

ITEM 1

POST EXHIBITION - DRAFT NEIGHBOURHOOD PLAN AND BIODIVERSITY CERTIFICATION APPLICATION FOR HUNTLEY SOUTH (STAGES 2 AND 3)

On 12 March 2018, Council resolved to exhibit the draft Neighbourhood Plan for part of the Huntley Avondale Road South precinct, known as Avondale Road South – Stages 2 and 3 of which is proposed to be developed in conjunction with an approved golf course and facilities.

The draft Neighbourhood Plan was exhibited between 7 April and 7 May 2018 and a total of four (4) submissions were received. The Environment Protection Authority objected to the proximity of the residential development to an active putrescible waste depot.

Finalisation of the draft Neighbourhood Plan has been stalled for considerable time and the potential development constraint raised by the Environment Protection Authority remains unresolved. This report considers the submissions received from the exhibition of the draft Neighbourhood Plan and recommends that the draft Neighbourhood Plan be discontinued.

On 27 May 2019, Council resolved to lodge a Biodiversity Certification application for part of the site on behalf of the owners, under the *Biodiversity Conservation Act 2016*. The progression of this application has also stalled and it is recommended that Council withdraw the application and allow the owners to lodge a fresh Biodiversity Certification application.

## RECOMMENDATION

- 1 The draft Neighbourhood Plan for the Huntley Avondale Road South precinct within the Avondale Resort site, be discontinued as an amendment to the Wollongong Development Control Plan 209 – Chapter D16 West Dapto Release Area.
- 2 The proponents be invited to submit a new draft Neighbourhood Plan for the whole precinct when they are ready to address the site issues.
- 3 The NSW Department of Planning and Environment – Environment, Energy and Science be advised that Council wishes to withdraw the Huntley/Avondale Biodiversity Certification application.

## REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

## ATTACHMENTS

- 1 Huntley Site Map
- 2 Locality Map and Current Zoning
- 3 Neighbourhood Plan

## BACKGROUND

The Avondale Resort site (formerly Huntley Heritage precinct) is located at the end of Avondale Road and Cleveland Road, Avondale (Attachment 1). The total site comprises 17 lots and covers an area of 571 hectares. The site extends from near the intersection of Avondale and Cleveland Roads located within the West Dapto Urban Release Area, at an elevation of 50m AHD, to the top to the Illawarra Escarpment with an elevation of 450m AHD.

The site was the location of the former Huntley and Avondale Collieries, where the mine / pit head was located in the Illawarra Escarpment, and coal was transferred to the lower part of the site to a washery. Huntley Colliery was established in 1946 and bought by the State Government in 1951 to supply coal to the Tallawarra Power Station. The mine closed in 1989 and was sold by the State in the 1990's.

In December 2011, Council resolved to finalise a rezoning proposal for the lower part of the site to rezone the land to enable residential development, environmental conservation and private recreation. The rezoning was notified in June 2012.

In December 2011, the Southern Joint Regional Planning Panel approved DA-2009/1037, for an 18-hole golf course and associated facilities (including a clubhouse, lodge, sports education and biomechanics centre).

On 12 August 2015, the Neighbourhood Plan for Avondale Road North came into force through an amendment to Chapter D16 of Wollongong Development Control Plan 2009.

In August 2016, a draft Neighbourhood Plan for a component of the site (stages 2 and 3) to the south of Avondale Road, was lodged. Following initial assessment, a revised draft Neighbourhood Plan was submitted in July 2017 and is the subject of this report, provided at Attachment 2.

Wollongong Development Control Plan (DCP) Chapter D16 West Dapto Release Area contains specific development controls to guide future urban development in the West Dapto Urban Release Area and supplements the standard provisions contained in the DCP. Wollongong Local Environmental Plan (LEP) 2009 and Chapter D16 require a Neighbourhood Plan to be prepared and adopted by Council to guide development within a specified neighbourhood / precinct. The adoption of a Neighbourhood Plan enables future development applications submitted in accordance with the Plan to comply with Clause 6.2 of the Wollongong LEP.

The draft Neighbourhood Plan applies to part of Lots 1 and 2 DP 229358 and part of Lot 14 DP 3083 (Attachment 3) on land on the southern side of Avondale Road, Huntley. The draft Neighbourhood Plan comprises approximately 132 hectares, and is covered by the following zones under Wollongong LEP -

- R2 Low Density Residential.
- C2 Environmental Conservation.
- C3 Environmental Management.
- C4 Environmental Living.
- RE2 Private Recreation.

The draft Neighbourhood Plan does not apply to the whole property. A further draft Neighbourhood Plan would need to be submitted, assessed and reported to Council for the other parts of the total site.

On 12 March 2018, Council considered a report on the draft Neighbourhood Plan and resolved that -

- 1 *The draft Neighbourhood Plan for Huntley Avondale Road South – Stages 2 and 3 Precinct be progressed to public exhibition for a minimum period of 28 day.*
- 2 *Consultation with relevant State government agencies occur as part of the exhibition period.*

The draft Neighbourhood Plan was exhibited between 7 April and 7 May 2018.

On 27 May 2019, Council also resolved to support the Biodiversity Certification of part of the site, as the planning authority under the former *Threatened Species Conservation Act 1995*. The application was exhibited between 26 August and 30 September 2019.

In December 2020 the former owner went into receivership. The site is now owned by a new group.

## PROPOSAL

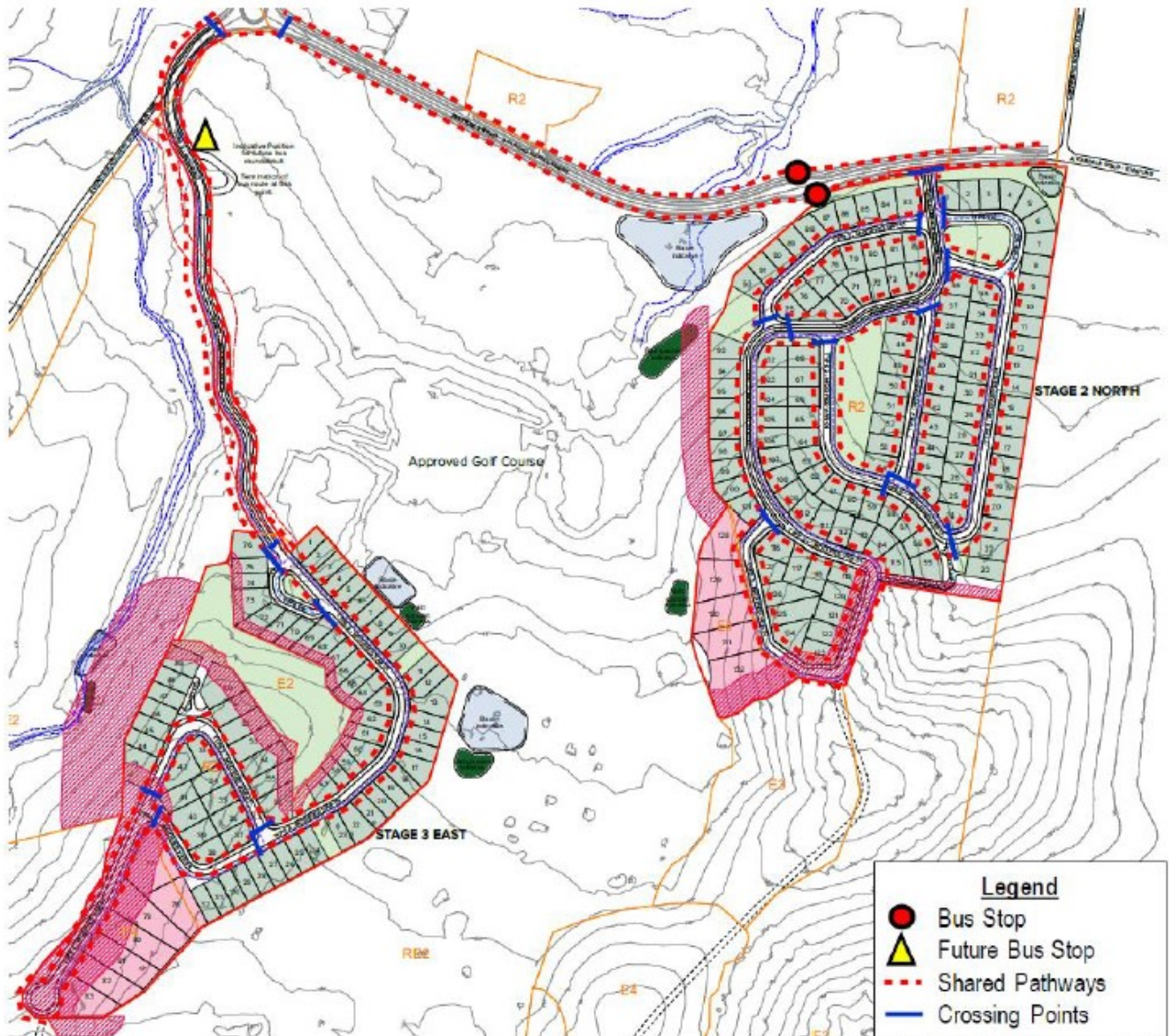
The draft Neighbourhood Plan for the southern precinct provides for approximately 215 residential lots within a proposed community title estate surrounding the approved golf course. It also incorporates RE2 Private Recreation open space, C2 Environmental Conservation and C4 Environmental Living zoned land.

In addition, the proposal seeks to amend Chapter D16 of Wollongong DCP to include all the Huntley Avondale sites within the West Dapto Urban Release Area, in keeping with the Urban Release Area Map under Wollongong LEP.

The Neighbourhood Plan additionally provides for -

- A road hierarchy based on predicted traffic volumes and movements throughout the neighbourhood.
- Connectivity with Avondale Road.

- Provisions for community and private recreation facilities incorporating the golf course.
- Shared pedestrian/cycleway/golf buggy paths.



**Figure 25 – Anticipated pedestrian, bicycle and buggy paths**

Source: Bitzios Consulting





**Figure 18 – Photo montage of the proposed development viewed from the east**

*Source: Arcadia*

The draft Neighbourhood Plan also proposes some site-specific controls within Chapter D16 of Wollongong DCP. These controls include setback requirements, design and streetscape requirements, and primary street frontage controls.

## **Environmental Concerns**

### Environment Protection Authority (EPA)

As part of the exhibition of the draft Neighbourhood Plan for Huntley South, Council received a submission from the EPA.

The EPA object to residential development being within 250m of the putrescible waste facility, unless a risk assessment is undertaken and mitigation measures are installed. While the majority of proposed residential zoned land is outside the landfill buffer area, parts of it are within 250m.

*'The Environment Protection Authority (EPA) has reviewed the documentation provided on the exhibition website and is concerned that the draft plan proposes to locate residential housing and other development on, and in close proximity, to parts of the site that have been used for waste disposal.'*

*HTT Huntley Heritage Pty Ltd currently operates a solid waste landfill on land subject to the draft neighbourhood plan. The landfill is licensed by the EPA under Environment Protection Licence 10997.*

*Sub-surface gas monitoring undertaken on behalf of the licensee has shown that the production of landfill gases exceeding EPA thresholds is occurring within the landfilled waste materials to the extent of the licensed landfill boundary.*

*Landfill gas can pose a possible explosion and asphyxiation risk if allowed to build up in confined spaces, especially in buildings erected on, or close to, landfilled waste. Even structures not built directly on fill areas may be exposed to landfill gas as a result of sub-surface migration through the ground or along service ducts or pipelines.'*

This advice has significant consequences for the development of the Stages 2 and 3 and possibly the golf lodges and hotel development.

This is considered to be a threshold issue that needs to be addressed and has delayed the progression of the Neighbourhood Plan to date.

## Biodiversity Certification

In 2015, consultants for the landowner commenced the preparation of studies to support a Biodiversity Certification application for the Avondale Resort North and South precincts. In November 2017, as part of the commencement of the *Biodiversity Conservation Act 2016*, the NSW Minister for the Environment issued an Order saving the work completed to date for pending Biodiversity Certification applications for Huntley and West Dapto under the provisions of the former *Threatened Species Conservation Act 1995* until 25 August 2019.

On 8 February 2019, the Office of Environment and Heritage approved a BioBanking Agreement covering parts of the Avondale Resort North and South precincts to conserve 45.8 hectares and generate 518 plant community credits covering 3 vegetation communities, and 15 species credits.

On 18 March 2019, ecological consultants on behalf of the landowner, submitted the Biodiversity Certification application for the north and south Huntley precincts to Council for review and submission to the NSW Office of Environment and Heritage.

On 27 May 2019, Council resolved to support the Biodiversity Certification application, as the planning authority. Under the legislation at that time, only a planning authority could lodge a Biodiversity Certification application. The more recent *Biodiversity Conservation Act 2016* enables landowners and developers to seek biodiversity certification of their own sites. The methodology to determine species credits has also been amended since 2019.

The Biodiversity Certification application proposed the clearing of 10.5 hectares of native vegetation, which was proposed to be offset by the conservation of 23.7 hectares of native vegetation, and the retirement of 254 conservation (BioBanking) credits. The key advantage of the Biodiversity Certification process is that it identifies the biodiversity values of the land as part of the strategic planning process, and provides certainty that a positive conservation outcome can be achieved which is supported by a funding mechanism.

The application was exhibited between 26 August and 30 September 2019, and was available at Council's Customer Service Centre, all Wollongong City Council libraries and on the Wollongong City Council's website. No submissions were received during the exhibition period.

The Biodiversity Certification application is still to be finalised. As the application has stalled for almost 3 years, it is recommended that Council withdraw the application. The proponents can lodge a new application with the NSW Department of Planning and Environment – Environment, Energy and Science, consistent with the current Biodiversity Certification rules. The proposed withdrawal does not mean that Council officers are not supportive of the biodiversity certification of the site, but recognises that there is now an alternate pathway for the proponent to lodge and manage their own application.

It is recommended that NSW Department of Planning and Environment – Environment, Energy and Science be advised that Council wishes to withdraw the Huntley Biodiversity Certification application.

## CONSULTATION AND COMMUNICATION

The draft Neighbourhood Plan was exhibited between 7 April and 7 May 2018. The exhibition was advertised through Council's website and in the Illawarra Mercury and Advertiser newspapers. Copies of the suite of documents were available for viewing on Council's website, in Wollongong and Dapto libraries, and at Council's Customer Service Centre in the Administration Building, Wollongong.

The following NSW State Agencies were consulted in conjunction with the exhibition period -

- NSW Rural Fire Service.
- NSW Department of Planning and Environment.
- NSW EPA.
- NSW Office of Environment and Heritage.

Four (4) submissions were received from the following –

- NSW Rural Fire Service.

- NSW EPA.
- NSW OEH.
- Don Fox Planning on behalf of Stockland's Residential.

The table below notes the issues raised during the public exhibition of the draft Neighbourhood Plan -

Submitter	Issue Raised	Comment
<b>NSW Rural Fire Service</b>	<p><i>"The following bush fire protection measures under Planning for Bush Fire Protection 2006 should be incorporated into the layout/plan -</i></p> <ol style="list-style-type: none"> <li><i>1 Perimeter roads between bush fire hazards and the future residential areas. These roads shall be designed to provide at least two traffic lane widths (carriageway 8 metres minimum kerb to kerb), allowing traffic to pass in opposite directions.</i></li> <li><i>2 A through road to provide alternative access or egress for firefighters and residents during a bush fire emergency if part of the road system is cut by fire. In this regard, the proposed secondary access/fire trail should be designed to conform to the standards of a sealed public road due to the substantial distances required to traverse in the alternate direction.</i></li> <li><i>3 Non perimeter roads (i.e. all roads other than perimeter roads) shall be designed to comply with Table 4.1 Road widths for Category 1 Tanker (Medium Rigid Vehicle) of Planning for Bush fire Protection 2006.</i></li> <li><i>4 All roads between 6.5 metres and 8 metres wide shall have No Parking on one side with the services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression.</i></li> <li><i>5 A Community Title scheme for the management of the proposed future offsite' Asset Protection Zones."</i></li> </ol>	Comments are noted.
<b>NSW OEH</b>	<p><i>Biodiversity &amp; Offsetting</i></p> <p><i>We are strongly supportive of a biocertified development and conservation outcome for this key site within the West Dapto Urban Release Area.</i></p> <p><i>The proposed Stages 2 and 3 Neighbourhood Plan area appears broadly consistent with the existing zoning layout and proposed biocertification footprints for development, retained and conservation lands. The E2/E3 zoned areas adjacent to Stages 2 and 3 comprise Illawarra Lowland Grassy Woodland and Illawarra Subtropical Rainforest Endangered</i></p>	<p>Comments are noted.</p> <p>Biodiversity Certification is in progress, but has been delayed by transfer of ownership and other issues.</p>

Submitter	Issue Raised	Comment
	<p><i>Ecological Community (EECs). These areas are amongst those identified as “red flags” for the purposes of biodiversity certification, and are located within lands proposed for conservation.</i></p> <p><i>We recommend perimeter roads be provided to all residential areas adjacent to the E2/E3 lands, so that no residential lots back directly onto E2/E3 lands, allowing for these buffers can be incorporated. Any APZs required for Stages 2 and 3 must be contained wholly within lands zoned for urban development.</i></p> <p><i>Aboriginal Cultural Heritage</i></p> <p><i>An Aboriginal cultural heritage assessment report for Stages 2 and 3 has not been provided with this referral. However, we support the statement in Section 5.2.3 of the Planning Report that impacts to Aboriginal cultural heritage will be avoided.</i></p>	
<b>NSW EPA</b>	<p><i>The EPA advises against -</i></p> <ol style="list-style-type: none"> <li><i>1 The approval of any residential development on areas of the site that have been used for waste disposal; and</i></li> <li><i>2 The approval of any residential development within 250m of the fill areas without a site-specific risk assessment being conducted and, if necessary, mitigation measures being incorporated into the footings of the proposed buildings. Additionally, it is recommended that the construction specification for any future structures, utilities or services on the rehabilitated landfill be subject to a detailed ground gas risk assessment specific to the particular structure/utility proposed for construction.</i></li> </ol>	<p>Concerns raised with the proponents - additional investigations are required.</p> <p>The specific risk assessment has not been submitted to Council</p>
<b>Don Fox Planning on behalf of Stockland's Residential</b>	<p><i>Overall Stockland supports the progression of the Neighbourhood Plan to facilitate the development of the land and the benefits that this will deliver to the West Dapto Release Area.</i></p> <p><i>Other issues raised include -</i></p> <ul style="list-style-type: none"> <li><i>• Flooding;</i></li> <li><i>• Closure of Cleveland Road;</i></li> <li><i>• Capacity of Avondale Road.”</i></li> </ul>	<p>Comments are noted and have been incorporated within the final design and layout of the draft Neighbourhood Plan.</p>

## PLANNING AND POLICY IMPACT

This report relates to Wollongong 2028 Community Strategic Plan Objective 1.3 “The sustainability of our urban environment is improved” under Community Goal 1 “We value and protect our environment” and Delivery Program 1.3.1.2 “Develop planning controls and Town Centre and Neighbourhood Plans with

regard to the economic, social, and environmental impacts". The report also relates to Strategy 5.3.1 "Housing choice in the Wollongong Local Government Area is improved, taking into account population growth, community needs and affordability" under Community Goal 5 "We have a healthy community in a liveable city" in Council's 2018-2022 Delivery Program and Operational Plan.

Significant time has elapsed since the exhibition of the draft Neighbourhood Plan and Biodiversity Certification application. The outstanding issues have not been satisfied at this time. Appropriate planning for the precinct would benefit from a fresh approach, using current best practise. In February 2022, the current proponent was requested to withdraw the draft Neighbourhood Plan but has not yet done so.

## FINANCIAL IMPLICATIONS

The financial implications of the West Dapto Urban Release Area are significant and are subject to regular monitoring and modelling. As part of the West Dapto Review Project, Council considered and adopted an updated Section 7.11 Contributions Plan for the West Dapto Urban Release Area.

There are no significant financial implications resulting from this report.

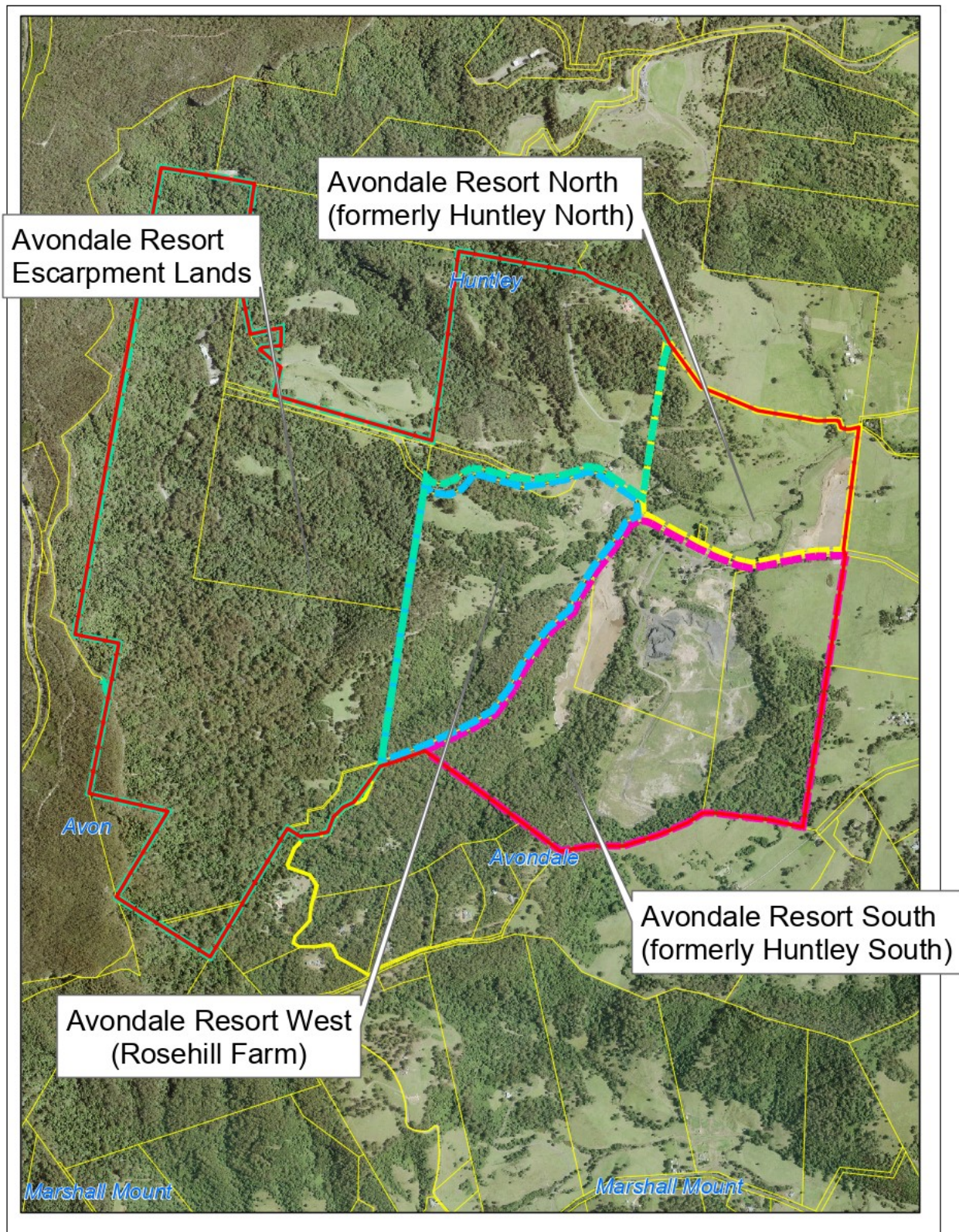
## CONCLUSION

The Neighbourhood Plan process is a crucial step in providing for development within the West Dapto Urban Release Area. If Council is to progress the Neighbourhood Plan for this precinct, this would allow for consideration of development applications.

Considerable time has elapsed since the public exhibition of the draft Neighbourhood Plan. During this period a significant issue and potential development constraint raised by a State Agency has not been resolved.

It is recommended that Council discontinue the Neighbourhood Plan and the Biodiversity Certification application and invite the new landowners to submit a fresh Neighbourhood Plan for the whole precinct.









# WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

## Location Plan and Land Zoning Map

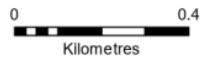
### Zoning

- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living
- R2 Low Density Residential
- RE2 Private Recreation
- RU2 Rural Landscape
- Huntley South Precinct Boundary

Cadastral  
Cadastral 21.02.22 @ Wollongong City Council

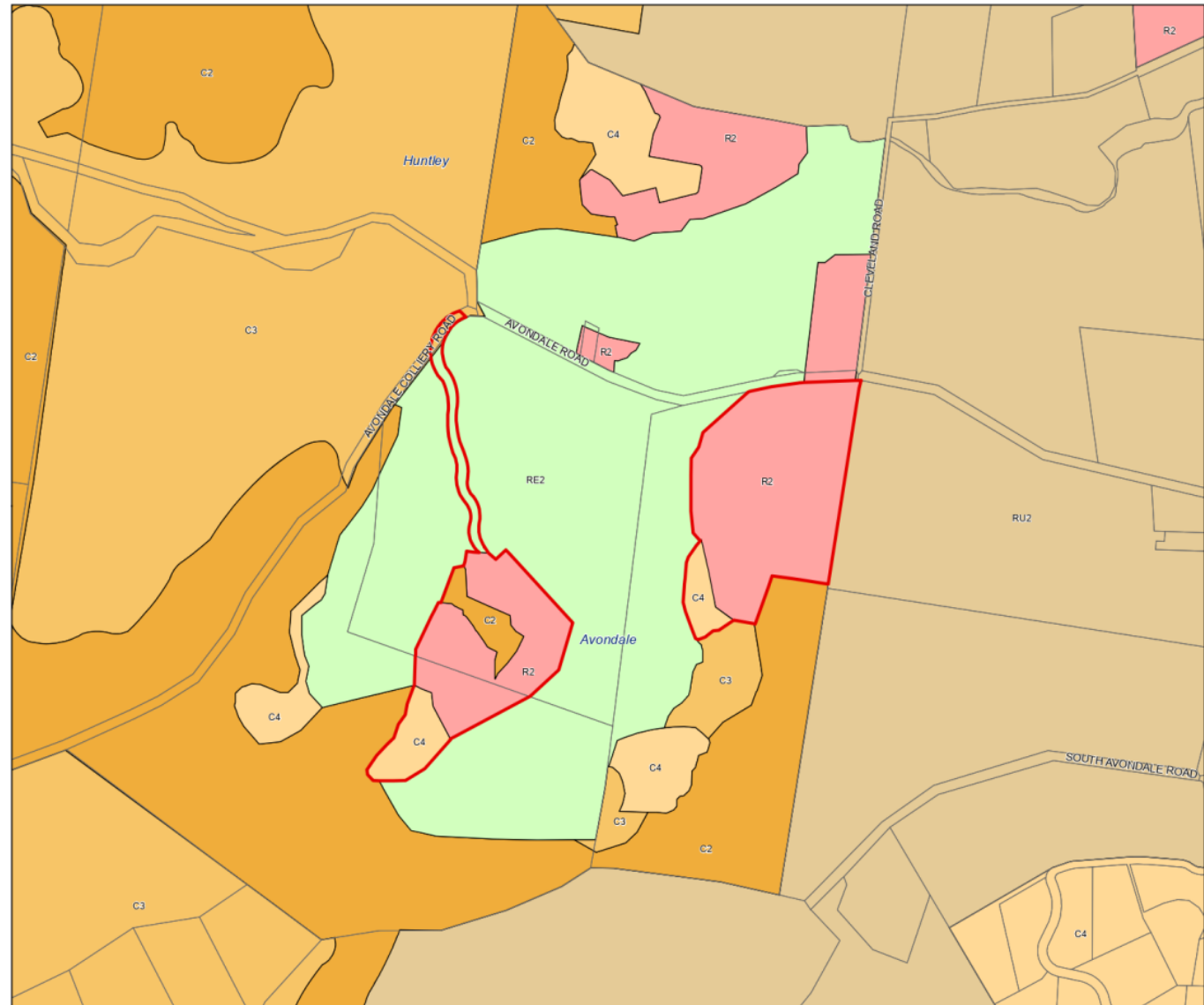


Projection: GDA 2020  
MGA Zone 56



Scale 1:8,000 @ A3

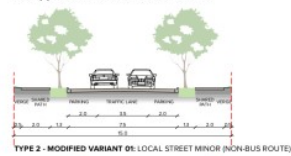
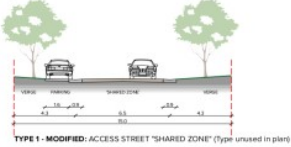
Map Identification number:  
Location\_Zoning\_HuntleySth\_280222.mxd



## LEGEND

- R2 Zoning (Wollongong LEP 2009)
- APZ
- Existing Contours - 5m Increments
- Mullet Creek / Box Creek - Indicative centreline
- Mullet Creek / Box Creek Top Of Bank
- Lot Type F - Minimum Lot Size 449 m<sup>2</sup>
- Lot Type U1 - Minimum Lot Size 1499 m<sup>2</sup>
- Pocket Park / Green Corridor
- Detention Basin - Indicative Positioning
- Rain Garden - Indicative Positioning
- Shared Bicycle / Pedestrian Paths
- 'Shared Zone' Bicycle / Pedestrian Routes
- Approved Access Road outline
- Bus Stop (DA Stage 1)
- ▲ Proposed Bus Stop
- Secondary Access Track
- Site Boundary Neighbourhood Plan Stage 2 North + Stage 3 East (LEP Consistent)

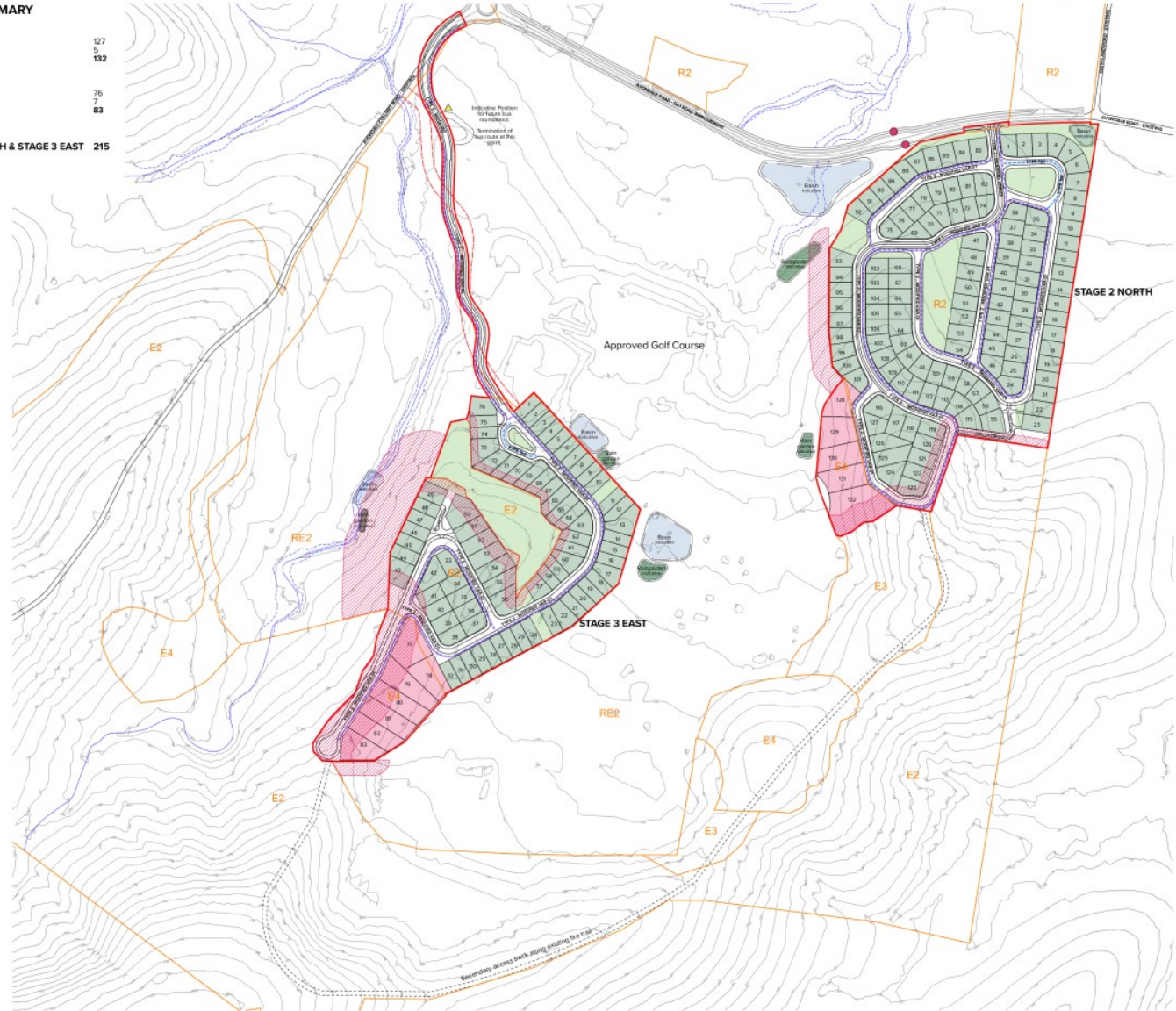
## INDICATIVE ROAD CROSS-SECTIONS (BASED ON WEST DAPTO TYPOLOGIES) 1:150



**NOTES**  
1. This drawing is a conceptual plan and is not a final design. It is intended to provide a general indication of the proposed layout and is not to be used for construction purposes.  
2. The proposed layout is subject to the final design and construction of the project.  
3. The proposed layout is subject to the final design and construction of the project.

## YIELD SUMMARY

<b>STAGE 2 NORTH</b>	
F LOTS	127
U1 LOTS	5
<b>SUBTOTAL</b>	<b>132</b>
<b>STAGE 3 EAST</b>	
F LOTS	76
U1 LOTS	7
<b>SUBTOTAL</b>	<b>83</b>
<b>TOTAL NHP</b>	
<b>STAGE 2 NORTH &amp; STAGE 3 EAST</b>	<b>215</b>



**CLIENT**  
VIG Visionary Investment Group  
Level 32, 85 Castlereagh St Sydney NSW 2000 Australia

Rev: 10/01/22  
By: 10/01/22  
Reviewed: 10/01/22  
Approved: 10/01/22

**Project Name**  
The Huntley  
Avondale Road Avondale NSW Australia

**Drawing Title**  
Neighbourhood Plan  
LEP Consistent Stage 2 North & Stage 3 East

**Scale**  
1:2500 nAT 50% nAT  
**Project No.**  
18009  
**Client**  
NHP-100-201

**Author**  
JH  
**Check**  
E  
**North**  
↑

**TURNER**