

26 May 2020

Mr Brendon Roberts
Acting Director, Regional Assessments
Planning and Assessments
Department of Planning, Industry and Environment
By email: brendon.roberts@planning.nsw.gov.au

Dear Brendon,

RESPONSE TO DPIE RECOMMENDATION AND CONDITIONS – MP06_0094

Thank you for providing Anglicare with the opportunity to review the Department's assessment of Mod 5 to the Sandon Point Concept Plan and also comment on the proposed modifications to the conditions of consent. On behalf of Anglicare we would like to request the following amendments to the conditions of consent:

1.0 Draft Conditions

1) Schedule 2 – page 2 – the Proponent

This should be amended to 'Anglican' not 'Anglicare'.

2) Condition A5(1)(b) – Landscaped setback

We respectfully request that the Department reconsiders its position on this draft condition. As set out in our previous response we believe that the same outcome can be achieved by way of requiring a landscaped setback to be provided in the front gardens of the properties fronting Wilkes Street. The landscaping details could be incorporated into the development guidelines to be prepared for the site as per the drafting of the revised condition below. This could also further be strengthened by way of an additional condition of consent requiring imposition of a restrictive covenant on title requiring a 4m landscaped setback to be provided and maintained in perpetuity.

(b) The northern boundary of the site along Wilkes Street, east of the Precinct 2 rear lane access road is to include a 4 metre wide landscaped green edge which includes canopy tree planting that would assist with screening views of the site from the north, consistent with the outcomes that could have been achieved under the originally approved scheme. ~~The land is not to form part of any development lot~~ To this effect, the design guidelines to be prepared in accordance with Condition C9 shall include provisions which:

- (i) require a four metre landscaped setback to the northern boundary of the dwellings on this part of the site; and*
- (ii) detail the landscaping to be provided within that setback including canopy tree planting.*

Under the current drafting, the 4m strip would be left to Anglicare in perpetuity as it is unlikely that Council would want to maintain the landscaped zone. Anglicare is a not-for-profit entity that is committed to providing accommodation and services for people in need.

As a consequence of the condition of consent, funds which could be better spent on people in need would be diverted away to maintain the landscaped zone. We believe that this would be an unfortunate and unnecessary outcome when the objective of the condition can be met by alternative means.

2.0 Response to adjoining landowner

We would also like to respond to the submission made by the landowner of Lot 101 DP268549 and his request that condition A5(1)(v) be amended to the following:

and the continuity of the pedestrian walkways moving forward. As such, my client proposes that subclause (v) be amended to read as follows:

(v) *the construction of Wilkies Walk to the standard and in the location originally approved under the Concept Approval for MP 06_0094 and as reiterated under Conditions A3 and B39 of Sandon Point Major Project No. 07_0032 Project Approval, rather than occupying Wilkies Street, and in a manner that ensures appropriate access to adjoining sites, prior to the issue of a subdivision certificate for Precinct 3.*

Anglicare strongly opposes the imposition of the amended condition for the following reasons:

- 1) Wilkies Walk was not constructed by Anglicare but rather Stockland under MP07_0032. Anglicare was not party to this application nor was it involved in the design of the final location and construction of Wilkies Walk.
- 2) Wilkies Walk is not located on Anglicare land and was never envisaged to be as can be seen on the Concept Plan at **Figure 1**. It is clear on the attached landscape plan (**Attachment A**) which was submitted with the Stockland Concept Plan application that Stockland was the responsible entity for the construction of that infrastructure.
- 3) It would be unreasonable, and potentially unlawful, to require Anglicare to remove and relocate this infrastructure given that it is not located within the land owned by Anglicare and did not form part of the scope of works that Anglicare was responsible for carrying out under the Concept Application. As mentioned previously, Anglicare is a not for profit organisation and does not have the funds, nor should it be responsible for, the rectification of works undertaken by others.
- 4) Anglicare is happy to accept condition A5(1)(v) as currently drafted by the Department and work with the landowner of Lot 101 DP268549 to find a suitable road layout solution that will facilitate access to Lot 101 DP268549 at the detailed design stage. It is noted that this will require a bespoke design solution given the proximity of the Aboriginal archaeological zone to the walkway.

However, Anglicare maintains that it should not be responsible for the works required to relocate access to that land. This is rather a matter for the that landowner to take up with Stockland and Wollongong Council who would have both been involved in the design and final location of the relevant walkway infrastructure.



Figure 1 – Approved Concept Plan (Anglicare Land)

Source: JSA Studio Architects

We note that Anglicare has previously given landowners' consent to the landowner of Lot 101 DP268549 for a development application which was lodged with Wollongong Council for the relocation of the walkway (see **Attachment B**). It is open to the landowner to pursue consent through council for the works and this is probably the more appropriate pathway given that Council now owns the infrastructure being debated.

We would be happy to discuss the above further where required. Thank you once again for the opportunity to comment on the draft conditions.

Yours sincerely,



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