



OFFICE OF THE COMMISSIONERS OF INQUIRY FOR ENVIRONMENT AND PLANNING

September 2003

The Hon Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Dear Minister,

Landuse Planning for Certain Land at Sandon Point, Wollongong City

Under Section 119(1)(b) of the *Environmental Planning and Assessment Act 1979* the former Minister for Planning directed a Commission of Inquiry be held to make recommendations on the preferred land uses, planning outcomes and management options for certain land at Sandon Point, having regard to its values and constraints in the broader context of the surrounding urban and non urban environment. Kevin Cleland, Deputy Chairperson and Dr Mark Carleton, Commissioner were appointed to constitute the Commission of Inquiry.

The Sandon Point land has multiple values and constraints in the broader context of the surrounding urban and non urban environment as canvassed by the Commission under *Values and Constraints of the CoI Area and Preferred Land Uses, Planning Outcomes and Future Management (Options)* in this report. The Commission has undertaken a thorough consideration of the relevant planning policies together with cultural, ecological, social and developmental factors. The Commission's terms of reference clearly direct it to consider a wide range of issues. Submissions referred extensively to the importance of the cultural, social, natural and built aspects of the environment, together with the broad range of opportunities the Sandon Point lands provide.

The Commission's recommendations on the preferred land uses, planning outcomes and management options for the CoI area at Sandon Point are based on an overall consideration of the issues. While the values and constraints relating to one issue may be particularly relevant for part of the subject land, in the majority of cases, the various values and constraints overlap. This overlap reinforces the values and constraints relevant to the land and consequently the Commission's recommendations for its future uses, planning and management. In weighing and balancing the issues the Commission has adopted an holistic approach based on sustainable environmental planning principles and policies.

The Commission supports additional Aboriginal heritage investigation before any further residential or other approved development occurs on the western section of the CoI area. This must be done with the meaningful involvement of the Aboriginal community which has already commenced. It should continue to be co-ordinated by Department of Infrastructure, Planning and Natural Resources. However, given the previous agricultural, extractive and industrial activities on much of the western section of the CoI area it is unlikely that significant Aboriginal archaeological material would be found on these disturbed portions. However, artefact finds cannot be ruled out before the further studies. Nevertheless, the Commission is satisfied that based on the extensive Aboriginal heritage evidence presented, strategic planning issues can be progressed while the additional investigation is being conducted without compromising important Aboriginal heritage values.

The subject land's values and constraints in the broader context of the surrounding urban and non urban environment have been assessed by the Commission. It finds that the following major land uses, planning outcomes and management options are appropriate:

- Aboriginal heritage values of the CoI area require further assessment and identified Aboriginal sites in the eastern section of the CoI area require protection;
- The eastern section of the land should be zoned for environmental protection, privately owned portions brought into public ownership over time, and management plans prepared and implemented;
- The creek corridors should be protected to ensure important riparian and ecological values are enhanced, flood conveyance safely provided, privately owned portions brought into public ownership over time, and management plans prepared and implemented;
- Important vegetation communities such as the Sydney Coastal Estuary Swamp Forest Complex and the Turpentine forest must be adequately protected;
- The Aboriginal heritage value of the western section of the CoI area is unlikely to preclude residential development as much of the area has previously been disturbed;
- The western section of the CoI area is suitable for more limited residential development than proposed by either Wollongong City Council or Stockland;
- The area of land between Hewitts and Woodlands Creeks is suitable for residential development with the western portion suitable for 3-storey apartment buildings;
- Residential development on the central ridge area of land between Woodlands and Cooksons Creeks should be limited to 2 storeys and set back from the lower lands due to important coastal planning considerations resulting from its significant visual amenity, Aboriginal heritage and ecological values;
- The Cookson Plibrico industrial development should remain at this time as the operations overall are not inherently noisy, there is significant potential for mitigation of noise emissions, and the ecological values and constraints of the site restrict its development potential;
- Development of the area of land south of Tramway Creek (Lot 235) should not occur until noise issues are resolved between Stockland and Cookson Plibrico;
- Development to the north of Hewitts Creek should be limited to the land between the access road from Wrexham Road and the Illawarra railway line and restricted to a maximum of 3 storeys; and
- Traffic access to any future residential development could be from Wrexham Road and Beattie/Sturdee Avenues subject to further study.

The Land Use Plan (Figure A) indicates zones appropriate for the future land uses, planning outcomes and management options recommended by the Commission for the CoI area.

The exact location of land use boundaries must have regard to the Commission's recommendations including the design of riparian corridors, final delineation of conservation areas, and visual amenity set backs in this report as well as the further Aboriginal heritage investigations to be undertaken. Should any dispute arise relating to the location of land use boundaries, the Commission recommends that they be determined by the Director-General of the Department of Infrastructure, Planning and Natural Resources in consultation with Wollongong City Council.

The Commission also recommends that Council commence planning to ensure continuation of an environmental corridor along Woodlands Creek to the west of the Illawarra railway line consistent with the *Riparian Corridor Management Study* and the Illawarra Escarpment Commission Report. Management plans would need to be prepared for 6(a) Public Recreation and 7(a) Special Environmental Protection zones to ensure their ongoing protection and function. Provided these matters are implemented the Commission supports residential development in the areas shown zoned 2(b) on the Land Use Plan.

These and other issues are appropriately progressed by amending Council's Local Environmental Plan 1990, finalising the draft DCP, and preparing a site Master Plan before any approval is granted to develop the CoI area. In this regard substantial new information has become available and important coastal planning initiatives put in place since the future use of the land was previously assessed resulting in its rezoning in 1997.

Figure A: Land Use Plan



The Commission finds the CoI area has significant inherent cultural, ecological and social values as indicated by the extensive evidence before the Commission. These values are too important to be compromised by the level of development proposed for residential purposes in Council's draft DCP or Stockland's draft Master Plan, notwithstanding the limited availability of land and the importance of providing for additional residential development in the northern Illawarra. The Commission also recognises that its recommendations may limit the opportunities for short term restoration of the CoI area.

The findings and recommendations in this report provide a strategic basis to implement sustainable coastal planning principles, protect significant Aboriginal heritage values, conserve and enhance ecological processes, ensure scarce employment opportunities are maintained, and enable an appropriate level of residential development.

KEVIN CLELAND
Deputy Chairperson

DR MARK CARLETON
Commissioner