

SANDON POINT
OBJECTION to Stockland's Fourth Modification

**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.**

19th December 2013

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

The modification seeks to 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" - as this site still 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**, and I object to that.

The whole site 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 But the COI was shelved, superseded by a 'consultant' Report by Charles Hill, and dumped into the infamous Part 3A Act 2005, where it remains "in transition".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. Both in the way Wollongong Council allowed Stockland to "Withdraw" their 2012 DA without public exhibition, and within the Application itself.

In **2012**, Council received a Development Application from Stockland to re-subdivide Lot 607 into "two apartment buildings, and 8 townhouse style dwellings ... with subdivision into 9 Torrens Title lots, including 8 lots for the town houses and one lot for the apartment building" (P.5) S75W Report) which increased the number of lots. 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; so there is a question of 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 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 treatment 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...** Details also have not been provided of the likely sizes of the proposed medium density and apartment dwellings and the level of adaptability..."* The point was also made of the dire situation in Wollongong for affordable housing, which is now worse 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:

Points 7.0 and 8.0 state: The Modification is 'consistent' with the CP and Project Approval, but also says:

*"7.0 Consistency with the Concept Plan and Project Approvals P.15: The proposed modification **does not significantly alter the approved development....** The zoning of the land would still permit a **residential flat building** if a future land owner decided to pursue such a development".*

*8.0 "...The proposal involves the modification of both Approvals to provide for a residential subdivision of the Stage 6 – Apartment site... **Consequential amendments** are also proposed to the FSR and height of building controls in the Concept Plan approval to establish FSR and height controls appropriate for detached housing. The Concept Plan and Project Approvals are also amended to require the Proponent to create s.88B instruments on the title of the future allotments confirming the FSR and height controls applying to the land should it be developed for detached housing."*

This is inconsistent as the FSR and height controls were surely 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.

Concept Plan Approval DGEAR 26/12/2006 p.34, 6.2.11 Traffic and Access – SEPP 11

Raised By RTA.

The RTA requested that the project triggered SEPP 11 and should be referred to the Regional Traffic Committee. However Stockland's Response stated that the issues raised by the RTA and Council had been addressed. And got away with it.

"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..."

- 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 were 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,...**
- 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."

But not when blocked by flood or fire on Bulli Pass and beyond as in 1998 and 2002!

"The Department [DOP] considers that although the trigger under SEPP 11 may apply, its use here is arguable..."

Whatever the arguments against referral to the RDC, the local community can assure the DoP and minister 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 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.

Sincerely,
Jill Walker

1/54 Point St, Bulli 2516