



**Planning &  
Infrastructure**

***Residential Subdivision  
Sandon Point***

***Proposed by: Stockland Pty Ltd  
Modification MP 07\_0032 MOD 3***

Modification of Minister's Approval under Section  
75W of the *Environmental Planning and  
Assessment Act 1979*

May 2011

© Crown Copyright 2011  
May 2011  
NSW Department of Planning & Infrastructure  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

## 1. EXECUTIVE SUMMARY

Stockland Pty Ltd ('the Proponent') lodged an application to modify the Part 3A Project Approval MP 07\_0032 ('Project Approval') pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* ('the Act').

The application seeks approval to modify Condition C19 - *Road Upgrade Works* imposed on the Project Approval. The original condition requires road widening to Lawrence Hargrave Drive to provide 4 lanes, as well as road works to Wrexham Road, a signalised intersection at Lawrence Hargrave Drive and Wrexham Road and street lighting.

The Proponent seeks inclusion of a new part to Condition C19, to allow for an alternative design to Lawrence Hargrave Drive, as agreed to by the RTA. The Proponent also seeks modification of the condition to allow for construction vehicles to access the site via Wrexham Road, prior to the completion of the required road upgrade works.

The proposed modification is considered to be acceptable. The subject condition (as modified) will ensure acceptable vehicle access to the site from Lawrence Hargrave Drive via Wrexham Road in the long term. The modification will also facilitate interim access for construction vehicles, while minimising disturbance to the surrounding road network.

The modification was placed on the Department's website and Wollongong City Council and the RTA were notified of the proposal in writing and invited to comment. The RTA and Council confirmed that they have no objections to the proposed modification, subject to the amended condition. No public submissions were received.

## 2. THE SITE

The site is located within the Wollongong LGA and is approximately 14 kilometres north of the Wollongong CBD. Sandon Point is bound by Thomas Gibson Park and private landholdings to the north; McCauley's Beach to the east; the Point Estate (a subdivision development by Stockland) to the south; and the Illawarra railway line to the west. Sandon Point is south of the Thirroul village centre and Thirroul railway station. The site locality and site boundary are illustrated in **Figures 1 and 2**.



Figure 1: Location maps

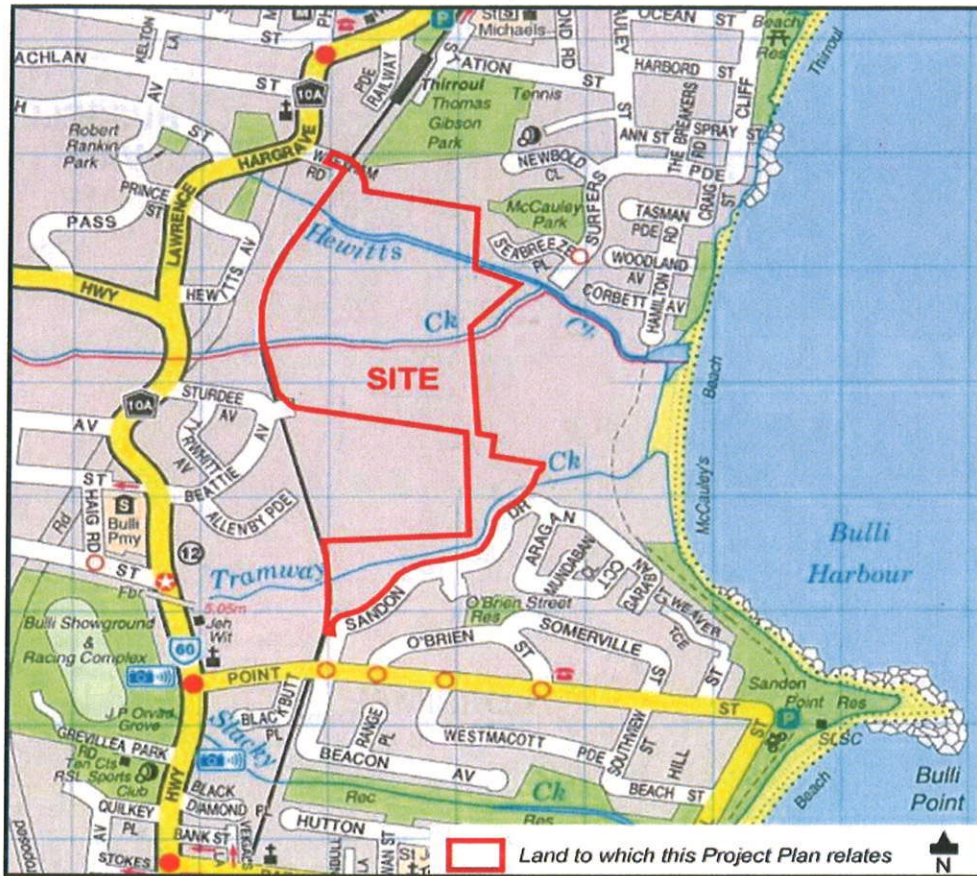


Figure 2: The site

The site boundary and the length of the Lawrence Hargrave Drive to which this modification relates are illustrated in Figure 3 below:



Figure 3: Area subject of Modification (site boundary shown in red)

### 3. MAJOR PROJECT APPROVAL

---

#### Original Major Project Approval MP 07\_0032

On 29 November 2009, the then Minister for Planning approved a Project Application comprising:

- Staged 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; and
- Landscaping, creek design and riparian corridor creation.

On 9 August 2010 and 19 April 2010, two modification applications MP07\_0032 MOD1 and MP07\_0032 MOD2, were approved, which modified conditions relating to Aboriginal and European Heritage and the timing of approved works to Wrexham Road railway bridge, respectively.

### 4. PROPOSED MODIFICATION

---

This application seeks approval to modify Condition C19 - *Road Upgrade Works* to allow for an alternative design solution for the upgrade of Lawrence Hargrave Drive, as agreed to by the RTA

The Proponent also seeks modification of the condition to allow for construction vehicle access to the site via Wrexham Road, prior to the completion of the required road upgrade works.

The proposed modified condition as provided by the proponent reads as follows:

#### **C19 Road Upgrade Works**

*Prior to any traffic accessing the proposal via Wrexham Road: (including construction traffic):*

- Lawrence Hargrave Drive (MR185) shall be upgraded to four lanes between High Street and Lachlan Street (two through lanes in either direction) in accordance with the RTA Road Design Guide. This shall include:*
  - *widening of the existing kerb and gutter where necessary to ensure compliance with the RTA Road Design Guide, with particular reference to lane widths on curves; and*
  - *upgrading the pavement in the kerb side lanes to accommodate through traffic loads*
- Wrexham Road shall be upgraded to allow three lanes (two westbound, one eastbound). The pavement on Wrexham Road shall be suitably upgraded to accommodate the traffic signal infrastructure.*
- Traffic signals shall be provided at the junction of Lawrence Hargrave Drive (MR 185) and Wrexham Road. The traffic signals shall be constructed as a three-phased arrangement.*
- Lighting shall be provided at the junction of Lawrence Hargrave Drive (MR185) and Wrexham Road in accordance with Australian Standard AS/NZS1158.*
- Or as otherwise approved by the Roads and Traffic Authority**

A detailed assessment of the proposed modification is provided in Section 7 of this report.

## 5. STATUTORY CONTEXT

---

### 5.1 Modification of the Minister's Approval

The modification application has been lodged with the Director General pursuant to section 75W of the Act. Section 75W provides for the modification of a Minister's approval including "revoking or varying a condition of the approval or imposing an additional condition of the approval".

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to modify conditions imposed on the Project Application approval and therefore, approval to modify the application is required.

### 5.2 Environmental Assessment Requirements (DGRs)

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original DGR's.

## 6. CONSULTATION AND EXHIBITION

---

Under Section 75W of the Act, a request to modify an approval does not require public exhibition. However, under Section 75X (2) (f) of the Act, the Director General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the application to modify the approval was made publicly available on the Department's website. No submissions were received from the public. In addition, Wollongong City Council and the RTA were notified of the proposal in writing. The RTA and Council's comments are considered below:

### RTA

The RTA raised no objection to the proposed modification subject to traffic control measures relating to the construction vehicle access, occurring simultaneously to the traffic control measures required for the road upgrade works to Lawrence Hargrave Drive and Wrexham Road.

The RTA also advise that they will not be undertaking a Part 5 assessment for the proposed works and stated that Council is the consent authority responsible for the works. It is however noted that the works have already been approved under Part 3A of the Act, which is not subject to Part 4 or 5 of the Act. Notwithstanding, it is considered that the proposed works will have a minimal environmental impact, as the majority of the proposed works will occur within the existing road reserve, which is highly disturbed by existing urban infrastructure. Furthermore, the proposed works will improve the operation and safety of the Lawrence Hargrave Drive/Wrexham Road intersection.

### Wollongong City Council

Council raised no objections to the proposed modification subject to:

- All vehicular access to the site via Wrexham Road, using the existing lane configuration must be under traffic control for the hours agreed to by the RTA;
- The final Traffic Management Plan for the interim arrangement must be to the satisfaction of the RTA and Council;
- The proposed lane arrangement along Lawrence Hargrave Drive is supported by Council, subject to the works being undertaken immediately; and
- The traffic signals to the Lawrence Hargrave Drive and Wrexham Road intersection being made operational immediately after the completion of lane arrangement works.

Issues regarding construction access and timing are considered in Section 7 of this report.

## 7. CONSIDERATION OF PROPOSED MODIFICATIONS

---

### Upgrade works to intersection of Lawrence Hargrave Drive and Wrexham Road

The original condition requires Lawrence Hargrave Drive to be upgraded to 4 lanes from High Street to Lachlan Street, as well as upgrade works to Wrexham Road, a signalised intersection at Lawrence Hargrave Drive and Wrexham Road and street lighting.

The intent of the modified condition is to provide flexibility for the proponent and the RTA to resolve an alternative design for the road upgrade works along Lawrence Hargrave Drive. The proponent has also undertaken survey work which revealed the original four lane design would impact upon existing utility services and access to neighbouring properties.

The Proponent has held discussions with the RTA and submitted plans in relation to an alternative design for the upgrade works to Lawrence Hargrave Drive, to facilitate safe vehicle access to the site via Wrexham Road. The Proponent's alternative traffic arrangement (presented to the RTA) consists of the construction of:

- Two north northbound lanes to Lawrence Hargrave Drive (one being a dedicated through lane, the other being a combined through lane with right hand filter into Wrexham Road);
- One south bound through lane;
- One south bound left turn slip lane into Wrexham Road;
- Traffic signals to the intersection of Lawrence Hargrave Drive and Wrexham Road; and
- Street lighting to Lawrence Hargrave Drive and Wrexham Road.

In effect, the alternative design will result in 3 lanes with an extra tapered lane, instead of upgrading Lawrence Hargrave Drive to 4 lanes from High Street to Lachlan Street as currently required by the condition. The alternative design would however be subject to final approval from the RTA, in accordance with the modified condition.

The Department considers that the modified condition is acceptable on the basis that the RTA raise no objection to the alternative upgrade works or the modified condition. The modified condition will provide flexibility for the proponent and the RTA to resolve an alternative design for the road upgrade works. Furthermore, the modified condition will still satisfy the intent of the original condition, providing additional capacity and safe access to Sandon Point. The alternative design (presented to the RTA) will also create fewer impacts on existing utility services and access to neighbouring properties. For these reasons the proposed modification is considered to be acceptable.

Notwithstanding the above, it is recommended that the original condition be further modified to require Lawrence Hargrave Road to be upgraded to a minimum of 3 lanes rather than 4, consistent with the plans submitted to the RTA.

### Construction vehicle access to Wrexham Road

Condition C19 prohibits construction vehicle access to the site via Wrexham Road until such time that the required upgrade works are completed. The Proponent seeks to modify condition C19 to allow construction traffic to access the site via Wrexham Road prior to the completion of the required upgrade works.

Construction vehicles currently access the site via an existing lane south of Wrexham Road, adjacent to Hewitts Creek. However, once works associated with Hewitts Creek commence, access to the site via this lane will not be possible. The Proponent seeks to avoid construction delays to the northern part of the site by obtaining access via Wrexham Road. The Proponent proposes to employ traffic controllers to control south bound traffic as northbound construction vehicles turn right into Wrexham Road.

The RTA has advised that they have no objection to the proposed traffic controlled access for construction vehicles, subject to it occurring at the same time as the traffic control measures required for the Lawrence Hargrave Drive and Wrexham Road upgrade works. The RTA is seeking to limit disruption to traffic by requiring the commencement of the signalised intersection works to commence while traffic control measures are already being employed at the intersection. On 25 November 2010, the Proponent advised in an email to the RTA that they concur with the construction works relating to Lawrence Hargrave Drive/Wrexham Road, commencing simultaneously with the engagement of traffic controllers to facilitate construction access to the site via Wrexham Road.

The Proponent proposes to mitigate impacts on traffic flow by limiting the number of delivery vehicles and restricting the hours of delivery. It is recommended that the condition be modified to allow for the use of Wrexham Road for construction traffic, subject to agreement by the RTA in relation to traffic control methods, the number of truck journeys and hours of deliveries.

The recommended modified condition will read as follows;

### **C19 Road Upgrade Works**

*Prior to any traffic accessing the proposal via Wrexham Road: (including construction traffic):*

- a) *Lawrence Hargrave Drive (MR185) shall be upgraded to **four a minimum of 3 lanes** between High Street and Lachlan Street (~~two through lanes in either direction~~) in accordance with the RTA Road Design Guide. This shall include;*
  - *widening of the existing kerb and gutter where necessary to ensure compliance with the RTA Road Design Guide, with particular reference to lane widths on curves; and*
  - *upgrading the pavement in the kerb side lanes to accommodate through traffic loads*
- b) *Wrexham Road shall be upgraded to allow three lanes (two westbound, one eastbound). The pavement on Wrexham Road shall be suitably upgraded to accommodate the traffic signal infrastructure.*
- c) *Traffic signals shall be provided at the junction of Lawrence Hargrave Drive (MR 185) and Wrexham Road. The traffic signals shall be constructed as a three-phased arrangement.*
- d) *Lighting shall be provided at the junction of Lawrence Hargrave Drive (MR185) and Wrexham Road in accordance with Australian Standard AS/NZS1158.*
- e) **No construction traffic is to access the site via Wrexham Road until such time as the above works to Lawrence Hargrave Drive have commenced.**
- f) **All construction traffic entering and exiting Wrexham Road, using the existing lane configuration, must be under traffic control methods agreed to by the RTA in consultation with Council, prior to operation. This includes the maximum number of deliveries per day and the permitted hours of delivery.**

**These conditions can be varied if approved by the Roads and Traffic Authority, in consultation with the Department of Planning & Infrastructure.**

## **8. CONCLUSION**

---

The Department has assessed the application on its merits and the proposed modification is considered to be reasonable and will not result in any significant changes to the development as approved.

The proposed modification does not change the original assessment as to the site's suitability for this development. The proposal seeks to modify the approved vehicle access arrangement via Wrexham Road and allow for controlled access by construction vehicles prior to the upgrade works. The RTA has raised no objections to the proposed modification subject to requirements relating to the timing of required upgrade works to mitigate negative impacts on existing traffic. The recommended condition has incorporated wording to address this requirement.

The proposed development remains consistent with the terms of MP 07\_0032 and is considered to be acceptable. It is therefore recommended that the application be approved subject to the modified conditions.

## 9. RECOMMENDATION

---

Under the instrument of delegation dated 25 January 2010, the Minister has delegated his functions under section 75W of the Act relating to modifying Part 3A approvals to the Director General.

It is recommended that the Deputy Director-General, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 25 January 2010, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979*:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, subject to conditions, under Section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **Sign** the attached Instrument of Modification for MP 07\_0032 MOD 3 (Tag 'A').

**Prepared by;**



Anthony Witherdin  
**Team Leader**  
**Metropolitan & Regional Projects South**

**Endorsed by:**



Michael Woodland  
**Director**  
**Metropolitan & Regional Projects South**



Richard Pearson  
**Deputy Director-General**  
**Development Assessment & Systems**  
**Performance**