

3. PROPOSED DEVELOPMENT

3.1 MODIFICATION TO CONCEPT PLAN APPROVAL

The Proponent has requested that several minor modifications to the approved Concept Plan be considered under clause 75W of the EP&A Act 1979. These modifications include the correction of errors and inconsistencies to Modification conditions as well as allowing for changes that arose due to the reduced development footprint approved as part of the Concept Plan, including the relocation of some of the townhouse allotments.

The proposed changes, which are discussed further in Section 6, include:

- a reduction in the number of, and a revised location for, townhouse lots in response to the reduced development footprint required by Modification A1 of the Concept Plan Approval; and
- a correction of an inconsistency with modification in Schedule 2 Part A – A1 'Development Footprint' that allows for Asset Protection Zones (APZs) on land outside the development footprint, in contrast to modification A3 that restricts APZs to within the residential zone. Further to this is a proposed wording change as APZs are not required by the Rural Fire Service (RFS) at this site. The RFS has recommended the provision of 'defendable space' as discussed in Section 5.

The Modification also proposes the following minor changes to the Concept Plan:

- a correction to a reference to Modification 'B3' which should read 'B4' (which is the Design Excellence Clause that this modification refers to);
- allowing more flexibility in determining the location of landscaped areas to provide for the maximisation of solar access to internal living areas;
- re-word a modification to clarify the timing and location of the construction of the North-South link on ARV land;
- amending the duration for water quality monitoring in order to define 'the life of the project' and limit the extent to which the Proponent commits to undertake the monitoring to 2 years;
- replace the phrase "detached dwelling lots" with "single dwelling houses" to allow for attached houses or terrace style housing, namely the townhouse sites now that they are no longer part of a super lot;
- amending the timing of the preparation of an Acid Sulphate Soils Management Plan, if one is warranted, from the detailed design stage to the Construction Certificate stage; and
- amendments to the Statement of Commitments submitted by the Proponent for the Concept Plan to change the timing of some items and delete others that are the responsibility of other agencies.

The proposed project as described in the Proponent's EA (**Appendix B**) is based on the Concept Plan as amended by these modification requests.

3.2 PROJECT DESCRIPTION

The Project Application comprises:

- Subdivision of 181 allotments comprising lots for 167 single dwellings, 14 townhouse/terrace style houses in two distinct 'Precincts' and one super lot for apartments (up to 80 approved in Concept Plan);
- Boundary re-adjustment to correspond with road alignment;
- Display Village – land use approval for 3 dwellings, development approval for a temporary sales office and parking for 14 cars;
- Earthworks over 2 stages, 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 development is proposed over six (6) stages (refer to *Figure 8 – Proposed Subdivision Layout and Staging Plan*).

3.2.1 Residential Allotments

The residential allotments are generally rectilinear and range in size from 246m² to 987m². See **Figure 8** for the proposed subdivision layout. The general layout allows for detached single dwellings for the majority of lots, with some smaller 'townhouse' allotments within Stage 1 (**Table 1**). The variation in lot size and form is provided to ensure housing diversity and choice.

Housing type	Lot Area	Number of Dwellings	Percentage
Townhouse / Terrace Allotments	246m ² to 502m ²	14	8%
Detached housing allotments	450m ² to 499m ²	70	39%
	500m ² to 599m ²	59	33%
	600m ² to 699m ²	19	10%
	700m ² to 799m ²	8	4%
	800m ² +	11	6%
TOTAL		181	100%

Table 1. Allotment Summary

Many of the allotments will have an outlook over a vegetated riparian corridor (creek) and a slight majority have north-south orientation.

Easements are proposed over some allotments in order to provide vehicle and pedestrian access to adjoining lots from the road reserve and there is a separate access laneway behind one set of the narrow townhouse allotments ('Townhouse Precinct 2') that provides rear vehicle access (in lieu of a garage at the front of the property).

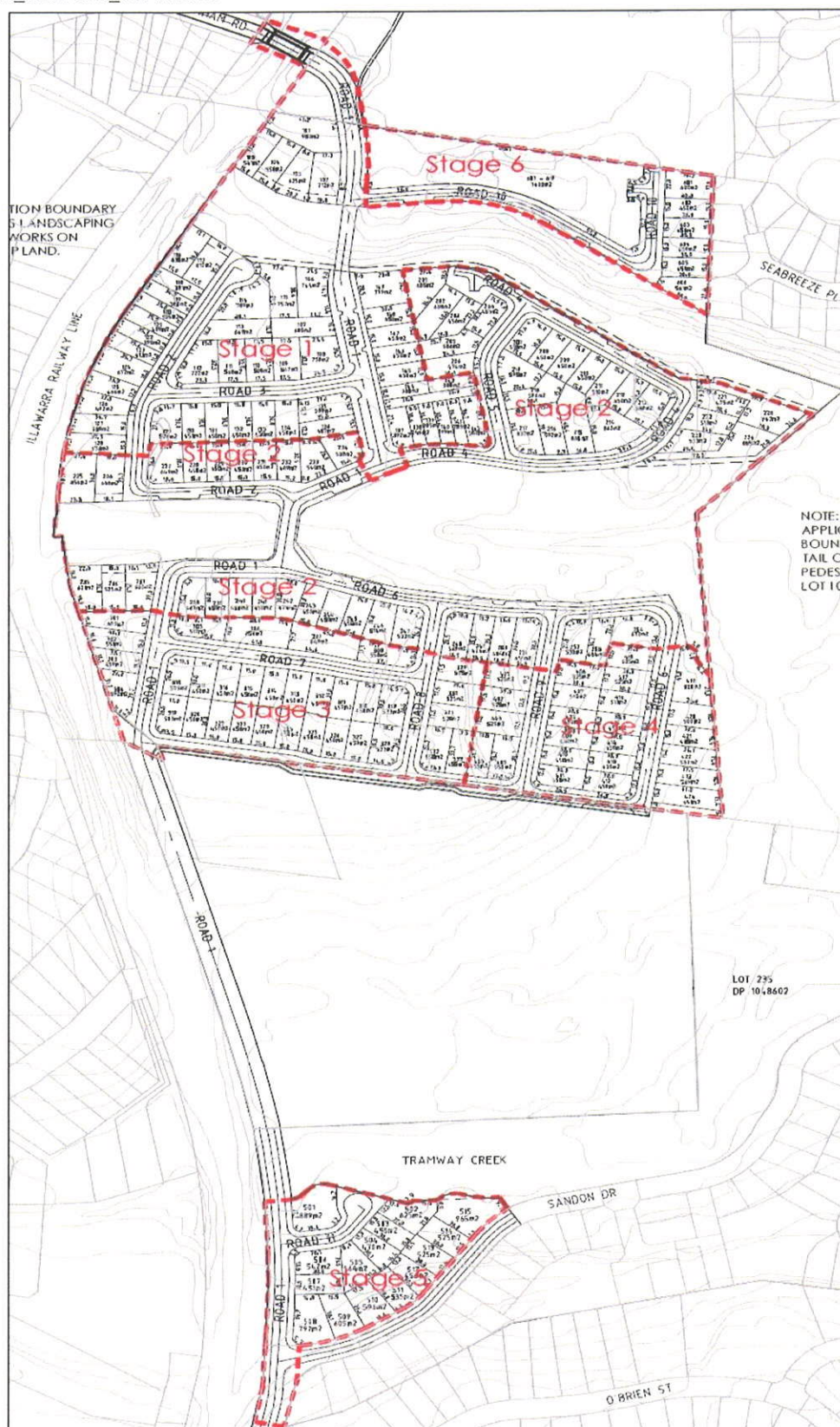


Figure 7. Extract of Proposed Subdivision Layout and Staging Plan

3.2.2 Super lot for Apartments

This Project Application includes subdivision of a super lot for apartments in Stage 6. The proposed apartment building/s will be subject to future approval. The Concept Plan Approval (MP06_0094) granted approval for the super lot parcel to accommodate future apartment buildings with up to 80 units with an FSR of 1.35:1 (and 3 storeys) or 1.8:1 (4 storeys) if demonstrating design excellence.

3.2.3 Riparian Corridors

The re-creation of riparian corridors over Hewitt's and Woodlands Creeks, including the restoration and replanting of vegetation, is proposed which is consistent with the Concept Plan Approval. The protection or restoration of the vegetated riparian areas is important to maintain or improve the geomorphic form and ecological functions of watercourses through a range of hydrologic conditions in normal seasons and also in extreme events. The riparian corridors include a managed buffer zone outside the core riparian zone that provides for defendable space of 6 metres width for use in the event of a bushfire, an eco-trail of 1 metre width for recreational purposes and wetland and swales for water sensitive urban design.

3.2.4 Infrastructure

Vehicular access to the subject site is proposed via a rebuilt Wrexham Road bridge and extension of the road to the site, with existing access from Point Street and Sandon Drive to be used to access the southern Stage 5 area. A new North-South road link is proposed to link the two subdivisions and the future ARV aged care development. The North-South link road will provide a combined footpath and cycleway and a 2.4m wide pedestrian and cycle path will be provided from the Wrexham Road extension to Thirroul Railway Station.

Reconstruction of the Wrexham Road Railway Bridge will provide access to the site and construction of bridges over Hewitts and Woodlands creeks is proposed as part of the road construction. A pedestrian bridge, 1.5 metres wide, will be built over Woodlands creek towards the western end of the subdivision linking with the pedestrian network provided within adjoining roads.

Reticulated water and sewerage is available to the site and Sydney Water have advised the designs meet their requirements. Electricity is available to the site through connection to the existing network, though further approvals are needed prior to works being undertaken.

Bioswales and pocket wetlands are proposed within the riparian corridors to mitigate the effects from the impact of urban run-off and stormwater on the recreated creeks and surrounding land.

3.2.5 Staging and Infrastructure Provision

It is proposed that the subdivision works be undertaken in 6 stages.

Stage 1

- Stage A bulk earthworks involves redistributing soil from Stages 1, 2, 3 and 6 in order to manage the soil volume on site. Stage 1 bulk earthworks will re-contour the site to form suitable levels for development and riparian restoration and create drainage catchments for the creek corridors.
- The Hewitts Creek riparian corridor will be established to provide open space that will then also serve Stages 2 and 6. Defendable spaces will also be created along Hewitts Creek.
- The construction of the bridge over Hewitts Creek and the completion of the Wrexham Road Bridge over the railway line to connect the subdivision with Lawrence Hargrave Drive. This will provide vehicular access from the north of the site for this first stage and subsequent stages. Demolition and construction works associated with the Wrexham Road bridge will occur during 'track possessions' when RailCorp closes the line for regular maintenance.

Stage 2

- Stage B of the bulk earthworks, the construction of the Woodlands Creek Bridge and creation of allotments along each side of the Woodlands Creek corridor will occur.
- The Woodlands Creek riparian corridor will be constructed and will establish open space for Stages 3 and 4. Defendable space will also be created along Woodlands Creek.

Stage 3

- Creating lots up to the southern boundary with the Cookson Plibrico site.
- The construction of a road shared between Stockland's land and the Cookson Plibrico land that forms the western part of Wilkes Walk.

Stage 4

- Creating the remainder of the lots up to the southern boundary with the Cookson Plibrico site and the construction of the remainder (eastern section) of Wilkes Walk.

Stage 5

- Stockland will construct the road section between Sandon Drive and Tramway Creek, and create the lots in Stage 5, and the timing of this stage will be independent of the remainder of the site.

Stage 6

- Creating the super lot for apartments and lots for the adjacent detached dwellings.

The Open Space corridors will be dedicated to Council on a progressive basis, but maintained by Stockland until established, in accordance with the principles outlined in the Planning Agreement Position Paper dated June 2006 that was submitted as part of the Concept Plan application MP06_0094.

Figure 8 outlines the staging plan for the subdivision and the table below (**Table 2**) indicates the number of lots for each stage.

STAGE NUMBER	NUMBER OF LOTS
1	49
2	54
3	33
4	24
5	15
6	6 (incl. 1 Super lot for up to 80 units)
TOTAL	181

Table 2. Number of Lots per Stage

3.3 RESPONSE TO SUBMISSIONS

The Proponent has addressed issues raised in submissions made during the exhibition periods within the Consolidated Response to Agency and Public Submissions (**Appendix D**) report submitted to the Department on 3 November 2008 and the letter titled "Sandon Point Project Application Consolidated Response to Agency Submissions" (**Appendix E**) submitted to the Department on 21 May 2009. More detail regarding the issues raised in submissions can be found in **Section 7** of this report.

4. STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

On 2 April 2006, the Minister formed the opinion that the development of the entire Sandon Point site was a Major Project under Part 3A of the EP&A Act as the proposal had a Capital Investment Value (CIV) of more than \$50 million and which, in the opinion of the Minister, achieved State or regional planning objectives. On 21 December 2006, the Minister approved a Concept Plan (MP06_0094) for the future development at Sandon Point.

The Concept Plan approval for the site provided that future approvals to carry out development with a capital investment value of \$5 million or more are to be subject to Part 3A of the EP&A Act. The CIV of this proposal is over \$22 million, therefore the proposal is subject to assessment under Part 3A of the EP&A Act and the approval of the Minister for Planning is required to carry out the project.

4.2 PERMISSIBILITY

Under the Wollongong LEP 1990 the site is primarily zoned 2(b) - Medium Density Residential with a small area zoned 2(a) - Low Density Residential in the southern part of Stage 5. The proposal is permissible with consent in these zones and the proposal is consistent with the objectives of these zones.

A small pocket in the north eastern edge of Stage 2 is zoned 6(a) - Public Recreation where residential development is not permissible. In addition, this pocket is outside the approved development footprint outlined in the Concept Plan Approval. The Department has recommended a condition of approval that requires an amended subdivision plan to be submitted whereby the proposed lots are wholly within the Concept Plan approved development footprint. This would remove any issue of permissibility on the north eastern edge.

A sliver on the edge of two lots in the northern part of Stage 1 is also zoned 6(a) - Public Recreation. This portion is within the approved development footprint and corresponds to a proposed access easement across these lots and part of the road. The 6(a) zone allows driveways and pathways (as exempt development) and the Infrastructure SEPP allows roads to be developed by or on behalf of a public authority.

In addition, the site is 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 Development SEPP. The State Significant Site listing would remove any future issues of permissibility on the Sandon Point site and is currently being finalised.

4.3 DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

The DGRs issued on 1 May 2007 and re-issued on 2 August 2007 (refer to **Appendix A**) required the following issues to be addressed:

- | | |
|---|--|
| • Subdivision Layout, Desired Future Character and Sustainability | • Groundwater |
| • Road Design, Public Domain and Landscaping | • Geotechnical |
| • Traffic Management and Access | • Infrastructure Provision |
| • Proposed Conservation Areas, Riparian Zones, Connections | • Noise Impacts |
| • Bushfire | • Ecologically Sustainable Development (ESD) |
| • Flora and Fauna | • Public Services and Infrastructure |
| • Flooding | • Dedication of Land |
| • Stormwater | • Staging |
| • Potential Contamination On Site and Acid Sulphate Soil | • Heritage |
| | • Social and Community |
| | • Consultation |

The Department is satisfied that the DGRs have been adequately addressed by the Proponent's Environmental Assessment (**Appendix B**), its accompanying reports from professional consultants, the Proponent's *"Consolidated*

Response to Agency and Public Submissions" (**Appendix D**) and the Proponent's letter titled "Sandon Point Project Application Consolidated Response to Agency Submissions" (dated 21 May 2009) and their revised Statement of Commitments (**Appendix E**).

4.4 CONSISTENCY WITH APPROVED CONCEPT PLAN

The Project Application is consistent with the Concept Plan approval (as proposed to be modified by MOD 1). Modifications to the Concept Plan have been requested under clause 75W of the EP&A Act and these are considered in **Section 6**.

Number of Dwellings

The Concept Plan Approval allowed for the development of 180 dwelling lots, up to 25 townhouses on 2 multi-unit super lots, and a superlot parcel to accommodate future apartment buildings for up to 80 units on the Stockland owned part of the site, a total of 285 dwellings. It further approved the preliminary road layout and associated works that included the recreation of the riparian corridors over Hewitt's and Woodlands Creeks. The Project Plan Environmental Assessment (EA) outlines the proposed residential yield to be 181 dwelling allotments, including 167 detached housing allotments and 2 areas of allotments to accommodate 14 townhouse/terrace-style houses plus one super lot to house up to 80 future apartments, a total of 261 dwellings. This is 24 less dwellings than originally approved, due in part to the reduced development footprint outlined in the Concept Plan approval.

Investigation Area Flooding Analysis

The Concept Plan Approval required that the development footprint be reduced and provided for an 'Investigation area' (**Figure 8**) along Woodland's Creek where development could occur if matters outlined in Schedule 2 of the Determination (in regards to creek design) were addressed appropriately. The Concept Plan Approval further required that certain matters concerning creek design, flood sensitivity analysis, flood evacuation policy and consistency with Wollongong's flood policy be addressed.

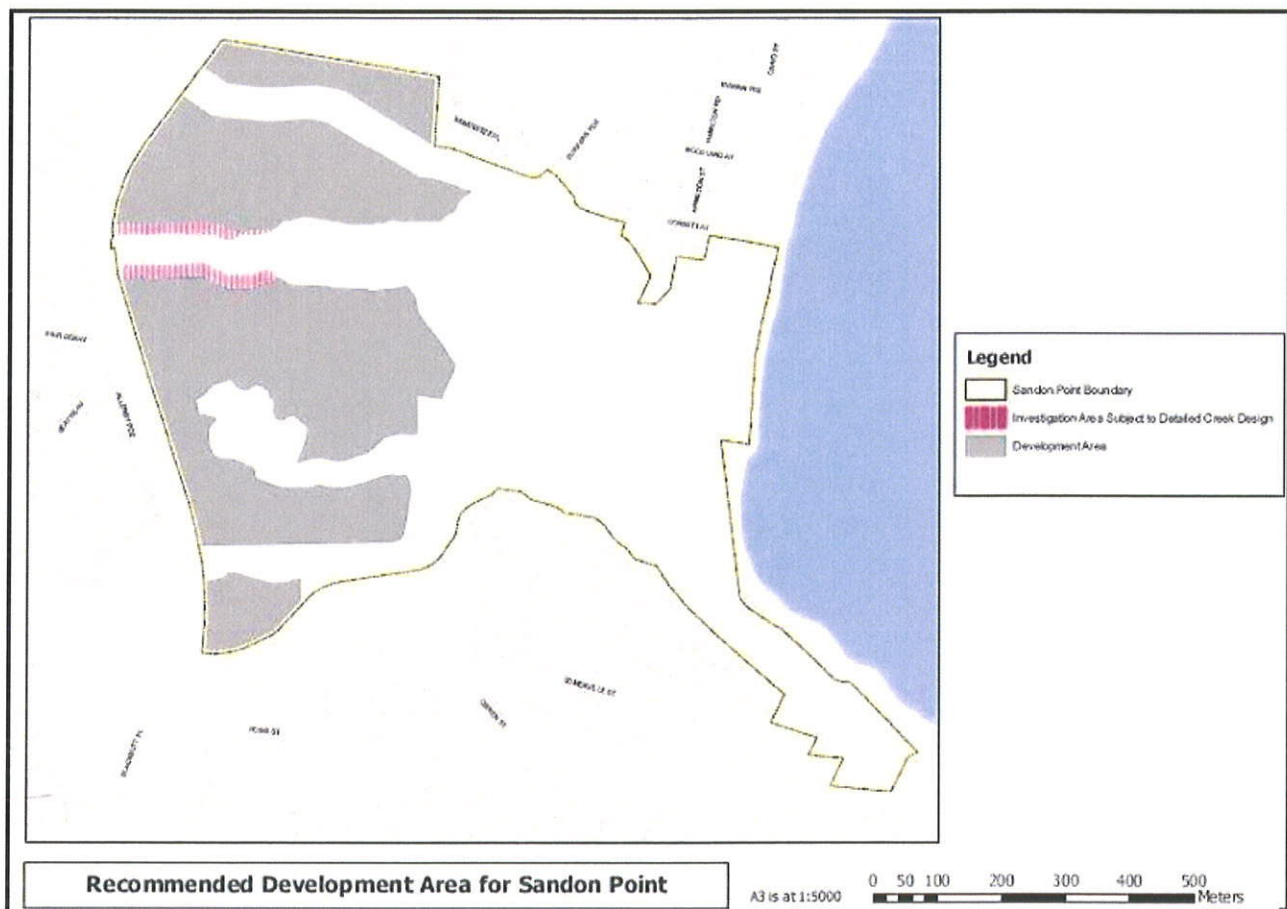


Figure 8. *Recommended Development Footprint in Concept Plan Approval (MP06_0094)*

To address these issues the proponent submitted 'The Supplementary Flood Study' (Cardno Forbes Rigby July 2007) which states that there are no lots, roads or bridges affected by the 1% ARI flood event and the drawing titled 'Post-

Development Flood Extents for Hewitts and Woodlands Creeks' (drawing SK07 Rev P2, Cardno Forbes Rigby 2008) shows that all but three of the proposed lots are above the Probable Maximum Flood (PMF) level.

The Department engaged an independent consultant to review the flood studies and the Proponent has prepared a letter titled "Sandon Point Project Application Consolidated Response to Agency Submissions" (dated 21 May 2009) (**Appendix E**) including a report ("Sandon Point Flood Study Addendum No.1" Cardno Forbes Rigby 18 May 2009) outlining an amended creek design to ensure the issues raised have been adequately addressed. Further discussion on these issues can be found in **Section 5**.

Subdivision Layout

The subdivision layout and road pattern have been revised since the Concept Plan Approval in order to respond to the reduced Development Footprint. The subdivision layout in the Proponent's EA report included some areas that were outside the development footprint approved by the Concept Plan. The Department is satisfied that this can be addressed with the recommended modifications of approval as outlined in **Section 5**.

The Department is satisfied that the proposal is consistent with the Concept Plan, as modified, subject to the recommended modifications of approval outlined in **Section 5**.

4.5 OTHER STATUTORY CONSIDERATIONS

Appendix F contains further consideration of the following Statutory Context:

- Exhibition and Notification requirements;
- Objects of the Environmental Planning and Assessment Act;
- Ecologically Sustainable Development;
- Statement of Compliance; and
- Environmental Planning Instruments which apply to the proposal.