

# JUSTICE HAS NOT YET BEEN DONE AT SANDON POINT

The scientific research business, like business in any field, relies on customer satisfaction. **“Independent scientific and cultural studies are needed to remove the concern that loyalty to a commissioning client may influence their findings.** Two of many examples of inconsistent findings at Sandon Point are:

- During a council-funded study in 1992, an Aboriginal artefact was found on Stage 1 land. In the 2001 Stockland-funded study, the location of the artefact had *shifted 25 metres*. Needless to say, its location now lay *outside the development boundary*.
- In 1992, a council-funded study revealed that 25-30% of Stage 1 was a *landslip zone*. The piecemeal Stockland-funded study in 2001 failed to address this finding and *cleared the same land for development*. “\*“

**The Land & Environment Court makes its decisions purely on the evidence provided to it.** The only evidence that determined this verdict came from Stockland. Wollongong Council chose not to present any of its or the community’s abundant evidence, including the above examples.

## THE GRAB FOR LAND

**“In 2001, as an apparent civic gesture, Wollongong Council bought back from Stockland beachfront land for almost \$1 million. Was this a million-dollar donation to the developer?** This particular portion of land cannot be developed and will always remain unchanged, no matter who owns it. Stockland had bought the entire allotment from Sydney Water for \$2.1 m, knowing that only 20% was zoned for development.”\* (Council has bought back from Stockland less than one-third of the original block.)

“Is this what Stockland means by its pride in ‘the transfer of privately-owned land back into public ownership’?”\* (Wollongong Advertiser, 13/2/02). A deal to be proud of indeed!

“The legitimacy of the purchase of this same allotment of land from Sydney Water is a serious cause for concern. It is de facto Crown Land (originally bought with public money in 1950) and has been openly sought by the community to be returned to public open space since the 1980s. **Sydney Water breached its own charter by falsely stating it had consulted Wollongong Council, the local Land Council, the community, and National Parks over the sale.** It was required to consult following the discovery of the ceremonial grave of the 6000 year-old Kuradji man, found during the sale process. Sydney Water sold the land containing at least one documented burial site to Stockland, with its full knowledge of the fact.”\* **Stockland is also manoeuvring to seize a portion of Gibson Park for access to its suburb. The community is adamant that public land should remain in public hands.**

## Did You Know?

Stockland’s 2001 half-yearly profit was a record \$121 million. This was a 32% increase on their previous half-year profit. The Sandon Point development would be worth around \$100 million to Stockland, of which Stages 1-6 account for half its potential value.

## DERAILING OF EUROPEAN HERITAGE

History, it seems, is an impediment to money-making. “In 1992, **BHP and Wollongong Council colluded to eliminate the heritage listing of the historic Old Bulli mine to Sandon Point tramway.** *It was the first built and is the last remaining coal tramway of its kind.* This delisting was discovered by the public, which was only partially successful in forcing the council to reinstate the listing.”\*

“In 1996, BHP was preparing to sell up at Sandon Point.”\* It appears that their ‘problem’ of the historic tramway had to be dealt with. “On the draft Local Environment Plan (LEP), the route was shown as intact. After public exhibition of this plan, **council officers altered the document without further public consultation. They cut the route at the highway, eliminating the heritage listing on the land for sale.**”\* Unfortunately, they were not found out in time. “This action, most likely illegal, resulted in a *direct financial gain for BHP, to the detriment of the public’s right to their history.*”\*

For the latest updates, check out:

[www.sandon-point.org.au](http://www.sandon-point.org.au)

## BUT WAIT, THERE’S MORE

**We feel it is a desperately unfortunate situation when laws we believe exist to protect the environment, cultural and public interests can be so successfully flouted by a developer with determination and resources.**



“A State-protected wetland ecosystem on the site, namely the Sydney Coastal Estuarine Swamp Forest Complex (SCESFC) was **illegally slashed** in September last year. Cooksons, a factory at Sandon Point took the blame for it. Cooksons is soon to close and Stockland has earmarked its site for purchase. *However, it turns out that the slashed land is actually owned by Stockland.* On another slashed SCESFC area, **the pattern of slashing exactly matches the development layout in that area.**”\*

**On February 12th this year Stockland attempted to start work.** It had succeeded in obtaining from National Parks & Wildlife the consent to destroy Aboriginal relics found during construction (a ‘Section 90’). This consent requires a majority of the five major Aboriginal organizations involved to sign in agreement to such action. 4 out of 5 of these groups did not give their approval. This situation was the subject of an unprecedented court action under Administrative law, the outcome of which was that the consent was upheld.

The following (known) outright breaches of laws have occurred since September 2001 with no action being taken against their perpetrators:

- The illegal slashing of an endangered forest ecosystem on the site
- The illegal destruction of Aboriginal artefacts
- At least 20 known occurrences of illegal excavations, without Aboriginal site officers
- The NPWS Act has not been adhered to as required by L & E Court
- Illegal earthworks have been occurring on the locked AIR site
- Drilling had started on so-called ‘Stage 7’, for which a DA has not even been submitted.

Space restricts the recording of dozens more dubious decisions, offences and breaches committed so far surrounding this contentious development proposal.