

A Tragedy of Errors

a report of information stated in Parliament by Ian Cohen, MLC

SELECTED COUNCIL COCK-UPS

"Before the Sandon Point development plan had even gone on public exhibition, Wollongong Council general manager, Rod Oxley, stated with supreme confidence in The Illawarra Mercury, that the **entire development was a 'fait accompli' (done deal)**.

Following its exhibition, numerous studies- eg Flora & Fauna, European heritage, Aboriginal heritage have been **ordered by council, but not implemented by the administration**. When questioned over the lack of action, staff reply with words to the effect of 'My manager told me not to do it.'

In early 2001, National Parks and Wildlife (NPWS) wrote a detailed letter to Council containing vital information regarding the preservation of flora, fauna & Aboriginal heritage at Sandon Point. This letter was intended to be seen by councillors before they voted on Stage 1. **Council officers withheld this important letter, which prevented its contents from influencing the vote.**"*

THE LAND & DEVELOPERS COURT

Wollongong Council would have you believe that residents' complaints were the cause for the Land & Environment Court case ('a waste of rate-payers' money'). In fact, the case went to court because Stockland did not provide requested information to the Dept. of Land & Water Conservation (DLWC), which prevented Wollongong Council giving the go-ahead. **"During the court case, Wollongong Council did not cross-examine Stockland's witnesses, and gave no chance for presentation of evidence relating to environment, flood danger, infrastructure, Aboriginal heritage, social and traffic impacts. The vast majority of the community's huge volume of concerns about the site was never tested in court"***-a case where WCC spent \$30,000.

"Regarding European heritage, two community members were called to give evidence, but *much of their evidence was censored by Council's legal team.*"* They were then used by Council as scapegoats for a fully anticipated failure of the case, it seems. **It is extremely difficult to win a court case without mounting an adequate defence in our opinion.**

"One of Council's requirements before Court was for Stockland to build its own railway bridge & access road to link up with Hobart St at the highway. This requirement was *waived in a settlement room while the case was running.*

Council emerged to allow an existing road to be used for residential access, with great savings for Stockland.

Unfortunately, this was just one of 19 out of 21 Council requirements dealt with in this manner during the case - all 'resolved' to Stockland's advantage."*

WATERY DEALINGS

"Stockland states that its decision to purchase the land for Stages 1-6 hung on a verbal agreement in 1999 from DLWC which **allowed Stockland to develop as close as 5m to Tramway Creek.**"* (Surveyor's pegs showed Stockland's original plan was to fill and develop *into the creek!*) "Stockland requested an on-site meeting when the designated DLWC officer was on leave, and obtained permission from a relieving officer for a reduction of the creek buffer zone from the usual requirement of 40 m to just 5m. DLWC, Stockland's own consultant, and the Escarpment Commission of Inquiry (resulting from the disastrous storm flooding of August 1998), **all recommend a 40m setback./ buffer zone on both sides of the creek as standard practice.** *Why has Stockland been given special treatment?**"

When DLWC later attempted to amend the '5m promise' to a (still inadequate) 20m, Stockland threatened to sue. "Stockland declared that 40m (or even 20m) creek setbacks would have 'rendered the development financially unviable'."* Purchase records prove this statement to be highly debatable.

When the time came, "DLWC chose not to defend in the Land & Environment court its standard practice, on this and other issues related to flooding and water quality. This was because it had recently lost a similar case and was embarrassed by the 5m promise made to the developer."* If only the less well-resourced community could obtain such watertight promises!

"Stockland refers to itself as a 'responsible corporate citizen', 'producing a high-quality development'. **When the next large flood occurs, a Stockland representative admitted that it would be the responsibility of the emergency services to somehow rescue the residents of 200 flood-affected houses. Several of these resident-access roads would be impassable during a severe flood.** Flood insurance would not be available to these residents. Wollongong Council would have to sort out the ensuing mess. WCC would also be leaving itself open to be sued due to its inappropriate zoning of the land and for allowing such a development to occur."*



The Players... (continued) primarily by a lobby group of property developers who are most generous with their political donations. *Stockland is an active member of this lobby group*, and is no slouch when it comes to smoothing the financial ride of both major political parties. The recent buyback announcement of a site earmarked for development at Balmain in Sydney proves that *the State government does have the power to intervene* at Sandon Point.

THE FACILITATION PROCESS

In December last year, the South Coast Labour Council instigated a round-table dispute resolution forum. It is supported by the Deputy Premier and is chaired by **Rick Farley**, an experienced negotiator. Representatives from Stockland, the community, SPATE, Wollongong Council, & SCLC agreed to participate in an attempt to 'find a way forward' in the stalemate situation. The fate of this forum is unclear at

present, due to Stockland's attempt to start construction work at the site in mid-February.

THE LOCAL STATE (LABOR) MEMBER

was previously mayor of the local council that oversaw the controversial rezoning of the entire Sandon Point site for residential use. His recent denouncement in State Parliament, of the development and zoning policies of the current local council, indicates he is beginning to feel some political heat in his previously safe seat. (A 9% swing was recorded against him in the 1999 state election.)

THE LOCAL FEDERAL (LABOR) MEMBER

A historically safe political seat has allowed **Dr Stephen Martin** to be locally ineffectual and 'fiddle while Rome burns'. The most recent federal election saw him suffer the nation's largest swing of votes against a sitting member.

(He had to resort to preferences for the first time ever.) Prior to the federal election he had been heard to mumble unfamiliar words sounding something like 'constituency' and 'representation', although having (just) survived the election, it seems his attention has once again been diverted elsewhere.

'BACK TO BULLI' SECESSION MOVEMENT

This is a separate, but closely related issue. Wollongong Council's lack of effective response to residents' concerns of unsuitable developments in their area has resulted in the drive to create a new local council, based on the area covered by the old Bulli Shire. Along with other issues, the council's arguably underhanded and shoddy handling of the Sandon Point proposal has been a major contributor to residents' burgeoning support for secession.