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the proposed draft consent conditions as contained in Attachment 7 to this report.

## **ATTACHMENTS**

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1. Aerial Photographs
2. Proposed Master plan for former Huntley Colliery
3. Proposed rezoning map for former Huntley Colliery
4. Zoning Map – WLEP 1990
5. Zoning Maps – WLEP 2009
6. Plans
7. Draft Conditions