



MAJOR PROJECT ASSESSMENT
Sandon Point (MP 06_0094)



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

December 2006

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GLOSSARY & ABBREVIATIONS

ARV	Anglican Retirement Villages
Charles Hill Report	Charles Hill, <i>Independent Review of the Land Use Strategy for Certain Lands at Sandon Point, Wollongong City</i> , (Sydney: Planning Workshop Australia, November 2005)
Col	Commission of Inquiry
Council	Wollongong City Council
DCP	Development Control Plan
DEC	Department of Environment and Conservation NSW
Department	NSW Department of Planning
DGRs	Director-General Environmental Assessment Requirements, issued pursuant to section 75F of the Act
DNR	NSW Department of Natural Resources
DPI	NSW Department of Primary Industries
EA	Environmental Assessment
EECs	Endangered Ecological Communities as defined by the <i>Threatened Species Conservation Act, 1985</i>
Huys Report	Australian Archaeological Survey Consultants, <i>Sandon Point Col Area: Aboriginal Cultural Heritage Assessment. A report to DIPNR</i> , (June 2006)
LGA	Local Government Area
Major Projects SEPP	<i>State Environmental Planning Policy (Major Projects) 2005</i>
Proponents	Stockland and ARV
RACF	Residential Aged Care Facility
RFDC	Residential Flat Design Code
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy
SSS Study	State significant site Study, prepared as per clause 8 of the Major Projects SEPP
the Act	<i>Environmental Planning and Assessment Act, 1979</i>
the Regulations	<i>Environmental Planning and Assessment Regulation 2000</i>
Wollongong LEP	Wollongong Local Environmental Plan 1990
WSUD	Water Sensitive Urban Design

1 EXECUTIVE SUMMARY

This is a report from the Director-General to the Minister in relation to Project MP 06_0094 on Sandon Point. This report is provided to the Minister for the purposes of determining the Concept Plan pursuant to Section 75O(2)(a) of the Act and considering the future rezoning Sandon Point pursuant to clause 8 of the Major Projects SEPP.

The Proponents for Project MP 06_0094 are jointly Stockland Developments and Anglican Retirement Village.

The Proponents are seeking Concept Plan approval under Part 3A of the Act for land at Sandon Point. The Proponents have also provided a SSS Study consistent with Clause 8 of the Major Projects SEPP recommending that Sandon Point be listed within Schedule 3 of the Major Projects SEPP to facilitate the Concept Plan.

It was previously agreed with the Proponents that the Concept Plan and SSS Study processes may be concurrently undertaken. The plans and documentation submitted by the Proponents with the Concept Plan and SSS Study have been used to inform the rezoning process and assessment of the Concept Plan.

This Report recommends to the Minister that **approval be granted** to the Concept Plan **subject to modification**. The extent of modifications is set out in the instrument of approval set out at Appendix A.

This Report also recommends to the Minister that the rezoning of **Sandon Point be pursued** to give effect to the Concept Plan, given that Sandon Point is a matter of significance for the environmental planning of the State. This rezoning can proceed separately, noting the proposal is not wholly prohibited. This Report also recommends to the Minister that major development at Sandon Point be dealt with under Part 3A (that is, development with a capital investment value of \$5 million or more) with other types of development dealt with by Council under either Part 4 or Part 5.

2 BACKGROUND



Figure 1 - Sandon Point (red solid line)

2.1 Introduction

The subject lands are 53 hectares of land parcels located between Thirroul, Bulli and the Sandon or Bulli Point in Wollongong LGA (Figure 1). The subject lands form part of an area known as Sandon Point.

Land at Sandon Point has multiple owners, being divided between Stockland, Cookson Plibrico, Ray Hannah Motors Pty Ltd, Sydney Water Corporation Ltd, and Wollongong Council (Figure 3).

The Proponents are seeking to develop parts of Sandon Point for the purposes of residential housing (including housing for seniors), infrastructure works, and rehabilitation of local creeks. The Proponents for the project are Stockland and ARV.

On 2 April 2006, the Minister declared the development proposed by the Proponents to be a project to which Part 3A applies. Consequently, the Minister is the approval authority.

On 15 June 2006, the Proponents lodged an EA for the Concept Plan. The EA was exhibited between 4 July 2006 and 23 August 2006. No preferred project report was lodged following the exhibition process.

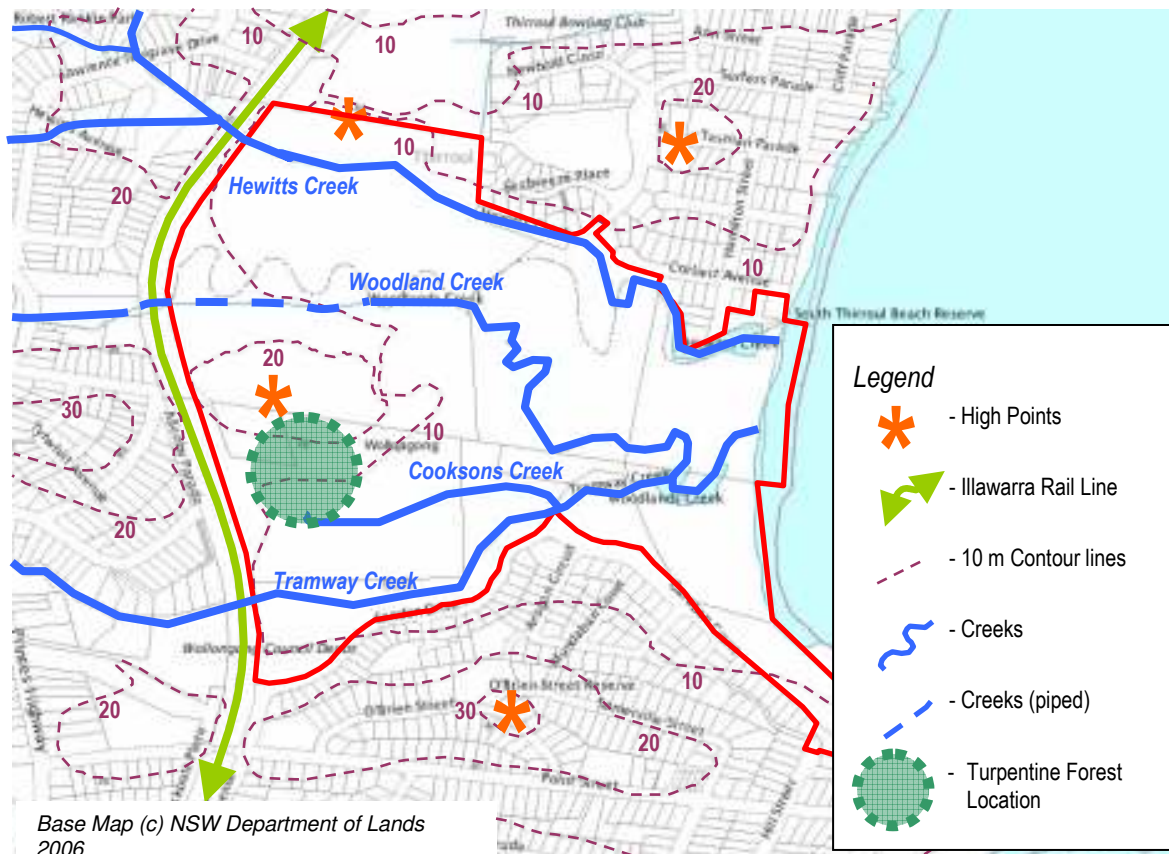


Figure 2 - Key topographical features, Sandon Point

2.2 Site Locality and Description

Sandon Point is located within the Wollongong LGA and is approximately 14 kilometres north of the Wollongong CBD. Sandon Point is bound by Thomas Gibson Park and private landholdings in the north; McCauley's Beach to the East; the Point Estate, a subdivision development by Stockland in the South; and the Illawarra railway line to the West. Sandon Point is south of the Thirroul village centre and Thirroul railway station. Bulli Railway station is further to the south.

Aerial photographs of Sandon Point belie its varied topography. The topography consists of low lying areas, such as that land close to McCauley's Beach and generally along the creek lines, as well as areas of high ground. The areas of high ground are knolls in Sandon Point, of which the central and northern parts afford distant views (especially north along the coast), and earth mounds constructed from past development activity, including the importation of fill from development in the local area. Figure 2 identifies the key indicative topographical features within the Site.

Sandon Point contains a variety of vegetation and landscaped environments. This includes formal landscaped areas (such as adjacent to McCauley's Beach, which comprises mown grass and areas of revegetation with native coastal species), regrowth areas consisting of predominantly non-native species (such as, the non-native grasses occupying Stockland), and remnant native vegetation. The remnant native vegetation includes EECs.

One area of remnant vegetation on site not listed as an EEC is the Turpentine Forest. The Turpentine Forest is located within the Cookson Plibrico land holdings north of the industrial buildings. It has statutory listing in the Wollongong LEP. The State Heritage Inventory identifies the Turpentine forest as being a rare example of coastal wet sclerophyll forest with trees possibly in excess of 100 years. The rarity of the Turpentine Forest according to the State Heritage Inventory and, although not on the State Heritage Register, the State Heritage Register Criteria suggest it would be worthy of listing the Register. The Turpentine Forest is clearly visible in aerial photographs of the site (Figure 1).

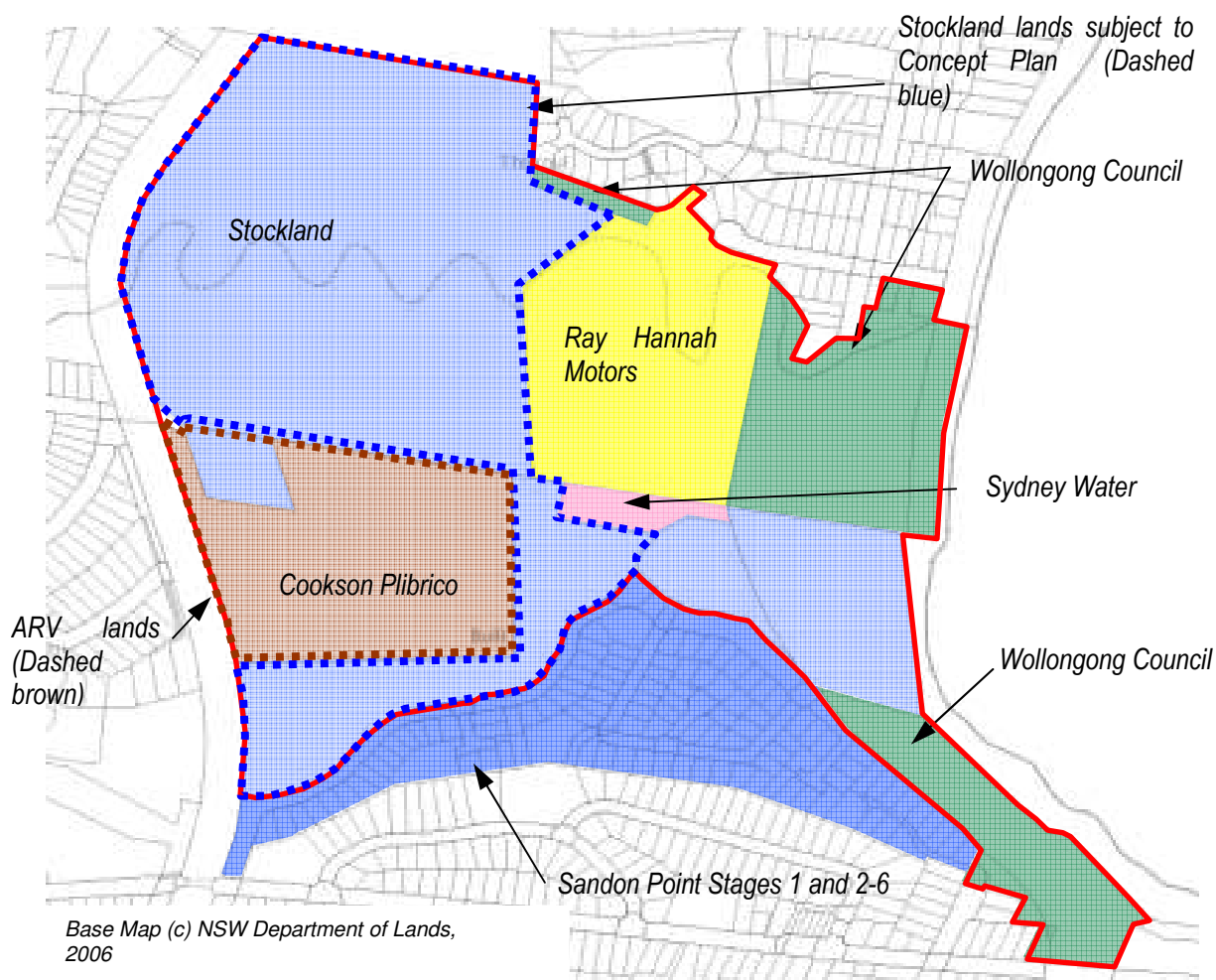


Figure 3 - Map of land owners, Sandon Point

Proponent	Property Description
Stockland	Lot 2 DP 595478 Lot 1 DP 1024490 Lot 235 DP 1048602
ARV	Lot 1 DP 224431 Lot 2 DP 224431

Table 1 - Land parcels subject to Concept Plan

Only part of Sandon Point is the subject of this application. These lands are those owned by Stockland and Cookson Plibrico shown at Figure 3 and the land parcels are listed in Table 1.

The Ray Hannah Motors land does not form part of the Concept Plan. The landowner and Council are currently in ongoing legal discussions concerning past dedication arrangements and the possible future dedication of their land to Council. The outcome from these discussions is not anticipated to affect the proposed Concept Plan lodged by the Proponents,

2.3 Existing Land Use

Current development within Sandon Point comprises landscaping associated with a public access way adjacent to McCauley's Beach, the Cookson Plibrico industrial activities, a roadway linking to Sturdee Avenue, fences, and

a Sydney Water sewerage pumping station. Evidence of past development activities remain at Sandon Point in the form of the abandoned Dairy Farmers cooperative and building rubble between Woodlands Creek and Hewitts Creek.

2.4 Surrounding Land Uses

Land uses adjacent to Sandon Point comprise residential housing and open space. The railway and village centre at Thirroul is close to the site, along with industrial land uses to the southwest and unimproved land on the Illawarra escarpment to the west. The Illawarra railway corridor along the western edge of Sandon Point acts as a significant physical barrier to providing direct access to urban land to the west and the escarpment.

The residential housing surrounding Sandon Point comprises mostly freestanding dwelling houses of 1 or 2 storeys. Much of the housing stock within Sandon Point dates from the Twentieth Century. There is evidence of more recent housing, with the most obvious example being the approved Stages 1-6 at Sandon Point being developed by Stockland and marketed as "The Point Estate". The newer, architecturally designed housing when compared against older housing styles suggests that Bulli and Thirroul are undergoing a change in socio-economic demography.

Some multi-unit housing exists within the area surrounding Sandon Point, although few examples of multi-unit apartments exist. Multi-unit housing in the area takes the form of townhouse development and, with the exception of a handful of isolated examples, nearly all are located adjacent to the Thirroul village centre. Generally, townhouse developments are no more than 2 to 3 storeys in height. These townhouse developments appear to date from the 1980s and are of poor to average design quality.

The closest village centre to Sandon Point is that located at Thirroul. The village centre is characterised by "shop top housing" and buildings of between 2 to 3 storeys. The centre boasts two supermarkets, including a small retail shopping plaza, and provides more than adequate local retailing services. Council has recently updated its planning controls for this village centre to protect and enhance its existing commercial viability.

2.5 Site History

2.5.1 Past Development Activity

Sandon Point, like the rest of the Illawarra after the founding of the Colony of New South Wales, was opened up for pastoral land (including dairy farming) and settlement in the 1820s.

In the Nineteenth Century, the gradual changes from agricultural activities to manufacturing and industrial activities in the Illawarra were mirrored at Sandon Point. At the turn of the Twentieth Century, the area was both quarried for its clay and used for the manufacturing of bricks. Despite such change, the connections with agricultural activities remained at Sandon Point with land being used for dairy pasture at the turn of the century and the Dairy Farmers Ltd using part of the site for its distribution operations.

The extent of industrial activities that occurred at Sandon Point in the Twentieth Century have been significantly scaled back with the closure by BHP of its brick manufacturing and the closure of Dairy Farmer's operations. Scant evidence of the BHP brick manufacturing remains following the remediation of contaminated land, whilst evidence of the Dairy Farmers operations exists by virtue of warehouse ruins. Nonetheless, industrial activity still continues at Sandon Point in the form of the operations of Cookson Pliabico in the manufacture of raw materials for cement and aluminium products.



Figure 4 - Former BHP industrial uses on the northern Stockland land between Wrexham Rd and Sturdee Ave

2.5.2 Rezoning and Sandon Point Stages 1-6

In August 1992, Council commenced a rezoning process with a view to identifying an appropriate land use for Sandon Point. This process led to the current rezoning in 1997 (Figure 5) and the preparation of a site specific DCP, both of which were greeted with community opposition.

After securing land, Stockland in 2000 lodged 2 DAs with Council covering Stage 1 of Sandon Point and Stages 2-6. These stages adjoin Sandon Point immediately to the south (Figure 3). The Department worked with Council in convening an interagency working group to assist Council and provide input into its assessment process. Despite this, Stockland lodged deemed refusal appeals with the Land and Environment Court.

The Court upheld Stockland's appeal and granted approval to the DAs in 2002.

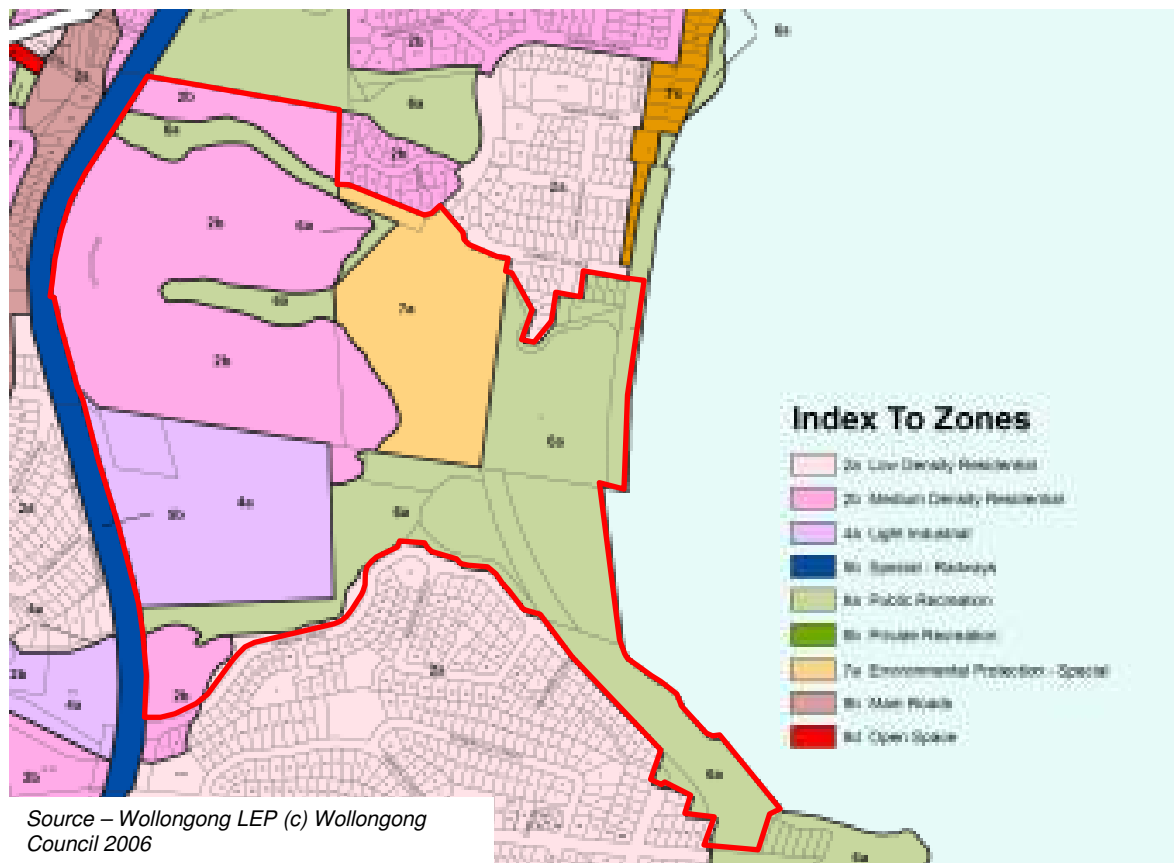


Figure 5 - Current zoning under Wollongong LEP, Sandon Point (red solid line)

The Court approval did not resolve issues across Sandon Point and, with a view to this, Council chose to establish a Steering Committee in January 2002. Competing interests within the Steering Committee led to Council resolving independently to prepare a DCP based on the submissions received by the Steering Committee from agencies and the public. The draft DCP resulting from this Steering Committee process was provided with Council's submission to the Col. The DCP was finally adopted by Council following the Col and is known as *DCP 94/17 for Land between Sandon Point and Thirroul*.

2.5.3 Commission of Inquiry

On 11 December 2002, pursuant to section 119 of the Act, the then Minister for Planning (Hon Andrew Refshauge, MP) directed that a Col be held to investigate Sandon Point. The terms of reference for the Col were to make recommendations on the "preferred land uses, planning outcomes, and management options [for Sandon Point]... having regard to its values and constraints in the broader context of the surrounding urban and non urban environment." The then Minister for Planning appointed Commissioners Cleland and Carleton for the Col.

The Col called for submissions by February 2003 and held a hearing, an interim hearing session, and a reply session between March and June 2003. In total, there were 157 parties who made submissions to the Col. These included government agencies, landowners in Sandon Point, Council, local community groups, local nearby residents, local Aboriginal representatives and interested parties. As part of the Col, site inspections were held.

In September 2003, the Commissioners provided their report to the Minister for Infrastructure and Planning, the Hon Craig Knowles MP.

The Col made 80 findings and recommendations. The Col found 4 key issues and these are summarised below:

- Conduct further investigations into Aboriginal heritage in the eastern areas of Sandon Point, as, unlike the western areas, previous development had not removed evidence of cultural heritage;



Source – Commission of Inquiry Report into Sardon Point
(c) Offices of the Commissioners of Inquiry for Environment and Planning 2005

Figure 6 - Proposed land use zoning, Col

- Impose environmental protection zoning to protect important conservation areas (such as, EECs and the Turpentine Forest), and to secure the rehabilitation of key environmental areas (such as, the creeks) with a view to the transfer of these lands to public ownership;
- Reduce the developable land within Sardon Point to account for environmental constraints; and
- Limit building heights to 2 storeys on developable land between Hewitt's and Woodlands Creeks and to 3 storeys on developable land north of Hewitt's Creek.

The Col's recommended land use zoning for Sardon Point is shown in Figure 6. This clearly shows that the Col considerably reduced the area which could be developed and retained an industrial zoning on the Site.

2.5.4 Charles Hill Report

Notwithstanding the methodology or approach upon which they were formulated, the Col recommendations were criticised for failing to consider whether they could be implemented. This criticism by Council, other landholders and the Department was that the Col recommendations provided negligible incentives for landowners to develop Sardon Point. For the Department and Council, this would mean Sardon Point would remain undeveloped and the environmental "gains" identified in the Col would never be realised. This seems to be given some credence by the lack of subsequent development.

In May 2005 the former Minister for Infrastructure and Planning, Hon Craig Knowles MP, appointed Charles Hill of Planning Workshop Australia to provide an independent review of the Col findings and recommendations of the Col. The terms of reference for the independent report were to make recommendations in regards to:

- the appropriate development footprint for the land;

- appropriate zone boundaries;
- mechanisms for bringing land identified as being desirable for public ownership into public ownership;
- the suitability of hostel and nursing home facility proposal; and
- outcomes from community comments.

The Charles Hill Report was submitted to the Minister for Planning, the Hon Frank Sartor MP, on 3 November 2005.

The Charles Hill Report identified that in formulating the recommendations consideration was given to objects of the Act. In so doing, the Charles Hill Report provides recommendations that seek to balance development and environmental gains within Sandon Point. The land use outcomes recommended in the Charles Hill Report are shown in Figure 7.

On 16 November 2006, the Minister announced his intention to commence the process of making Sandon Point a State significant site.

On 2 April 2006, the Minister for Planning, Hon Frank Sartor MP, formed the opinion that Part 3A of the Act applied to the proposed development and, pursuant to Section 75M of the Act, authorised the Proponents to submit a Concept Plan for Sandon Point.

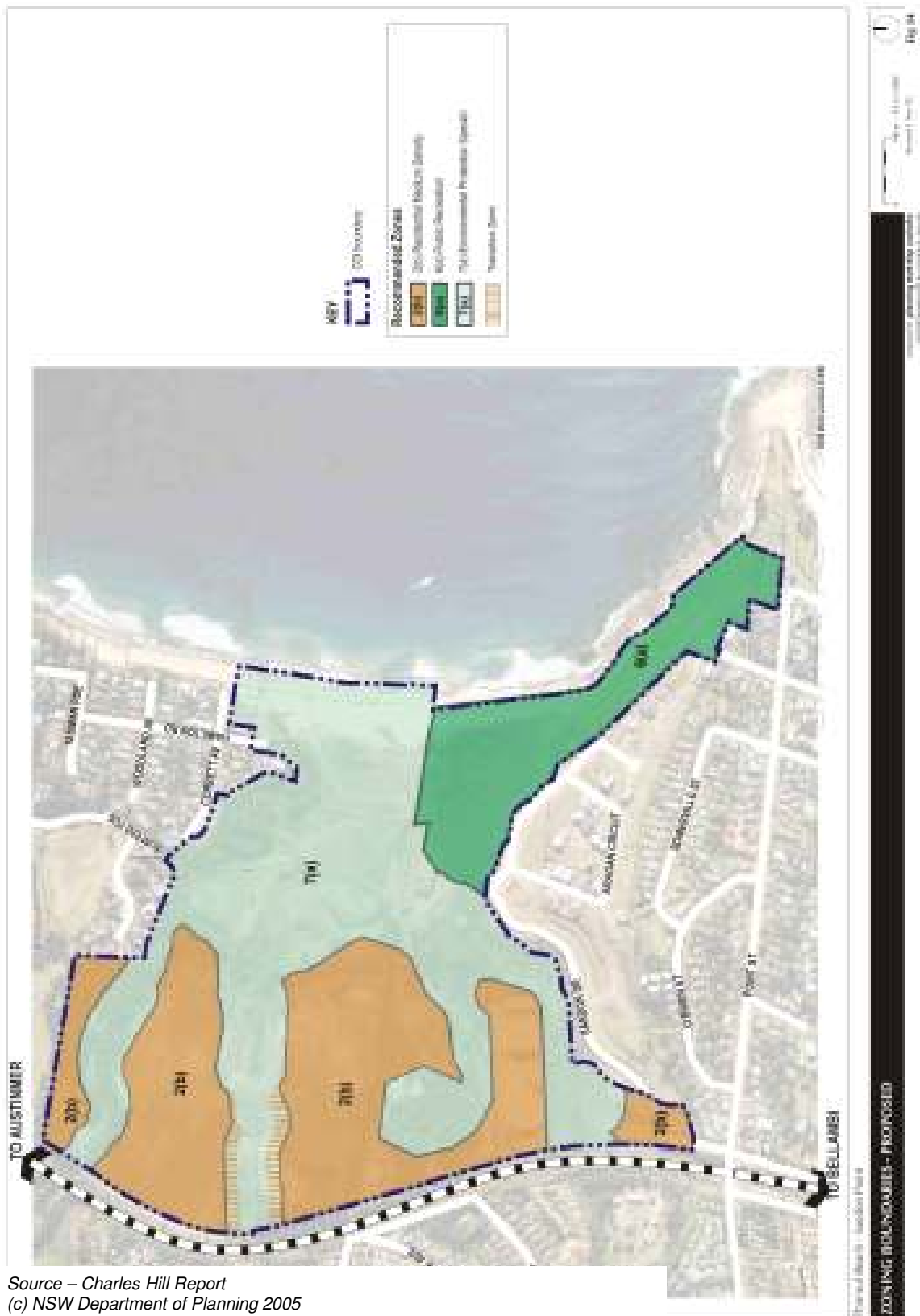


Figure 7 - Proposed land use zoning, Charles Hill Report

3 PROPOSED DEVELOPMENT

3.1 Background

On 6 March 2006, the Proponents lodged an Environmental Assessment Scoping Report. This report provided a preliminary assessment for the rezoning of Sandon Point and its development by Stockland and ARV.

The Environmental Assessment Scoping Report provided information for the preparation of Director-General's Requirements. The Director-General's Requirements were prepared in accordance with section 75F of the Act and were issued on 24 April 2006.

On 15 June 2006, the Proponents lodged a SSS Study proposing the rezoning of Sandon Point and lodged a Concept Plan for the redevelopment of the Stockland and Cookson Plibrico landholdings within Sandon Point.

3.2 State Significant Site Study

The SSS Study seeks to establish new land use zones and development controls across all landholdings within Sandon Point. The SSS Study has been prepared in accordance with clause 8 of the Major Projects SEPP.

As requested by the Department, the SSS Study draws upon previous studies for Sandon Point, particularly the Charles Hill Report. The SSS Study proposes to apply land use zones to Sandon Point used in the Wollongong LEP and identifies site specific development controls. The delineation between developable land and environmental and open space land is generally consistent with the Charles Hill Report.

3.3 Concept Plan

The Concept Plan lodged by the Proponents covers the western and southern parts of Sandon Point owned by Stockland Developments and Cookson Plibrico.

In summary, the Concept Plan seeks to develop:

- a subdivision to create a combination of residential detached dwelling allotments and super lots for multi-unit housing on the Stockland holdings; and
- a retirement village including a Residential Aged Care Facility, independent living units, communal facilities and services to support the retirement village, access and car parking on the Cookson Plibrico and part of the Stockland holdings.

The Proponents, in their EA, provided a table identifying the key attributes of the Concept Plan and this is reproduced at Table 2.

A plan showing the layout of proposed development within the Concept Plan is shown in Figure 8.

Issue	Concept Plan
Number of dwellings/beds	<ul style="list-style-type: none"> Approximately 180 residential dwelling allotments; 3 multi-unit super lots capable of accommodating up to 25 townhouses and 80 apartments; Approximately 200 to 250 Independent Living Units; Approximately 100 to 120 beds within the RACF.
Area of proposed residential allotments	<ul style="list-style-type: none"> 322 square metres to 1,146 square metres (exclusive of super lots) to provide for a mix of attached and detached dwellings
Number of storeys	<ul style="list-style-type: none"> Residential dwelling allotments – single and two storey plus attic; Multi-unit housing – two storey where they interface with proposed single dwelling housing and up to four storeys (excluding basement) where sympathetic with the existing topography; Independent Living Units – mix of apartment style buildings up to three storeys in height and one, two and three storey detached villas, townhouses and duplex buildings; RACF – 3 to 4 storeys with basement parking.
Maximum height	<ul style="list-style-type: none"> Residential dwelling allotments – 9 metres; Multi-unit housing – 9m for townhouses and 13.5 metres for multi-unit precinct; Independent Living Units – 11.4 metres to 12.6 metres (3 storeys); RACF – 12.6 metres.
Site coverage	<ul style="list-style-type: none"> Residential dwellings allotments – 70% for each proposed allotment; Townhouse and multi-unit housing – 60% for each proposed super lot; Retirement village to south – 21.4% (whole retirement village site).
Environmental attributes	<ul style="list-style-type: none"> Retention and rehabilitation of riparian corridors along Hewitts, Woodlands, Cooksons and Tramway Creeks, including restoration and replanting of vegetation; Retention and rehabilitation of existing Turpentine Forest; Riparian corridors and Turpentine Forest for public use; Review of Vegetation Management Plan (VMP) for Tramway Creek; Landscaping, including provision of street trees; Provision of appropriate Asset Protection Zones (APZs) to protect future residents from bushfire risk.
Infrastructure	<ul style="list-style-type: none"> Street in the south (north-south link road) 1. Construction of bridges to enable north-south link road to cross Hewitts, Woodlands and Tramway Creeks; Internal access roads and footpaths, as well as parking for the retirement village; Stormwater management system, including flood mitigation, water quality ponds and structures; Utility services; Contributions towards local and regional open space in accordance with Council's Section 94 Contributions Plan.
Social Benefits	<ul style="list-style-type: none"> North-south link road; Pedestrian link through site to McCauley's Beach (Wilkes Walk); Re-creation of riparian corridors and flood mitigation works; Turpentine Forest; Communal facilities for residents of retirement village.

Table 2 - Key attributes of proposed Concept Plan



Figure 8 - Sandon Point Concept Plan

3.4 Amendments to the Proposal

On 12 October 2006, the Proponents provided a Response to Submissions. This was to address issues raised in submission made during the exhibition of the EA by members of the public and Government agencies, including the Department. The Response to Submissions is discussed in Section 5.6 below.

4 STATUTORY CONTEXT

4.1 Part 3A, Environmental Planning and Assessment Act 1979

Part 3A of the Act commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all major projects where the Minister was the consent or approval authority under Part 4 (Development Assessment) or Part 5 (Environmental Assessment).

Under the provisions of Section 75B of the Act development may be declared to be a Major Project by virtue of a SEPP or by order of the Minister published in the Government Gazette.

Section 75M of the Act permits a proponent to lodge a Concept Plan either upon their request to or at the behest of the Minister. The purpose of the Concept Plan is to provide a broad overview of a proposed development and seeks to establish the framework for more detailed development of the proposal subject to future approvals.

On 2 April 2006, the Minister for Planning, Hon Frank Sartor MP, formed the opinion that Part 3A of the Act applied to the proposed development and, pursuant to Section 75M of the Act, authorised the Proponents to submit a Concept Plan for Sandon Point.

4.2 State Environmental Planning Policy (Major Projects) 2005

The Major Projects SEPP outlines the types of development declared a major project for the purposes of Part 3A of the Act. For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

Clause 8 of the Major Projects SEPP includes provisions that allow the Minister to determine that a site is State significant and to add it to the list of State significant sites that appear in Schedule 3 of the Major Project SEPP. Prior to listing a site, a SSS Study is required to assess the State or regional planning significance of the site and the suitability and implications of any proposed land use. When making a site a State significant site on Schedule 3 of the Major Projects SEPP, the Minister may establish the planning regime for the site, including any zoning changes.

On 16 November 2005, the Minister announced that his intention to commence the process of making Sandon Point a State significant site.

On 2 April 2006, the Minister formed the opinion that the Proponents' proposal for Sandon Point was a development described in Schedule 1 – Group 5 Commercial, Residential or Retail Projects, namely:

“Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives”.

On 24 April 2006, the Proponents were advised to prepare a SSS Study on behalf of the Department to address specific criteria, including Clause 8 of the Major Projects SEPP and draft Guidelines relating to State Significant Sites.

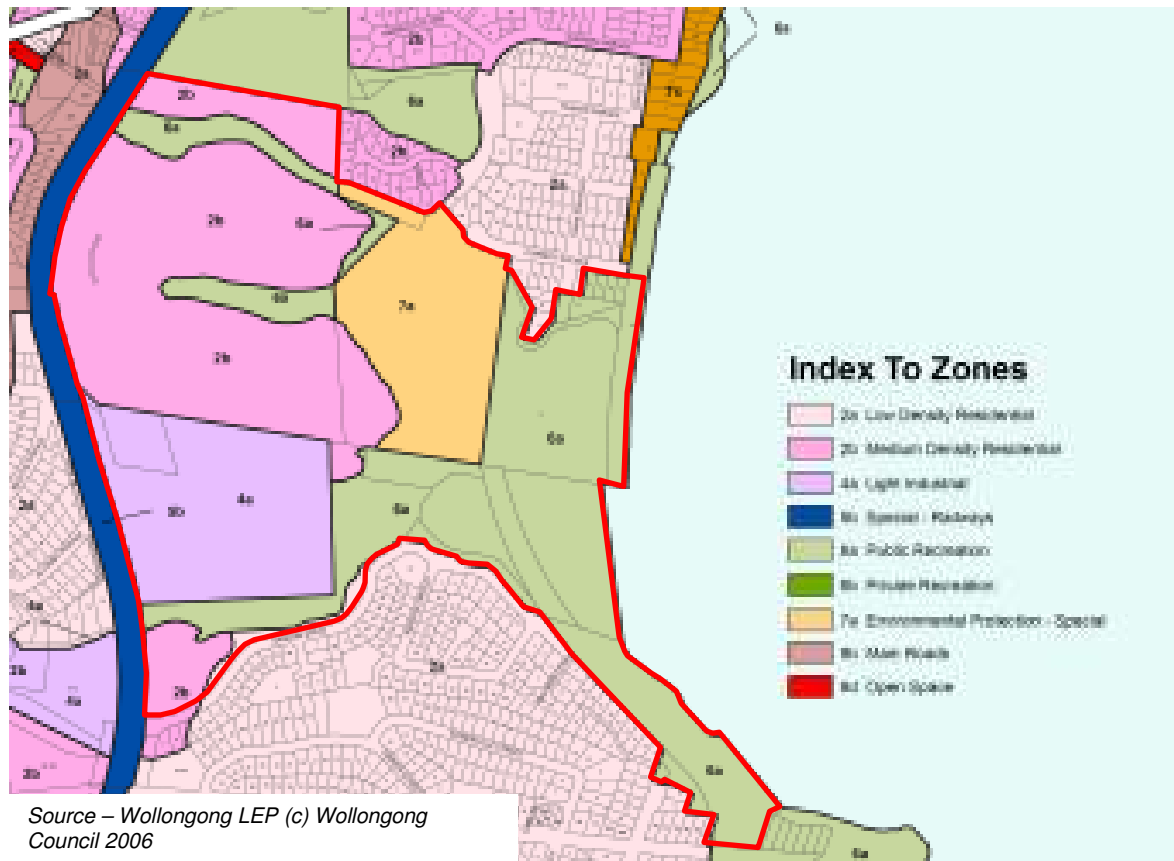


Figure 9 - Current zoning under Wollongong LEP, Sardon Point (red solid line)

4.3 Permissibility

The current zoning for Sardon Point in the Wollongong LEP is shown in Figure 9 and is as follows:

- 2(b) Residential (Medium Density),
- 4(a) Industrial (Light),
- 6(a) Public Recreation, and
- 7(a) Environmental Protection (Special).

The current zoning applicable to Sardon Point limits dwelling houses, seniors housing, and subdivision only to land zoned 2(b) Residential (Medium Density), whilst prohibiting in other zones development for these purposes.

The development footprint shown in the Concept Plan proposes land uses that do not conform to the current zone boundaries of Wollongong LEP and, therefore, the Concept Plan includes prohibited land uses. The most obvious prohibited land uses are the seniors housing component intending to cover land zoned for light industrial purposes.

By virtue of Section 750(3) under Part 3A, the Minister can approve development that is partly prohibited under an environmental planning instrument. Consequently, the Concept Plan can be approved by the Minister under Part 3A of the Act without needing to complete the rezoning of Sardon Point beforehand.

Notwithstanding the Minister's powers to approve partly prohibited development, the Proponent is seeking through Clause 8 of the Major Projects SEPP to rezone Sardon Point to ensure that the land uses identified in a Concept Plan approval are permissible.

4.4 Director General's Environmental Assessment Requirements

On 24 April 2006, the Director General issued environmental assessment requirements (DGRs) pursuant to Section 75F of the Act. The key issues to be addressed in the DGRs issued related to the following:

- Cultural Heritage;
- Biodiversity;
- Bushfire Risk Assessment;
- Hydrology, Water Management & Topography;
- Utilities and Infrastructure Provision;
- Transport and Access;
- Development Contributions;
- Social and Community; and
- Urban Design and Built Form.

4.5 Other Relevant Legislation and Environmental Planning Instruments

Section 6 and Appendix F set out the approval process, relevant consideration of legislation, environmental planning instruments and planning strategies as required under Part 3A of the Act.

In summary, the relevant EPIs for the EA and SSS Study are as follows:

- *State Environmental Planning Policy (Major Projects) 2005,*
- *State Environmental Planning Policy No.11—Traffic Generating Developments,*
- *State Environmental Planning Policy No.32—Urban Consolidation (Redevelopment of Urban Land),*
- *State Environmental Planning Policy No.55—Remediation of Land,*
- *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development,*
- *Draft State Environmental Planning Policy No 66—Integration of Land Use and Transport,*
- *State Environmental Planning Policy No 71—Coastal Protection,*
- *State Environmental Planning Policy (Seniors Living) 2004,*
- *Illawarra Regional Environmental Plan No 1,*
- *Wollongong Local Environmental Plan 1990, and*
- *Draft Illawarra Regional Strategy 2006-2031.*

5 CONSULTATION AND ISSUES RAISED

5.1 Lodgement

On 15 June 2006, the Proponents submitted an EA for the Concept Plan and a separate SSS Study. The lodgement of a separate EA and SSS Study was consistent with the Department's request on 24 April 2006.

5.2 Test of Adequacy

Section 75H of the Act specifies that, prior to exhibition, the Department is to conduct a "test of adequacy" to determine if the EA satisfies the DGRs.

On 15 June 2006, the Proponents submitted a final EA for the Concept Plan and the SSS Study.

On 19 June 2006, the Department advised the Proponents that the EA and SSS Study met the test of adequacy.

5.3 Exhibition

Section 75H(3) of the Act requires that after the EA has been accepted by the Director-General, the Director-General must, in accordance with any guidelines published in the Gazette, make the EA publicly available for at least 30 days. The Director-General has not published any specific guidelines in relation to the public exhibition of EA for projects or Concept Plans.

The EA was publicly exhibited in accordance with Section 75H of the Act for 50 days from 4 July 2006 and 23 August 2006 at the following locations:

- Department of Planning (Head Office), Information Centre – 23-33 Bridge Street, Sydney
- Department of Planning (Wollongong Office) – Level 2, 84 Crown Street, Wollongong
- Wollongong Council – 41 Burelli Street, Wollongong
- Wollongong Council's Central Library – 41 Burelli Street, Wollongong
- Wollongong Council's Thirroul Branch Library – Lawrence Hargraves Drive, Thirroul
- Wollongong Council's Bulli Branch Library – 328 Princes Highway, Bulli

The exhibition of the EA was to have ended on 3 August 2006. However, the exhibition period was extended in response to requests for additional time to make submissions.

During the course of the exhibition period, the EA was available via the Department's website.

5.4 Notification

Notification of the exhibition of the EA and SSS Study was considered appropriate. The notification process was conducted in a manner generally consistent with the Council's notification policy.

On 27 June 2006, the Department sent letters to 18 public agencies advising them of the exhibition of the EA and SSS Study.

On 28 June 2006, the Department sent letters to 768 owners and occupiers of land surrounding Sandon Point informing them of the exhibition of the EA and SSS Study. These letters included details on the proposed development and how to make a submission.

The Department placed a notice in the public notices section of the *Illawarra Mercury* newspaper on 3 July 2006 and the public notices section of the *Northern Leader* on 6 July 2006. The advertisement provided details of the proposal, exhibition locations and dates, and how interested parties could make a submission.

Following the Minister's decision to extend the public exhibition period, the Department:

- on 7 August 2006, sent letters to advise the agencies of the extension to the exhibition period, and
- on 8 August 2006, sent letters to the same owners and occupiers as previously notified to advise them of the extension to the exhibition period, and
- on 8 August 2006, placed a notice in the public notices section of the *Illawarra Mercury* newspaper to advise of the extension to the exhibition period,
- on 10 August 2006, placed a notice in the public notices section of the *Northern Leader* to advise of the extension to the exhibition period.

5.5 Submissions Received and Issues Raised

In response to the exhibition period, the Department received:

- a total of 10 submissions from public agencies, including the Department, DNR, DEC, and Council, and
- a total of 1,760 submissions from the public, of which 8 supported the proposed development and the remainder being objections.

The significant issues arising from submissions are assessed as part of Section 6.3. These significant issues have been broadly categorised as follows:

- Flooding & Creek Design;
- Flora and Fauna;
- Bushfire protection;
- Construction management;
- Staging of development;
- Traffic and access;
- Aboriginal cultural heritage;
- Community facilities and open space;
- Infrastructure;
- Subdivision design; and
- Built form and development density.

5.6 Response to Submissions and Preferred Project Report

The Proponents were provided with copies of all agency submissions and a summary of private submissions. In certain cases, the Proponents were provided with a full copy of private submissions where the information contained within the submission was too detailed and an accurate summary was not possible.

The Proponents were requested to respond to submissions in accordance with Section 75H of the Act. The Proponents were requested that, if necessary and as a result of the response to submissions, they may submit a revised Statement of Commitments and preferred project report.

On 13 October 2006, the Proponents provided a Response to Submissions. Whilst the Response to Submissions did not include a Preferred Project Report or revised Statements of Commitments, the Response to Submissions identified agreed to amend or revise commitments within the Statements of Commitments. These amendments are as follows:

- Provide a heritage interpretation plan for Woodlands Cottage but not submit this for endorsement by the Heritage Council;
- Amend the staging of development over ARV lands in regards to the timing of construction for the north-south road link;
- Amend the road design to ensure that parking bays meet the requirements of the Planning for Bushfire Protection;
- agree with each application to model flooding based on the current information on peak flood discharges;

- consult with RailCorp regarding any discharge of water and drainage into the Illawarra railway corridor;
- Provide an assessment of sensitivity analysis to confirm flood waters will not back up and impact on areas west of the Illawarra railway corridor. The sensitivity analysis would assess roughness assumptions, on account of vegetation, and be provided at the detailed design stage;
- Provide an evacuation policy at the detailed stage of the development;
- Ensure that flood planning levels are consistent with Council requirements;
- Provide water quality monitoring at the detailed design stage;
- Undertake a Potential Acid Sulphate Soils risk assessment and, if necessary prepare, an Acid Sulphate Soils Management Plan
- Consult with RailCorp
- Agree not to require the provision of On Site Detention systems for stormwater.

In light of these being offered by the Proponents as part of the Response to Submissions, it is considered appropriate that the suggested amendments to the Statements of Commitments be included as modifications with any approval to the Concept Plan.

6 ASSESSMENT

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA is included at Appendix E along with the Statement of Commitments at Appendix B. The Proponent did not submit a preferred project report.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix C
Copy of any report of a panel constituted under Section 75G in respect of the project	No independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially govern the carrying out of the project is identified in Section 4 above. A brief assessment of the impact of the SEPP on the development proposal is provided in Appendix F.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to the prevailing environmental planning instrument is provided in Appendix F
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.

Table 3 - Section 75I(2) requirements for Director-General's Report

6.1 Director-General's Report

The Director-General is required under Part 3A to provide a report to the Minister for the purposes of deciding whether or not to grant approval of the Concept Plan pursuant to Section 75O(2)(a) of the Act. Section 75N of the Act provides that the scope of the Director-General's Report for a Concept Plan is the same as with respect to approvals to carry out a project pursuant to Section 75I(2) under Part 3A of the Act. The Act further stipulates that matters that the Director-General's Report is to address.

The Director-General's Report as it relates to Sandon Point has been prepared to satisfy these requirements. It has been prepared after reviewing the EA, SSS Study, Response to Submissions, revisions to the Statement of Commitments, and additional information provided by the Proponents in conjunction with advice from public authorities and the issues raised in public submissions. Table 3 identifies how this Director-General's Report satisfies the criteria set out in Section 75I(2) of the Act

Consideration of the advice and issues as they relate to the Concept Plan and SSS Study are provided in Section 6.2. Each relevant issue is identified along with who raised the issue. Consideration is then given to how the Proponents sought to address the issue. Each subsection concludes with a statement on whether the issue is resolved or whether amendments are necessary by either modifying the Concept Plan or introducing new planning provisions in an environmental planning instrument.

Unless noted to the contrary, the Department is satisfied that the responses provided by the proponent in their EA and the additional response to issues raised in submissions are reasonable.

6.2 Key Issues

6.2.1 Creek Design & Flooding

Raised By

The Department, DNR, DEC, Council and public submissions

Consideration

The proposed Concept Plan includes concept drawings proposing the rehabilitation of creeks within the Site with the opportunity to widen the existing creek corridor to allow for greater opportunities to accommodate appropriate riparian landscaping. This includes Woodlands Creek, which is currently piped for 250 metres from the eastern side of the Illawarra railway corridor into the site. The Department, in principle, supports this approach because it produces a good planning outcome in terms of environmental protection and flood management.

In general, submissions received during the exhibition did not oppose the rehabilitation of the creeks within Sandon Point. Instead, submissions were principally concerned with the potential flooding issues on site and the impact that the creek design may have on flooding. The concerns with flooding are grouped and summarised as follows:

- The lack of flood impact assessment and hazard analysis to confirm that the Concept Design will achieve the proposed outcomes.
- The lack of detail of flood mitigation or compensation for the loss of flood storage areas, given that some parts of the proposed residential areas are in a Medium Risk Precinct identified in the Hewitts Creek Floodplain Risk Management Study.
- Whether the design of the creeks can accommodate the 1:100 year flood event, particularly once flood mitigation measures upstream have been put in place.
- Whether the parameters used in the models are suitable for the development.
- Whether the creek banks and riparian vegetation will be acceptably stable over the long term.
- The effect of the narrow corridor and "canal"-like design for the former piped section of Woodlands Creek as opposed to a natural treatment in accordance with "best practice" approaches to stream management.

Notwithstanding in principle support for the rehabilitation of creeks within the Site (particularly Woodlands Creek), the Department had similar concerns and sought to understand whether flood risks to life and property had been adequately considered in both the SSS Study and Concept Plan. The Department raised particular concerns in this regard with Woodland Creek and sought confirmation on the sustainability of the creek from conveying proposed peak flows and the impact that these may have on downstream properties. The reason for these particular concerns in regards to Woodlands Creek arose from it being partially piped and the following two points:

- The culverts under the railway line feeding into the piped section are undersized with the effect that floodwaters bank up west of the railway line and are consequently diverted to Hewitts Creek. The Proponents' documentation acknowledges this and that Council, as part of the Hewitts Creek Floodplain Risk Management Plan, will redesign these culverts to reduce this diversion.
- At the downstream end of the piped section of Woodlands Creek, floodwaters currently flow overland to Hewitts Creek, including over land the Proponents are seeking to develop. The Proponent notes that the proposed reshaping of Woodlands Creek and developable land will contain these floodwaters to the creek corridor.

In their Response to Submissions, the Proponents addressed the above issues as follows:

- The Proponents stated that any further analysis would be undertaken at the Project Plan stage and that plans drawn to scale would not assist in understanding flood extents.
- The Proponents engaged a third party to confirm their own documentation that the proposed construction of Woodlands Creek will provide adequate compensatory flood storage and that no flood mitigation will be required as there is no off-site flooding impact from the development.

- With regard to flood modelling parameters, they reiterated that parameters used in the Concept Plan calculations are consistent with the Hewitts Creek Flood Study and therefore appropriate.
- The original geomorphic assessment was stated to be adequate in the context of the Concept Plan and no changes were considered necessary.
- The Proponents consultants report noted that corridors were designed to be stable in storm events up to the 5 year ARI event and that, as part of the detail design process, the energy in the creek would be reduced to as low as practicable to improve stability in larger storm events.
- In addressing the deviation from “natural design” of Woodlands Creek, the Proponent notes that Woodlands Creek would be reconstructed and that this required a consideration of economic viability.

The large amount of technical information on flooding issues raised by the Proponent, agencies and submissions, identified the need to engage a qualified expert to independently review the available information.

The advice of the independent expert engaged by the Department was that the Proponents' Response to Submissions was correct in identifying that culvert upgrades would increase peak flows along Woodlands Creek. In this context, the initial response from the independent expert included the following general comments:

- Documentation appears to be unavailable that would determine whether floodwaters would remain within the proposed channel design for Woodlands Creek;
- Documentation does not indicate whether the proposed creek design for Woodlands Creek would be sustainable in terms of scouring (including to both bank and channel vegetation) and bank erosion in a range of flood events, including the 5 year recurrent event; and
- Adopting a 5 year recurrence event as the standard for the design of Woodlands Creek is not suitable given the creek will run through an urban area.

A subsequent meeting with the Proponents sought to secure the outstanding documentation. The Proponents provided additional documentation after the meeting and the Department asked the independent expert to review this information.

The independent expert's responded that the information provided by the Proponents remained inconclusive. The particular findings of the independent expert with regards to the additional information were that:

- no evidence suggested that increased flow velocities and associated sheer stresses can be accommodated by the creek design; and
- the design for Woodland's Creek would present management issues on land downstream, particularly as straightening and armouring the creek will result in scour.

The final advice of the independent expert is as follows:

As I have indicated, it is possible to engineer a solution that will ensure stream stability. However, it would appear to me that for this to be achieved, there is a need to increase the sinuosity of the stream in order to reduce the energy gradient of floodwaters and thereby reduce flow velocities and shear stresses to acceptable levels. This is likely to require widening of the stream corridor. There is also a need to ensure that the impacts of the works on flows downstream of the site can either be minimised or mitigated.

*In this context, it is recommended that a precautionary approach be adopted in defining the minimum creek corridor width. This precautionary approach should seek to allow for a “natural” channel to be created where possible, while at the same time allowing engineered systems to be implemented where required to minimise the potential for bed scour and bank erosion. **On this basis, the creek corridor should be retained as per the “minimum” corridor width specified in the Hill Report, and with provision made for this to be re-assessed through the detail design process** [emphasis added].*

Resolution

The Department recommends that the Concept Plan be modified to ensure that:

- the riparian corridor width of Woodlands Creek are consistent with the Charles Hill Report recommendations; and
- an option is permitted to provide provisions for a reassessment of the minimum widths along Woodlands Creek, particularly in the “transition” area, providing the creek design satisfies performance criteria to reduce the risk to property and life from flooding.

6.2.2 Creek Design & Flooding / Flora and Fauna – DNR & DPI Submissions

Raised By

DNR and DPI

Consideration

The submission by DNR and DPI during the exhibition of the EA recommended that the Department maintain the footprint boundaries established by the Col. The reasons provided for this were that:

- for DPI, the boundaries of the Col best reflected the DPI's Policy and Guidelines for Aquatic Habitat Management and Fish Conservation Guidelines (1999); and
- for DNR, the Sandon Point Concept Plan could compromise Council's implementation of the Hewitts Creek Floodplain Risk Management Plan and the proposed reduced riparian corridor widths could compromise natural ecological functions and potentially impact on creek stability.

The Department's assessment of the Sandon Point Concept Plan identifies that it is not necessary to defer to the Col recommendations to address the concerns of DPI or DNR. In this regard, the Department notes that:

- the independent expert's advice on creek design (see 6.2.1 above) confirms that DNR's issues of flood management, creek stability, and ecological function could be dealt with in a creek corridor that adopted as a minimum the line established in the Charles Hill Report.
- the Concept Plan's landscape principles and the creek corridor widths (as proposed and recommended for variation based upon the independent expert advice) suggest that this could provide an aquatic habitat that was consistent with the DPI guidelines.

On balance, the Department considers that the Sandon Point Concept Plan promotes widespread benefits in that:

- it will involve the removal of the partially piped section of Woodlands Creek,
- it involves rehabilitating the creek corridors to a more natural state,
- the Concept Plan provides a launching point for the SSS Study to create environmental protection zones across land currently privately owned and potentially available under current zoning for either residential or industrial purposes, and
- it will provide public access over privately owned land.

Resolution

The Department considers that the Sandon Point Concept Plan, as recommended to be modified, will address the concerns raised by DNR and DPI in its submissions.

6.2.3 Water quality

Raised By

The Department, DEC, and public submission

Consideration

Several submissions were received raising concerns about the robustness of the water treatment system proposed, particularly over Stockland lands.

There was particular concern with the location of the detention basins both within the riparian corridor and on the bends of the creeks. The basis for this concern was that large flood events could potentially scour and resuspend settled solids, significantly disturb habitat within these basins, or require the reconstruction of these basins after each flood event.

The Department and DEC also indicated that in some instances the information regarding water treatment was confusing. These include:

- Bio-retention/filtration swales, rain-gardens and SQUIDS being noted in the report but not included in the MUSIC model or in the accompanying diagrams;

- Impervious pavement being mentioned for the purposes of filtration, but no without any further details;
- The report not recognising the role of BASIX in driving stormwater reuse
- Suggesting that rainwater be used in hot water tanks, which is currently prohibited by the Plumbing Regulations in NSW; and
- Water quality basins are proposed to be located within the riparian corridor.

The location of the detentions basins both within the riparian corridor and on the bends of the creeks is of concern. Water quality basins should ideally be built 'off-stream' or built with an associated by-pass system. This is to avoid the potential for large flood events to scour and resuspend settled solids, significantly disturb habitat within these basins, or require the reconstruction of these basins after a significant flood event.

In the reply to submissions, the consultant for the Proponents confirmed that the MUSIC modelling does utilise the whole area of the subcatchments. They also note that more detailed modelling and the incorporation of further water quality treatment systems would be undertaken as part of the next stage of development, along with finalising the locations and the design of water quality basins. However, it would be appropriate to clarify that the WSUDs did not compromise water quality through the resuspend settled solids in flood events.

Resolution

The Department recommends that any future application be assessed against criteria that ensure WSUDs do not compromise water quality in flood events.

6.2.4 Aboriginal cultural heritage

Raised By

DEC and public submissions

Consideration

DEC, in its advice in the preparation of DGRs and in its submission during the exhibition, identified that Sandon Point contained evidence of Aboriginal occupation that predated the founding of the Colony of New South Wales. Public submissions by members of the public objected or raised concern with the development on the basis that it would materially affect the evidence of past occupation by Aboriginal people and sites of cultural importance to the local Aboriginal community.

DEC, in their submission, also advised that Aboriginal cultural heritage is a significant issue for earlier development close to the Site. A number of studies exist on Aboriginal cultural heritage, but none of these satisfactorily resolve this issue. In this context, the Department considers that it is appropriate to resolve this project on the currently public available evidence.

As a result of the Col process, the Department was responsible for commissioning an Aboriginal cultural heritage assessment and engaged Stuart Huys of Australian Archaeological Survey Consultants for this purpose. In June 2006, the Huys Report was submitted to the Department and was made publicly available during the exhibition of the EA.

The Huys Report identified that Sandon Point was of high local significance and moderate regional significance, but that it was not of State or National significance. The Huys Report identified that Sandon Point contained a number of archaeological sites and included a site of high cultural significance. The Huys Report provided recommendations, which are summarised as follows:

- Protect the McCauleys Beach dune system;
- Protect the mound on the Ray Hannah land from future development due to the potential presence of sub-surface artefacts and burials;
- Protect the riparian corridors of each creek from future development and ensure they are actively managed and rehabilitated;
- Conduct archaeological sub-surface investigations over ARV lands, but not in areas recommended for environmental protection zoning; and
- Consider a voluntary conservation agreement.

Despite not having access to the Huys Report when preparing the SSS Study or EA, the Proponent's development and proposed zoning of Sandon Point is generally consistent with the Huys Report recommendations. This is because:

- environmental protection and open space zonings will cover the McCauley's Beach dune system and the mound on the Ray Hannah land, thus protecting it from future development,
- aside from proposed WSUD features, the riparian corridors are protected from development and the Proponent has made commitments to rehabilitate and develop a management regime for riparian corridors,
- the Proponents has made commitments to undertake further archaeological assessment as part of future development on site, and
- in regard to Stockland land, the Proponent has committed to a voluntary conservation agreement.

Subsequent to the EA exhibition and as a separate process, DEC advised of its intention to declare parts of Sandon Point adjacent to the foreshore as an Aboriginal Place and to identify areas of further investigation over that part of the ARV lands east of the Turpentine Forest and north of Cooksons Creek. It is understood that this further investigations relates to a possible "Women's Area" cultural site.

This possible "Women's Area" was also identified in the Huys Report. This report indicated that the Turpentine Forest was a significant component of the potential "Women's Area" and recommended further investigation was necessary to verify the existence of such an area.

DEC anticipates that its further investigation into the Women's Area on part of the ARV lands will be completed by February 2007, but they advise in the meantime that:

At this stage there is insufficient evidence to support the inclusion of this "triangle" in the nominations of the Stage 2 Aboriginal Place to the Minister for the Environment. If DOP proposes to recommend development of this triangle, based on the above information, the DEC recommends the boundaries for the 7(a) zoning follow the Hill report recommendations rather than those put forward by the proponents.

The advice of DEC is considered acceptable, although it would be appropriate to adopt the Proponent's survey of the existing Turpentine Forest area. This is because the developable area shown for the ARV lands in the Charles Hill Report includes parts of the Turpentine Forest. Consequently, adopting the Proponent's survey line will meet the requirements of protecting any Aboriginal heritage values that may exist on Site.

In regards to further investigations, the Department also notes that the Proponents have included a Statement of Commitments to undertake an investigation of the Aboriginal Cultural Heritage value to address this issue. The Department considers that this commitment should be further clarified to ensure that these investigations include an anthropological investigation to verify the existence of the "Women's Area". A modification is included in the attached schedule.

Resolution

The Department recommends the Proponents' Statement of Commitments as they relate to the ARV land include provisions to ensure that an investigation by the Proponents into the Aboriginal Cultural heritage values also includes an anthropological investigation to verify the existence of the "Womens Area".

6.2.5 Flora and Fauna

Raised By

The Department, DEC, DPI, DNR, Council, RFS and public submissions

Consideration

Nearly all public submissions along with relevant specialist agencies and Council raised concern with the impact of the proposal on flora and fauna. A review of the submissions indicates that the relevant flora and fauna concerns may be summarised as follows:

- Adequacy of riparian corridor widths that traverse the subject site and the potential, consequent impacts of the proposal on biodiversity (including EECs) and ecological function,

- Impacts of the proposal on EECs and the need for adequate and appropriate buffers,
- Impacts of the proposal on the Class 1 bird habitat,
- Impacts on the riparian corridors from APZs and the design and location of stormwater structures, and
- Impacts on the Turpentine Forest from APZs.

In addition to these issues, DEC asked the Proponents to provide more recent vegetation mapping of Sandon Point. This request was made as the vegetation mapping used by the Proponents' dated from 2001 and referred to an EEC (the Sydney Coastal Estuary Swamp Forest Complex) that has been replaced by new EECs listings in the *Threatened Species Conservation Act 1995*.

The Proponents dealt with the issues summarised above and the matter of vegetation mapping in their Response to Submissions. In regards to the vegetation mapping, the Proponent advised that they had not undertaken recent mapping. For the purposes of clarity, consideration of the Proponents' response is detailed below in relation to each creek and the Turpentine Forest. The location of these creeks and the Turpentine Forest are shown at Figure 2.

▪ **Hewitts Creek**

The Proponents' in their response to submissions identified that a 50 metre wide corridor would be provided to allow protection and enhancement of riparian vegetation along Hewitts Creek (excluding APZs) and that EECs are not present along Hewitts Creek. This corridor width is consistent with the Charles Hill Report recommendations that a 50 metre wide environmental protection zone apply to Hewitts Creek and this would structurally comprise a 30 metre riparian core with a 10 metre vegetated buffer on either side.

The Proponents' in their response to submissions identify WSUD stormwater infrastructure being located within the 10 metre vegetated buffer either side of the 30 metre riparian core. The Department considers that such an approach might be acceptable if the WSUD stormwater structures are compatible with the function of the 30 metre riparian core area and any environmental protection zone that applies to Hewitts Creek. In all other instances, non-compatible WSUD stormwater structures should be located outside of any future environmental protection zone and, subject to detailed design, consideration can be given to their forming part of any relevant APZs.

▪ **Woodlands Creek**

The Proponents' in their response to submissions identify a narrow corridor for Woodlands Creek, which, in some locations is about 30 metres. Given the advice by the flooding consultant in Section 6.2.1 above and concerns with the evidence presented, it is not adequately demonstrated that the narrow channel design could achieve a sustainable riparian corridor and the current creek design treatments may have detrimental downstream impacts on riparian vegetation, in particular EECs. Furthermore, the riparian corridor proposed by the Proponent for Woodlands Creek would require APZs to be located within EECs. This is not usual practise when applying APZs. Consequently, these impacts would likely produce an adverse environmental and planning outcome and is not acceptable.

In regards to WSUD stormwater structures and APZs proposed for Woodlands Creek, it would be appropriate to be consistent and apply the same approach discussed for Hewitts Creek above.

It is therefore appropriate to revert to the suggested line in the Charles Hill Report to allow for the existence of a sustainable riparian corridor.

▪ **Tramway Creek and Cooksons Creek**

The Proponents' proposed building footprints and APZs to these buildings that encroach into the core and non-core riparian areas, EECs, and Class 1 bird habitat. However, this footprint comes from an existing Memorandum of Understanding signed between Stockland and the former DLWC for Tramway Creek that has been acted upon.



Figure 10 - Looking west toward the Escarpment south of Tramway Creek

Tramway Creek is in the foreground, with the Cookson Plibrico factory to the west. The Turpentine Forest is in the middle ground at centre and right of the picture.

The Proponents' have undertaken a detailed site survey of the boundary of the riparian area of Cooksons Creek. It is considered that this boundary is accurate. Consequently, the delineation of Cooksons Creek is considered accurate.

In regards to WSUD stormwater structures and APZs proposed for Tramway Creek and Cooksons Creek, it would be appropriate to be consistent and apply the same approach discussed for Hewitts Creek and Woodlands Creek above.

▪ **Turpentine Forest**

The Proponents' have undertaken a detailed site survey of the boundary of the Turpentine Forest and it is considered that this boundary is accurate. However, the proposal, as it relates to the ARV land, introduces APZs that will extend approximately 10 metres into the Turpentine Forest. The effect of this will be to remove trees and clear shrubs and grasses. This could have the potential to compromise the Class 1 Bird Habitat, parts of which are identified as within the Turpentine Forest.

Chapter 4 of the *Planning for Bushfire Protection* produced by the Department and the Rural Fire Service establishes the principle that APZs are contained within land zoned for development. Given the Turpentine Forest is proposed in the SSS Study prepared by the Proponents' to be zoned for environmental protection, the Proponents' intention in the Concept Plan to remove parts of the Turpentine Forest to accommodate APZs is not appropriate.

In conclusion, the Proponents' have provided an on-site survey to delineate the boundary of the Turpentine Forest and Cooksons Creek riparian area and shown that a revised line for Hewitts Creek is appropriate. However, the Proponents' have not provided the evidence necessary to support a variation to the development area identified by the Charles Hill Report for the land adjacent to Woodlands Creek. The Concept Plan should therefore ensure that it is consistent with the Charles Hill Report for Woodlands Creek.

Resolution

The Department recommends that the Concept Plan be modified to ensure that:

- the extent of developable land and the riparian corridor widths of Woodlands Creek is consistent with the Charles Hill Report recommendations,
- APZs are not located within any riparian corridor and within land proposed to be zoned for environmental protection; and
- WSUD outside of any environmental protection zone can form part of APZs.

The Department recommends that any rezoning of Sandon Point:

- is consistent with the Concept Plan as modified,
- place environmental protection zoning over EECs, the Turpentine Forest and Class 1 Bird Habitats (where they overlap with either the riparian corridors and Turpentine Forest), and

- allows WSUD stormwater structures to exist within riparian core areas where they are compatible with riparian functions and, in all other instances, allowing WSUD to form part of APZs.

6.2.6 Built form and development density – Single dwellings

Raised By

The Department and public submissions

Consideration

Some public submissions raised concern with the density of development for Sandon Point. In particular were concerns that single dwellings at Sandon Point would be similar to those constructed on the Stockland's Stages 1 and 2-6. The public submissions claimed that these buildings were overly large, were not consistent with the character of the surrounding area, and would produce a housing density for Sandon Point that was inappropriate.

The Department raised concern with the Proponents reliance on building envelopes only to determine future development on parts of Sandon Point, stating that the building envelopes alone are not capable of producing an appropriate built form. The Department calculated that the equivalent FSR derived from these building envelopes was very high and would produce buildings of excessive bulk and scale.

The Proponents, in their response to submissions, state that:

- the resulting densities at Sandon Point of 18 dwellings per hectare would be less than Council's preferred density of 25 dwellings per hectare,
- design guidelines used at Stages 1 and 2-6 have achieved a high quality of architectural design for single dwellings and the Statement of Commitments will require the Proponents to produce similar design guidelines to ensure a similar high quality of design for single dwellings at Sandon Point,
- the proposal to remove FSR as a development control was consistent with the recommendations of the Charles Hill Report, and
- the building envelopes and design guidelines would, based hypothetically on a typical lot and exclusions (mandatory setbacks and garages), produce an equivalent floor space of 0.51:1 for a single storey dwelling and 1.1:1 for a two storey dwelling,

In regards to the last point, the Proponents stated as a comparison that the maximum FSR of dwellings in Stages 1 and 2-6 is 0.5:1.

The Wollongong LEP currently establishes an FSR of 0.5:1 for the 2(b) Residential (Medium Density) zone.

A copy of the current design guidelines applying Stages 1 and 2-6 was provided with the response to submissions. The guidelines identify particular sites that require unique design solutions, identify preferred design outcomes, and establish other planning controls, some of which augment Council's controls. The visual and design outcomes from these guidelines has been housing styles within Stages 1 and 2-6 that are modern versions of Australian coastal beach housing (Figure 11). This housing is not inconsistent with the surrounding area outside Stages 1 and 2-6 which include both older and modern Australian coastal beach housing (Figure 12).

The design guidelines could provide architectural outcomes similar to those in Stages 1 and 2-6. However, photographs (including aerial photographs) raise concern that the single dwellings constructed in these Stages have large building footprints and dominate their allotment. Figure 13 clearly identifies this phenomenon and shows dwellings having no useable ground floor private open space. This outcome is part of an ongoing Australian-wide trend for larger homes (often on small lots) and, in abandoning FSR controls on Sandon Point, the possibility arises that dwellings at Sandon Point could have an excessive bulk and scale with the result being minimal opportunities for landscaping. The Proponent obliquely acknowledges this in their comparison when they state that Stages 1 and 2-6 achieve an FSR at or below 0.5:1 whereas the Sandon Point Concept Plan could hypothetically achieve an equivalent FSR of 1.1:1.



Figure 11 – Housing styles on Stockland's Stages 1 and 2-6



Figure 12 - Examples of housing with high quality architectural design near Sandon Point

Common planning practice establishes that future development should not fill their building envelopes. Roseth SC and Brown C concluded in *Anglican Church Property v Sydney City Council* [2003] NSWLEC 353 in regard to a Stage 1 DA for building envelopes either side of St John's Church in Darlinghurst:

62 ... A building envelope is, by its very nature, a bland, block-like shape... . Once a building envelope is given Stage 1 consent, economic pressures are likely to ensure that the detailed building designed for Stage 2 will fill the envelope. This increases the likelihood of a bland and block-like design.

Such a conclusion is equally capable of applying to single dwellings as it does to multi-unit apartments and other types of development.

In the absence of the design guidelines, the building envelopes proposed by the Proponents do not provide built form and design quality controls for future development of single dwellings at Sandon Point. Consequently, despite the recommendation of the Charles Hill Report, it is appropriate to retain FSR on Sandon Point for single dwellings. The general dominance of existing single dwellings on Stages 1 and 2-6 plus the Proponents' declaration concerning their maximum FSR, suggest that the FSR for single dwellings should be no more than 0.5:1. This would make it consistent with the FSR provisions for the 2(b) Residential (Medium Density) zone. Furthermore, provisions should be included that require a suitable amount of private open space is established within each lot at ground level in order to reduce buildings from dominating their allotments.



Map from Google Earth
(c) 2005 Google

Figure 13 –Aerial photograph of Stages 1 and 2-6

Resolution

The Department recommends that:

- any rezoning of Sandon Point include provisions that establish that the Wollongong LEP provisions for an FSR of 0.5:1 should apply to single dwellings in Sandon Point.
- the Concept Plan include requirements to ensure a suitable amount of private open space is established within each lot at ground level.

6.2.7 Built form and development density – Multi-unit apartments, townhouses, and Seniors Living

Raised By

The Department and public submissions

Consideration

Some public submissions raised concern with the density of development for Sandon Point and the inclusion of apartment buildings and townhouses.

The Department raised concern with the decision by the Proponents to use building envelopes only to determine future development on parts of Sandon Point. The Department considers that building envelopes alone are not capable of producing an appropriate built form.

Dwelling type	Height	Site Coverage	Setbacks
Multi-Unit Housing	13.5 metres (at northern boundary)	60%	3 metres from northern boundary 7 metres from southern boundary 4.5 metres from other boundaries
Townhouses	9 metres	60%	<u>Front</u> - 4.5 metres to main facade wall 5.5 metres to garage <u>Rear</u> - 5 metres <u>Side</u> - Nil or min 0.9 metres
Single dwellings	9 metres	70%	<u>Front</u> - 4.5 metres to main facade wall 5.5 metres to garage <u>Rear</u> - 5 metres <u>Side</u> - Nil or min 0.9 metres

Table 4 - Proposed building envelope controls for Stockland lands

Seniors Living type	Height	Building Envelope Footprint
Independent Living Units and Community Facilities (Central Precinct)	11.4 metres	11,100 sq metres
Independent Living Units and Recreation Rooms (Ocean View Precinct)	12.6 metres	4,231 sq metres
RACF (Hill top Precinct)	3-4 storeys	2,050 sq metres

Note: Site cover across proposed 2(b) zoned area is 29.5%

Table 5 - Proposed building envelopes for ARV land

The Proponents recommended building controls are shown in Table 4 and Table 5.

Although SEPP 65 and the RFDC controls and the Seniors Living SEPP contain design quality provisions, the concern with the proposed building envelope controls are similar to those identified in Issue 6.2.6. This is that the Proponents provide no assurance by way of guidelines that demonstrate that future townhouses, apartments, or seniors living facilities do not fill the proposed building envelopes. This lack of assurance arises from the Concept Plan's building envelopes or ascribed floor area providing sufficient assurance that it is possible to meet the built form and density design principles of SEPP 65 or the design principles in the Seniors Living SEPP.

A poor built form outcome is of particular concern for the apartment building and townhouses located nearest Thomas Gibson Park and the RACF and Independent Living Units near the Turpentine Forest. Both these sites are at relative high points in northern Wollongong, and afford both local and distant views north along the NSW Coast. Limited views to the south towards Wollongong are available. The building envelope for the apartments, RACF and Independent Living Units are 4 storeys and are higher than any current building within the surrounding areas. The combined issue of building height and high points clearly establish a need to ensure that future buildings are of a high quality design, contribute to their setting, and have their building bulk suitably constrained.

A sensible means of controlling bulk given the height issues is to establish a reasonable FSR. An assessment of the apartment building envelopes indicates that, when using the calculation method in SEPP 65's RFDC, an equivalent FSR for 4 storey building envelopes at Sandon Point is 1.8:1.

This FSR should only be achieved where the building suitably demonstrated it is a high quality design and contributes to its setting. In regards to the bulk for the RACF and Independent Living Units, this is discussed in 6.2.8 below.

To demonstrate this requires provisions that ensure design excellence of any apartment building and townhouses, with especial measures applying to apartment and townhouse sites closest to Thomas Gibson Park and the RACF and Independent Living Units close to the Turpentine Forest.

Resolution

The Department recommends that any rezoning of Sandon Point include provisions establish the need for design excellence of apartment buildings, townhouse buildings, and seniors living facilities. Special measures should be established for multi-storey buildings at high points within Sandon Point to allow a total maximum FSR, inclusive of any bonuses for a high quality design contributing to its setting, of 1.8:1.

6.2.8 Built form and development density – Floor space for ARV lands

Raised By

The Department

Consideration

In meetings after the issuing of DGRs and before the lodgement of the EA and SSS Study, the Department became aware of the Proponents intention to impose an FSR of 0.5:1 across the entire ARV lands. The Department, prior to the lodgement of the EA and SSS Study raised concern at this approach because it was inconsistent with common planning practice that does not attribute FSR to environmental protection lands.

The Proponents' EA and SSS Study, nonetheless, establishes an FSR of 0.5:1 across all ARV lands, which is equivalent to an FSR of 0.7:1 if restricted to 2(b) Residential (Medium Density) zone. The Proponents', at this earlier meeting, justified an equivalent FSR of 0.7:1 as reasonable given they were proposing to rehabilitate the 7(a) Environmental Protection lands and make them publicly accessible.

The Department considers that a bonus FSR is not unreasonable where there is a public benefit to be gained. In this instance, a bonus of 0.2:1 could be provided where the Proponents:

- rehabilitates and makes available land proposed for environmental protection zoning, and
- ensure design excellent of tall buildings as discussed in 6.2.7.

Resolution

The Department recommends that ARV lands should have an FSR of 0.5:1 for 2 (b) Residential (Medium Density) and that, subject to achieving design excellence and rehabilitating and making 7 (a) Environmental Protection land accessible, a bonus FSR of 0.2:1.

6.2.9 Bushfire Protection

Raised By

RFS

Consideration

RFS raised concern that the Proposal did not comply with the *Planning for Bushfire Protection Guidelines* and posed a safety issue for future residents and fire fighters in insofar as:

- the proposed APZs widths of less than 20 metres to the riparian areas of Cooksons Creek and Tramway Creek were inadequate.

- the widths of roads servicing more than 4 dwellings was less than 20 metre.

In regards to the APZ widths proposed for the Cooksons Creek and Tramway Creek, the Proponents' Response to Submissions argues that APZs deviate from the Guidelines because the riparian vegetation poses a low fire risk. However, there is no clear evidence to support this claim. It is considered that a 20 metre APZ be provided given there is no evidence presented to support a reduction on the APZs.

In regards to road widths, the *Planning for Bushfire Protection Guidelines* requires perimeter roads and the internal road system in any urban subdivision to have a minimum total reserve width of 20 metres. The Proponents' on Stockland Lands propose perimeter roads of between 13 metres and 17 metres in width, with the remaining setback to be located within the residential lots fronting the perimeter road. The Proponent states that:

Although the width of the perimeter road reserves would be less than the 20m required for Planning for Bushfire Protection 2001, the proposed buildings fronting the perimeter road are deep enough to incorporate a building setback to make up the 20m wide Asset Protection Zone.

Road reserves of less than 20 metres in width are not consistent with *Planning for Bushfire Protection* guidelines. The intent behind establishing minimum road reserve width is to ensure that there is safe operational access to structures and water supplies for emergency services, whilst at the same time allowing residents to evacuate an area. It is concluded that proposed perimeter road reserve width of less than 20 metres may not satisfy that intent.

Resolution

The Department recommends that the Concept Plan is modified to ensure consistency with *Planning for Bushfire Protection* guidelines in regards to their location and road reserves.

6.2.10 Staging of Development

Raised By

The Department

Consideration

The Department raised concerns regarding the timely construction of the north-south road link and the provision of public access when the Proponents were intending to carry out development separately.

The Proponents' Response to Submission states that:

- The north-south link will be constructed in an orderly manner in conjunction with each subsequent stage of the development.
- Each of Stages 1, 3 and 5 on the Stockland lands and the entire development on ARV lands depended upon the construction of the north south road.
- Constructing additional components of the north-south link independent of creating additional lots is cost prohibitive and has no nexus with the requirements of the specific development.
- An alternative staging pattern would not provide for Sandon Point's orderly development and would unnecessarily cause potential conflict between construction traffic and other traffic types.

The Proponents' have given a commitment to constructing the north-south link adjacent to the ARV lands as part of second stage of development. It is considered that each stage of Stockland development should have a nexus with construction of the north-south link road and that an alternative staging pattern may cause conflict with construction traffic and other traffic. Therefore, it is considered that this approach is acceptable.

The Department raised concerned at what alternatives were available for traffic management in the event that the Wrexham Road extension was delayed or does not proceed.

The Proponent's response to submission states that, should the Wrexham Road extension not proceed, Point Street access could accommodate the traffic generation of the combined ARV and Stockland developments. This however would have the disadvantage of requiring ameliorative traffic management measures in Point Street, the loss of potential bus route and no direct vehicular connectivity to the north.

The Proponents' in their response to submissions also suggest that in the unlikely event that Wrexham Road did not eventuate, access for the ARV proposal would be off Sturdee Ave and the proposed Sandon Point Drive extension. This is considered acceptable.

The Wrexham Road extension is the preferred option and should this option not eventuate, it should be pursued again with Council in the future.

Resolution

The Department is satisfied that the Proponents' have adequately addressed this issue.

6.2.11 Traffic and Access – SEPP 11

Raised By

RTA

Consideration

The RTA requested that project triggered SEPP 11 and should be referred to the Regional Traffic Committee.

The Proponents' Response to Submissions states that, notwithstanding the RTA's submission being outside the statutory timeframe in SEPP 11, the issues raised by the RTA and Council had been addressed.

The Proponents traffic report identifies that traffic modelling indicates that there will be no significant traffic and transport impacts on the local and regional road network. In particular, the traffic report identifies that:

- the north-south link road between Wrexham Road and Point Street is a key piece of infrastructure generally supported by Council and the RTA.
- no additional traffic signals are required in the area, particularly as signals at the Point Street/ Princes Highway intersection where introduced as part of the Stage 1-6 developed by Stockland,
- the traffic generation from the Concept Plan would be less than forecast by Council in 2000-2001, principally as a result of the Seniors Living component and the developable area being less than the area currently zoned for development;
- that, as the RTA has previously agreed, the north-south link road between Wrexham Road and Point Street is unlikely to be viable for through traffic as the Princes Highway and Lawrence Hargrave Drive are shorter and more efficient path for motorists.

The request by the RTA that the proposal be referred to the Regional Development Committee relied on Clause (n), Schedule 1 of SEPP 11. This clause specifies that a regional traffic matter is triggered on the basis that a development has ancillary accommodation for 200 or motor vehicles.

The Department considers that although the trigger under SEPP 11 may apply, its use here is arguable. The Department notes that the subdivision trigger in SEPP 11 would have been more relevant had it not been for the fact that the site does not achieve the threshold of 200 lots. It is further noted that the Regional Development Committee comments on Concept Plans are required as part of subsequent applications and will be referred accordingly.

The Department reviewed the traffic information provided by the Proponent and considered the involvement of the Proponents with both Council and the RTA from 2000 during the Council rezoning of Sandon Point and subsequent Col. The considered view of the Department is that the Proponents' traffic report adequately addresses traffic impacts and the traffic generated by the development. Furthermore, the Department agrees with the traffic report in finding that the proposed development would not create significant local and regional traffic implications.

Resolution

The Department considers the traffic report adequately addresses local and regional traffic issues.

6.2.12 Traffic and Access – Local roads

Raised By

The Department, Council, RTA and public submissions

Consideration

The Department and the local community raised concerns regarding the impact of Seacliff Bridge upon traffic flows in the local area.

The Proponents' Response to Submissions states:

Wollongong City Council has been consulted regarding the traffic model developed by Council and referenced in the traffic assessment contained in the... [EA]. The traffic assessments are based on a number of future road network scenarios modelled by Gabites Porter. Council has confirmed that the traffic model assumed that the Sea Cliff Bridge (Lawrence Hargrave Drive) was always open. The traffic volumes on Lawrence Hargrave Drive were also forecast beyond the 12 December 2005 when the bridge reopened.

According to the Proponents, Council have confirmed with the RTA that traffic volumes following the opening of the Sea Cliff Bridge are at a level similar to that prior to the closure of the Coast Road. This appears to suggest that no further assessment of traffic is required as it relates to traffic associated with the Seacliff Bridge.

Submissions from Council, RTA and the public were also made with regards to traffic impacts and access arrangements for Sturdee Avenue, Sturdee Avenue Bridge and Beattie Avenue. These concerns were:

- the use of Sturdee Avenue for construction traffic and the impact on the local area from this traffic's consequential noise and dust,
- traffic congestion on local roads and on the Princes Highway, and
- the traffic impacts on Point Street given estimated peak hour traffic flows are up to 200 vehicles per hour.

In the Response to Submissions, the Proponent states that:

- Sturdee Avenue will provide a mix of pedestrian and vehicle traffic in the short term with a view to converting this bridge to a dedicated pedestrian and cyclist use,
- they are committed to preparing a Construction and Traffic Management Plan as part of future applications to address the construction traffic noise and dust issue,
- detailed intersection modelling of the Princes Highway /Lawrence Hargrave Drive intersection indicate the level of service will be acceptable but that they will complete further assessment at a later stage, and
- the traffic volumes for Point Street are within RTA standards for a local street and that traffic calming measures are not required.

This response is considered acceptable.

Council also raised concern that consultation had not occurred with bus operators regarding design requirements to enable efficient and effective bus access.

The Proponents' Response to Submissions states that a bus route will be provided consistent with Council's DCP 94/17 and that the north-south route through Sandon Point could provide a connection to Thirroul via Point Street. The Proponents state that the design for any such roads will be in accordance with RTA, Austroads and AMCORD standards.

Resolution

The Proponents response and Statement of Commitments adequately address this issue.

6.2.13 Infrastructure – Rail

Raised By

RailCorp

Consideration

RailCorp raised a number of issues regarding impacts on the proposal from the close proximity of the rail corridor and upgrades of infrastructure. These issues include:

- Noise and vibration impacts, particularly on occupants of ARV lands;
- Bridge designs and/or upgrades and structural adequacy of bridges during construction for Wrexham Road and Sturdee Avenue;
- Risk of electrolysis from stray currents;
- Access to be provided for RailCorp maintenance;
- Distraction to drivers from lighting/reflective materials; and
- Quadruplication of the rail corridor.

The Proponents in their Response to Submissions addressed these issues as follows:

- In regards to noise and vibration impacts, this can be addressed in future applications for the detailed design of buildings and the Proponents have made commitments to future buildings design in accordance with RailCorp's guidelines.
- In regards to bridges, the Proponent states that:
 - ▶ RailCorp was consulted about the Sturdee Avenue bridge,
 - ▶ they are committed to undertaking a load rating on the existing Wrexham Road and Sturdee Avenue bridges to ensure their structural adequacy for construction traffic, and
 - ▶ are committed to replacing the Wrexham Road bridge at Stage 1 of the development and also temporary bracing of the bridge if required.
- In regards to electrolysis, they will prepare an Electrolysis Risk assessment for each of the detailed design buildings.
- In regards to access for RailCorp maintenance, the north-south link will improve public access and that any additional access points required by RailCorp could be incorporated into the design at the project application stage.
- In regards to distractions to drivers, this can be addressed at the Project application stage and in consultation with RailCorp.
- In regards to quadruplication, the Proponents have assumed that the rail corridor can accommodate the additional tracks without the need to acquire land from the Sandon Point development site.

The Department considers that the response is adequate. The issue of quadruplication of the rail corridor is noted and adequate measures should be established to ensure that future development does not complicate the achievement of this rail infrastructure.

Resolution

The Department recommends that the issues raised by RailCorp are addressed at the detail design stage.

6.2.14 Community Facilities and Open Space

Raised By

Council and public submissions

Consideration

Submissions from the public raised concern with proposing a northern site access via Wrexham Road over land currently zoned open space. These concerns were related to the loss of open space to accommodate the development.

The Wrexham Road extension does not form part of the Concept Plan. It is subject of separate processes by Council as it requires reclassification from community to operational under the *Local Government Act 1993*.



Figure 14 - Wrexham Road Extension

The shaded area above marks the location of Wrexham Road extension and the pink dotted line identifies the road level in relation to the playing fields at Thomas Gibson Park.

Nonetheless, the Wrexham Road extension is associated with the current Concept Plan and is worthy of comment. The claims of loss of open space made in public submissions are not credible as the portion of Thomas Gibson Park to be resumed has a ground level higher than the playing fields and is not useable open space (Figure 14).

Council and public submissions raised concern that additional areas of active open space are required to support an increased residential population. The Proponents' in their response to submissions have stated that the proposal will contribute to the provision of 30.4ha of regional open space that will be accessible to the public as stated above. The Department is satisfied that the area of public open space to be provided by the proposal and the existing open space in the local area will accommodate the needs of the future population.

Resolution

The Department is satisfied that this issue has been adequately addressed.

6.2.15 Subdivision Layout and Site Linkages

Raised By

Department, RailCorp and public submissions

Consideration

Council, RailCorp and public submissions raised concern regarding the suitability of existing pedestrian links to Thirroul station.

The Proponents in their response to submissions stated that the Concept Plan provides for a north-south road link and that this will incorporate footpaths to connect with Thomas Gibson Reserve and a further pedestrian link in Thomas Gibson Park to connect to Thirroul station. The Proponents' also state that the location of townhouses

and apartment responds to the proximity to Thirroul station. The Department is satisfied that these are detailed design matters that can be dealt with in a future application for development.

Council raised concern that the subdivision layout represented a "gated community" and would discourage pedestrian access.

The Proponents in their response to submissions stated that the Concept Plan incorporated a high degree of permeability for pedestrians, cyclists, motorist and public transport along all boundaries and would integrate with existing development adjoining Sandon Point. The Proponents' in their response to submissions also stated that 27% of the Sandon Point will be open space that is accessible to the public and provides clear links between the proposed regional park and beach to the east and surrounding residential development to the north, west and south.

The Department is satisfied that the proposed subdivision layout is compatible with the surrounding streets and it is orientated north-south; and that adequate pedestrian access and site linkage is provided.

Resolution

The Department is satisfied that the subdivision layout is compatible with surrounding streets and pedestrian access as detailed in the Concept Plan is adequate.

6.2.16 Planning Agreements

Raised By

The Department

Consideration

The Proponents, as part of the EA, provided a document that discussed the funding and provision of infrastructure, land dedications, and Section 94 Contributions for developing Sandon Point. The parties proposed to be involved in Planning Agreements for Sandon Point are the Proponents and Council and the terms seek to finalise planning agreement before the lodgement of future applications for developing Sandon Point. Although not clear, the Department understands that pursuant to Section 93I(3) of the Act this document is submitted as an offer of terms for the planning agreement.

The Department understands that Council and the Proponents have already commenced discussions on a planning agreement and that they are ongoing.

The matters raised in the planning agreement are local matters and the Department considers that it would be inappropriate to approve the terms of any planning agreements as part of the Concept Plan given that it may either preempt the outcomes of negotiations or not reflect the current state of negotiations between the parties.

Resolution

The Department recommends that the planning agreement terms submitted pursuant to Section 93I(3) of the Act as part of the Concept Plan be excluded from any approval

6.2.17 Applications for future development of Sandon Point

Raised By

The Department

Consideration

Part 3A of the Act grants the Minister power to identify whether all or part of a Concept Plan will require further approvals under Part 3A, Part 4, or Part 5. The purpose of this is to ensure that the Minister can return development approval functions to the appropriate authority if the matters of planning significance for the State have been discharged.

Setting aside the Concept Plan, the determination of whether Sandon Point has matters of planning significance for the State would principally rely on the Minister forming an opinion pursuant to Clause 6 of the Major Projects SEPP. Using the Major Projects SEPP, future development envisaged by the Concept Plan that could be Part 3A would be development partly or wholly within a sensitive coastal location in the coastal zone that involved either:

- buildings or structures greater than 13 metres in height, or
- subdivision of land in a residential zone in more than 25 lots.

The origin for making these types of development matters of planning significance for the State is SEPP 71. The purpose of this policy is to protect the NSW coast and ensuring that development responds appropriately to the scenic quality of the NSW coast. This policy achieves this by requiring certain matters to be considered when evaluating applications for development and requiring a master plan for certain types of development.

The Department's analysis indicates that Sandon Point Concept Plan, with modifications to address the outstanding issues above, along with the SSS Study will achieve the aims of SEPP 71 (Table 6) and that Sandon Point is not within a sensitive coastal location. Notwithstanding this, the Department concludes that a limited approval role by the Minister is appropriate to:

- ensure that issues in the Concept Plan are resolved satisfactorily in future stages,
- ensure that the aims of the draft Illawarra Regional Strategy are met, and
- as an Aboriginal Place declaration by the Minister for the Environment would have the effect of declaring Sandon Point a sensitive coastal location.

Resolution

The Department recommends approval roles for major development in Sandon Point be dealt with under Part 3A.

SEPP 71 - Aims of Policy (Clause 2)	Evaluation
(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast	Concept Plan and SSS Study will develop land adjacent to the Illawarra rail line while seeking to protect for recreational and natural purposes the land adjacent to Macauleys Beach and along the creek corridors
(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore	The Concept Plan and SSS Study will improve existing east-west access to the foreshore and dedicate land to Council
(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore	The Concept Plan and SSS Study will improve existing east-west access to the foreshore and dedicate land to Council
(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge,	The Proponents have committed to this as part of the Statement of Commitments and there is understood to be separate agreements between Stockland and DEC concerning Aboriginal cultural heritage.
(e) to ensure that the visual amenity of the coast is protected,	The Concept Plan as modified will includes built form controls. The Proponents have committed to prepare guidelines for single dwellings similar to those at Stages 1 and 2-6
(f) to protect and preserve beach environments and beach amenity,	The Concept Plan and SSS Study will improve existing east-west access to the foreshore and dedicate land to Council
(g) to protect and preserve native coastal vegetation,	The Concept Plan and SSS Study recommends native coastal vegetation be within environmental protection zoning
(h) to protect and preserve the marine environment of New South Wales,	The Concept Plan as modified will reduce impacts on the marine environment
(i) to protect and preserve rock platforms,	Not relevant
(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i>),	The Concept Plan as modified incorporates these principles
(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area,	The Concept Plan as modified will includes built form controls. The Proponents have committed to prepare guidelines for single dwellings similar to those at Stages 1 and 2-6
(l) to encourage a strategic approach to coastal management	The combined Concept Plan and SSS Study process satisfies this aim.

Table 6 - Concept Plan compliance with the aims of SEPP 71

7 CONCLUSION

The Department has reviewed the EA and duly considered advice from public authorities as well as issues raised in public submissions in accordance with Section 75I(2) of the Act. All the relevant environmental issues associated with the proposal have been assessed.

The Proponents' EA and Concept Plan presents technical reports and statements as evidence that it adequately addresses the key issues raised in the DGRs and the issues that arose from submissions made during the public exhibition period. The Proponents claim that the evidence supports a development footprint for Sandon Point as shown in Figure 8.

The Department concurs that, in balancing the State significant planning outcomes with the issues raised in the body of this report, the evidence supports the redevelopment of Sandon Point. However, the Department assessment identified that, in some instances, the documentation provided to address some issues was not satisfactory and did not provide the evidence necessary to support the Proponent's recommended development footprint at Sandon Point. The option of imposing mitigation measures was explored, but the information available could not provide sufficient certainty that mitigation measures could not be reasonably applied in every instance.

The conclusion of the assessment by the Department is that the available evidence permits the development of Sandon Point, but to an extent less than that envisaged by the Proponents. The extent of the development recommended by the Department is shown in Figure 15.

Recommended modifications to the Concept Plan are provided at Appendix A and include reducing development to the recommended development footprint. The reasons for the imposition of conditions are as follows:

- ensure Aboriginal cultural heritage is given due consideration,
- ensure the protection of significant flora and fauna,
- minimise the likely impact from flooding, both on urban land and on environmentally sensitive land,
- minimise threats from bushfire,
- maintain the amenity of the local area,
- ensure the adequacy of local and regional infrastructure, and
- adequately mitigate the environmental impact of the development.

The Proponents have committed via Statements of Commitments to a number of measures to ensure the redevelopment proceeds smoothly and does not adversely impact on land within Sandon Point and adjoining areas. The Department is recommending further modifications as part of the approval to augment commitments made by the Proponent and ensure their consistency with the findings of this Report.

The Department, in considering the Concept Plan, has identified changes to the planning provisions governing Sandon Point. These changes are warranted to ensure the Objects of the Act are achieved for this Concept Plan and the future development of Sandon Point more generally.

The Department in considering future development roles at Sandon Point considers that major future development should generally be retained within Part 3A. All other types of future development can therefore be dealt with by Council as consent authority under Part 4 or Part 5 of the Act.

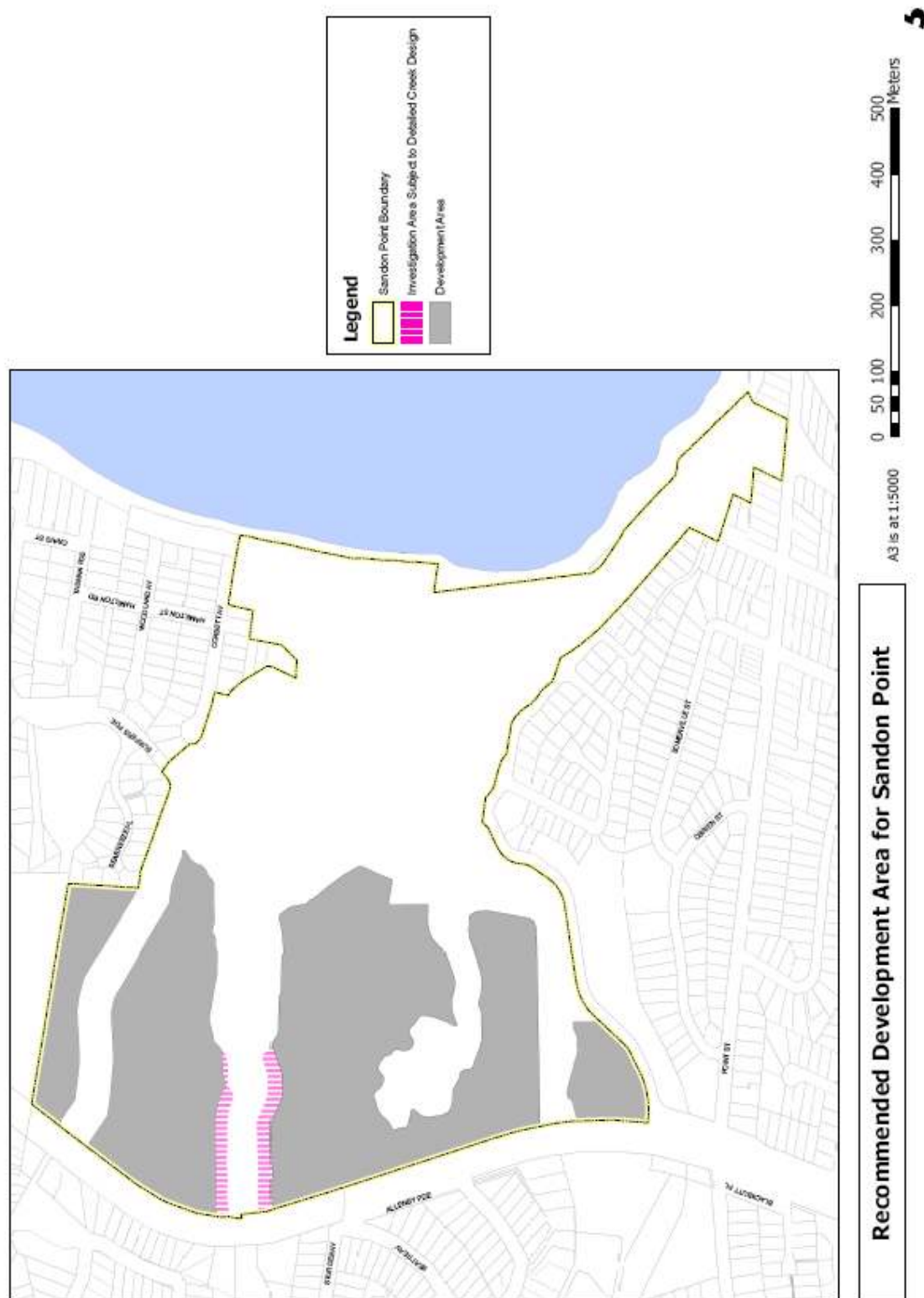


Figure 15 - Recommended development footprint at Sandon Point

8 RECOMMENDATION

It is recommended that the Minister for Planning:

- (A) **consider** the findings and recommendations of this report in regards to the Concept Plan.
- (B) **consider** the recommendations of this report in regards to changing the planning provisions as they apply to Sandon Point
- (C) **grant approval** for the Concept Plan pursuant to section 75O(1) of the Act by signing the Instrument of Approval at Appendix A.
- (D) **determine** that approval to carry out development with a capital investment value of:
 - (1) \$5 million or more is, pursuant to section 75P(1)(a), to be subject to Part 3A of the Act.
 - (2) less than \$5 million is, pursuant to section 75P(1)(b), to be subject to Part 4 or Part 5 of the Act, and
- (E) **Determine** that pursuant to section 75P(2)(a) of the Act, the determination of a development application for the project or that stage of the project under Part 4 or Part 5 is to be generally consistent with the terms of the approval of the Concept Plan.
- (F) **Authorise** the Department to carry out post-determination notification.
- (G) **Note** that the proposed listing of the site within Schedule 3 of the Major Projects SEPP will be pursued separately, however this does not preclude the Minister from approving the Concept Plan prior to an amendment to the Major Projects SEPP.

Endorsed by

Michael File
Team Leader, Strategic Assessments

Jason Perica
**Executive Director, Strategic Sites & Urban
Renewal**

APPENDIX A. CONDITIONS OF APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT MP 06_0094

(FILE NO. 9040782)

CONCEPT PLAN FOR REDEVELOPMENT OF SANDON POINT

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* (the Act) determine:

- (a) To grant approval, under section 75O(1) of the Act, the Concept Plan for the project as described in Schedule 1, subject to the modifications set out in Schedule 2.
- (b) That approval to carry out the remainder of the project or stages of the projects with a capital investment value:
 - (i) of \$5 million or more is, pursuant to section 75P(1)(a), to be subject to Part 3A of the Act;
 - (ii) less than \$5 million is, pursuant to section 75P(1)(b), to be subject to Part 4 or Part 5 of the Act ;
- (c) That a development application for the project or that stage of the project under Part 4 is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.

Frank Sartor MP
Minister for Planning

Sydney,

2006

SCHEDULE 1

PART A – APPROVAL

A1 Table

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney) Anglican Retirement Villages (Level 2, 62 Norwest Boulevard, Baulkham Hills)
Application made to:	Minister for Planning
Major Project Number:	06_0094
On land comprising:	Lot 1 DP 224431 Lot 2 DP 224431 Lot 2 DP 595478 Lot 235 DP 1048602 Lot 1 DP 1024490
Local Government Area:	Wollongong City Council
Approval in summary for:	A Concept Plan involving: <ul style="list-style-type: none"> ▪ a subdivision to create a combination of residential detached dwelling allotments and super lots for multi-unit housing; and ▪ a retirement development including a Residential Aged Care Facility, independent living units, communal facilities and services to support the village, access and carparking.
Capital Investment Value:	\$150 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	7 years from the date of determination

A2 Approval in detail

Subject to modifications in Schedule 2 which may reduce the yield of development, concept approval is only to the following development:

- (1) On Stockland lands,
 - (a) Subdivision into a maximum of 180 detached dwelling lots;
 - (b) Subdivision to create 1 super lot to accommodate up to 80 apartments;

- (c) Subdivision of 2 super lots for up to 25 town houses;
- (d) Potential for the development of up to a total of 285 dwellings on the proposed lots.
- (e) Building envelopes for the 3 super lots;
- (f) Preliminary road layout; and
- (g) Associated works will include:
 - (i) recreation of riparian corridors over Hewitt's and Woodlands Creeks including the restoration and replanting of vegetation;
 - (ii) the construction of water quality ponds and structures;
 - (iii) asset protection zones;
 - (iv) flood mitigation works;
 - (v) roads, bridges and the construction of utility services;
 - (vi) landscaping; and
 - (vii) an amendment to the Vegetation Management Plan for Tramway Creek to extend and rationalise its boundaries to suit the road locations, provide for asset protection zones, and to incorporate the amended location for the road bridge crossing;
- (2) On ARV lands,
 - (a) A residential aged care facility of up to 4 storeys containing up to 120 beds;
 - (b) A mix of apartment buildings of up to 3 storeys containing up to 250 independent living units;
 - (c) Community facilities and services to support residents of the retirement village;
 - (d) Access and car parking;
 - (e) Landscaping including rehabilitation of riparian corridors and forest; and
 - (f) Stormwater management and utility services.

A3 Development in Accordance with Plans and Documentation

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
 - (a) *Volume 1 Overview Report. Concept Plan Application Sandon Point* compiled by HLA-Envirosciences Pty Ltd based on reports prepared by Don Fox Planning Pty Ltd and JBA Urban Planning Consultants Pty Ltd on behalf of Stockland Developments Pty Ltd and Anglican Retirement Villages dated June 2006;
 - (b) *(Volume 2) Environmental Assessment Report: Sandon Point* prepared by Don Fox Planning Pty Ltd on behalf of Stockland Developments Pty Ltd dated June 2006, and
 - (c) *Volume 3: Environmental Assessment. Concept Plan Application: Cookson Plibrico Site* prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Anglican Retirement Villages dated June 2006.
- (2) In the event of any inconsistency between the approved documentation and the modifications of the Concept Plan approval identified in Schedule 2, the modifications of the Concept Plan approval will prevail.

PART B – NOTES RELATING TO THE APPROVAL

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 3 months after the date on which the Proponent(s) received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Notes

Notes included in this approval do not form part of this approval.

PART C — DEFINITIONS

In this approval the following definitions apply:

Act means the Environmental Planning and Assessment Act, 1979 (as amended).

Council means Wollongong City Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department

Minister means the Minister administering the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponents means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

Regulations means the Environmental Planning and Assessment Regulations, 2000 (as amended).

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

Stockland Land means the land parcels Lot 2 DP 595478, Lot 235 DP 1048602, and Lot 1 DP 1024490 and listed in Part A of this schedule.

ARV Land means the land parcels Lot 1 DP 22431 and Lot 2 DP 22431 and listed in Part A of this schedule

Sandon Point Concept Plan means the project and the accompanying plans and documentation described in Part A, Schedule 1 as modified by Schedule 2.

SCHEDULE 2 – MODIFICATIONS TO THE SANDON POINT CONCEPT PLAN (MP 06_0031)

PART A – DEPARTMENT OF PLANNING'S MODIFICATIONS

A1 Development Footprint

- (1) The following development shall be restricted to the development footprint shaded grey on the map at (4) below:
 - (a) a subdivision to create a combination of residential detached dwelling allotments and super lots for multi-unit housing, including roads; and
 - (b) a retirement development including a Residential Aged Care Facility, independent living units, communal facilities and services to support the village, access, roads and car parking.
- (2) The following development may occur on land outside the development footprint shaded grey (including land hatched pink) on the map at (4):
 - (a) On Stockland Lands, Associated works;
 - (b) On ARV lands,
 - (i) Landscaping including rehabilitation of riparian corridors and forest; and
 - (ii) Stormwater management and utility services.
- (3) Development described in (1) may occur on the area hatched pink where the Proponent has addressed the matters in Modification A2, Schedule 2 to the satisfaction of the consent authority.
- (4) For the purposes of this approval, **Development Footprint** is taken to mean those areas shaded grey and hatched pink in the following map.



A2 Creek design

- (1) The Concept Plan is modified to ensure that the creek design within Sandon Point will be determined by performance criteria that will minimise the risk to life and property from a range of recurrent flood events.
- (2) The performance criteria for creek design are as follows:
 - (a) The low flow channel shall contain a 20 year recurrence flood;
 - (b) The flood waters up to the 20 year recurrence flood will ensure that:
 - (i) creek banks are not significantly scoured or eroded, or
 - (ii) the creek bed is not significantly scoured or eroded, or
 - (iii) there is minimal dislodgement of vegetation located within the creek corridor;
 - (c) Major erosion or channel metamorphosis (that is, no catastrophic failure) does not occur in events rarer than the 20 year recurrence flood;
 - (d) Flow velocities and shear stresses are managed to ensure that there are no increased risks to either the downstream creek corridor or downstream properties from:
 - (i) erosion,
 - (ii) channel metamorphosis, or
 - (iii) flooding.
 - (e) Any WSUDs located adjacent to the creek corridor should not compromise the stability of the creek corridor in flood events up to the 100 year recurrence flood.

A3 Bushfire Protection Requirements

The Concept Plan is modified as follows to ensure consistency with the *Planning for Bushfire Protection Guidelines* all APZs shall be located within the residential zone.

A4 Built Form Controls

- (1) The Concept Plan is modified by establishing the built form controls described below:
- (2) On Stockland Lands:
 - (a) All single dwellings on shall have a maximum FSR of 0.5:1.
 - (b) Multi-level apartments shall either:
 - (i) have a maximum FSR of 1.35:1 and maximum height of 3 storeys or,
 - (ii) subject to demonstrating design excellence consistent with Modification B3, Part B, Schedule 2 of this approval, a maximum FSR of 1.8:1 (exclusive of roads) and maximum height of 4 storeys.
 - (c) Townhouses shall have a maximum FSR of 1:1.
- (3) On ARV lands:
 - (a) The maximum FSR shall be 0.5:1 and the maximum height shall be 3 storeys; or
 - (b) Subject to demonstrating design excellence consistent with Modification B3, Part B, Schedule 2 of this approval:

- (i) the maximum FSR shall be 0.7:1, and
- (ii) the maximum heights for the Residential Aged Care Facility shall be 3-4 storey; and
- (iii) the maximum height for the Independent Living Units and Community Facilities in the Central Precinct shall be 11.4 metres; and
- (iv) the maximum height for the Independent Living units and Recreation Rooms in the Ocean View Precinct shall be 12.6 metres.

PART B – MODIFICATIONS TO THE STATEMENT OF COMMITMENTS

B1 Aboriginal cultural heritage

- (1) The ARV Statement of Commitments concerning cultural heritage are to be modified to include measures outlined below.
- (2) The Proponent shall:
 - (a) include an appropriately qualified and practising anthropologist as part of any investigations into the potential Aboriginal cultural heritage values of a "Women's Area", and
 - (b) submit the report by the appropriately qualified and practising anthropologist as part of any future application proposing to develop the ARV lands.

B2 Staging of Development

- (1) The Statements of Commitments covering the staging of development shall be modified to include the following measures below.
- (2) The Proponent on ARV lands shall submit a staging plan with the first application that:
 - (a) if the Wrexham Road extension proceeds, will confirm the construction of the north-south link road as part of the second stage of development
 - (b) if the Wrexham Road extension does not proceed, will demonstrate the alternative access arrangements including traffic ameliorative measures and road upgrades via Sturdee Avenue.

B3 Design Guidelines on Stockland Lands for Single Dwellings

- (1) The Stockland Statement of Commitments concerning design controls are to be modified to include measures outlined below.
- (2) The Proponent shall include provisions in the Design Guidelines for the Stockland lands that require a landscaped area on each site. The landscaped area is to be no less than 20% of the lot and provided at ground level. Of this landscaped area, no less than 25% is to be a principal area that:
 - (a) is directly accessible from the principal habitable rooms of the dwelling,
 - (b) is located towards the rear of the property,
 - (c) is not enclosed,
 - (d) is not used for any other purpose, such as an off street parking space,
 - (e) has a minimum depth of 4 metres, and
 - (f) is available for deep soil planting.
- (3) The Proponent shall include a provision in the Design Guidelines for the Stockland lands that require an

appropriate level of landscaping (including trees) before occupation of any single dwelling, townhouse or apartment building.

- (4) The Proponent shall include a provision in the Design Guidelines for the Stockland lands that set the maximum FSR for single dwellings as 0.5:1.

B4 Design Excellence

- (1) The Statements of Commitments are to be modified to include measures outlined below.
- (2) The Proponent commits to holding a design excellence competition for any building proposed to take advantage of the maximum FSR and heights permitted by the Sandon Point Concept Plan, as modified.
- (3) The Proponent shall establish a jury panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,
 - (d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.
- (4) The Proponent is to submit the report of the jury panel as part of any future application for development.
- (5) For the purposes of this modification, a **jury panel**:
 - (a) means a 5 member panel comprised of appropriately qualified design professionals chaired by a registered architect, and
 - (b) may include an officer of Council.

B5 Response to Submissions revisions

- (1) Only as outlined below, the Statements of Commitments are modified to include amendments to the Statements of Commitments consistent with those offered in the *Response to Submissions: Concept Plan Application, Sandon Point* prepared by Don Fox Planning Pty Ltd on behalf of Stockland Development Pty Ltd and JBA Urban Planning Consultants Pty Ltd on behalf of Anglican Retirement Villages and dated October 2006.
- (2) The Proponents commit to providing a Heritage Interpretation Plan prepared in accordance with the relevant requirements of the Heritage Office and submitted to the Heritage Council for endorsement before the first application for development is approved.
- (3) The Proponent on ARV land commits to construct the North-South link as part of the second stage of development.
- (4) The Proponents will provide a sensitivity assessment to confirm flood waters will not impact on areas west of the rail line. The sensitivity analysis is to include (but not be limited to) an assessment of the roughness assumptions on account of vegetation and be provided at the detailed design stage
- (5) The Proponents commit to providing a flood evacuation policy at the detailed stage of development
- (6) The Proponents commit to ensure that flood planning levels are consistent with any requirements of

Council contained within a Policy or planning instrument

- (7) The Proponents commit to undertake water quality monitoring as part of the detailed design stage and provide a quarterly report to Council for the life of the project.
- (8) The Proponents commit to undertaking a Potential Acid Sulphate Soils assessment and, if relevant, preparing an Acid Sulphate Soils Management Plan as part of the detailed design stage
- (9) The Proponents commit to not requiring the provision of on-site detention systems.

PART C – FUTURE APPLICATIONS

C1 Further approvals and the carrying out of works / activities

- (1) This Concept Plan Approval does not permit or allow the Proponent to carry out or commence any work or activity described in Modification A3, Part A of this schedule except as required by Modification (2) below.
- (2) Where future development where the capital investment value does not exceed \$5 million, Council is the consent authority under Part 4 or Part 5 of the Act.
- (3) Where any future development is subject to Part 4 or Part 5 of the Act, the consent authority must only determine future applications for development where they are consistent with the terms of approval of Concept Plan No. 05_0031 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A and B of Schedule 2.

C2 Environmental planning instruments not applying to the Concept Plan

The following environmental planning instruments are not required to be considered by the relevant authority when determining a development application for the project or that stage of the project under Part 4 or Part 5:

- (a) Part 17 of the *Illawarra Regional Environmental Plan No.1*; and
- (b) Part 3 and Part 5 of *State Environmental Planning Policy No.71—Coastal Protection*.

C3 Creeks

Future applications for development of the site lodged by the Proponents shall demonstrate to the satisfaction of the consent authority that the creek design satisfies the performance criteria in Modification A2, Schedule 2.

C4 Stormwater structure, including Water Sensitive Urban Design

Future applications for development of the site lodged by the Proponents' shall demonstrate that:

- (a) the design of stormwater structures, inclusive of Water Sensitive Urban Design systems, are compatible with the ecological function of the riparian areas where they are proposed to be located within the riparian areas of Hewitts Creek, Woodlands Creek, Cooksons Creek, or Tramway Creeks; and
- (b) the Water Sensitive Urban Designs systems will incorporate bypass functions to prevent:
 - (i) settled solids from being resuspended in a flood event; and
 - (ii) habitat located therein from being significantly disturbed.

C5 Bushfire Protection Requirements

Future applications lodged by the Proponent for development on the subject site must be consistent with the *Planning for Bushfire Protection Guidelines*.

C6 Infrastructure – Rail

Future applications lodged by the Proponent for development on the subject site shall:

- (a) Demonstrate that the detailed design of buildings is consistent with RailCorp's relevant guidelines for noise and vibration impacts, regardless of whether they are interim or draft.
- (b) Provide a report from a suitably qualified professional concerning the load rating on the Wrexham Road and Sturdee Avenue bridges to ensure their structural adequacy for construction traffic and, where relevant, identify what remedial actions are required to ensure the structural adequacy of the bridges.
- (c) Submit an electrolysis risk assessment prepared by a suitably qualified professional that identifies risk to the development from stray currents and measures that will be undertaken to control that risk.
- (d) Demonstrate that they have a Deed with RailCorp, or are in the process of seeking to enter into a Deed with RailCorp concerning access to the rail corridor for any works, where relevant.
- (e) Demonstrate that a suitable level of consultation with RailCorp has been undertaken.

C7 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Future applications lodged by the Proponent for development on the subject site shall be in accordance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council.

APPENDIX B. STATEMENT OF COMMITMENTS

9.0 STATEMENT OF COMMITMENTS

9.1 Introduction

This EA has identified a number of commitments to implement measures to manage or reduce impacts to ensure that the proposal is environmentally, socially and economically sustainable. The Statement of Commitments provided below is based on the various environmental assessments that have previously been undertaken for the site and the preparation of this Concept Plan application.

9.2 Statement of Commitments

Table 9 sets out the key commitments to be undertaken by Stockland as identified throughout this EA and supporting consultants' reports in order to minimise potential environmental impacts and confirm their commitments to further legislative requirements.

Table 9 – Statement of Commitments

Environmental Issue	Commitment	Timing
PART 3A ISSUES		
Wrexham Road	Stockland prepare and lodge detailed plans of the Wrexham Road extension and railway bridge.	Details to be submitted with the Project Plan application.
Consultation	Stockland will undertake further consultation with utility providers or state government agencies as might be identified during the public consultations undertaken during the Part 3A application process.	To be undertaken during the Part 3A assessment process.
Development Controls	The design of buildings on the 3 super lots will be generally in accordance with the building envelopes established by the height, setback control and site cover controls detailed in this EAR	Details to be submitted with the Project Plan application.
Design Controls	Stockland will prepare detailed design guidelines for future buildings including the town houses, residential flat building and detached dwellings. These will include design details such as architectural detail and building materials	Design guidelines to be provided at Project Plan stage.
Building Design	Further assessment against Council's DCPs and SEPP 65 during the detailed design and planning of buildings.	Assessment to be provided with Project Plan.

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Environmental Issue	Commitment	Timing
ENVIRONMENTAL ISSUES		
Water Cycle Management (Flooding)	Provision of flood mitigation measures within creeks in accordance with Brown Consulting Stormwater Management Concept Plan, May 2006 including: - <ul style="list-style-type: none"> • Implementation of the floodplain risk management measures recommended in the Hewitts Creek FRMS; • Areas for proposed residential development will be located at a level above the 100 year ARI flood level, plus 500mm freeboard; • Proposed bridges over Hewitts and Woodlands Creeks will be designed so as not be overtopped during the 100 year ARI flood to ensure that they are available for evacuation purposes; and • Reconstruction of Hewitts Creek and Woodlands Creek to convey flood waters 	Further details to be submitted with the Project Plan application.
	Stockland will undertake to carry out further detailed design of creek beds including location of bed control structures and stream bank stabilisation measures.	Details to be provided at the Construction Certificate stage.
Water Quality	Stockland will incorporate water sensitive urban design principles into stormwater strategy including bioretention basins, swales and gross pollutant traps in accordance with the Stormwater Concept Plan prepared by Brown Consulting, May 2006.	Further details to be submitted with the Project Plan application.
	Stockland will undertake further and more detailed modelling of water quality impacts on downstream waters.	To be undertaken with the preparation of final engineering plans at the Construction Certificate stage.
	Stockland will undertake maintenance of the sediment and erosion control devices before passing to the control of WCC.	To be undertaken through the construction phase
	Stockland will undertake to carry out tail out works on: - <ul style="list-style-type: none"> • Council's land for Hewitts Creek, and • Ray Hannah's land for Woodlands Creek. Subject to obtaining the necessary owners consent from both landowners.	Details to be provided at Project Plan stage.

Environmental Issue	Commitment	Timing
	Stockland will provide Construction Management Plan to deal with short-term water quality and environmental impacts upon existing residential areas and occupied stages and long term water quality impacts.	To be provided at Project Plan stage.
Noise	Stockland will undertake further investigations into the noise abatement walls and acoustic treatment of buildings (including height, location and materials) to mitigate against impacts to the future residential properties adjoining the Illawarra Railway Line.	Details of the acoustic wall and timing of construction and details of the acoustic treatment of buildings will be provided at Project Plan stage.
	Stockland will prepare a Traffic Management Plan to address noise impacts to existing and future residents including: - <ul style="list-style-type: none"> Nominated routes for construction vehicles including heavy vehicles and construction workers' vehicles; and Hours of construction and operation of equipment on site. 	A TMP will be provided at the Project Plan stage.
Air Quality	A Construction Management Plan will be prepared by Stockland to include dust suppression measures.	To be provided at Project Plan stage.
Cultural Heritage	Any additional requirements that might be identified in the Stuart Huys Report will be addressed by Stockland.	Project Plan stage if required.
	Stockland is pursuing the establishment of a keeping place (as part of Stages 2 to 6) for any archaeological artefacts that are discovered during the excavation works.	The keeping place will be established in conjunction with the requirements for Stages 2 to 6 and would be used for the conservation of any artefacts discovered during excavation works.
	Stockland will undertake to enter into a Voluntary Conservation Agreement with DEC	To be established in conjunction with the requirements for Stages 2 to 6 subject to the timing of DEC.

Environmental Issue	Commitment	Timing
	Stockland will carry out further archaeological investigations on the northern part of Stockland's land (being the site of the former Thirroul Brickworks and Woodlands Cottage) should archaeological artefacts be discovered during construction. Adaptation of the Heritage Interpretation Plan (Godden Mackay Logan 2001) to the final development and implementation by Stockland.	Further investigations to occur prior to commencement of work and during construction should artefacts be found. Preparation of the Heritage Implementation Plan at Construction Certificate stage and implementation at construction stage.
Flora and Fauna	Stockland will prepare Vegetation Management Plans for Hewitts Creek and Woodlands Creek to address weed control.	Detail of amendment to occur with Project Plan.
	Stockland will amend the Vegetation Management Plan currently in place over Tramway Creek to adjust the borders of the VMP to incorporate the APZ for Stage 5 and extend the VMP to include land up to Sandon Drive The VMP will also address weed control within the riparian corridors to protect the EEC vegetation of Tramway Creek and management of that part of the land required for an APZ.	The Amended VMP will be submitted with the Project Plan.
	Stockland will undertake to carry out the re-vegetation of riparian corridors with species selection to reflect Endangered Ecological Communities.	Landscaping plans to be provided at the Project Plan stage.
	Stockland will complete the estate landscaping and revegetation of the riparian corridors as indicated on the Staging Plan submitted with this EAR	To be completed as indicated in the Staging Plan.
Bushfire Risk	Asset Protection Zones will be established for all properties as identified by the Bushfire Assessment Report prepared by AVK Environmental Management dated May 2006.	Further details to be provided at Project Plan stage.
	Stockland will install fire hydrants to meet the requirements of Australian Standard 2419.1 05 <i>Fire Hydrant Installations</i> .	Details to be provided with a Construction Certificate(s) for each stage of the development.
	Consideration of constructing future dwellings directly adjacent to bushland areas to Level 1 specifications in Australian Standard 3959 – 1999	Details can be provided at the Project Plan stage for the townhouses and

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Environmental Issue	Commitment	Timing
	<i>Construction of Buildings in Bushfire-prone Areas, although this is not required in Planning for Bushfire Protection.</i>	residential flat buildings. Details to be provided with development applications for houses on individual allotments.
Traffic and Access	Stockland will prepare detailed plans of the Wrexham Road extension and the Wrexham Road railway bridge upgrade. A Traffic Management Plan will be prepared to address matters including:- <ul style="list-style-type: none"> • Heavy vehicle movement; • Nomination of construction vehicle routes; • Hours of construction; and • Construction workers' vehicles to and from the site. 	To be provided at Project Plan stage.
Landscape and Visual Amenity	Detailed landscape plans with species selection to reflect Endangered Ecological Communities will be prepared.	Details to be provided at Project Plan stage.
Land Use	Stockland will carry out further geotechnical investigations for contaminants where excavation is proposed to exceed 2m in depth.	If required details will be provided at Project Plan stage.
Planning Agreement	The Planning Agreement discussed in Section 8.0 outlines the commitments under Section 94 of the EPA Act.	Planning Agreement to be prepared at Project Plan stage.
Sustainability	Stockland will undertake to incorporate water saving measures as detailed in Brown Consulting's Stormwater Concept Plan dated May 2006 including: - <ul style="list-style-type: none"> • mandatory installation of water saving devices in all building construction on the site. • Use AAA-rated shower roses and taps, and dual-flush toilets. • Rainwater Tanks to be located on each lot to provide water for toilet flushing, hot water tanks and garden uses. • Use of smart water efficient irrigation systems will be used in the development. • The new community will be introduced to the water sensitive approach used in the development 	BASIX certificates to be provided at either Project Plan stage for the buildings on the super lots or development application stage for houses on the detached housing lots. .

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Environmental Issue	Commitment	Timing
	<p>and they will be encouraged to support the approach through their active cooperation. This will become an important part of the Education Program targeted at the Wider Community.</p> <p>The energy efficiency, thermal performance and water targets for all residential buildings will be provided in accordance with SEPP 65 (BASIX).</p>	
GENERAL ISSUES		
Consultation	<p>Further consultation will be undertaken by Stockland with the following agencies:-</p> <ul style="list-style-type: none"> • Department of Natural Resources • Southern Rivers Catchment Management Authority • NSW SES • NSW Ambulance Service • NSW Fire Brigades • NSW Rural Fire Service • NSW Department of Primary Industries 	
Staging	The construction of the subdivision will be undertaken in accordance with the Staging Plan provided in the EA.	On-going during the subdivision.
Management of Open Space	A management plan will be prepared by Council under the Local Government Act for the public open space to be transferred to Council under the Planning Agreement.	To be provided at Project Plan stage.
Sydney Water Maintenance	Plan of Management for the future Regional Park will address access to the pump station.	To be provided at Project Plan stage.

9.0 Statement of Commitments

Scope of development

(1) The proposed development will be carried out in accordance with the description of the development concept in Section 3.0 of this report and the Concept Plan at Appendix D comprising:

- general layout and siting of development;
- land use;
- building form concepts – heights, floor space and site coverage;
- landscaping concept;
- stormwater management concept;
- general access arrangements and car parking numbers;
- interface control measures; and
- utility services strategy.

The detailed design and construction of the proposed development will be the subject of future Project Application.

Design

(2) ARV will finalise the design of the proposed development taking into consideration relevant principles and design requirements contained in the following:

- Seniors Living SEPP
- SEPP 65
- Residential Flat Design Code
- SEPP 71
- Coastal Design Guidelines

(3) The finalised design and staging plan for the development are to be submitted as part of any future Project Application.

Water management

(4) ARV will install water quality control measures in accordance with the proposed Stormwater Management Plan, as designed by GHD (at Appendix E). This system of measures will include:

- roof rainwater harvesting and re-use for toilet flushing, laundry and irrigation purposes;
 - provision of WQMD retention swales and a wetland;
 - stormwater treatment facilities including vegetated systems, infiltration system and structural facilities (grass pollutant traps, pit inserts and a wetland);
 - onsite detention, in the form of a development scale detention pond situated within Cookson's Creek;
 - all stormwater (surface, subsurface and overland flooding) be routed to the pond;
 - flood risk management using flood planning levels and flood evacuation; and
 - Construction Phases Management, which includes Soil and Water Management planning for construction, implementation of erosion and sediment control strategies and ongoing monitoring and maintenance of erosion and sediment control facilities.
- (5) ARV will prepare a soil and water management plan to control run off during construction in accordance with principles of Water Sensitive Urban Design.
- (6) These works will effectively mitigate the impacts of development at the site and will ensure suitable water balance, stormwater quality, and management of flooding and flood risk.

Noise

(7) ARV will carry out and consider findings of detailed noise and vibration surveys in preparing a future project application.

(8) ARV will design the proposed development to accord with the noise and vibration criteria referred to in Haggles Acoustic Report (at Appendix K) and based on survey findings.

(9) In accordance with Australian Standard AS 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" ARV will prepare a detailed Construction Management Plan that will detail noise level objectives and will include the following general noise and vibration mitigation strategies:

- The Contractor shall employ the Best Available Technology (BAT) and the Best Management Practices (BMP) to minimize the extent of adverse acoustical and vibration impacts (particularly at sites where residue exceedances of noise and vibration objectives are identified)
- Construction shall take place during normal daytime construction hours. Extension of hours would require separate approval and likely to be lined (where allowed) to restrictions on the type of activity.
- The Contractor (and Sub-Contractors) shall ensure that vehicles required at the construction site minimize their noise emissions in the vicinity of surrounding residential receivers prior to the morning 7.00 am start time.
- Particular attention shall be paid to the hours of use of noisy equipment such as rockbreakers, angel grinders, etc. While the general hours of work would be based on normal DEC requirements, noise intensive activities shall be minimised for example during the first hour or so of the daytime period.
- The quietest available plant and equipment that can economically undertake the work required shall be selected. Mobile plant such as excavators, front-end loaders and other diesel-engine equipment shall be fitted with residential class mufflers and other silencing equipment, as applicable.

- The use of "quiet" type impact hammers is recommended in instances identified as exceeding the nominated noise level objective.

- Maintenance activities for construction equipment shall be restricted to standard DEC construction hours. Where possible, maintenance activities would be minimised during the first hour of the construction daytime period and carried out within an enclosed area if possible rather than at exposed locations.

- Where practical, the layout and positioning of noise-producing plant and activities shall be optimized to minimize noise and vibration emission levels, eg. minimising the occurrence of equipment "clustering".

- Where they are likely to be effective, solid hoardings and/or other noise barriers shall be erected around critical work areas to act as acoustical barriers and minimise noise emissions.

- Operators shall be trained in order to raise their awareness of potential noise problems and to increase their use of techniques to minimise noise emissions.

- Use of PA system within the construction site shall be restricted. If required, PA speakers would be located so that their pointing axis is directed away from nearest sensitive receivers.

Air quality

(10) No facilities are to be provided on site that may be a significant domestic source of air pollution.

(11) ARV will prepare a Construction Management Plan that will detail methods to manage the impacts of air quality during construction of the development. The plan will address suppression of particulates/ dust from demolition, earthworks and vehicles, and management of any lead in accordance with relevant standards associated with legislation for Protection of the Environment and for Workcover.

Cultural heritage

- (12) Consultation with appropriate Aboriginal community members to determine the location and significance of the "Women's Area" which may be located over the subject site will be undertaken as identified in the Aboriginal Archaeological Report prepared by Mary Dallas (at Appendix H). This consultation is to take place prior to sub-surface archaeological investigations which may be commissioned with respect to proposed future development. This will determine the appropriateness and possible extent of these works.
- (13) Where any work in the north east corner of the site is proposed, ARV will undertake a targeted archaeological excavation testing for Aboriginal artefacts to determine the nature, extent and significance of any deposits. This work is to be undertaken by a suitably qualified archaeologist.
- (14) Prior to development, ARV will undertake excavation testing for potential archaeological remains to determine the nature, extent and significant of any deposits in accordance with Section 5.0 of the European Heritage Report by Graham Brooks' (at Appendix L). This work is to be undertaken by a suitably qualified archaeologist.
- (15) During construction, ARV will engage a suitably qualified archaeologist to monitor excavation of the north eastern portion of the site.
- (16) Necessary excavation permits will be sought for the above works.
- retention of older and large Turpentine trees;
- revegetation of the western margins of the forest to mitigate impacts of the APZ encroachment in the north-west on Lot 1; and
- the provision of 20 metre setbacks from the forest for development.
- (18) In preparing the final design for the proposed development ARV will ensure that a 20 metre wide riparian corridor is incorporated on either side of the centreline of the Cookson's Creek.
- (19) To mitigate impacts to any Green and Golden Bell Frogs frog during the construction phase of development exclusion fencing, and appropriate erosion and sediment and other controls will be utilised.
- (20) Additional mitigating measures are to be implemented as part of the development to maintain, improve and protect potential habitat for a range of species, including the Green and Golden Bell Frog. These measures are to be incorporated in the VMP and will include the following:
 - Designing the proposed pond and weir so that there are no significant modifications to the hydrological regime that could result in adverse impacts on threatened species habitat or any occurrences of any endangered ecological communities.
 - Maximising the habitat values of the proposed pond for Green and Golden Bell Frogs by including measures such as:
 - Providing suitable basking and refuge habitat
 - Providing potential foraging habitat in association with the water feature
 - Minimising the shading of the pond
 - Avoiding the stocking of the pond with predatory fish species.
 - Designing the bridge and weir to provide for the movement of ground-dwelling mammals, reptiles and amphibians between the habitats

Flora and fauna

- (17) ARV will prepare a detailed Vegetation Management Plan (VMP). This plan will be submitted as part of a future project application. Specifically the VMP will ensure restoration and preservation of the Turpentine Forest and the Cookson's Creek riparian corridor over the site and will include the following measures:
 - retention of all trees with hollows, wherever possible;

in the Turpentine Forest and those in the riparian corridor.

- Designing the courtyard housing and LLUs on either side of the eastern margins of Cookson's Creek to avoid increasing the levels of shading to potential Green and Golden Bell Frog backing habitat.
- Limiting access to areas managed for the maintenance of potential threatened species habitat.
- Adopting specifications and management practices of the APZ for the courtyard buildings that are compatible with the maintenance of suitable foraging habitats for the Green and Golden Bell Frog.

(21) To mitigate impacts to modification of potential foraging habitat for wetland bird species ARV will include the following measures within the VMP:

- provision of a buffer to the potential sheltering and foraging habitat associated with the bed of Cookson's Creek; and
- retention of some of the potential foraging habitat for the species, beyond the northern banks of the eastern parts of Cookson's Creek and within the creek itself.

(22) The VMP is to be prepared by a suitably qualified person and is to be submitted for consideration as part of any future Project Applications.

(23) The APZ area adjoining the Tramway Creek is to be managed under a revised VMP specific for Tramway Creek so as to achieve a fuel reduced zone and to remove significant weeds that threaten the native wetland vegetation within the creek.

(24) ARV and Stockland are to negotiate and formulate the preparation of the revised VMP. This VMP is to be prepared by a suitably qualified person and submitted for consideration as part of any future Project Application.

Bushfire risk

(25) In accordance with the Planning for Bushfire Guidelines the final proposed development design is to incorporate all Asset Protection Zones as recommended in the Bushfire Assessment report prepared by Bushfire and Environmental Services at Appendix M.

(26) In preparing the VMP for Tramway Creek, consideration must be given to incorporating a suitable APZ along the northern bank of the creek.

Traffic and access

(27) North-south road link is to be provided as part of the proposed development and designed at Project Application stage to meet AMCORD standards to accommodate buses.

(28) The internal road system will be designed in accordance with AMCORD principles. These road designs are to be included as part of any future Project Application.

(29) Signage is to be put in place to enforce access restrictions across Sturdee Avenue rail bridge on completion of the north-south link. This is to be designed and included as part of any future Project Application.

(30) Pedestrian pathways through the site to be designed for access for wheelchairs in accordance with the standards in the SEPP (Seniors Living).

(31) All access roads through the site are to be designed in accordance with relevant AMCORD standards.

(32) A regular bus service is to be provided on site for the residents of the retirement village.

Landscape and visual amenity

(33) In finalising the design for the development the following must be considered with respect to visual amenity:

- The proposed development is to ensure that Regional Parkland will remain the visual dominant element of the vegetated valley and greenbelt next to the foreshore, separating the suburbs of Thirroul to the north and Bulli to the south.

- Visual green links from the foreshore to the escarpment are to be maintained by tree planting along the east-west corridors through and next to the site comprising the ridge along the northern boundary of the site, Cookson's Creek through the centre of the site, and Tranway Creek along the southern boundary of the site;

- Ensure that building heights are below the canopy of the Turpentine Forest, below the level of the suburbs at the foot of the escarpment;

- Ensure that building heights step down to fit in with the topography/slope of the land, and are of a magnitude that is consistent with the existing factory buildings.

(34) The final landscape plan for the site is to ensure that the main natural features of the site are retained and enhanced, that being the Turpentine Forest and the Cookson's Creek riparian corridor.

(35) The landscape plan is to ensure the following outcomes:

(36) significant vegetation across the site is retained, including the Turpentine Forest and riparian corridor;

- proposed stormwater measures are integrated over the site;
- the forest and riparian corridor remain the focal points of the site, thereby providing a high level of amenity for future residents;
- that introduced plant species do not compete with indigenous species;

- attractive spaces are provided between the proposed buildings; and

- the three precincts and all buildings are well connected by a network of pathways and roadways, which also provide links to adjoining sites.

Social environment

(37) The final design of the retirement village is to incorporate a mix of housing for seniors, including independent living units and residential aged care facility.

(38) Housing and aged care is to be offered to residents from the local community.

(39) ARV are to incorporate formal pedestrian/ cycle paths into the final development design.

(40) Community facilities and services are to be provided in site as described in Section 3.0 of this report.

(41) A program of community consultation and notification is to be included as part of the Construction Management Plan. The Construction Management Plan will be submitted as part of a future project application.

Geotechnical

(42) A Geotechnical Assessment is to be undertaken at a later stage prior to works commencing to manage land stability.

(43) A further environmental assessment of soil contamination and Remediation Action Plan is to be prepared as part of any future Project Application in accordance with EPA guidelines.

(44) A further assessment of acid sulphate and saline soils is to be prepared as part of any future Project Application and if required an Acid Sulphate Soils Management Plan be prepared.

Planning Agreement

(4.5) A planning agreement between Wollongong Council and the proponent ARV will be formalized in accordance with the terms in the "Sandon Point Submission to the Minister for Planning on a Planning Agreement for Infrastructure" prior to the submission any future Project Application.

- NSW Department of Environment and Conservation;
- NSW Department of Primary Industries;
- Department of Natural Resources
- Southern Rivers Catchment Management Authority;

Construction Management

(4.6) A Construction Management Plan will be prepared and submitted with a future Project Application for the development. The plan is to manage the impacts of construction including the following matters:

- stormwater runoff, soil erosion, sedimentation and water quality;
- noise and vibration;
- dust;
- archaeological findings;
- retention of significant trees in buffer areas;
- construction traffic;
- public and workplace safety; and
- community notification and consultation.

- Road and public transport service providers, including the Roads and Traffic Authority;
- Illawarra Local Aboriginal Land Council; and
- Wollongong City Council.

Consultation

(4.7) The Director-General's requirements allow for consultation to take place during public exhibition of the Concept Plan application. It is intended that this be undertaken by ARV with:

- Ambulance Service of NSW
- The State Emergency Service
- NSW Fire Brigades
- NSW Rural Fire Service
- Utility and infrastructure service providers

APPENDIX C. RESPONSE TO SUBMISSIONS

APPENDIX D. SUBMISSIONS

APPENDIX E. ENVIRONMENTAL ASSESSMENT

APPENDIX F. ENVIRONMENTAL PLANNING INSTRUMENTS & OTHER RELEVANT LEGISLATION

The proposal is subject to the following planning instruments and strategies:

State Environmental Planning Policy (Major Projects) 2005

The Major Projects SEPP outlines the types of development declared to be a Major Project for the purposes of Part 3A of the Act.

For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

On 2 April 2006, the Minister for Planning formed the opinion pursuant to Clause 6 of State Environmental Planning Policy (Major Projects) 2005 that the proposal is a Major Project and subject to Part 3A of the Environmental Planning and Assessment Act, having satisfied himself that the proposal met the criteria of a kind described in Schedule 1 – Group 5 Commercial, Residential, or Retail Projects of that Policy.

State Environmental Planning Policy No.11—Traffic Generating Developments

State Environmental Planning Policy No.11 (Traffic Generating Developments) aims at ensuring that the Roads and Traffic Authority is aware of major traffic generating developments.

Developments of the types listed in Schedule 1 and 2 of the SEPP require referral to the Roads and Traffic Authority.

As part of the agency consultation process, the proposal was referred to the RTA. The RTA's submission advised that the SEPP may apply and the proposal shall address any issues accordingly in the master plan and development stage. This issue is discussed in more detail in 6.2.11.

State Environmental Planning Policy No.32—Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No.32 (Urban Consolidation—Redevelopment of Urban Land) establishes a process for identifying land that is appropriate for urban consolidation for multi-unit housing.

This SEPP includes criteria for identifying whether a site is of regional planning significance and should be made the subject of a regional environmental planning instrument. The SEPP also identifies matters that the Minister must consider when determining development applications.

This SEPP is applicable to the ARV seniors housing component in the Concept Plan. An assessment identifies that all the criteria are applicable to the seniors housing component and that it is a matter of regional planning significance. However, other planning instruments relate to seniors housing and there is no necessity to make the ARV seniors housing component the subject of a regional environmental planning instrument.

State Environmental Planning Policy No.55—Remediation of Land

State Environmental Planning Policy No.55 (Remediation of Land) aims to promote the remediation of land contaminated by past activities to reduce the risk of harm to human health or the environment.

Clause 7 of the SEPP requires considerations of whether the land is contaminated; if the land is suitable for the proposed development in its current unremediated state; and if remediation is required, whether the land can be made suitable for the proposed development. In the event that land requires remediation, the SEPP identifies

that development cannot proceed without the remediation of the contaminated land. The SEPP identifies that remediation may occur without consent (Category 1 remediation) or with consent (Category 2 remediation).

Development on Sandon Point has involved potentially contaminating activities and, according to this SEPP, would be Category 2 remediation because the Minister is the consent authority.

Stockland advise that their land was remediated prior to the lodgement of the current Concept Plan. The land proposed for development by ARV does require remediation, though, as a result of the current industrial activities of Cookson Plibrico and the former activities on the Dairy Farmers site.

A Concept Plan includes no works component and therefore remediation of activities may be deferred to future project applications.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development establishes good design principles by which multi-unit housing is to be assessed against. These design principles are supported by detailed objectives and provisions in the Residential Flat Design Code which also need to be assessed. This SEPP applies to the preparation of planning instruments, applications for developments, and master plans.

This SEPP applies to the Concept Plan by virtue of apartments and townhouses proposed on land within Sandon Point.

The Concept Plan, as it relates to apartment and townhouse buildings, identifies building envelopes and ascribes a floor area to these envelopes based on site coverage. Consequently, the SEPP's design principles of context, scale, built form, and density apply to the Concept Plan; the remaining principles are related to detailed design matters and may reasonably be dealt with under applications pursuant to Part 3A or Part 4.

The Concept Plan does not contain information confirming that the apartment and townhouse building envelopes or their ascribed floor area will achieve the built form and density design principles of the SEPP. The implication arising from the Concept Plan not providing this information is that a poor built form outcome may arise for both townhouses and apartments. This is especially for the apartment and townhouses located adjacent to Thomas Gibson Park.

Site specific controls are required to govern and ensure a high quality built form within the Concept Plan area. Flowing from the Concept Plan assessment, it is recommended that design excellence provisions be included for development at Sandon Point.

Draft State Environmental Planning Policy No 66—Integration of Land Use and Transport

Draft State Environmental Planning Policy No 66—Integration of Land Use and Transport seeks to ensure that the location of land uses are designed to support transport (including freight) and *vice versa*. This draft SEPP is intended to guide both the preparation of environmental planning instruments and the assessment of development.

This draft SEPP is applicable to the Concept Plan by virtue of the proposed rezoning process, the Concept Plan, and the provision of new residential land. An assessment indicates that the proposal is consistent with the draft SEPP.

State Environmental Planning Policy No 71—Coastal Protection

State Environmental Planning Policy No 71—Coastal Protection aims to ensure development assists in protecting, preserving, and managing the coast of NSW.

This SEPP applies as Sandon Point is within the Coastal Zone. The Concept Plan, though, is not Significant Coastal Development within the meaning of Part 3 of that SEPP.

The SEPP requires the development at Sandon Point to be subject to a master plan. The SEPP identifies certain matters for consideration to be addressed during the preparation of this master plan and includes specific matters that the development application would need to address. For the purposes of this SEPP, it is considered that a Concept Plan satisfies the requirement for a master plan. Future development consistent with the Concept Plan should not be bound by this requirement.

Of the matters for consideration listed in the SEPP, flooding and the impact it will have on threatened habitats is an important concern. Satisfying these two matters has meant recommendations that alter the development footprint in Sandon Point. This recommended change results in a development footprint more consistent with the zoning footprint identified by the Charles Hill Report.

State Environmental Planning Policy (Seniors Living) 2004

State Environmental Planning Policy (Seniors Living) 2004 establishes standards (including design standards) for housing to service the needs of seniors and people's with disabilities.

This SEPP applies to the component of Concept Plan proposed by ARV involving residential aged care facilities and independent living units (ie, individual apartments for seniors).

The provisions of the SEPP, though, focus on detailed matters needed for seniors living facilities, as well as architectural design. The SEPP is therefore more relevant to future development proposals consistent with the Concept Plan.

Having said this, the SEPP is important in assisting to establish future development controls for the site to ensure that the Concept Plan is not inconsistent with the need to provide housing for seniors and people with disabilities.

Illawarra Regional Environmental Plan No 1

Illawarra Regional Environmental Plan No 1 identifies matters to be addressed when preparing local environmental planning instruments to rezone land and considered when assessing development applications.

The planning matters in this REP affect Council only. However, it is appropriate to consider this REP in order to ensure that future development reliant on the Concept Plan is not inconsistent with that REP.

The Concept Plan is generally consistent with the provisions of this REP, except in relation to the height of buildings. Building heights for the apartments and the seniors living proposed in the Concept Plan exceed the REP controls that the height of buildings outside the Wollongong CBD should not exceed 11 metres from natural ground level without the concurrence of the Director-General.

In granting concurrence, the provisions of the Illawarra REP identify matters for consideration by the Director-General. These matters, in effect, seek to secure design excellence for tall buildings within the Illawarra region and are more appropriate for the consideration of a detailed development proposal, rather than a Concept plan.

Wollongong Local Environmental Plan 1990

Wollongong Local Environmental Plan 1990 identifies the local planning controls applicable to the Wollongong LGA. This involves land use zones and special provisions.

The Concept Plan is not consistent with the Wollongong LEP as it proposes land uses prohibited on land currently zoned 4(a) Light Industry and 6(a) Public Recreation that are prohibited and seeks floor space above that permitted by special provisions.

The inconsistencies between the Wollongong LEP and the Concept Plan are the subject of the rezoning process via the Major Projects SEPP.

Draft Illawarra Regional Strategy 2006-2031

The Draft *Illawarra Regional Strategy 2006-2031* outlines a plan for the region's new housing, employment growth, natural resources and cultural heritage over the next 25 years.

The Concept Plan is generally consistent with the draft Strategy as follows:

- it will contribute to the economic growth by providing long-term employment opportunities for up to 120 people,
- it will protect the existing and proposed transport corridors by ensuring development adjacent to the Illawarra rail corridor proceeds after first consulting with RailCorp,
- it will contribute to the expected 38,000 dwellings by 2031 by providing housing in the form,
- it will provide higher densities close to Thirroul, a designated town in the Strategy, and a variety of housing choice in the form of detached housing, townhouses, multi-unit apartments, and retirement units,
- it will protect high value environments in the form of significant vegetation communities, significant bird habitats, and a rare remnant vegetation community (Turpentine Forest),
- it places and constrains development area to prevent it affecting or being impacted by coastal processes and flooding, and
- it includes measures to protect the cultural and Aboriginal heritage values and visual character of the surrounding urban and natural landscape.

The Concept Plan does diverge from the draft Strategy in that it identified Sandon Point as employment lands. However, it is understood that the draft Strategy has provisions to permit this designation to vary through a rezoning process and if it is considered acceptable.

Roads Act 1993

Section 75V of the Environmental Planning & Assessment Act provides that certain authorisations and approvals required under other legislation apply to approved projects. These approvals include consent of the RTA under s138 of the Roads Act 1993 for the following works:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road.

The proposal may include works identified in (a), (b), and (e) above. The Proponents will therefore be required to obtain an approval from the RTA prior to the works commencing. The Department is satisfied that this issue is addressed in the Statements of Commitments.