APPENDIX C - PUBLIC AND AGENCY SUBMISSIONS

Sandon Point Submissions (Exhibition June-July 2008)

Part A – Public submissions

No.	Date	Nature	Comment	Issue Summary
1	3 July 2008	Objection	 Errors in submitted application documentation; Significant ecological and Aboriginal heritage values are directly threatened by the ocean view precinct There is little change in the proposal when compared with the original invalid approval, established by J Walker v Minister for Planning; Final land-use zonings and boundaries of the developable areas have not been established across the Sandon Point site; The importance of Turpentine Forest Area as an endangered ecological community and as a place of spiritual, cultural and social significance to Aboriginal people has planning legislation and policy implications at local, state and national levels; The Turpentine Forest Area is a declared Aboriginal Place and protected under Section 84 of National Parks and Wildlife Act 1974. The forest is also the core element of the identified endangered ecological community, listed under the Threatened Species Conservation Act. The forest should be off limits for development and designated as a State Significant Aboriginal Heritage and Flora and Fauna Conservation Zone; Statement by JBA stating that the site does not contain any matters of National Environmental Significance is incorrect as the land contains the EEC Swamp on Coastal floodplains & also is habitat for several listed species. The proposal would any detrimental impacts to existing flora and fauna; Cutting of new pathways through the forest, as suggested by CAB Consulting should not be allowed; The zoning for the Turpentine Forest does not afford the forest adequate protection; Ocean View Precinct will have major impacts on aboriginal heritage values and cultural importance. Removing the Ocean View precinct can reduce need for roads, pathways and bridges around the forest; The ARV Project will have difficulty meeting the requirements of SEPP 2004 with respect to Clause 38 for wheelchairs. The ARV Development is inconsistent with the Wollongong LEP	 Application documentation Aboriginal heritage Land use zoning Impact on Turpentine forest area Ecological community Cultural/social significance Aboriginal place Flora & fauna conservation Ocean view precinct Illawarra REP No1 Wollongong LEP 1990 Community consultation Development footprint
2	8 July 2008	Objection	 Drainage impacts on ocean and locality Traffic flow problems and will be worse Flooding impacts on development and locality, safety of residents 	DrainageTrafficFlood
3	11 July 2008	Objection	 Object to proposal, given Sandon Point should not be subject to increased development Support appeal by Jill Walker. 	- Appeal
4	30 June 2008	Objection	 There is no adequate infrastructure in the area to support further dwellings Traffic congestion is constant Intersection will be dangerous due to banked up traffic Impacts on environment such as global warming and pollution Sacred Aboriginal area 	 Infrastructure Traffic Global warming Pollution Aboriginal Significance
5	7 July 2008	Objection	 Object development due to ecological fragility and Aboriginal significance of the area Resources of site are beneficial to Aboriginal and non-Aboriginal people, and people of the future Site is an environmental corridor Site is unsuitable for development. 	Aboriginal SignificanceEcological areaSite unsuitable

No.	Date	Nature	Comment	Issue Summary
6	4 July 2008	Objection	 The area should be designated as a regional park administered by NSW National Parks Disagree with concept of buildings on the site 	Provision of Regional Park
7	4 July 2008	Objection	 Recommend that the site or portion recommended for Zone 7(a) be turned into a Regional Park Ecological values of the Forest are too great to sacrifice for development which does not consider ESD principles. Scale of development proposed by ARV is too great for such an ecologically sensitive site Concern regarding boundaries of the forest, as it will be completely surrounded by buildings and roads. Will affect the integrity and health of the forest as it will prevent the natural corridor effect of continuous vegetation. Documentation regarding vegetation management submitted with the application is vague. Concern regarding public access to forest. VMP does not address the specific history of the site. 	 Provision of Regional Park Forest Ecological sensitive site Vegetation management History of site
8	7 July 2008	Objection	 The site has been identified through studies and the Commission of enquiry that it is a Traditional Site significant to Aboriginal people and is historical and must be protected. The site symbolises the struggles for Aboriginal people to sustain a connection back to the Dreaming. It is recommended that the site be declared an Aboriginal Area to guarantee its protection; Keeping Place area must be adhered to; 	 Aboriginal Significance Declared Aboriginal site Keeping Place
9	5 July 2008	Objection	 The area is home to significant Aboriginal heritage. The proposal will destroy the important Aboriginal site and burial grounds. The proposal that Aboriginal artefacts will be stored in Keeping Place is meaningless. The entire site should be declared an Aboriginal Place of State and National significance. The impacts of climate change and building on a flood plain should be addressed. The current proposal does not address climate change. Thomas Gibson park should remain a public asset The area should be developed into a regional park 	 Aboriginal Significance Aboriginal site Climate change Public park Regional park
10	16 June 2008	Objection	 Disagree with findings of report on climate change and sea level rise. Documentary information advises that sea level will rise to over 6 metres due to world glacial meltdown. The information in the report is based on outdated 	 Climate change Sea level rise Tsunami impacts
11	16 July 2008	Objection	 The development is occurring on significant Aboriginal land The site is of important local biodiversity, including the Turpentine Forest, the Tramway Creeks and wetlands. These natural areas will be destroyed by this development; Important factors such as flooding, climate change have not been considered The area needs to preserve the open green areas. 	 Aboriginal Significance Biodiversity Flooding Climate change Provision of Public park
12	16 July 2008	Objection	The site floods at an extremely quick level, and the flooding would have to be absorbed to the detriment of the surrounding community	 Biodiversity Flooding Aboriginal Significance Preservation of the Forest

No.	Date	Nature	Comment	Issue Summary
13	2 July 2008	Objection	The riparian corridors for the creeks are not sufficiently wide to ensure ecological health Development will impact on the health of the flora and fauna of the creek The estheak to the Turnentine Ferent should be increased, not reduced:	Riparian corridors Ecological health Flore and found The second found The secon
			 The setback to the Turpentine Forest should be increased, not reduced; There should be more thorough studies for Aboriginal significance in the area; 	Flora and fauna Aboriginal Significance
			 No action appears to be happening regarding the Keeping Place; 	* Keeping Place
			 Effect of development on the visual impact of the site is very much underplayed. 	Visual impact on site
			Inadequate information has been provided regarding infrastructure for water and sewerage.	Infrastructure
	ļ		Object to the reclassification of public land at Thomas Gibson Park.	Loss of Public park
			■ The proposal documents do not adequately address the issues raised by Government Department's, such as issues raised from DECC, the RTA and Heritage Council,	Documentation inadequateClimate change
			Technical assumptions in the Climate Change report are simple and incorrect.	- Omnate change
]		The study does not quantify the amount of discharge for the 20 year ARI. Report promotes an undersized channel	
	The state of the s		which is unsatisfactory from a hydraulic perspective	
			Woodlands Creek would require a high level of scour protection to ensure channel stability – this is not reflected on the detail plans for the Woodlands Creek rehabilitation	
			Study does not include results that quantify the flow velocities for Woodlands Creek in any flood event	
			Study des not indicate any flood modelling of the railway line embankment for any of the watercourses	
			 Study does not include modelling of Tramway Creek. Proposed tailout works are not consistent with the Hewitts Creek Floodplain Risk Management Plan (FRMP). 	
14	7 July 2008	Objection	■ The Duty of Crown is to return land to the original owners when the land is no longer required.	Crown land
'	7 July 2000	Objection	■ Land should be returned to the crown to restore balance to Australian life with the intention of greater public good	Indigenous needs
]			The return of lands should take into account the wide range of land needs of Australia's surviving first people.	Keeping Place
			 The NSW Government should return the indigenous lands to the indigenous people of the area. Right to revitalise culture and reconciliation with indigenous people 	Illawarra Regional StrategyAboriginal Significance
			Keeping Place details to be forwarded to indigenous cultural partners	- Abongmai Significance
			 Illawarra Regional Strategy needs to be reviewed to include provisions for the cultural specific land needs of 	
			Indigenous people in the Illawarra, due to there being a high population of indigenous people;	7777
			Sandon Point provides a key area for Indigenous people and it should not be developed until proper provisions are	
			made for the future of indigenous significance in the area.	- Decisional posts
15	7 July 2008	Objection		Regional parkHeritage conservation area
				Public consultation
			Land should be utilised as a regional park.	Over development
			■ The proposal is almost twice the size of the development recommended by Commission of Inquiry	Aboriginal Significance
				 Keeping Place
				■ Density
	***************************************			CreekFlora and fauna
				Floor plain
			·	Climate change
	***************************************			■ Traffic
			· · · · · · · · · · · · · · · · · · ·	Park land
			·	Railway bridge
	7777		 Traffic congestion will increase in the area and will cause major impacts on local roads. Traffic studies provided are deficient in information 	Asset protection zone
	A Contraction		Object to loss of parkland for use in development. Thomas Gibson Park will be impacted by the access road	
			Stockland have demolished the heritage railway bridge at Wrexham Rd entrance, which once provided access to	
	1		the park and beach. There are no benefits from this, but rather negative public impacts;	
			The asset protection zone around the forest is too small.	İ

No.	Date	Nature	Comment	Issue Summary
16	7 July 2008	Objection	 Original proposal was declared null and void by Land & Environment Court, yet the same proposal with a new climate change report is being exhibited, that includes no flood study Economic and social costing for public funds for maintenance of infrastructure ARV intends to avoid any S94 funds Wollongong Council stated in its submission that the submitted Flood study is incomplete, regarding the channel sizes, flood modelling, flooding impacts not reflected in modelling, Huys AASC Sandon Point Aboriginal Heritage Study not exhibited; Concept Plan documentation must undergo a test of adequacy; Commission of Inquiry recommended rezoning all the Turpentine Forest surrounds for environmental protection to include a Regional Park; Rezoning of Thomas Gibson Park was approved by the now sacked Wollongong Councillors. The decision to demolish the heritage Wrexham Rd Bridge was approved by Wollongong General Manager, who was named at the ICAC investigations Any bridges over sensitive floodplains, would require EPBC approval under relevant Commonwealth legislation The Federal Aboriginal Heritage Acts and the Native Title Act 93 must be considered as part of proposal Flood risk issues were not addressed as part of the original approval Tramway Creek is being deliberately destroyed Stockland agreed to extend the size of the water ponds, but still have not. In 2003 Stockland were given subdivision certificates by Wollongong Council to comply this. The site is of high significance for Aboriginal heritage and culture, especially Women. The Aboriginal people are the original owners prior to it was stolen by the Crown; It is apparent there is a failure of transparency and due process and human and environmental rights are not protected in NSW. The proposal should be referred to ICAC. 	 Climate change Economic/social costing Lack of S94 contribution Inadequacy of Flood study Flooding issues Lack of Aboriginal heritage study Preservation of the Forest Impact of Thomas Gibson Park Native Title Flooding issues Aboriginal heritage
16a		Objection	 Proposal needs to take full account of other relevant state and federal legislation, status of lands in L & E Court, alternative studies, community issues and other factors 	LegislationLegal changesCommission of inquiry
17	9 July 2008	Objection	 The modelling in the Cardno Forbes Rigby Climate Change report is flawed. The site will be affected by weather events which result in rainfall intensity and raise in sea level The old jetty was destroyed by a severe storm. A second stronger jetty was built, which was also destroyed by a 	 Weather events Jettty Erosion Provision of Regional Park
18	9 July 2008	Support	 The proposed Concept Plan looks excellent. There is lots of green space which retains original vegetation and amenities for aged citizens in need of safe accommodation. There is a need for a facility like this in the area with many aged people requiring such a facility; 	 Green areas Safe accommodation Facility for aged Ageing population

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19	21 July 2008	Objection	 Extensive Aboriginal cultural heritage exists on the site, including burial grounds. The works to date on the site have resulted in the destruction of irreplaceable ancient human heritage The entire site should be declared an Aboriginal Place of State and National Significance The proposal will threatened local biodiversity including flora and fauna There are a number of endangered ecological communities which exist on the site and have not yet been mapped as requested by DECC. The four creeks merge at Sandon Point to create a floodplain, absorbing the water into ground water systems Stormwater management system built by Stockland on the southern part of the site were found to have severe shortcomings. The current proposal is for a much larger residential development, with even greater changes of failure in proper stormwater management. The new revised proposal does not adequately address the impacts of climate change nor ESD principles as defined under the Protection of the Environment Administration Act 91. The proposal does not address the precautionary principles; inter-generational equity; conservation of biological diversity and ecological integrity; and improved valuation, pricing and incentive mechanisms. Public open space should be retained for playing fields and open space for sport/recreation The proposal does not include allowance for public facilities such as schools, community centres, public transport, sports fields and so forth. 	 Aboriginal heritage/significance Flora & fauna Ecological communities Flood plain Stormwater management Climate change ES D principles Public space Public facilities
20	8 July 2008	Objection	 Previous application failed to consider ESD principles and climate change impacts Current proposal lacks credibility in relation to these issues Endangered Ecological Communities and Threatened birds will be impacted by the proposal. Natural areas will be affected by these developments Land between Hewitts & Woodlands Creek is well known floodplain. Climate Change will increase flooding Sale of Thomas Gibson Park goes against community need for more open space, not less Traffic through back streets will only increase the influx of new residents Aboriginal Heritage which has not been properly acknowledged, exists throughout the site Land best managed as a major coastal park. Natural constraints on this site would then be respected. 	 Climate change ESD Principles Proposal lacks credibility Flood plain Thomas Gibson Park Traffic Aboriginal heritage Coast park
21	6 June 08	In principle support	 Pedestrian path be maintained and open to the public. Used for 20 yrs as an access point to the Beach Existing worker and manufacture plant be maintained in appropriate industrial area Aged care facility provide much needed employment Aged care facility will have minor impact on surrounding residents Existing land is an eyesore. Recognition of Aboriginal heritage is acknowledged 	 Pedestrian path Industrial area Aged care facility Aboriginal heritage Commission of inquiry
22	7 July 08	Objection	 Strongly suggest the Minister for Planning adopt the recommendations of the Commission of Inquiry into Sandon Point. The proposed level of development is absurd The approach in regard to climate change should be very rigorous. The site area can go from dry to flooded in half an hour. Wollongong rate payers may have to pay for the acquisition of flood affected properties on this site 	Climate change Flooding
23	7 July 08	Objection	 Extensive Aboriginal cultural heritage exists on the site, including burial grounds, middens, toolmaking sites. The entire site must be declared an Aboriginal Place of State and National Significance Proposal will threaten local biodiversity, including threatened species, migratory species and endangered ecological communities This proposal does not adequately address the impacts of climate change nor ESD principles Oppose use of public land for private development Traffic issues in relation to Wrexham Rd remain unresolved. Predicted increase in traffic will cause major problems of safety and reduced traffic flow Urge Department to reject proposal and to protect whole area as a Regional Park under the management of DECC 	 Aboriginal cultural heritage Biodiversity Climate change ESD Principles Public land Traffic issues Regional park
24	7 July 08	Objection	 Extensive Aboriginal cultural heritage exists on the site, including burial grounds, middens, toolmaking sites and food gathering. The site must be declared an Aboriginal place of State/National significance Proposal will threaten local biodiversity, including threatened species, migratory species and endangered ecological communities This proposal does not adequately address the impacts of climate change nor ESD principles Oppose use of public land for private development Predicted traffic increase through local roads will cause major problems of safety 	 Aboriginal heritage Biodiversity Climate change ESD Principles Public land Traffic

No.	Date	Nature	Comment	Issue Summary
25	7 July 08	Objection	Object to allowing developers to re-submit proposals.	Aboriginal people
	/ 001, 00			Coastal park
26	7 July 08 26 May 08	Objection	 Proposals means continued disrespect and contempt for Aboriginal people Loss of much needed coastal park The Aboriginal Keeping Place is a sneaky and patronising negotiation by Stocklands without establishing the required Management committee. Request that Ms Susan McIntyre-Tamwoy be removed from the Sandon Point matter, under Section 10 of the Racial Discrimination Act 1976 Request the Federal Aboriginal Affairs & Environment Minister return Sandon Point to the Illawarra Aboriginal community and the wider community for a coastal regional park Proposed snake path would adversely impact the heritage values of Sandon Point headland requiring S90 consents to destroy Aboriginal place of State Significance Since 2002 there have been many court challenges at Sandon Point by two Aboriginal applicants Sandon Point headland is a gazetted Aboriginal Place and a surfing icon. It is a natural landmark and therefore any built structure would be inappropriate and unwelcome. Must be no construction in Tramway Creek wetland where Stockland previously excavated a stormwater outlet without development consent. Commission of Inquiry findings have been ignored, whilst amendments to Part 3A legislation occurred allowing for deletion of provisions for protection that applied to Sandon Point Aboriginal significant places have been ignored by Stocklands, and they have failed to conduct any studies of Aboriginal cultural heritage Proposal should not be attempted without prior establishment of a court ordered management committee Illawarra Local Aboriginal Land Council (ILALC) warned Sydney Water in 1998, to not sell the land. Stockland paid \$2.1 Million for the beachfront land including the burial ground and midden, gaining about \$8 Million dollars from public land 	 Aboriginal keeping place Return Sandon Point to people Heritage values Court challenges Aboriginal place of significance Stormwater Commission of Inquiry Management committee Cost of land Federal Government intervention
			 Royal Commission is required. The Federal Government should seek means to acquire this Aboriginal Meeting Place for a coastal regional park. 	
			■ The land should be managed under Federal Provisions or DECC Schedule 14 with an inclusive Aboriginal	
			Management Committee to provide and restore this traditional meeting place.	

Problem with new Climate Change analysis is that it is predicated on flood studies originally under taken by Forbes Rigby. Numerous errors made in Forbes Rigby study, including omission of watercourses No demonstration of Forbes Rigby being impartial in flood study – Minister must demand a complete and independent study of the site. Commission of Inquiry made sound and sensible recommendations relating to the riparian corridor on Woodlands Creek. Commission of Inquiry made sound and sensible recommendations relating to the riparian corridors necessary on Woodlands Creek No hard engineering solution were recommended by Government Departments for Woodlands Creek Cardno Forbes Rigby Report contradicts itself, with its previous findings for Wollongong Council and as part of the Concept Plan proposal – this aspect of the study requires independent analysis The current concept plan fails to address the threats to the community in either its flood or climate change sections The law currently states that any development which does not maintain the existing flood status quo cannot be approved. Minister must consider this The current concept plan fails to address numerous outstanding issues. Specifically relate to use of Wrexham Rd access to the site when traffic studies are out off date. As originally planned in the 1990's, the owner needs to construct a new road overpass of the rail line to connect with Hobart Street Bulli. Should be not access to Lawrence Hargrave Drive via Wrexham Rd or construction of a one way traffic route to Station Street Thirroul. A major problem with Volume 5 is that they recommend no amendments to the floodplain maps for Hewitt's Creeks. Flood risk outlined in the Hewitt's Creek Flood study for the AIR site have been underestimated. Conclusion of this is that, the flood hydrology of Illawarra streams who that the region experiences discharges comparable to the largest recorded rainfall-runoff floods in the world. The Minister is duty bound to provide some written justification a	ry
The Hewitt's/Woodland's/Tramway Creek flood studies need to be re-done by a new and independent consultant The precautionary principle needs to be invoked in this instance and that something more transparent be considered for the Hewitt's/Woodland//Tramway Creek floodplain. How can there be any independence in the assessment-reassessment undertaken by Forbes Rigby Cardno. The issue of the Illawarra rail line acting as a dam for floodwaters in this very fact acting fluvial-process catchment is fraught with complex considerations Question the independence in the flood study process According to the independence in the flood study process Couestion the independence in the flood study process Known Aboriginal cultural heritage exists on site, entire site should be declared as Aboriginal Place of State and National Significance Natural area and biodiversity likely to negatively impacted and disturbed by development and increase in human activity. The freshwater wetland at the confluence of Hewitts and Woodlands Creeks will be totally destroyed. The area between Woodlands and Hewitts Creek is known as a floodplain and this part of the site is severly flood prone The previous submission rejected by Land and Environment Court for failure to consider ESD principles. The current proposal does not adequately address all the impacts of the development in relation to climate change. Object to the reclassification of public land at Thomas Gibson Park and oppose the sale of public land. Need more playing fields for sport and recreation. Traffic increase in traffic via local roads.	ral heritage
Area should be declared a national treasure and therefore a public park. Its time to act in the public interest.	