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The General Manager  
Wollongong City Council  
Locked Bag 8821  
Wollongong NSW 2500  
Attention: John Wood and Vivian Lee

11 November 2010

Dear John and Vivian,

**Additional Information - Development Application DA-2009/1037**  
**Demolition of Existing Structures, Construction of 18 Hole Golf Course and Associated Facilities**  
**including Clubhouse, Golf Lodge Accommodation and Biomechanics and Sport Education Centre at**  
**Avondale Road, Avondale**

Reference is made to Development Application DA-2009/1037 which was considered by the Joint Regional Planning Panel (Southern Region) at its meeting of 28 October 2010. The minutes of the meeting confirm that the application was deferred pending:

*Further information from the applicant as follows:*

- i) Clarification of the future ownership or possible lease arrangement of the underpass beneath Avondale Road and associated roadworks and approval process;*
- ii) Clarification of the proposed sewerage management system, flood impact of filling and Aboriginal archaeological heritage;*
- iii) Clarification of the relationship between the existing and proposed land use zones and the Illawarra Escarpment Management Plan.*

We also note that members of the Joint Regional Planning Panel (Southern Region) verbally advised at the meeting that if the applicant sought to construct a pedestrian crossing across Avondale Road, this should be accompanied by additional supporting documentation.

We confirm that HTT Huntley Heritage no longer seeks to provide a pedestrian crossing, as the underpass will accommodate movements between the northern and southern portions of the golf course. The course will predominantly be utilised by golfers driving golf buggies. Accordingly, we confirm that HTT Huntley Heritage concurs with Draft Condition No. 6 – Pedestrian Underpass (as reported to the JRPP on 28 October 2010), which states:

*“Pedestrian Access: 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”.*

In response to the three items identified in the minutes of the JRPP meeting of 28 October 2010 we provide the following advice:

**Item i) – Ownership or Lease Arrangements of Underpass**

Council's Assessing officer, Vivian Lee, advised in an email dated 8 November 2010 that Item i) has been addressed by Council through referral to its Property and Recreation Division. This Division has recommended that the following conditions be attached to the development consent;

- *The applicant must apply to the Property & Recreation Division for a road closure of the substratum under Avondale Road. The proposed road closure of the substratum is required to be approved by the Land & Property Management Authority prior to the issue of the Construction Certificate.*
- *The substratum shall be transferred to the applicant prior to the issue of the Occupation Certificate.*

**Item ii) – Irrigation of the Northern Golf Holes**

The JRPP has requested the submission of documentation relating to the proposed irrigation system associated with the sewerage management system and the manner in which the golf holes to the north of Avondale Road will be managed, to prevent flooding or archaeological heritage impacts.

The attached correspondence from GHD confirms that the design of the irrigation system has been altered to ensure that filling of the land to the north of Avondale Road is not required for the irrigation system and to provide for travelling irrigators on this section of the course. Details regarding the travelling irrigators can be seen on website <http://www.irrigationwarehouse.com.au/prod1787.htm>, an extract of which is contained in Figure 1 below.

The GHD correspondence confirms that all pipework to the north of Avondale Road will be laid above ground and hence there will no flood impacts, nor impacts on the area of archaeological sensitivity. The attached revised Plan Ref No. DA.005 prepared by PRD Architects in consultation with GHD has been amended to now show the location of the above ground irrigation lines to the north of Avondale Road.



**Figure 1:** Travelling irrigator to be used on the northern portion of the Huntley site  
*(ref: [www.irrigationwarehouse.com.au/prod1787.htm](http://www.irrigationwarehouse.com.au/prod1787.htm))*

### **Item iii) – Land Use Zones and Illawarra Escarpment Strategic Management Plan**

The JRPP has requested that clarification be provided with respect to the relationship between the existing and proposed land use zones and the Illawarra Escarpment Strategic Management Plan. The following information is provided to address this issue and is accompanied by Plan Ref DA.006 to DA.009 prepared by PRD Architects, which provide a series of overlays of the Illawarra Escarpment Strategic Management Plan, Wollongong LEP 1990, WLEP 2009 and the exhibited Huntley Planning Proposal, as they apply to the subject sites.

#### Illawarra Escarpment Strategic Management Plan:

The site is within the area covered by the Illawarra Escarpment Strategic Management Plan, 2006 (IESMP) excluding the small allotments to the north of Avondale Road (Lot 1 DP 549152 and Lot 1 DP 382339) and approximately the southern half of Lot 1 DP 549152, also located north of Avondale Road. This excluded area is located within the West Dapto Urban Release Area. Six fairways of the golf course design are located within this excluded area. There is no development proposed on the northern part of Lot 1 DP 549152 located within the IESMP.

Hence, the Illawarra Escarpment Strategic Management Plan is therefore only relevant to the land to the south of Avondale Road. With respect to the area located south of Avondale Road, Map 3 of the IESMP identifies the site as part Core Escarpment, part Biophysical Support for the Core, part Landscape Support for the core (including the location of the former tailings dams), and part Escarpment Interface.

The majority of the site is a degraded former tailings dam currently used as a waste facility and under rehabilitation. The vast majority of the proposal is limited to these degraded and cleared areas of the site.

In our opinion, the objectives of the proposed zones are to be achieved by their future development by improvements, not on the values of the existing land.

The Overlay prepared by PRD Architects (ref: DA.007) shows the attribute categories of land identified within the IESMP in relation to the siting of the proposed development on the site. It should be noted that the scaling of the maps within the IESMP is such that an accurate depiction of the exact land categories is not possible. This reflects the fact that the attribute categories (ie. Core Escarpment, Biophysical Support for the Core, Landscape Support for the core and Escarpment Interface) are not areas which are defined by rigid boundaries on a site but are representative of the typical environmental attributes of land in a broader locality. It is apparent from this overlay that the majority of the development area of the site is located within the Landscape Support for Core category.

It is questionable whether the Core Escarpment land immediately surrounding the Landscape Support for Core correctly delineates this land, given the extent of modification which has occurred in this area, as a result of the previous mine workings and site rehabilitation. This is reflected within the gazetted WLEP 2009, which more appropriately identifies the boundaries of the RU2 Rural Landscape and E2 Environmental Conservation zones on the site. This gazetted plan acknowledges that the Core Escarpment lands immediately adjacent to the tailing dam do not have the level of environmental attributes of the land to the south and west and are more appropriately zoned as RU2 Rural Landscape.

Being mindful of the limitations of the mapping, Overlay DA.007 shows that the majority of the development, being 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 Illawarra Escarpment Strategic Management Plan confirms that *"landscape support areas are those areas of land that form a link between core and support areas of the escarpment and foothills within the coastal plain. These areas have some scientific significance, as it relates to corridors and vegetative links, but are fragmented and do not always form contiguous links to core and support land"*. The IESMP also states that *"landscape support contains areas that are capable of being restored and rehabilitated, particularly mining sites"*, which is applicable to the Huntley site when considering that the Landscape Support for Core area contains the most degraded areas, including the tailings dams.

The remaining fairways and part of the carpark are located in the Core Escarpment, and/or Biophysical Support for the Core areas. The Illawarra Escarpment Strategic Management Plan recommended that the Core Escarpment and Biophysical Support for Core lands be included within an Environmental Protection Zone-Conservation, the *"principal objective of which is to conserve core escarpment and foothills land limiting further development of new dwellings"*. The draft objectives of this zone also seek to protect and enhance areas of cultural, aesthetic, scenic, biodiversity or environmental significance; maintain and enhance natural habitats, conserve areas of high visual amenity; identify greatest risk of instability; and conserve and enhance environmental and ecological corridors. 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.
- The protection of natural habitats. The development has been designed such that the buildings and golf fairways are located within the cleared area. Only 25 trees are to be removed to accommodate the development including the asset protection zone. No other clearing of significant native vegetation is proposed.
- The protection of areas of archaeological significance and identified relics. Within the southern portion of the site which is affected by the IESMP no archaeological relics have been identified within the area on which the golf course and buildings are to be located.
- The proposed development within the Biophysical Support and Core Escarpment areas is limited and is principally open fairways which will enable areas for regeneration, and will have a positive visual impact.
- The site will be significantly rehabilitated, with substantial revegetation occurring which will more than compensate for the removal of the small number of trees.
- A Vegetation Management Plan will be prepared for the site in accordance with the General Terms of Approval provided by the Department of Environment, Climate Change and Water NSW, allowing for protection of the environmental qualities of the site.
- The buildings are not located in a position which will be visually dominant, thereby ensuring that the scenic qualities of the site are protected.
- A significant portion of such lands have been included within the RU2 Rural Landscape zone within gazetted WLEP 2009, acknowledging that such areas do not have the high level of environmental attributes of land to the west and south.

The IESMP acknowledges that *"lands applicable to this zone are recognised as having valuable community appeal and, as such, strong potential for ecotourism and recreational type activities"*. The Strategy confirms that the appropriateness of land for such uses would be dependent on *"no native vegetation clearing, utilising existing infrastructure (eg. roads, water supply), nil or positive impact on biodiversity, nil or negligible visual intrusion and bushfire protection"*. The site can readily meet such requirements through the minimisation of site clearance; the ability of the site to accommodate a sewerage treatment system; the provision of existing infrastructure including road access; the ability to accommodate Asset Protection zones with no significant vegetation clearance; the siting of buildings to minimise their level of visibility; and the positive impact which the development will have on biodiversity through site rehabilitation.

Accordingly, it is considered that the subject site, being a former degraded mine site, is an ideal site to accommodate the proposed golf course and associated buildings. The development will allow for the progressive rehabilitation of the site in a manner which recognises the attributes and environmental qualities of the land.

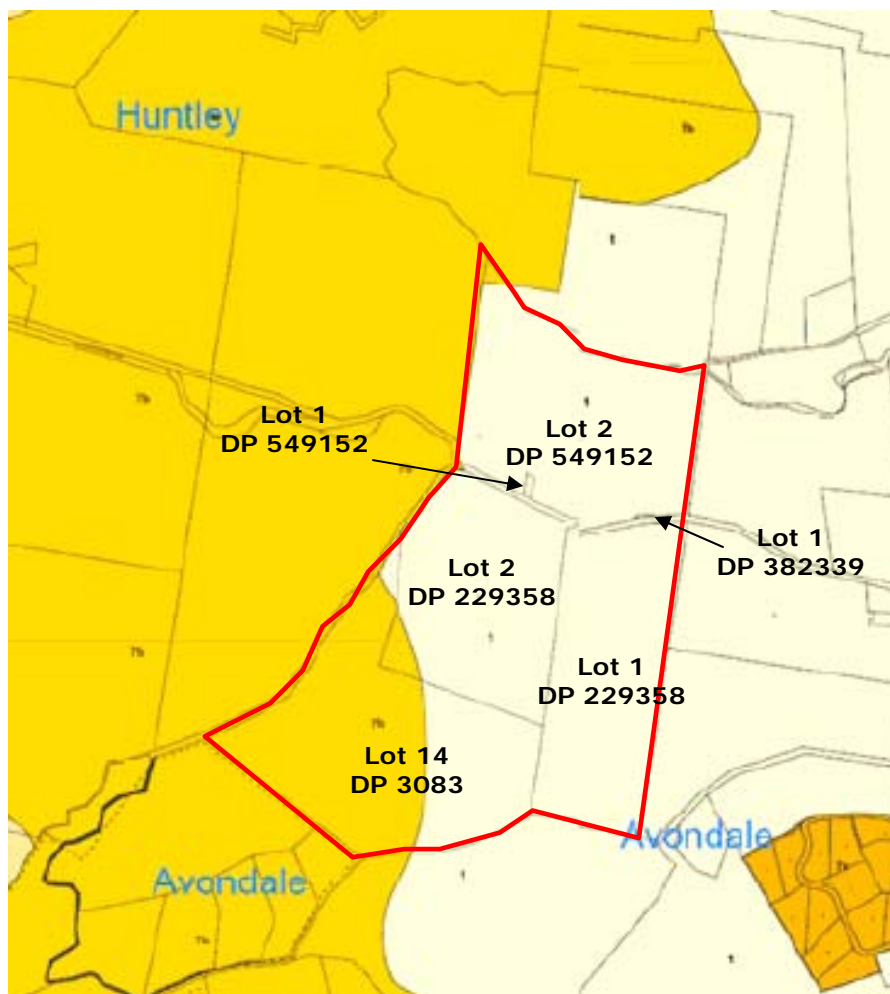
Development to the south of Avondale Road is located within the land included within the Illawarra Escarpment Management Plan, however development in this location will be clustered within the degraded area of the site, much of which is undergoing rehabilitation. This is demonstrated within the attached aerial photographs contained in Appendix 1 and 2, which show the current rehabilitation area on the site and the extent of modification to this area.

Wollongong Local Environmental Plan 1990:

At the date of submitting the development application Wollongong Local Environmental Plan 1990 applied to the site and hence this is the planning instrument which applies in the determination of the application. It is also noted that at the current time this instrument continues to apply to three of the lots to the north of Avondale Road and the south-eastern lot (Lot 2 DP 549152, lot 1 DP 549152, lot 1 DP 382339 and Lot 1 DP 229358), as such land is identified as a deferred area under Wollongong LEP (West Dapto) 2010.

The Overlay (Ref: DA.009) which has been prepared by PRD Architects shows that the south-western portion of the subject site is zoned 7(b) Environmental Protection Conservation (part Lot 14 DP 3083 and part Lot 2 DP229358), and the remaining majority of the site is zoned Non-Urban 1. The only part of the development located within the 7(b) zone is part of the golf course, specifically the second fairway and part of the first and third holes.

The remainder of the proposed development (remainder of golf course fairways, Golf Clubhouse, Golf lodges, Biomechanics/Sports Education Centre, Car Park, Golf Driving Range and Tennis Courts) are located within the Non-Urban 1 zone.



**Figure 2:** Zoning of Site under Wollongong LEP 1990

The golf course, Golf Clubhouse, Golf lodges, Biomechanics/Sports Education Centre, Car Park, Golf Driving Range and Tennis Courts, (all being ancillary to the primary use of the subject site as a golf course) fall under the definition of "recreation area" meaning *"an area used for outdoor sporting activities including changing rooms and other associated facilities, but does not include a racecourse, showground, sports stadium or the like"* (Clause 6 of WLEP 1990).

"Recreation areas" are permissible with development consent in the Non-Urban 1 zone and are permissible only with development consent granted after advertising and satisfying Clause 11 of WLEP 1990 in the 7(b) zone. The only part of the development located on the 7(b) zone (and therefore applicable to Clause 11) is the golf course, specifically the entire second fairway and part of the first and third holes. A Clause 11 submission accompanied the development application, with the Council Officer's report to the JRPP (Southern Region) of 28 October 2010 stating that *"it is considered that the applicant has adequately demonstrated that the proposed development satisfies Clause 11 of WLEP 1990"*.

#### Wollongong Local Environmental Plan 2009

At the date of lodging the development application, Wollongong Local Environmental Plan 2009 was in draft exhibited form. The Savings Provisions contained in Clause 1.8A of WLEP 2009 confirm that:

*"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, that application must be determined as if this Plan had not commenced"*.

WLEP 2009 applies to only the southern western allotments on the site (Lot 2 DP 229358 and Lot 14 DP 3083) as WLEP 1990 continues to apply to the northern and eastern sites. The gazetted instrument (which varies from the exhibited instrument) indicates that the majority of such sites are zoned RU2 Rural Landscape under WLEP 2009, with the southern portion of the land zoned E2 Environmental Conservation, as shown in Figure 3.

The Overlay prepared by PRD Architects (Ref DA.008) confirms that the vast majority of the golf fairways, and all buildings and associated structures on the site are located within the land which is zoned RU2 Rural Landscape. This Overlay shows that only the tee of golf Fairway 6 is located within the E2 Environmental Conservation zone.

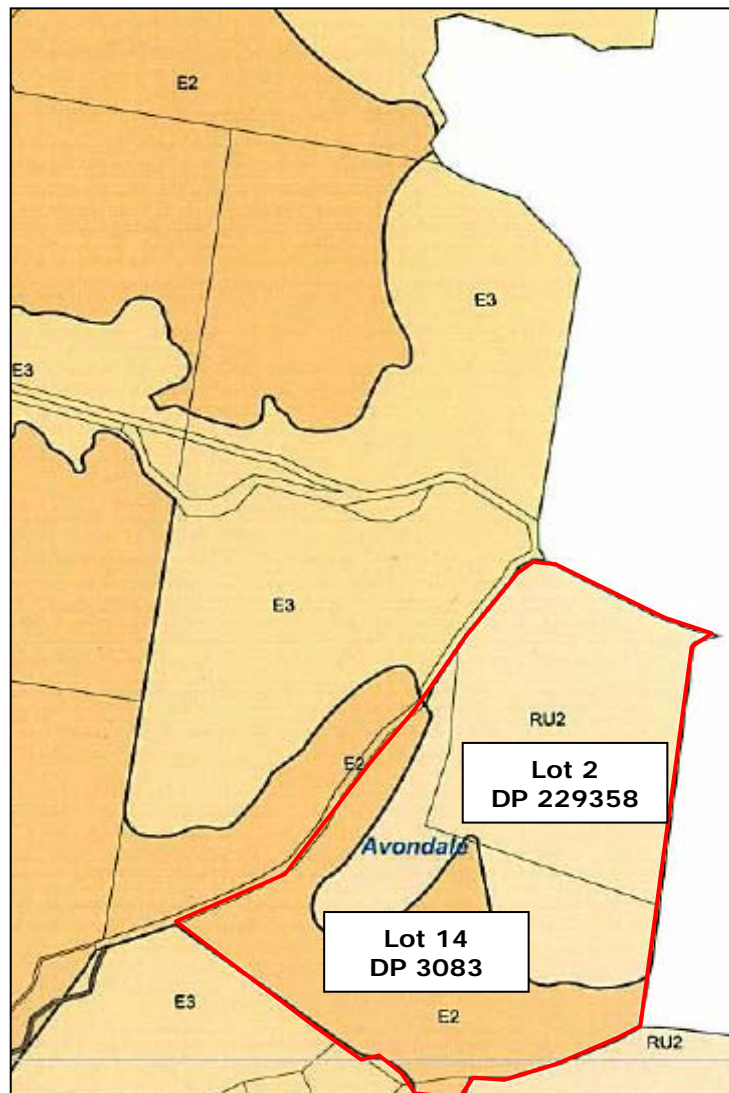
The definitions contained in Wollongong LEP 2009 indicate that the golf course and associated facilities would be defined as a "recreation facility (outdoor)" which is described as:

*"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)."*

"Recreation facilities (outdoor)" are permitted with development consent on the RU2 Rural Landscape Zone and are prohibited under the proposed E3 Environmental Management zone. Therefore all buildings on the site and associated parking are permissible under the gazetted LEP, with only a small section of golf fairway No. 6 being located in the E2 Environmental Conservation zone. It is noted that this section of the golf fairway will be fully contained within the RE2 Private Recreation zone shown within the Huntley Planning Proposal and would be a permissible use within this zone, under this instrument. This tee is also a permitted use under WLEP 1990, which is the applicable instrument, given the date of lodgement of the development application.



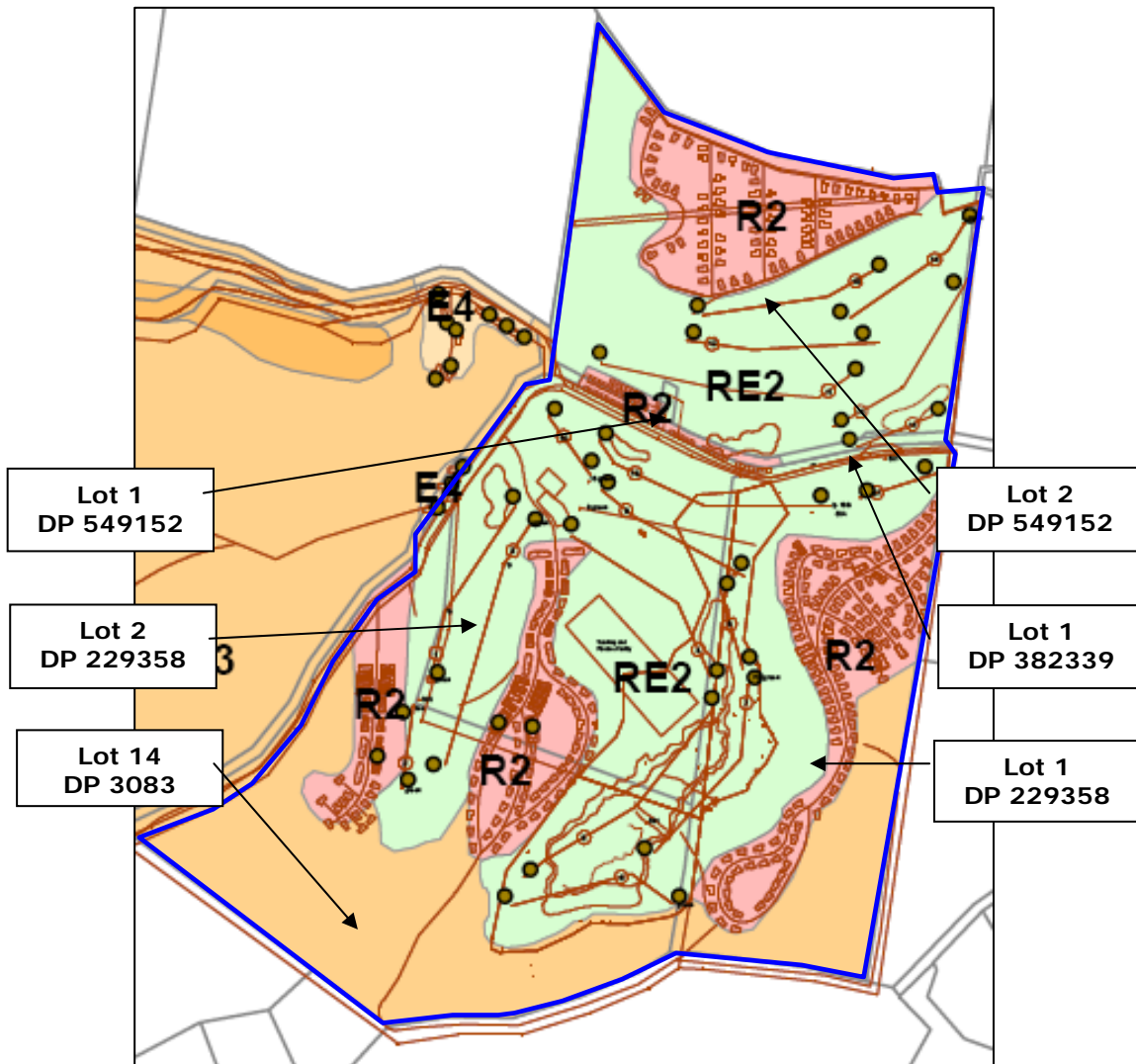
**Figure 3:** Site Zoning under DWLEP 2009, as gazetted



#### Exhibited Planning Proposal – Huntley Mine Site

The Planning proposal for the Huntley Mine Site was exhibited by from 7 June and 23 July 2010 and hence requires consideration as an exhibited environmental planning instrument in the assessment of DA 2009/1037. The exhibited instrument proposed two zones on the land containing and adjacent to the golf course, being an RE2 Private Recreation zone and an R2 Low Density Residential zone, as shown in Figure 4. The Planning Proposal shows that the golf course, Golf Clubhouse, Golf lodges, Biomechanics/Sports Education Centre, Car Park, Golf Driving Range and Tennis Courts are principally contained within the RE2 Private Recreation zone. Only a minor section of golf fairway No. 2, together with part of the biomechanics facility and tennis courts are sited within the R2 Low Density Residential zone, which is possibly a reflection of the scale of the Planning proposal map which has been prepared.

The definitions contained in Wollongong LEP 2009, indicates that the golf course and associated facilities would be defined as a “recreation facility (outdoor)”. Recreation facilities (outdoor) are permitted with development consent within both the RU2 Rural Landscape Zone and the R2 Low Density Residential zone.

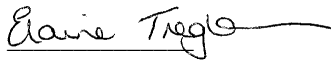


**Figure 4:** Proposed site zoning under Exhibited Huntley Planning Proposal

The above information confirms that the subject development is a permissible use under the provisions of Wollongong LEP 1990, which is the planning instrument which applies to the development, given the date of lodgement of the development application. Whilst numerous later planning documents and the Illawarra Escarpment Strategic Management Plan contain a range of zones and attributes categories for such land (many of which do not align), it is apparent that the development has been appropriately sited having regard to such documents and its level of disturbance. Accordingly, it is considered that the subject site, being a former degraded mine site, is an ideal site to accommodate the proposed golf course and associated buildings. The development will allow for the progressive rehabilitation of the site in a manner which recognises the attributes and environmental qualities of the land. This has been acknowledged within both gazetted LEP 2009 which identifies the development area as RU2 Rural Landscape and within the Huntley Planning Proposal which identified the land principally as RE2 Private Recreation.

We trust the submitted application addresses the matters raised by the Joint Regional Planning Panel (Southern Region) and welcome the determination of the application at the Panel's meeting on 3 December 2010.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Elaine Treglown', with a long horizontal flourish extending to the right.

Elaine Treglown

*Director*

*TCG Planning*

## **Appendix 1 & 2**

Aerial Photos showing the rehabilitation works on the subject site







