

10 JAN 2000

**Environmental Planning and Assessment Act, 1979,
As amended
NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**



Council of the City of Shellharbour
c/- Project Manager
Shell Cove Office
PO Box A148
SHELLHARBOUR 2529

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Under Section 96 of the Act, notice is hereby given of the determination by the consent authority of the application to Amend Development Consent No. 98/88 relating to the land described as follows:

Lots 1201, 1202 & 1207, DP 864201, Shellharbour Road, Shell Cove

and being development described as follows:

Shell Cove Golf Course

as shown on the plans endorsed with Council's stamp and attached to AMENDED DEVELOPMENT CONSENT NO. 98/88 (am) .

The Application for Amendment has been determined by the GRANTING OF AMENDMENT OF CONSENT SUBJECT TO THE CONDITIONS SPECIFIED IN THIS NOTICE.

The conditions of consent are set out as follows:

CARPARK/ACCESS

1. At all times the number of onsite parking bays provided shall be sufficient to cater for the parking demands of the development. In this regard, a minimum of 113 spaces shall be provided for the proposal.
2. All parking areas, manoeuvring areas and the access aisle shall be paved, drained and marked to Council's satisfaction.

All comm
addressed

GENERAL MANAGER

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Blackbutt 2529

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ADMINISTRATION CENTRE:

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COUNCIL MEETING CHAMBER:

Cnr Shellharbour &

Lake Entrance Roads Warilla

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3. All car parking spaces shall have minimum dimensions of 2.6m x 5.5m with a 7.0m access aisle. A 1.0m landscaping median is required between adjoining rows. However, in order to facilitate improved landscaping, Council recommends that the landscaping strip be increased to 2.0 metres within the carpark with the current space lengths reduced to 5.0 metres where they abut the landscaping strip.
4. Access to the site shall be via the temporary public road to the Killalea State Recreation Area. No access will be permitted directly to Shellharbour Road without the written approval of the Roads and Traffic Authority.
5. An industrial standard vehicular dish crossing with 1 in 2 tapers to the existing carriageway shall be constructed across the footpath at the point of access from the temporary public road to the Killalea State Recreation area. This work shall be carried out by Council, or a Council approved Contractor, at the developer's expense.
6. A detailed drainage design for the carpark shall be submitted and approved prior to the commencement of any work on the carpark. This plan shall be to the satisfaction of Council's Engineer and indicate the method of disposal of all stormwater and include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of pipelines.
7. Work As Executed plans for the carpark shall be submitted by a qualified Engineer, or a Registered Surveyor, certifying compliance of all drainage works with the approved design plans. This plan shall verify surface and invert levels on all pits, invert levels and sizes of all pipelines and finished surface levels on all paved areas. Certification of pits and stormwater pipelines shall be submitted to Council after installation and prior to backfilling. Certification of paved areas shall be submitted to Council after the formwork for the driveway has been completed and prior to the concrete being poured. All levels shall relate to Australian Height Datum.

GOLF COURSE

8. The design and layout of the eighteen (18) hole golf course shall be carried out generally in accordance with the plan prepared by Scott Murray & Associates, as indicated on Drawing No SMA-GC-01, Issue B, dated 13 August 1999 unless varied by conditions of this consent or as otherwise agreed in writing by Council.
9. Prior to any construction works commencing on site, unless otherwise agreed in writing by Council following consultation with the Environment Protection Authority (EPA) and the Department of Land and Water Conservation (DLWC), a Construction Phase Environmental Management Plan (EMP) shall be prepared and submitted to Council, EPA and DLWC for approval.

No work shall commence until such time as the EMP has been approved unless otherwise agreed in writing by Council following consultation with EPA and DLWC.

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10. The Construction Phase EMP referred to in Condition No. 9 shall as a minimum:

- (i) contain a detailed staging plan for all earthworks and construction phases of the development.
- (ii) contain an overall Soil and Water Management Plan for the site prepared in accordance with the NSW Department of Housing Guidelines - "Managing Urban Stormwater: Soils and Construction - 1998", or alternatively; contain Soil and Water Management Plans prepared for each stage and approved prior to the commencement of works for that stage.
- (iii) (a) contain a Water Quality Monitoring Program for Wetland 374b developed, following consultation with Council, EPA and DLWC.

Areas of testing shall include pH, Ec, Suspended Sediments (SS), Total Phosphorous, Total Nitrogen and following the introduction of the turf establishment and management phases, pesticide and fungicide analysis.

- (b) the monitoring referred to in (a) above shall be achieved by the installation of rising stage samplers at the points of major flowlines of entry into and major flowlines of discharge from Wetland 374b. Four (4) samplers shall be installed and results forwarded to Council.
- (iv) contain an Acid Sulphate Soils Management Plan for that part of the site beyond the outer limit of Wetland 374b and RL 4.0 AHD and be developed in accordance with the Acid Sulphate Soils Manual 1998 published by the Acid Sulphate Soils Management Authority Committee. The Acid Sulphate Soils Management Plan shall comprise a resampling and analysis of the soils at the original test pit locations.

Results of tests shall be forwarded to DLWC and EPA.

- (v) contain a program for the implementation of landscaping.
- (vi) contain a program for the implementation of measures to protect the existing fig tree located in the eastern boundary adjacent to the 14th fairway and the remnant red gum forest adjacent to the 6th fairway tees during the construction phase.
- (vii) contain a program for the implementation of measures to prevent unauthorised works within the buffer zone and unauthorised entry into or works within Wetland 374b.

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- (viii) contain a turf establishment program including the implementation of Biodynamic principles and strategies as detailed in the submission accompanying the development application as a means of minimising pesticide, fungicide and herbicide usage.
11. The developer shall lodge a bond to the amount of \$50,000 to ensure compliance with erosion and sediment control measures incorporated in the approved Soil and Water Management Plan. This bond shall be in the form of a cash bond, or an irrevocable bank guarantee made out in favour of Council, and shall operate as follows:
- a. The bond shall be submitted to Council prior to the commencement of earthworks.
 - b. The bond shall be held by Council until the completion of a six (6) months maintenance period for the development, which shall commence at the completion of the site stabilisation and turf establishment programs.
 - c. Should Council advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work shall be substantially commenced within forty eight (48) hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, (which could include the Soil Conservation Service) to undertake such measures as deemed necessary and fund these works from the bond guarantee.
12. The identified location of *Zieria granulata* between the 3rd and 18th fairways and the 10th and 18th fairways shall be fully fenced prior to any construction works occurring within 100 metres. In this regard, if any further endangered species including *Zieria granulata* are located within the construction zones, work shall cease immediately and shall not recommence until such time as the species have been protected to Council's satisfaction or approval has been obtained to their removal from the National Parks and Wildlife Service.
13. Full details of any retaining walls and hedges abutting the eastern boundary of the Killarney Homestead shall be submitted to Council for approval prior to any works commencing on the 5th, 6th, 7th and 8th fairways.
14. Measures approved to protect the existing fig tree adjacent to the 14th fairway and remnant red gum forest adjacent to the 6th tee shall be implemented prior to any construction works occurring within 100 metres of each feature.
15. Works in any stage requiring a licence under the provisions of the Water Act 1912 as issued by DLWC shall not commence until such time as a copy of that licence/s has been forwarded to Council.

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16. Works in any stage requiring an approval under Part 3A of the Rivers and Foreshores Improvements Act 1948 as issued by DLWC shall not commence until such time as a copy of that approval/s has been forwarded to Council.
17. Works in any stage requiring an approval under Section 17I of the Pollution Control Act 1970 as issued by EPA shall not commence until such time as a copy of that approval/s has been forwarded to Council.
18. A commitment to ecologically sustainable golf course management practices and strategies shall be reflected in both the construction and operational phases of the golf course as a means of minimising the use of inorganic fertilizers and pesticides. Details of methods to be employed to optimise the implementation of Biodynamic principles and integrated pest management principles; thereby minimising the use of inorganic fertilizers and pesticides shall be included in the EMP for both the construction and operational phases of the development.
19. An Operational Phase Environmental Management Plan (EMP) shall be prepared and submitted to Council, EPA and DLWC and approved prior to the commissioning of the golf course.
20. The Operational Phase EMP referred to Condition No.20 shall as a minimum:
 - (i) contain a Maintenance and Operations Manual for the golf course (generally in accordance with the submission accompanying the development application) which shall include as a minimum:
 - (a) golf course maintenance strategies,
 - (b) pest management strategies,
 - (c) tee, fairway, rough and putting green maintenance programs,
 - (d) irrigation practices including contingency plans during periods of low rainfall,
 - (e) landscape maintenance, and
 - (f) weed management strategies.
 - (ii) as an indicator of wetland health and golf course management practices and in accordance with the Plan of Management for the Dunmore Wetland Catchment, contain a program for the chemical, physical and biological monitoring of Wetland 374b and the wetland buffer zone in the areas of water quality, fauna including macro invertebrates, avifauna and amphibians.

In this regard monitoring shall commence in the Spring of 1999 and thence annually.

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21. The frequency of water sampling, monitoring and reporting as required by the conditions of this consent shall be reviewed following the second Annual Report to Council or as otherwise agreed in writing following consultation with EPA and DLWC.

22. An Annual Report shall be submitted by the Golf Course Operator to Council and referred to EPA and DLWC. The report shall be submitted following the first anniversary of the commissioning of the golf course and every twelve (12) months thereafter and shall contain as a minimum:
 - (i) results of all monitoring programs/studies required by conditions of this consent

 - (ii) a report on the health of vegetation in the wetland buffer. This report shall include:
 - (a) distribution of plant species,

 - (b) an analysis of the health of species identified in (a),

 - (c) qualifications and experience of the person/s who prepared the report, and

 - (d) recommendations, if any, to mitigate any impacts that are not due to natural processes.

 - (iii) details of staff qualifications and skill development in biodynamic techniques, integrated pest management techniques and organic fertilizer management.

 - (iv) details of use and application rates of all fertilizers, fungicides, herbicides, pesticides and chemical and biological additives summarised on a monthly basis from daily records.

 - (v) details of turf management practices.

 - (vi) details of the status of landscaping/revegetation programs.

 - (vii) details of the status of weed management programs.

 - (viii) daily rainfall data collected throughout the preceding twelve (12) months summarised on a monthly basis.

23. Following the submission of an annual report, an inspection of the development shall be scheduled and carried out with the Golf Course Operator, Council officers and officers from EPA and DLWC. The inspection shall be held within one (1) month of the receipt of the annual report

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24. Prior to the final inspection by the Principal Certifying Authority, the site shall be fully landscaped. In this regard two (2) copies of a landscape plan prepared by a qualified landscape architect must be submitted to the Principal Certifying Authority within three (3) months of the commencement of earthworks. The landscape plan must be prepared in accordance with the requirements as set out in Council's document entitled *Landscape Guidelines*, available from Council's Technical Services Division.
25. The minimum requirements for the landscape plan required by Condition No. 24 are:
 - i. The name and qualifications of the person preparing the plan (minimum qualification generally horticulture certificate unless otherwise approved by Council).
 - ii. A title block.
 - iii. Scale of the plan.
 - iv. Landscape schedule indicating plant symbol, botanical names, ground cover planting densities and existing vegetation.
 - v. Landscaped site plan showing existing vegetation to be retained and proposed additional planting as scale.
26. Prior to the commencement of landscaping and in conjunction with the landscape plan the following additional details shall be submitted for Council's assessment:
 - (i) details of:
 - (a) confirmation that species to be used will replicate, as closely as practical, the native vegetation typical of this landform and locality, in terms of species diversity, indigenous genetic material and final community structure. This requirement shall particularly apply to the buffer zone and riparian corridors.
 - (b) a planting program that will achieve the principles in (a) having regard to the need to source local plant stock. The program will also need to consider the available water supply, which will include an assessment of the demands necessary to stabilise the site and establish the fairways without impacting on Wetland 374b.
 - (c) a staged planting concept of at least a primary and secondary planting program to assist in ensuring a species dependent on the habitat created by colonising species are included in subsequent stages of planting.
27. Prior to work commencing on site, the developer shall lodge a deposit of \$12,000 with Council. The deposit shall be held by Council to ensure the completion of landscaping works within the buffer zone and riparian corridors to the satisfaction of the Council and also to cover any defects which may arise during a maintenance period. This maintenance period will cover a 6 month

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period commencing from the date upon which notification is issued by an authorised Council officer that the designated landscaping works have been completed. It is the responsibility of the developer to notify Council for a reinspection at the conclusion of the maintenance period.

28. In the event that the results of any monitoring programs relating to the wetland, required as conditions of this consent, reveal as a result of Golf Course management practices, adverse environmental impacts to the water quality of Wetland 374b, Council, following consultations with DLWC and EPA, may request mitigation measures and/or operational or management changes.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with public interest.
5. To protect the environmental qualities of the wetland outlined in the Plan of Management for the Dunmore Wetland Catchment, prepared by Kevin Mills dated October, 1997.

SUPPLEMENTARY ADVICE

Engineering

1. In regard to Condition No. 2, a minimum acceptable standard is a 150mm deep compacted road base. When the design of the carpark is finalised and an application lodged for the clubhouse, construction of the car parking in permanent materials will be sought.
2. In regard to Condition No. 6, drainage disposal from the carpark via sheet flow will be permitted in the short term subject to the perimeter of the carpark being constructed using either a concrete or treated timber edge beam, Kopper logs, or similar type fence, erected to define the edge of the carpark.

- 3 DEC 1998

Endorsement of date of consent

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NOTES:

1. This amended Development Consent replaces the consent originally given to you and any other amendment.
2. If you are unsure of the date which this consent becomes valid, refer to Section 83 of the Act.
3. To find out the date this consent will lapse, refer to Section 95 of the Act.
4. If you are dissatisfied with any decision of this consent, then you have the right to appeal to the Land & Environment Court.

You must do this within sixty (60) days after the receipt of this notice.

5. Even though this consent is issued under the *Environmental Planning and Assessment Act, 1979*, the provisions of a restrictive covenant, agreement, instrument or other statutory provision may prevent the development which is the subject of this consent. You may wish to seek independent legal advice in this regard prior to acting on the consent.
6. You are advised that the plans and conditions of this consent must be complied with and you may only vary them if you make a written application, pay the correct fee and we give you written approval to amend the application.



Graham H Mitchell
Manager, Development Services

On behalf of Brian A Weir, General Manager

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