



NSW GOVERNMENT
Department of Planning

***MODIFICATION APPLICATION
SANDON POINT - Concept Plan
MP06_0094 MOD1
&
MAJOR PROJECT ASSESSMENT
MP 07_0032
Residential Subdivision at
SANDON POINT, BULLI***

Proposed by Stockland Development Pty Ltd



Director-General's Environmental Assessment Report
Section 75I & 75W of the
Environmental Planning and Assessment Act 1979
August 2009

© Crown copyright 2009
August 2009
NSW Department of Planning
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

© Department of Planning
NSW Government
August 2009

1. EXECUTIVE SUMMARY

This is an assessment report recommending project application approval for a residential subdivision at Sandon Point pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the EP&A Act"). The site has previously had a Concept Plan (MP06_0094) approved for the proposal and this report also contains an assessment of proposed modifications to the Concept Plan (MP06_0094 MOD1) under clause 75W of the EP&A Act. The proponent is Stockland Development Pty Ltd (the Proponent) and the site is located in the Wollongong LGA.

Proposal

The proposed modifications to the Concept Plan Approval intend to correct errors or inconsistencies and allow for a revised location for proposed townhouse lots at the site.

The Proponent is also seeking Project Application approval for a residential subdivision, infrastructure works, and the rehabilitation of local creeks. The Project Application comprises:

- Subdivision of 181 allotments comprising lots for, 167 single dwellings and 14 townhouse/terrace style houses in two distinct 'Precincts';
- One super lot for up to 80 apartments;
- Boundary re-adjustment to correspond with road alignment and Earthworks over 2 stages;
- Display Village – Land use approval for 3 dwellings, development approval for a temporary sales office and parking for 14 cars;
- Roads, bridges, footpaths, cycleways, acoustic wall, utility services and infrastructure as necessary to support the residential development;
- Landscaping, creek design and riparian corridor creation.

The estimated Capital Investment Value of the development is \$22.04 million. The proposal will create 52 full time equivalent construction jobs.

Exhibition

The proposal was exhibited on two separate occasions, the first from 18 October 2007 until 16 November 2007 and the second from 4 June 2008 until 7 July 2008. During the first exhibition period, the Department received 6 submissions from public agencies and 11 submissions from the public (including one from a community group). During the second exhibition period, the Department received 6 submissions from public agencies and 61 submissions from the public (including 6 from community groups and 34 proforma letters).

The second exhibition occurred in response to the decision of the Land and Environment Court on 27 November 2007 which overturned the Concept Plan Approval. The Court held that the concept plan approval was invalid because the Minister failed to take into account the impacts of climate change on flood risk. On 24 September 2008, the Court of Appeal overturned that decision and consequently the original Concept Plan Approval is valid. Consistent with comments made in the Court of Appeal, the assessment of this current proposal has included consideration of the effects of climate change, including climate change flood risk, in addition to other relevant principles of ecologically sustainable development.

Key issues

- Flooding and Climate Change Impacts
- Subdivision Layout
- Riparian Corridor Rehabilitation
- Flora and Fauna
- Traffic & Road Safety
- Defendable spaces for bushfire protection
- Aboriginal Heritage

Response to Submissions

In response to the issues raised during the exhibition period and assessment process the Proponent prepared a response to submissions and a letter titled "*Sandon Point Project Application Consolidated Response to Agency Submissions*" (dated 21 May 2009) which amends parts of the original proposal. The major amendments include:

- The submission of '*Sandon Point Flood Study Addendum No 1*' (Cardno Forbes Rigby 18 May 2009) which amends parts of the creek design to address issues raised by the Department's independent expert review.
- Additional 'Statements of Commitment' that relate to 'Vegetation Management' and 'Agreements with Council'.

Key Recommendations

The Department has made the following key recommendations:

- Lawrence Hargrave Drive is to be upgraded to four lanes between High Street and Lachlan Street.

- Detailed creek design to include further modelling and analysis of rock sizing and rock treatment construction as well as details of establishment stage vegetation management.
- A revised plan to be submitted to the Department showing lots to be wholly within the approved development footprint consistent with the Concept Plan Approval and all lots to have direct access to a public road with access above the Probable Maximum Flood (PMF) level.
- Sample test archaeological excavation to be carried out prior to commencement of works in consultation with the Aboriginal community
- Townhouse lots are to be designed in multiples of at least two dwellings.

Public Benefit

The proposal is in the public interest for the following reasons:

- The proposal is consistent with the current statutory planning controls relating to the site and with the approved Concept Plan.
- It will provide lots for 181 new houses and a super lot for 80 apartments to assist in meeting the target for 38,000 new dwellings as outlined in the Illawarra Regional Strategy 2006-2031.
- It will provide a range of housing lots and dwelling types adjacent to an established area.
- It will provide regional benefits with the establishment and enhancement of a regional open space network with direct connections in the form of the riparian corridors.
- New and improved pedestrian paths and cycleways will be provided within the development and connect to neighbouring areas, the train station, regional open space, the beach and shops.
- The road network will be integrated with surrounding residential areas.
- Social, community and recreational infrastructure will be funded through Section 94A contributions.

Conclusion

The Department is satisfied that the proposed modifications to the Concept Plan Approval are acceptable and recommend approval under section 75W of the EP&A Act 1979.

The Department has assessed the merits of the Project Application and is satisfied that the impacts of the proposed development have been addressed via the Environmental Assessment Report, Statement of Commitments, Response to Submissions and the Department's recommended conditions of approval. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. The Department recommends that the project be approved, subject to conditions.

CONTENTS

1. EXECUTIVE SUMMARY	3
2. BACKGROUND	6
2.1 THE SITE	6
2.2 CONCEPT PLAN (MP06_0094)	9
2.3 STRATEGIC CONTEXT	10
2.4 SITE CHRONOLOGY	10
3. PROPOSED DEVELOPMENT	11
3.1 MODIFICATION TO CONCEPT PLAN APPROVAL	11
3.2 PROJECT DESCRIPTION	11
3.3 RESPONSE TO SUBMISSIONS	15
4. STATUTORY CONTEXT	16
4.1 MAJOR PROJECT DECLARATION	16
4.2 PERMISSIBILITY	16
4.3 DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)	16
4.4 CONSISTENCY WITH APPROVED CONCEPT PLAN	17
4.5 OTHER STATUTORY CONSIDERATIONS	18
5. ASSESSMENT OF ENVIRONMENTAL IMPACTS	19
5.1 FLOODING AND CLIMATE CHANGE IMPACTS	19
5.2 TRAFFIC & ROAD SAFETY	20
5.3 SUBDIVISION LAYOUT	21
5.4 RIPARIAN CORRIDOR REHABILITATION	23
5.5 FLORA AND FAUNA	24
5.6 DEFENDABLE SPACES FOR BUSHFIRE PROTECTION	24
5.7 ABORIGINAL HERITAGE	25
5.8 CONTRIBUTIONS	26
5.9 THE PUBLIC INTEREST	26
6. MODIFICATIONS TO THE CONCEPT PLAN (75W of EP&A Act)	28
7. CONSULTATION AND ISSUES RAISED	33
7.1 PUBLIC EXHIBITION DETAILS	33
7.2 SUBMISSIONS RECEIVED	33
7.3 SUBMISSIONS FROM PUBLIC AUTHORITIES	33
7.4 PUBLIC SUBMISSIONS	36
8. CONCLUSION	37
9. RECOMMENDATION	38
Appendix A - DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRs)	39
Appendix B - ENVIRONMENTAL ASSESSMENT (EA)	40
Appendix C - PUBLIC AND AGENCY SUBMISSIONS	41
Appendix D - CONSOLIDATED RESPONSE TO AGENCY AND PUBLIC SUBMISSIONS (NOVEMBER 2008)	42
Appendix E - ADDENDUM TO CONSOLIDATED RESPONSE TO AGENCY SUBMISSIONS (INCL FLOOD STUDY ADDENDUM NO. 1) + REVISED STATEMENT OF COMMITMENTS (MAY 2009)	43
Appendix F – STATUTORY CONTEXT	44
Appendix G - RECOMMENDED CONDITIONS OF APPROVAL	50

2. BACKGROUND

2.1 THE SITE

2.1.1 Site context and location

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 to the north; McCauley's Beach to the East; the Point Estate (a subdivision development by Stockland) to the South; and the Illawarra railway line to the West. Sandon Point is south of the Thirroul village centre and Thirroul railway station. The site locality is illustrated in **Figure 1**.



Figure 1. Location maps

The subject site is owned by Stockland and has an area of approximately 23.35ha. Other landholders are also affected by the project application for reasons of access, earthworks and infrastructure works. They include Wollongong City Council, Ray Hannah Motors, Railcorp and Cooksons Plibrico and all have given land owners consent (**Figure 3**). The land to be developed includes Lot 2 DP 595478, Lot 235 DP 1048602, Lot 1 DP 1024490, Lot 1 DP 204631, Lot 22 DP 835200, Lot 101 DP 268549, Lots 1 and 2 DP 224431 and land within the adjoining Railway Corridor (**Figure 2**).

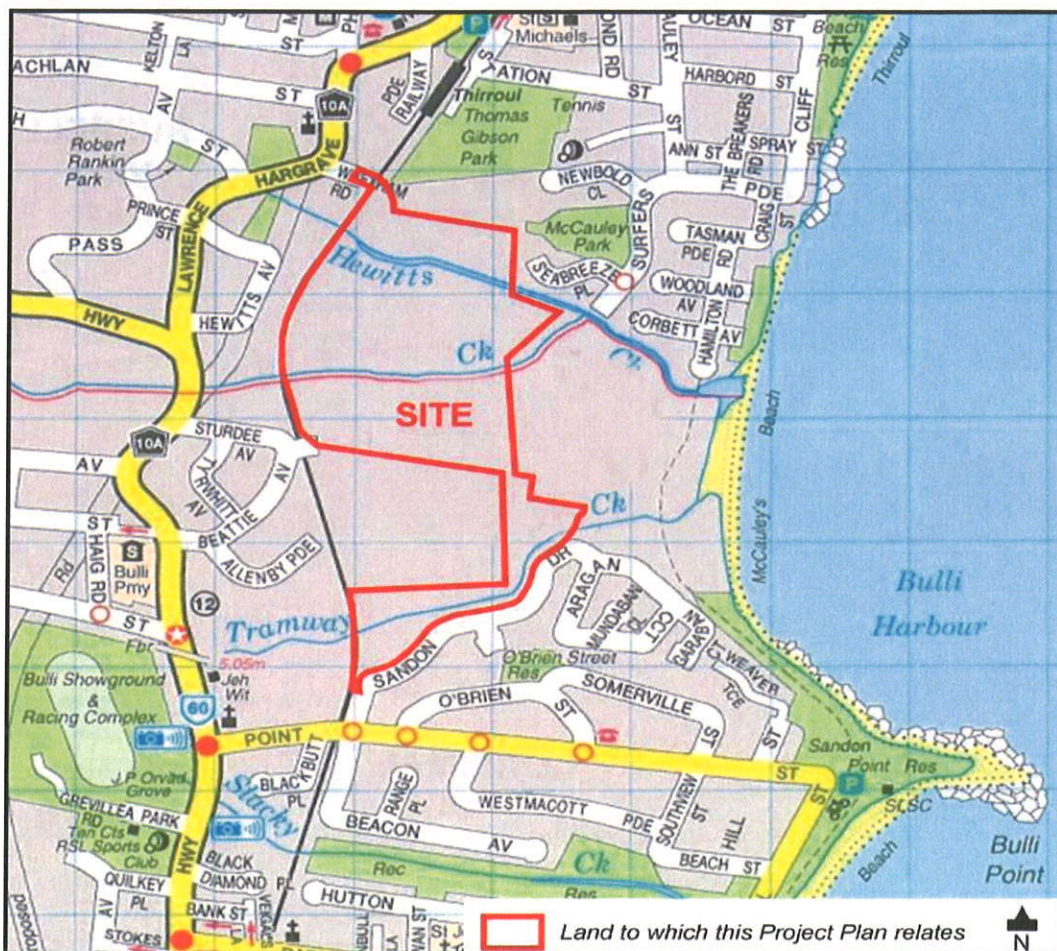


Figure 2. Subject Site

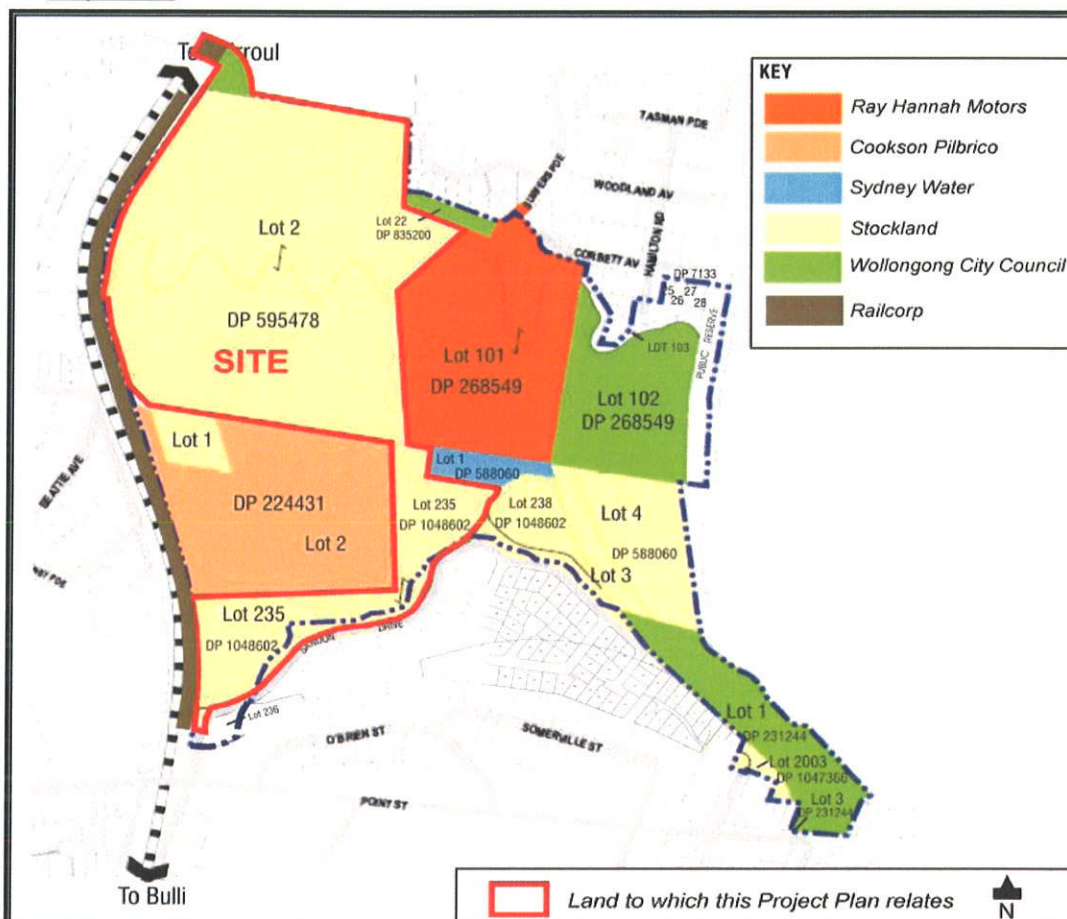


Figure 3. Land Ownership Map

2.1.2 Existing Site Features

Past land uses of the site include farming, extractive industry, brick manufacturing and associated heavy industrial uses. The site was substantially modified from its natural state as can be seen in this 1982 aerial photo (**Figure 4**).



Figure 4. 1982 Aerial photo showing former industrial uses on site

The majority of the industrial buildings previously on the site have been demolished and the subject site is now mostly remediated as shown in **Figure 5**. Evidence of past development activities remain at Sandon Point in the form of the abandoned Dairy Farmers co-operative and building rubble between Woodlands Creek and Hewitts Creek. The Cookson Plibrico buildings that can be seen on the Anglican Retirement Villages (ARV)/Cookson Plibrico land are soon to make way for the proposed retirement village development (subject to a separate Project Application).

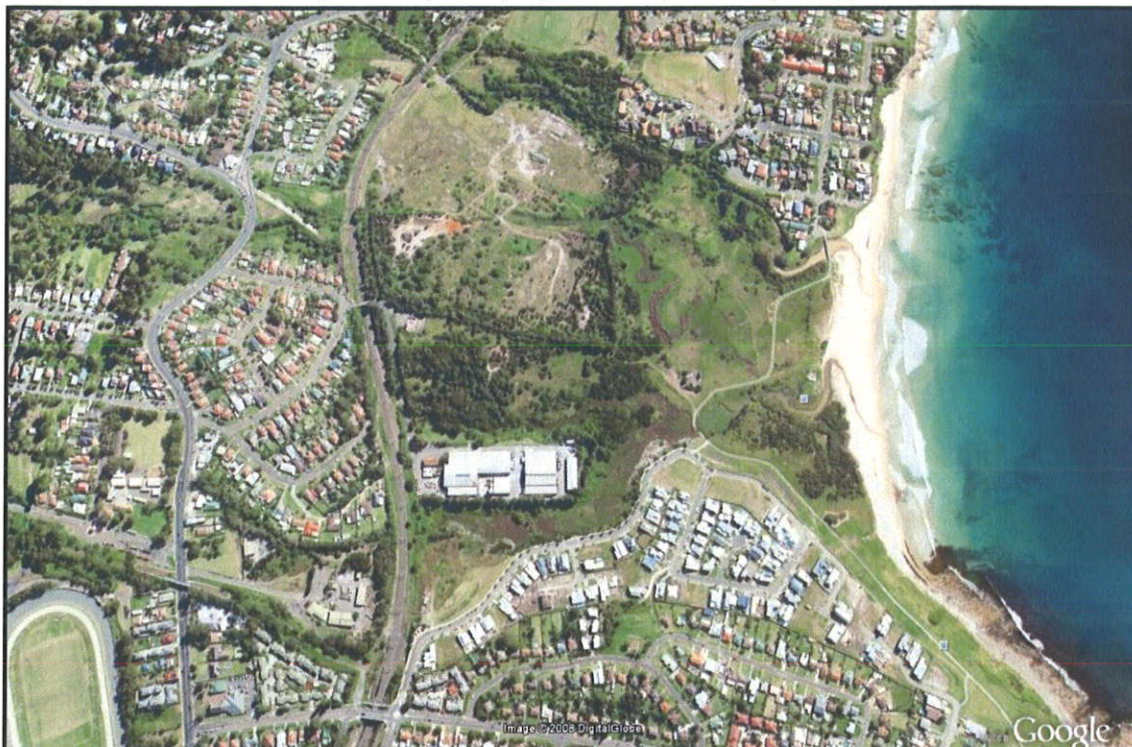


Figure 5. Aerial photo showing existing on site and surrounding uses

Land uses adjacent to Sandon Point comprise residential housing and open space to the north, east and west and industrial land uses to the south. The Illawarra railway corridor runs along the western edge of Sandon Point.

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 has a railway station, two supermarkets, including a small retail shopping plaza, providing accessible local retailing services.

A Concept Plan (MP06_0094) for the Sandon Point redevelopment was approved by the Minister for Planning on 21 December 2006. The Concept Plan was jointly proposed by Stockland and Anglican Retirement Villages (ARV). The Concept Plan approval provided for the development of 180 dwelling lots, up to 25 townhouses on 2 multi-unit super lots, and a parcel to accommodate future apartment buildings for up to 80 units on the Stockland owned part of the site. An aged care development was approved on the Cookson Plibrico site (which is subject to a separate project application).



The Concept Plan Approval required the proposed development footprint to be reduced and that certain matters concerning creek design, flood sensitivity analysis, flood evacuation policy and consistency with Wollongong's flood policy be addressed. The reduced footprint aimed to ensure due consideration of Aboriginal cultural heritage, the protection of significant flora and fauna, minimise the likely impact from flooding, minimise threats from bushfire, maintain the amenity of the local area and adequately mitigate the environmental impact of the development.

2.3 STRATEGIC CONTEXT

The proposal will satisfy the following strategic objectives;

- The proposal will support the Illawarra Regional Strategy by contributing to the regional target of 38,000 new dwellings by 2031;
- The proposal will provide economic benefits to the NSW economy, in the form of jobs growth in relation to the construction works;
- The proposal will satisfy priorities under the NSW State Plan, including:
 - Priority E4 in providing better outcomes for native vegetation and biodiversity in that the proposal seeks to reconstruct and regenerate existing riparian corridors whereas the current zoning allows these environmentally important lands to be developed.
- The site is also proposed to be listed as a State Significant Site and the land to which this application relates will be zoned R2 Low Density Residential, R3 Medium Density Residential and E2 Environmental Conservation within Schedule 3 of the Major Developments SEPP.

2.4 SITE CHRONOLOGY

- On 2 April 2006, the then Minister for Planning declared the development proposed by the Proponent to be a project to which Part 3A applies. Consequently, the Minister is the approval authority.
- On 21 December 2006, the then Minister for Planning approved the Concept Plan for the site.
- On 1 May 2007, Director-General Requirements (DGRs) for Environmental Assessment (EA) were issued.
- On 25 September 2007, the Proponent lodged the EA for the Project Application for residential subdivision which is the subject of this report.
- The EA was exhibited from 18 October 2007 until 16 November 2007. During this exhibition period, the Department received 11 submissions from the public and 6 submissions from public authorities being:
 - The Heritage Office of the NSW Department of Planning, NSW Departments of Primary Industries, Natural Resources, Water and Energy, Department of Environment and Conservation and Wollongong City Council.These submissions were forwarded to the proponent.
- On 27 November 2007, the Land and Environment Court found that the then Minister for Planning failed to take into account the impacts of climate change on flood risk and declared the Concept Plan Approval issued on 21 December 2006 invalid.
- A second exhibition was held from 4 June 2008 until 7 July 2008 with additional information. This was prompted by the decision of the Land and Environment Court on 27 November 2007 to overturn the Concept Plan approval which was also re-exhibited during this time. During the second exhibition period, the Department received 61 submissions from the public and 6 submissions from public authorities. These included:
 - Rural Fire Service, State Emergency Service (SES), NSW Department of Environment and Climate Change, NSW Department of Primary Industries, Wollongong City Council, and the Roads and Traffic Authority (RTA).These submissions were forwarded to the proponent.
- On 29 July 2008, a summary of submissions from the second exhibition was provided to the Proponent.
- On 24 September 2008, the NSW Court of Appeal overturned the Land and Environment Court decision and the original approval of the Concept Plan stands.
- On 24 October 2008, a letter outlining issues from the Department was provided to the Proponent. Issues raised regarded subdivision layout and defensible space and requests for further information regarding townhouse sites, vegetation and electronic data sets of plans.
- On 3 November 2008, a Consolidated Response to Submissions was submitted by the Proponent.
- On 21 May 2009, a letter titled "Sandon Point Project Application Consolidated Response to Agency Submissions" was submitted by the Proponent. It included a revised Statement of Commitments and the "Sandon Point Flood Study Addendum No. 1" (prepared by Cardno Forbes Rigby 18 May 2009).
- On 23 June 2009, the Department requested clarification regarding the transfer and maintenance of the riparian corridors.
- On 26 June 2009 the Proponent responded, providing details about the riparian corridor transfer and maintenance and a suggested amendment to a related Statement of Commitment. The Proponent also suggested a condition of consent regarding the amended townhouse lots.