



016

NSW Department of Planning
ATTN: Emma Butcher
GPO BOX 39
SYDNEY NSW 2001

APPLICATION

MP-2006/94/F

Date

18 December 2018

Dear Ms Butcher

Development	Subdivision to create a combination of residential detached dwelling allotments and super lots for multi-unit housing; a retirement development including a residential aged care facility, independent living units, communal facilities and services to support the village, access and parking. Modification F - reduce the number of independent living units (from 250 to 140 units) and beds in the residential aged care facility (from 120 to 80 beds). add standard residential dwellings (55 dwellings) and amend the layout of independent living unit buildings
Location	Lot 2 Sturdee Avenue, BULLI NSW 2516, Lot 3 Sturdee Avenue, BULLI NSW 2516

I refer to your email of 14 November 2018 notifying Council of the proposed modification to the above concept plan (MP 06_0094 Mod5) in relation to the Anglican Retirement Village land (Anglicare). Council has reviewed the submitted information and provides the following submission:

1. Transfer of planning provisions

On 5 February and 26 June 2018 the Department of Planning (DoP) wrote to Council regarding a proposal to transfer the planning provisions of Sandon Point from State Environmental Planning Policy (State Significant Precincts) (SEPP) to the Wollongong Local Environmental Plan 2009 (WLEP2009).

The DoP proposes that the objectives, zones, FSR and height under the SEPP be transferred to WLEP2009. Where there are land uses or zones additional to those under WLEP2009 these are proposed to be transferred as additional local provisions under WLEP2009. In terms of FSR and height the DoP acknowledges the role of approved concept plan as modified. Council has made submissions to the DoP on this proposal.

In general, the zoning, height and FSR provisions of the Anglicare land between the SEPP and WLEP2009 are the same. This means that except for the existence of the concept plan the subject proposal would be out of character with the existing built form surrounding the Anglicare land. It is also noted that the approved concept plan was intended for seniors living consisting of independent living units (ILU) and residential aged care facility (RACF). This differs from the subject proposal for being a combination of residential dwellings (multi dwelling, townhouses, terraces and semi-detached), ILU and RACF.

Although the current and future zoning would permit multi dwelling housing ILU and the RACF, Council remains concerned whether this is suitable or appropriate having regard to Section 79C of the Act. The majority of the land has been developed in accordance with the approved Concept plan. Single residential dwellings and dual occupancy development of one and two stories are the only building types and forms. The subject proposal is a departure from this and the multi dwelling housing, ILU and RACF in the manner proposed would not be consistent with the character and scale of existing or development expected by the community. This is mostly evident in the proposed floor areas and heights as compared to the two storey height and floor space approved thus far.

2. North/south Link Road and bridge over Tramway Creek

Councils previous comments dated 16 February 2018 raised the need for the development to provide a road connection (north-south link road) between the northern and southern existing housing areas to distribute the traffic and reduce traffic flows on the Princes Highway/Wrexham Road intersection.

Council understands that the north/south link road is to be provided under the subject application which is supported as a way of distributing traffic north and south from the proposed development as well as the existing McCauley's estate.

Council also supports the following contribution as outlined in Section 5.15 of the Ethos Urban Environmental Assessment Report (2018) (EAR) where Anglicare is proposing the following:

- *The link road running through the Anglicare site parallel to the Illawarra Rail line will be dedicated to Council after it is constructed. The link road will be maintained by Anglicare for 6 months after it is dedicated after which time it would be maintained by Council.*

It is requested that any approval incorporate conditions requiring that the north/south link road be constructed and maintained as outlined above by Anglicare and not by Wollongong City Council.

The provision of the north/south link road includes the construction of a bridge over Tramway Creek on land which is currently owned by Stockland not Council as mention in the EAR. This raises an issue of responsibility regarding the construction of the bridge. Regardless of whether the ownership of the Tramway Creek land is transferred to Council in the future, Council is not in a position to undertake construction of this bridge as a result of the subject project. The construction should be undertaken by Anglicare with the consent of the land owner.

Council supports the following contribution as outlined in Section 5.15 of the Ethos Urban EAR (2018) where Anglicare is proposing the following:

- *Sandon Point Drive connection and Tramway Creek road bridge*

It is requested that any approval incorporate conditions also requiring that the bridge over tramway Creek be constructed as outlined above by Anglicare and not by Wollongong City Council (also see comments in the statement of commitments under section 10 below.

3. Ongoing management of Turpentine Forest

Council supports the following contribution as outlined in Section 5.15 of the Ethos Urban EAR (2018) where Anglicare is proposing the following:

- *Turpentine Forest rehabilitation and embellishment*

Clarification is sought regarding the ongoing management and maintenance of the turpentine forest and riparian lands prior to issuing any approval. Council met with the proponent's consultant on 30 July 2018, and recommended that Anglicare consult with relevant interest groups (ie. Local Land Council/Aboriginal groups) to gauge interest in long term ownership of the riparian corridor and turpentine forest. Alternatively, Anglicare should retain ownership and management of this land. Council will not accept ownership. (also see comments under the heritage section 5, landscape section 8, environment section 9 and statement of commitments under section 10 below.

4. Character/scale of the development

The following comments are made in relation to each of the proposed precincts:

- *Hilltop precinct 55(number shared with Ocenview) residential dwellings up to 2 stories 2489m² (previously for RACF up to 12.6m 3-4 stories 2050m² and 120 beds)*

Concerns are raised over the number of crossovers required to service the proposed housing in this precinct. This will significantly reduce the amount of on-street parking. More detailed information is required on the number and the width of crossovers.

The EAR states that the housing will be occupied by either standard residential dwellings or senior accommodation depending on market feasibility at the time of construction which raises issues of certainty. The architectural design concepts for this precinct indicate a 2 storey construction which is not feasible for seniors living. Should seniors living be required, single storey construction with an adaptable layout plan would be preferable.

Given proposed transfer of planning provisions, the housing in this precinct would need to comply with the requirements of Chapter B1 of Wollongong DCP 2009. The garage widths appear to not comply with Council's minimum requirements. Given the small size of the housing, there is no storage provided. More information is required as to whether the private open space for each of the dwellings would be able to achieve the required solar access requirements.

- *Ocean view precinct 55 (number shared with Hilltop) detached and semi-detached residential dwellings up to 2 stories plus basement/parking 3175m² (previously for ILU12.6m up to 3 stories 4231m² 250 units)*

Concern is raised over the width of the proposed internal road network and the ability to carry out waste collection.

The EAR description (proposed for detached and semi-detached residential dwellings up to 2 stories plus basement/parking) is at odds with the concept architectural plans for this precinct which show a 3 storey design with garage at the ground floor, living area on level 1 and bedrooms on level 2. This further exacerbates pressure on the internal road network due the number of crossovers required and the lack of on street parking. This is not an ideal layout as there is no connectivity with the private open space at ground level and the living areas on the upper level. Privacy issues are expected should all these dwellings have private open space located on a balcony on level 1 as there is minimal separation between the dwellings.

The subdivision pattern shows that a number of the proposed allotments will have a dual road frontage. A large number of the allotments will each have a road frontage to the front and the rear of the site. Consideration should be given to amending the subdivision layout to avoid high fencing to screen private open space located at the rear of the site. This will adversely impact upon the streetscape and will not be supported in any subsequent development application.

Given proposed transfer of planning provisions, the housing in this precinct would need to comply with the requirements of Chapter B1 of Wollongong DCP 2009.

Council does not support the proposed dwellings in the south eastern section of this precinct abutting the aboriginal archaeological site. Proposed lots to the east appear to have insufficient lot depth of less than 25m as required by Council's controls. There is also expected to be heritage impacts due to insufficient buffer between proposed allotments and the archaeological site.

- *South Precinct RACF up to 11.4m 3 stories and 80 beds and ILU up to 11.4m 3 stories and 140 units combined area 8349m² (previously known as central precinct, for ILU up to 11.4m 3 stories 11100m² and 240 units)*

This precinct has the highest density and the overall reduction in total floor area is noted. However, the proposal is not in keeping with the character of the locality. Concerns are raised over the height. The EAR description (up to 3 storeys) is at odds with the concept architectural plans which show above ground basement parking which is not supported and not in keeping with SEPP 65 quality design principles. There is a lack of information regarding the number of visitor parking for this precinct due the potential number of units to be built within the 12 buildings. Lack of adequate visitor and resident

parking will put pressure on the local road network and nearby residential roads. There also appears to be insufficient communal open space given the number of buildings/units within the development.

The proposal must have consideration to practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales.

5. Heritage

The proposed modification has been assessed with respect to potential heritage impacts as required under Clause 5.10(3) of the Wollongong DCP 2009 and Chapters E10: Aboriginal Heritage and E11: Heritage Conservation of the Wollongong LEP 2009.

Council acknowledges the very high Aboriginal Cultural Significance of the site and surrounding areas including Sandon Point Aboriginal Place.

The proposed development will impact on sites of Aboriginal Cultural Significance and Aboriginal Objects and that these impacts should be carefully considered and managed in consultation with the Local Aboriginal Community and the Office of Environment and Heritage.

It is noted that the Illawarra Local Aboriginal Land Council and other Aboriginal Parties have expressed ongoing concern, and made requests for additional archaeological assessment of the site in their written responses to the Aboriginal Cultural Heritage Assessment Report. These responses should be carefully considered in consultation with the Office of Environment and Heritage in finalising the assessment of the modification.

The proposed amendments to the concept plan include development on areas found to contain Aboriginal Archaeological Sites and extend into areas of relatively dense archaeological concentrations. These impacts should be carefully considered and explored. Council notes that the constructability of development and access roads within the “Ocean View Precinct” have the potential to create significant archaeological impacts due to the proximity, and slope of the site, on the fringe of the identified core archaeological zone. It appears likely that in order to construct the proposed subdivision and create buildable allotments on the fringe of this core conservation area, that there will be significant development impacts that arise from any progression of the concept as approved or proposed. More details about required grades and levels should be sought before consideration is given to approval of development this close to the core significant area. Consideration should be given to removing development from the south east of the loop road within this precinct to lessen the impact on the significant areas. It is not appropriate to leave this to a later stage in the assessment process of any subsequent development application.

Careful consideration should be given to the future ownership and management arrangements relating to any conserved items of heritage (Aboriginal or otherwise) as these sites will require ongoing management and conservation into the future. Council will not accept ownership.

Any future AHIP will need to give careful consideration to these ongoing management arrangements and responsibilities and ensure that the land can be practically managed into the future (including necessary bush care works/veg management/plantings etc).

Careful consideration should be given to the wording of conditions and requirements relating to Aboriginal Heritage Interpretation and artefact reburial etc. to ensure that the Aboriginal Community have input to these processes in a transparent and workable arrangement. The ILAC has requested that stronger recognition of Aboriginal Heritage values of the site be integrated into any future consent granted.

Consideration should be given to renaming the “Ocean View Precinct” as this name implies that these sites are entitled to and able to retain their views into the future. It is noted that Vegetation Vandalism on

the adjacent land has been a significant concern for the Aboriginal Community and Council and these impacts need to be controlled.

Council encourages the department to ensure proactive consultation with the Aboriginal Community in the finalisation of the application.

6. Stormwater

This application has been assessed in accordance with Chapters E13 and E14 of the Wollongong DCP2009 and the following comments are provided:

- The proposed concept layout requires filling and re-aligning of an existing watercourse channel and culvert (i.e. upper portion of Cookson's Creek) to facilitate the southern-most four units of the Hilltop Precinct. This proposal is contrary to Section 10.3.7 of Chapter E14 of the Wollongong DCP2009. Also, the proposal to re-align a watercourse/culvert/overflow path with a near 90 degree bend is considered contrary to good floodplain management practice. These four units need to be removed from the proposal in order to maintain the existing watercourse and negate the need for any watercourse filling/re-alignment.
- The proposal includes filling and a sound/flood barrier along the western boundary of the property, which will obstruct overland flows and floodwater flows entering the site. This outcome is also evidenced by the submitted flood modelling, which shows significant flood level increases on the adjoining land as a result of the design. This proposal is contrary to Performance Criteria 6.4.2(d) of Chapter E13 and Section 11.3.17 of Chapter E14 of the Wollongong DCP2009. The concept plan and flood modelling needs to be amended to demonstrate acceptance of overland flows and floodwater flows onto the site in a way that replicates existing conditions, and management of these flows in a way that ensures no diversion of floodwater and no increase in flooding elsewhere. It appears that engineered measures will be required within the site to accept and convey the contributing flows, and adequate space will need to be set aside in the concept plan to facilitate these measures.
- The concept stormwater plan includes works outside the site within the adjoining land (Lot 500 DP 1161858). Owners consent and an easement to drain water over the adjoining land (in accordance with Section 11.3.6 of Chapter E14 of the Wollongong DCP2009) would be required to facilitate this work.
- The proposed road off Wilkies St (between Wakefield St and Craven St) is in conflict with an existing stormwater pit. The existing system will need to be modified and a new pit will need to be constructed by the developer as part of the works, to ensure design function of the system is maintained.
- It is unclear why On-site Stormwater Detention (OSD) is proposed. As the site is located within an OSD concession zone and runoff from the site discharges directly to receiving waters without passing through intervening property, OSD is not required for this development. However, measures to address water quality are supported subject to further detail.

7. Traffic

The development should be designed to accommodate residential and visitor parking as required by Council's Development Control Plan.

There are concerns over the proposed 'terrace style' housing located along Wilkies Street and Geraghty Street. These dwellings will result in multiple driveway access points across the existing Wilkies Street shared path and future Geraghty Street shared path which will result in increased vehicular and pedestrian

conflict and safety issues. It should be noted that Wilkies Street is popular with families with children heading to and from the coastal cycle path and beach areas.

The multiple driveways resulting from the proposed 'terrace style' layout will also result in an unacceptable loss of on-street parking.

In view of the above, the applicant should redesign the development to remove the multiple vehicular crossing points to improve pedestrian/cyclist priority and safety, which would also reduce impacts on public street parking.

The modified Ocean View Precinct layout allows waste collection to occur from within the proposed new roads rather than along Wilkies Street. However for this to be accepted, the turning head at the end of the proposed cul-de-sac connecting with Wilkies Street would need to be designed to accommodate the 3-point turn of a refuse collection vehicle.

A cul-de-sac is also proposed for the Independent Living Units which would need to be designed with a minimum turning head radius of 12.5 metres to allow waste and service vehicle to turn and exit in a forward direction. Swept paths for the design vehicle (largest anticipated vehicle) must be provided through the full extent of the site.

The grade difference in the north east corner of the site where internal roads are proposed may need to be raised to provide compliant grades and adequate sight distance so that drivers are aware of passing pedestrians, cyclists and vehicles. The filling of land in this area would require batters which could impact on adjacent forest or aboriginal areas. As mentioned above, this corner of the existing McCauley's development to the north is the beginning of a well-used shared path boardwalk which connects into the coastal cycle path. Therefore if an intersection is to be proposed in this area, the applicant will need to demonstrate how the priority and safety of pedestrians and cyclists can be maintained.

Consideration should be given to making provision for vehicular and pedestrian access from the proposed road at the eastern part of the Ocean View area to Wilkie Street. This could facilitate future access to Sydney Water Land at Lot 1 DP 588060 and privately held land at Lot 101 DP 268549. Council has held preliminary discussions with both parties in relation to this matter.

The EAR (p37) also shows a "proposed additional pedestrian riparian crossing". This crossing is over Lot 500 DP 1161858 owned by Stockland (owner's consent required) and appears to connect to the proposed development to the cycle way on Council owned land to the east. The EAR indicates that the land is zoned 2b, but it is zoned E2 and traverses riparian lands. Further details are required with regard to any design having consideration to the following; heritage, environment, flooding and equitable access. It is requested that any approval incorporate conditions requiring that any such crossing be constructed as by Anglicare and not by Stockland or Wollongong City Council.

Any adjustments to the design with regard to the above should have consideration to the heritage, stormwater and landscape issues raised.

8. Landscape

The application has been assessed in accordance with the SEPP Seniors Living, WDCP 2009 Chapters B1 and E6:

There are 227 trees proposed for removal on the site in order to accommodate the various built forms and the associated infrastructure. The tree removal is the result of the cut and fill, but allows for the retention of the remnant Turpentine Forest. The other trees proposed for removal are predominantly composed of Eucalyptus species.

The site is constrained by topography, existing vegetation and indigenous heritage. The following areas of concern are noted within the design that will require further resolution to achieve a satisfactory outcome:

- The proposed development is situated between two large residential subdivisions that link to the local foreshore and greater localities of Thirroul and Bulli. It is critical that the walkability and access of the precinct is retained by enhancing and making further provision for pedestrian safety and amenity.
- Although the Concept Master Plan by Turf Design Studio indicates street trees and pathways, this is contradicted by the section of the site nominated as the Hill Top Precinct, the proposed terrace houses that front Wilkie and Geraghty Streets. Multiple driveway crossings will traverse the nominated shared paths that service access to McCauleys Beach and links to Sandon Point. In addition to creating a dangerous environment for pedestrians and cyclists, this driveway arrangement cannot accommodate street tree planting as trees would affect the required sight lines. Multiple driveways into medium density developments are not supported by Council. Refer DCP 2009 Chapter B1 section 5.6.
- It is suggested that the dwelling footprints be reduced and car parking be accommodated from a laneway at a lower level offline from Wilkie and Geraghty Streets.
- There are multiple road crossings proposed to access the Ocean View Precinct, these will traverse the shared path situated on a steeply graded hill that will likely cause pedestrian/cyclist conflicts with motor vehicles.
- Cut and fill to achieve the proposed access roads and dwellings will be significant and may adversely impact upon the existing Turpentine Forest and the area of Aboriginal Heritage Significance. Retaining walls must be designed to mitigate visual impacts and allow feasible maintenance access.

A Landscape Concept Plan is to address all areas of the site and include the following:

- Street trees should be shown at 10m – 12m centres, with species that have a minimum mature height of 8m – 15m. Shared pathways are to be 2.5m wide and pedestrian paths 1.5m wide.
- Design parameters for embankments are to be no steeper than 1:3 for mulched garden area and 1:6 for turf areas.
- Provision to formalise and upgrade the existing pathways through the Turpentine Forest will allow recreation for residents should be considered subject to any heritage requirements.

9. Environment

Biodiversity and Riparian Corridors

The Ethos Urban report (Oct 2018) has been reviewed in relation to biodiversity and riparian matters for the proposed Concept Plan modification.

The following key points are summarised from Section 3.4 Pedestrian and Cycle Network (Ethos Urban, 2018):

- *Pedestrian paths will also be provided through the Turpentine Forest. The exact location of these will be determined with the detailed development applications and will be designed to ensure larger mature Turpentine Trees are protected and minimal environmental impact.*
- *Anglicare is also considering the provision of a new crossing over Tramway Creek to provide a better connection between the proposed ILUs and the existing paths to the east of the site. Further investigation is required to be undertaken to demonstrate that the path can be provided at sufficient gradients for accessibility, without impacting on flood levels/flows and minimising biodiversity impacts.*
- *A new commitment is proposed which requires the provision of these studies with the relevant detailed development application(s).*

Comments:

It's likely there will be direct and indirect impacts to the Turpentine Forest during construction and operation of a future development. It's likely there will be direct and indirect impacts on vegetation in Lot 500 DP 1161858 (Stockland land) during construction and operation of a future development.

The following summarised points and responses are noted from the 'Issued Raised' and 'Responses' columns in Section 4.0 Consultation, Table 5 Consultation Summary:

For consultation with Wollongong City Council:

- *Issued Raised – 'Contributions and potential to dedicate riparian corridor and Turpentine Forest to Council. Council unlikely to accept and applicant encouraged to contact local land council and aboriginal groups to gauge interest in ownership and ongoing management.'*
- *Response – 'Anglicare to consult with relevant groups to gauge interest in long term interest of relevant parts of the site, alternatively Anglicare will retain ownership and management of these lands.'*

For consultation with the then NSW Office of Water (now Natural Resources Access Regulator):

- *Issued Raised – 'Advised of proposal and referred to changes in riparian corridors.'*
- *Response – 'No comments received to date.'*

For consultation with NSW Rural Fire Service (RFS) the Peterson Bushfire (2018) bushfire assessment letter was submitted and as at lodgement of the SEARs studies, no response had been received from the NSW RFS.

Comments

It is clear that Anglicare has committed to consultation with interested parties on the future ownership of the Turpentine Forest and riparian corridor. It is unclear if the Natural Resources Access Regulator considers the Anglicare Site: Sturdee Avenue, Bulli Vegetation Management Plan by Cumberland Ecology (2018a) to be satisfactory and therefore the envisaged outcomes will be realised to the fullest extent possible. Furthermore, it is unclear if the proposed 'defendable space to the Turpentine Forest and riparian areas rather than a specific APZ', remains acceptable to the NSW RFS for the current and proposed modification. The implications for this are that there is uncertainty:

The biodiversity impact assessments in the Biodiversity Development Assessment Report (BDAR) by Cumberland Ecology (2018), which has relied on a recommend 'a 6 m defendable zone' for bushfire protection in the Peterson Bushfire (2018) report, are complete.

The outcomes envisaged in the Anglicare Site: Sturdee Avenue, Bulli Vegetation Management Plan by Cumberland Ecology (2018a) will be realised to the fullest extent possible.

The following commitments are noted in Section 5.15 Contributions of the Ethos Urban Report and where Anglicare is proposing the following contributions:

- *A Sandon Point Drive connection and Tramway Creek road bridge.*
- *A Cooksons Creek pedestrian boardwalk.*
- *Regional parkland and riparian corridor rehabilitation on Cooksons Creek.*
- *Turpentine Forest rehabilitation and embellishment.*
- *Regional parkland and riparian corridor rehabilitation on Tramway Creek along the northern bank adjacent to the site.*
- *Stormwater management works.*

It is also noted the Ethos Urban (2018) report states:

- *a letter of offer reflecting the above will be provided to Council prior to the lodgement of the first detailed development application.*

Comments

It is likely there will be direct and indirect impacts to the Turpentine Forest during construction and operation of a future development. It is also likely there will be direct and indirect impacts on vegetation in Lot 500 DP 1161858 during construction and operation of a future development.

Bulk Earthworks

The Concept Bulk Earthworks Layout Plan Drawing Number Revision 82018138-001-SK010 by Cardno (2018a) by Cardno (2018) is noted.

Comments

The plan clearly shows cut and fill on the southern boundary of the subject site to Lot 500 DP 1161858 which is owned by Stockland and proposed for dedication to Council. Any future Bulk Earthworks Layout Plan prepared for a development application must include the detail of the cut and fill to reflect the proposed Sandon Point Drive connection and Tramway Creek road bridge and having consideration to heritage, environment, flooding and equitable access matters. It is requested that any approval incorporate conditions requiring that any such crossing be constructed as by Anglicare and not by Stockland or Wollongong City Council.

Flood Impact

The Flood Impact Assessment Proposed Aged Care Facility at Bulli by Cardno (2018b) is noted in particular the following key points from Section 5 Stormwater Drainage Concept:

- *The stormwater drainage concept was prepared based the proposed architectural layout, road design and existing survey/contour information available*
- *The stormwater concept consists of constructed and elements including but not limited to:*
 - *Two on site detention and water quality basins at the eastern end of the property adjacent to Cookson's Creek outside the 100 year flood extents.*
 - *Gross pollutant traps at the south east and south west corners of the development.*

Comments

The proposed onsite detention and water quality basins and gross pollutant traps are clearly depicted in Figure 5-1 Drainage Concept Plan. The flood impact assessment has proposed constructed elements in the riparian zone on Lot 500 DP 1161858. In addition the following content is noted from Councils Stormwater Referral:

- *The concept stormwater plan includes works outside the site within the adjoining land (Lot 500 DP 1161858). Owners consent and an easement to drain water over the adjoining land (in accordance with Section 11.3.6 of Chapter E14 of the Wollongong DCP2009) would be required to facilitate this work.*
- *Any changes to vegetation densities within the floodplain as a result of these works may require additional flood modelling in order to accurately reflect the post development flood conditions.*
- *It is unclear why On-site Stormwater Detention (OSD) is proposed. As the site is located within an OSD concession zone and runoff from the site discharges directly to receiving waters without passing through intervening property, OSD is not required for this development. However, measures to address water quality are supported subject to further detail*

Ecology

As noted in numerous sections of the Cumberland Ecology (2018b) BDAR the survey effort is incomplete and 'further assessments will be required at the development application stages when further detailed design is available.' In addition, the BDAR acknowledges that further detailed assessment of direct and indirect impacts according the Biodiversity Assessment Method (OEH 2017) 'will be required' in support of future development applications. The preliminary status of the BDAR is reinforced by Councils observations of:

- The current uncertainties in relation adequacy of the proposed 'defendable space' bushfire hazard management. Council will not accept any bushfire restriction over its any of its lands.
- A pedestrian path is likely to be proposed in the 'Turpentine Forest' in future development applications and will be subject to heritage considerations (Anglicare should retain ownership and management of this land. Council will not accept ownership).
- Infrastructure to support the development is proposed on Lot 500 DP 1161858 involving the direct impact of clearing of vegetation, and associated indirect impacts, and these have been overlooked by Cumberland Ecology.

It should be noted that Councils position is that PCT Coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion corresponding to the BCT Act threatened ecological community (TEC) Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is present on the subject site and adjoining areas. The presence of this PCT/TEC generally corresponds to mapping in the Illawarra Plant Community Type Vegetation Map, 2016. VIS_ID 4678 by OEH (2016). The Biodiversity Conservation Act TEC present in Cookson's Creek and Tramway Creek on the subject site forms a part of a larger area of this vegetation extending east into adjoining Lot 500 DP 1161858 and is also present in the remainder of Tramway Creek on the southern boundary. In addition to the State Governments SEPP (Coastal Management) 2018 Coastal Wetland mapping, Council's position on the presence of the Biodiversity Conservation Act TEC present in Cookson's Creek and Tramway Creek is supported by the Cumberland Ecology (2018a and 2018b) reports which:

- *State the areas within the Anglicare Property mapped as Coastal Wetland occurs within the E2 zone*
- *State the coastal wetlands 'will be managed and enhanced under a VMP'.*
- *Provide a commitment to 'active management under a VMP and will serve as a buffer between the development and wetlands'.*
- *The mapping in Figure 3.1 of Anglicare Site: Sturdee Avenue, Bulli Vegetation Management Plan by Cumberland Ecology (2018a) which highlights Zone 3: Freshwater Wetlands*

The correspondence between Cumberland Ecology and OEH on the matter of MU 56a Acacia Scrub is noted including the observation by OEH that:

- *Any attempt to adjust local benchmark values to support 'reduction to zero credits' is not justifiable*
- *Consistent with the BC Act 'ultimately, the consent authority is the one who has to make that decision'.*

In adopting the 'precautionary principle' which characterises ecologically sustainable development and is relied on in the Ethos Urban (2018) report, the surveys and biodiversity impact and SEPP (Coastal Management) 2018 assessments by Cumberland Ecology (2018b) are considered to be preliminary.

Vegetation Management Plan

The content of the Anglicare Site: Sturdee Avenue, Bulli Vegetation Management Plan (VMP) by Cumberland Ecology (2018a) is noted.

Comments

Consistent with the Cumberland Ecology (2018b) BDAR, the VMP by Cumberland Ecology (2018a) is considered to be preliminary and only indicative in view of the following:

- It has been prepared on the basis of proposed 'concept' development as opposed to detailed proposed development which would be articulated in future development applications.
- There are uncertainties in relation adequacy of the proposed 'defendable space' bushfire hazard management.
- The Natural Resources Access Regulators are yet to provide feedback on the adequacy of the VMP.
- A pedestrian path proposed in the 'Turpentine Forest' in future development applications.
- Infrastructure to support the development is proposed on Lot 500 DP 1161858 and this will involve the direct impact of clearing of vegetation, and associated indirect impacts, and these have been overlooked by Cumberland Ecology (2018b).

The current indicative VMP will require further revisions when submitted in support of future development applications.

Contaminated Land Matters

Consideration should be given to the requirements of SEPP 55 and WDCP 2009 Chapter E-20 Contaminated Land Management. In doing so, the applicant is required to submit a NSW EPA accredited site auditor's Interim Advice Letter stating that site auditor will be overseeing the site assessment, remediation and validation so that the land is suitable for the proposed future development. Further, upon completion of remediation and validation, the auditor will issue a Site Auditor's Statement (SAS) and Site Auditor's Report (SAR) to the Department prepared under the CLM Act 1997 confirming that site is suitable for the proposed development.

10. Other matters

Council understands the project approval pathway under the former Part 3A is no longer open to the applicant and any future proposal requires development consent under Part 4 of the EP&A Act.

Comments on the revised Statement of Commitments at appendix h of the EAR:

1 Scope: after ...August 2018 insert the words "as amended"

2 design: include references to SEPP55, SEPP Basix, Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009.

4 Water management: after ...August 2018 insert the words "as amended". With regard to onsite detention at the fourth bullet point, please consider the comments at section 6 above.

12, 13, 14 Cultural heritage: after ...August 2018 insert the words "as amended" Further consultation and investigation is required as outline above under section 5 heritage (Illawarra Local Aboriginal Land Council and other Aboriginal Parties).

16A Cultural heritage: after ...interpretive signage, insert "subject to Council approval".

16B Cultural heritage: after ...heritage of the site, insert "subject to Council approval".

17 Flora and fauna: after ...(VMP) insert "subject to Council approval".

22 Flora and fauna: after ...parties insert "and Council for approval".

23, 24 Flora and fauna: Please refer to Ecology at section 9 above (bushfire restriction, credits).

27, 28, 31 Traffic and access: these items should include a requirement that this is at no cost to Council and is subject to Council approval.

39 Social environment: after ...design insert "subject to Council approval".

45 Planning agreement: inappropriate to commit Council to any future planning agreements given that it may either pre-empt the outcomes of negotiations or not reflect the current state of negotiations between the parties.

47 Ecologically sustainable development: Please refer to section 9 above

The EAR states that the bridge over Tramway Creek will be constructed by Anglicare but the statement of commitments is silent and does not reflect this. The bridge should be constructed by Anglicare at no cost to Stockland or Council and be subject to Stockland and Council approval.

Please contact Vanessa Davis, Senior Development Project Officer on 4227 7111 should you wish to discuss any of the above matters in further detail.

This letter is authorised by

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