

JRPP No:	2009STH009
DA No:	DA-2009/1037
Proposed Development:	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
Property	Lots 1 & 2, DP229358, Lot 14, DP3083, Lots 1 & 2, DP549152, Lot 1, DP382339, Avondale Road, Avondale
Applicant:	HTT Huntley Heritage Pty Ltd
Report by:	Vivian Lee, Development Project Officer, Wollongong City Council

### Addendum – 28 October 2010

A submission by TCG dated 27 October 2010 was received by Council requesting the removal of the deferred commencement conditions and condition no. 6. Their submission has been provided below with Council's comments in relation to this request.

#### **Submission by TCG dated 27 October 2010**

Reference is made to Development Application DA-2009/1037 which seeks approval for the construction of a Greg Norman designed 18 hole golf course and associated facilities at Avondale Road, Avondale. The subject application is to be considered by the Joint Regional Planning Panel at its meeting of 28 October 2010.

We have reviewed the report to the Joint Regional Planning Panel, which was prepared by Vivian Lee, Development Project Officer of Wollongong City Council and note that the application has been recommended for approval, subject to two Deferred Commencement conditions. The first of such conditions relates to the spray irrigation associated with the on-site sewerage tertiary treatment system and the second relates to the provision of design details for the underpass at Avondale Road.

Following our review of the Deferred Commencement conditions, we believe that each of the conditions can be adequately addressed through the submission of the attached information or as a standard condition of consent.

Accordingly, we respectfully request that the Joint Regional Planning Panel (JRPP) give consideration to the issuing of a Consent under Section 80(1)(a), as opposed to a 'Deferred Commencement Consent' under Section 80(3) of the Environmental Planning and Assessment Act. The following information is submitted for consideration by the JRPP in support of this request:

#### **Deferred Commenced Condition (a) On site sewerage tertiary treatment system:**

This condition states:

“Satisfactory design and operation details are to be provided for the proposed on-site tertiary treatment system addressing:

- Alternative methods of spray irrigation such that no works are to involve sub surface ground disturbance to the subject land north of Avondale Road, due to the site being identified as

“moderate” archaeological sensitivity in the Aboriginal assessment report prepared by Biosis Research dated March 2007.

- The inconsistencies between the reclaimed effluent and rainwater reuse irrigation areas of the golf course indicated in the submitted plan and the details specified in the Additional Information report dated 29 September 2010 by TCG Planning.”

**Comment:**

The Archaeological Advice from Niche Environmental dated 23 April 2010, which confirmed that the development would not adversely impact on the moderate area of archaeological sensitivity to the north of Avondale Road (ie the ‘dairy farm’ site), was based on the premise that there would be no excavation within this area. Specifically, this area of land will not contain any of the buildings or carparking associated with the golf course, but instead will contain only six (6) holes of the eighteen 18 hole course. The current landform of this area is conducive to the establishment of a golf course and this was confirmed within a plan prepared by Grinsell and Johns, Surveyors, which showed only that only minor filling and no excavation would occur within this area.

Following review of the ‘Golf Course Irrigation Plan and Sewerage Layout’ (Ref 08-042, Plan DA.005), Council’s Heritage Officer has now expressed concern that the 50-100mm diameter irrigation pipework, which is to be laid to allow for watering of Fairways 11-16, will result in excavation within this moderate area of archaeological sensitivity. In this regard we reconfirm that no excavation will occur within this moderate area of sensitivity. The current grass cover in this location is Kikuyu, which is not suitable for golf course use. Hence, approximately 200mm of topsoil, which contains a weed inhibitor, will be placed over the Kikuyu to allow for the establishment of Native Couch, a more appropriate grass species. The 50-100mm diameter pipework which is required for the spray irrigation in this area will be placed within this 200mm of topsoil, thereby ensuring that no excavation will occur in this location.

Hence, Deferred Commencement Condition (a) dot point 1 will be met and we therefore request that this ‘Deferred Commencement’ condition be deleted and replaced with a condition contained within the ‘During Demolition, Excavation or Construction’ section of the development consent (ie. conditions 117-156). This revised condition could reference the method of placement of the irrigation pipes within the area of moderate sensitivity, as described above, to prevent any excavation within this area. We believe that such a condition would adequately protect the integrity of this area and would address the concerns raised by Council officers.

With respect to the second part of this condition, Vivian Lee (Council’s Development Project Officer) has confirmed that there is an inconsistency between the ‘Golf Course Irrigation Plan and Sewerage Layout’ (Ref 08- 042, Plan DA.005) prepared by PRD Architects/GHD and the correspondence prepared by GHD on 24 September. Specifically, the plan correctly identifies those area to be irrigated with reclaimed effluent and those area to be irrigated with rainwater, where located within 40m of a watercourse. We confirm that the GHD report incorrectly identified that Fairway 1 would be watered with rainwater. This should have referenced Fairway 3 (instead of Fairway 1), as Fairway 3 is within 40m of the watercourse (whilst Fairway 1 is not). GHD has now updated Page 10 of their report to reflect this amendment and to provide consistency with the ‘Golf Course Irrigation Plan and Sewerage Layout’ (Ref 08-042, Plan DA.005). We apologise for this inconsistency and request that Deferred Commencement Condition (a) Dot Point (ii) also be deleted as this matter has now been clarified.

**Council’s comments:**

The request for condition (a)(i) to be removed by way of filling the northern area has been considered by Council’s Design and Heritage sections whilst the additional information may well address the heritage concerns there are additional concerns raised with regards to the impact of fill which have not been assessed.

The following comments were provided by Council’s Heritage Officer:

*“I note the comments from TCG in relation to the draft consent conditions for this application in their letter of 26 October 2010 and provide the following comments in relation to the proposed removal of the deferred commencement condition relating to Aboriginal Heritage and replacement with standard conditions of consent.*

*I note that the applicant now states that to avoid excavation within the area identified within the Biosis report as having 'moderate' archaeological potential (holes 11-16 of the proposed golf course), it is proposed to import 200mm of fill material across to avoid the need for any excavation of the existing ground surface.*

*Whilst the ability of the applicant to construct 5 golf course holes without any excavation or disturbance of the golf course is questionable, the avoidance of any excavation within this component of the site would potentially allow for the avoidance of potential impacts on Aboriginal Archaeology and the requirements of the NPWS Act 1974. As such, it would be possible to issue a consent subject to the following two (2) conditions of consent (in place of the previously proposed deferred commencement condition).”*

The following Design section comments were provided:

**“Provision of fill over fairways 11-16:**

*The provision of fill within the fairways of 11-16 to cater for irrigation pipework is unacceptable since this area is located within the floodplain. In this respect, a flood study would need to be provided to demonstrate no flooding impacts to adjoining properties as a result of the proposed filling”*

The updated GHD report dated 27 October 2010 accompanying this letter has been amended such that is consistent with the submitted plan ‘Golf Course Irrigation Plan and Sewerage Layout’ (Ref 08- 042, Plan DA.005) prepared by PRD Architects/GHD that Fairway 1 is to be irrigated with treated effluent and Fairway 3 within 40m of the watercourse will be irrigated with rainwater. This matter has been satisfied.

**TCG’s submission**

**Deferred Commenced Condition (b) Underpass:**

This condition reads:

“Design details of an underpass at Avondale Road linking the northern and southern golf courses. The underpass shall provide for separate pedestrian and motorised golf cart access.”

We also request that the Joint Regional Planning Panel give consideration to deleting Deferred Commencement condition (b) and if necessary including this condition within the section of the consent which pertains to ‘Prior to Issue of the Construction Certificate’ (ie. conditions 17-86). We do not believe that there is a need for this condition to be given the status of a ‘Deferred Commencement’ matter, which is required to be satisfied prior to the activation of the consent. Alternatively, we believe that this is merely a construction certificate issue, which should be dealt with in a similar manner to other structures on the site. We note that there are a number of conditions which address this underpass and specifically works within the road reserve, which we believe adequately address Council’s requirements including Condition 23 (Civil Works – Engineering Drawings), Condition 34 (Pedestrian/Motorised Golf Cart underpass/Submersible Pumps), Condition 35 (Tunnel Under Avondale Road – Structural Design), Condition 36 (Structural Engineering Details) and Condition 74 (Structure Over Road).

We also note that considerable documentation has already been submitted to Council to address the construction of this underpass being the Pedestrian Crossing and Underpass Plans, Cross Sections and Long Section Ref S1021/17A, Sheet 1A, 2 and 3 and S1021/18D, prepared by Grinsell and Johns which detail the following:

- The size and siting of the underpass and the method of linkage to the adjacent pedestrian pathway;

- A long section and cross sections of the underpass; and
- Details of sumps, table drains, hand rails, drainage headwalls and line marking.

We believe that the submitted documentation will more than adequately assure Council that the pedestrian underpass can be constructed and request that the JRPP allow for the submission of comprehensive structural details for the underpass at the Construction Certificate stage, consistent with the process to be followed for other structures on the site.

#### **Council's comments:**

This information was referred to Council's Traffic Engineer and the following comments were provided:

*"The details of the underpass could be dealt with prior to the issue of the Construction Certificate. The condition should include the following words - '.....The underpass shall provide for separate pedestrian and motorised golf cart access',"*

The following comments were provided by Council's Stormwater Design section:

*"This condition may be deleted as this is already covered by draft conditions 23 and 90. Note the following line should be provided within 23 or 90 to address the separate access paths:*

*"...the underpass shall provide for separate pedestrian and motorised golf cart access..."*

#### **TCG's submission**

In relation to access across Avondale Road we also note from our review of the draft conditions that Condition No. 6 (Pedestrian Access) states that "pedestrian access from the northern to southern section of the golf course is to be via the proposed underpass only. No access points are to be granted as part of this consent across Avondale Road". We have reviewed the report which has been prepared by Council's Development Project Officer and note that the removal of this pedestrian crossing is required due to 'safety concerns', however the report does not elaborate further on the basis for this concern.

As background information, we note that the issue of access across Avondale Road was raised during a meeting with Council officers in mid 2010, when we were advised that the Joint Regional Planning Panel had expressed a preference of the construction of an underpass linking the northern and southern portions of the site. Our clients' were accommodating of this request and accordingly submitted a plan which detailed the siting of an underpass at the eastern entrance of the site on Avondale Road and which provided for a pedestrian crossing at the western crossing point on Avondale Road.

In submitting this additional documentation lengthy consideration was given to the need for a second underpass in the western section of this site. Whilst our client's sought to address the suggestions of the JRPP, it was considered that there were a number of limitations associated with the provision of a second underpass. Specifically, it was considered that the eastern underpass would ensure that safety issues are addressed at the entrance to the site, where vehicles speeds are higher. At the western point of the site vehicles speeds would be considerable lower, as motorists would have entered a precinct which is clearly identified through landscaping, signage and an altered built form. The provision of a pedestrian crossing in the western portion of the site was also identified as being preferable from an urban design perspective and will remove the need for pedestrians to access an underground concrete structure, which is neither visually appealing nor satisfactory from the safety, surveillance and security perspective.

Further, the provision of a pedestrian crossing in this location will provide for a facility consistent with crossings provided at numerous golfing facilities throughout Australia and will be located on a road carrying lesser volumes of traffic than that associated with other similar facilities. We also draw the Panel's attention to the fact that the application was considered by the Southern Region Development Committee on 13 October 2009 and no issues were raised by the Committee in relation to pedestrian

crossing facilities across Avondale Road, with the Committee merely requested the submission of a traffic facilities plan detailing the traffic control and pedestrian crossing facilities.

Accordingly, we request that the JRPP reconsider the need for the inclusion of Condition No. 6 (Pedestrian Access) to allow for the retention of a pedestrian crossing (for pedestrians only) in the western portion of the site and an underpass (for buggies or pedestrians) in the eastern portion of the site. In support of this request we also note that there is a clear need for a secondary pedestrian access across Avondale Road to allow golfers to move from Golf Hole 10 to Hole 11, without having to traverse from the western to the eastern end of the site (and back again) via the under underpass. Whilst this movement is acceptable for golfers using buggies it would result in a lengthy traverse for walking golfers.

**Council's comments:**

The following comments were provided by Council's Traffic section:

*"Condition number 6 (Pedestrian Access). This condition should remain. There is insufficient information (design details, visibility splays, speed survey data, etc) to support a proposed pedestrian crossing in this location. The applicant would need to provide additional justification for consideration by Council and the RTA."*

Therefore as insufficient information has been provided condition no. 6 is to remain.

**TCG's comments:**

In summary we respectfully request that the Joint Regional Panel reconsider the need for Deferred Commencement Condition (a) (On Site Sewerage Treatment System) and (b) (Underpass) and Condition No. 6 (Pedestrian Access) to allow for the issuing of a Development Consent under Section 80(1)(a) of the Environmental Planning and Assessment Act and the retention of one western pedestrian crossing (together with one eastern underpass) on Avondale Road.

We greatly appreciate your consideration of this request and would be pleased to provide any clarification which is required at the meeting on 28 October 2010.

**Council's conclusion**

The information provided in TCG's letter dated 27 October 2010 and accompanying correspondence from GHD dated 27 October 2010 is considered to have satisfactorily addressed all the deferred commencement conditions.

However it will be necessary to insert a deferred commencement condition relating to site filling, as follows:

*"A flood study shall be provided for the subject development with respect to the proposed filling within the floodplain over fairways 11-16. The flood study shall demonstrate that the proposed filling will not increase flood affectation elsewhere for any particular storm event. The flood study shall be prepared by a suitably qualified civil engineer, strictly in accordance with Chapters E13 and E14 of the Wollongong Development Control Plan 2009 and the NSW Government Floodplain Development Manual (2005)."*

Further former deferred commencement condition (i)(a) is to be inserted into the draft conditions under the heading of **During Construction:**

**Heritage - Ground Surface Disturbance**

No excavation or disturbance of the existing ground surface is to be undertaken within the area of the site identified in the Biosis Research 'Aboriginal Archaeological Assessment Report', dated March 2007, by Sarah Burke and Helen Cekelovic as having 'moderate' Aboriginal Archaeological Potential without the relevant permits and approvals required under the National Parks and Wildlife Act 1974 and where appropriate, separate Development Approval from Council. This part of the site constitutes holes 11-15 and part of hole 16 of the proposed golf course.

**Aboriginal Heritage Reports**

The development shall be undertaken in strict accordance with the findings and recommendations of the Niche Environment and Heritage report dated 23 April 2010 unless expressly identified in any other condition of consent. The recommendations of this report numbered 1-5 on page 4 are to be treated as conditions of consent. In addition, Recommendations 4, 9 and 10 contained within Page 67-68 of the Aboriginal Archaeological Assessment, by Sarah Burke and Helen Cekalovic of Biosis research remain relevant to the proposed development and are to be treated as conditions of consent.

Former deferred commencement condition (i)(b) is to be inserted into the draft conditions under the heading of **Prior to Construction Certificate**:

Design details of an underpass at Avondale Road linking the northern and southern golf courses. The underpass shall provide for separate pedestrian and motorised golf cart access.

With the regard to request to draft condition no. 6 to delete the proposed pedestrian access across Avondale Road this request has been considered however this condition is to remain.

It is recommended that the Joint Regional Planning Panel grant “Deferred Commencement” and Integrated consent for DA-2009/1037 pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979 subject to the amendment proposed above as they vary from the previous draft conditions of Attachment 7 of the report.