

Jane Flanagan - Objection (Peter Marsh) - STOCKLAND MODIFICATION 4 - 20/12/13

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Subject: Objection (Peter Marsh) - STOCKLAND MODIFICATION 4 - 20/12/13
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SANDON POINT - OBJECTION to Stockland's Fourth Modification

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**"Concept Plan Approval (MP06_0094) – Modification 4; and
 Project Approval (MP07_0032) – Modification No. 4 Sandon Point (aka McCauley's Beach)
 Lot 607 DP 1156738, part of Stage 6."**
20th December 2013

I object to Stockland's attempted fourth Modification of the Concept and Project Approvals.

The modification would alter subdivision approval for **80 high rise units**, and instead sell the land as **16 separate blocks**. However, I believe Stockland should have to go through the process of rezoning the land from **R3** for apartments, to **R2** for residential – as anyone else would have to, rather than use highly paid QC's to change the Planning laws and allow **both residential and unit buildings on the same Lot** with different floor and height space ratios.

According to the S75W Don Fox Report of 2 October 2013, apartment blocks would still be an option to anyone purchasing enough space. If so, Council would not receive a DA because the minister would have approved it under the immoral and moribund Part 3A provision - now defunct except in "transition" - this site only has a few days before the entire Concept Approval lapses. This would still allow a developer to build an 11 metre high block of units overlooking Thomas Gibson Park children's soccer fields without any Council controls.

Sandon Point should have been protected by the Findings and Recommendations of the 2003 Sandon Point Commission of Inquiry who found:

"the CoI area has significant inherent cultural, ecological and social values as indicated by the extensive evidence before the Commission. These values are too important to be compromised by the level of development proposed for residential purposes in Council's draft DCP or Stockland's draft Master Plan..." (p.2, letter to Planning Minister Craig Knowles, COI Land Use Planning for Certain Land at Sandon Point, Wollongong City)

The subject eastern site of Lot 607 was recommended for rezoning to Environmental Protection, containing endangered SCSFC and bird habitat. But the COI was shelved, superseded by a 'consultant' Report by Charles Hill, and dumped into the infamous Part 3A Act 2005, where it remains "in transition". Part 3A deleted requirements for genuine cultural and natural heritage studies, thus enabling desecration of beautiful habitat on a significant site.

There are inconsistencies in this Application. In **2012**, Council received a Development Application from Stockland to re-subdivide Lot 607 into "two apartment buildings, and 8 townhouse style dwellings ... (P.5) S75W Report). Council gave an opinion that this was inconsistent with the Concept Approval and Project Approval, and allowed Stockland to **"withdraw"** their DA. This was in contrast to Council's previous refusal of an ARV DA; Why did Stockland receive special treatment?

Stockland has now changed its mind, and wishes to **subdivide Lot 607 into 16 individual blocks - some large enough for apartment blocks**, and to do this the Concept Approval (December 2006) and Project Plan Approval (2009) must be altered.

A meeting was later held between Stockland and Council staff, to discuss how they would get around this technical problem. The Dept of Planning told Don Fox Planning the department would not amend the Sandon Point Major Development SEPP and apparently suggested that instead *"provisions should be inserted into the Concept Plan which provide certainty that future single dwellings will be subject to the same height and floor space ratio as other dwellings in the precinct."* (P.10 S75W Report)

So it appears fait accompli that approval is assured. And where's the community consultation? Is this it? Another possibility was to transfer the site to Wollongong LEP, but this was rejected as it may also *"have implications for the ARV site which is also subject to Part 24 of the MD SEPP"* (P.10).

Contamination

The matter of "uncontrolled fill" at the northern end of the site was raised and Don Fox explains it was retained to stabilize the northern and eastern boundaries and *"removal of the filling was not feasible."* (P.11 S75W) Just how stable is the fill? And has it been examined for potential contamination? As the entire AIR site was subject to years of toxic dumping by BHP.

"Affordable Housing"

Low cost housing was requested by the NSW Housing Dept. On **29/8/2006** the NSW Housing Southern and Western Division Acting GM wrote a letter to DoP re Sandon Point – State Significant Site Study and Major Project 06_0094 28/6/2006 stating *"The environmental Assessment for the component of the Sandon Point site being developed by Stockland does not address the issue of affordable housing... It is considered that a large subdivision should provide for a diverse community..."* The Housing Dept also mentioned the dire situation in Wollongong for affordable housing – and it's worse now than 7 years ago.

While Stockland's current DA does not preclude low-cost housing, it does not seem likely to occur on this site where profit is king at any cost to the environment and cultural heritage of every kind.

The Housing Dept was also concerned about Stockland's pattern of behaviour:

"It is understood that the proponent has previously applied caveats in subdivisions to ensure that housing sites are not used by government or non-government agencies for social housing purposes. It is important that these kinds of devices are not allowed to be used to prevent the Department or any other agency from providing housing assistance in the future in Sandon Point."

Stocklands 75W Report by Don Fox Planning 2/10/2013 to modify both the Concept and Project Approvals, is inconsistent within itself. It wishes to change the FSR and height ratios without rezoning, but to do that they need to change the Approvals. This would allow both houses and residential flats overlooking TG Park.

This is inconsistent because the FSR and height controls were the reason for rezoning the land R3 and not R2 in the first place.

Traffic Impacts

Traffic continues to increase as a result of Stockland's and other subdivisions. In the Concept Approval, the RTA expressed concern about traffic connections at the northern end, and the north-south road construction which remains incomplete. The RTA wanted it to go into SEPP 11 and referred to the Regional Traffic Committee but Stockland disagreed and won that point also.

The north-south road appears to be going nowhere as Stockland insists it's the ARV's problem and they are not talking to us. But there are definite problems when LH Drive is blocked by flood or fire on Bulli Pass and beyond as in 1998 and 2002!

Whatever the arguments against referral to the RDC, the local community know that traffic is frequently in gridlock along LH Drive, and this is not helped by Stockland's compulsory extra set of traffic lights close to the turn into Thirroul, making four sets between Bulli and Thirroul. They have added many road trips to the problem.

Sewage Pumping Station Overflow

Again no study has been made of ecological impacts on Tramway Lagoon from sewage overflow. This is the lowest point of the whole site, at sea level.

The Sandon Point community has long known Stockland has no respect for Ecologically Sustainable Development, for values of coastal floodplains or sustainability of the natural environment, the protection of flora, fauna and habitat, or for cultural respect and preservation of Aboriginal Heritage - as shown by previous deletion of their promised "Commitments" and their abject failure to comply with previous LEC 2001 Court Conditions for a Voluntary Conservation Area and a Keeping Place/Cultural Centre. There are no parks on Stockland's compounds, no children's swings or slides, no halls or schools, nothing but the beach and other public spaces which they seem to think belongs to them. But it doesn't.

I object to this further outrage of rewriting history in the Planning laws, even to such a Planning disaster as Part 3A EP&AA. The DoP and successive Planning Ministers should be ashamed of yourselves for letting policy be dictated by greedy developers like Stockland.

Peter Marsh

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