26 July, 2010

SANDON POINT APPROVAL UPHELD

The NSW Government has welcomed the judgement handed down in the Land and Environment Court today, once again vindicating the planning processes undertaken for the Sandon Point site near Bulli.

Minister for Planning, Tony Kelly, said this latest judgement was the second time that the Government’s decisions on Sandon Point had been upheld by the courts.

“There is no doubt the Sandon Point site has had its share of controversy and has certainly represented a challenge in terms of delivering appropriate planning outcomes,” the Minister said.

“This latest court decision once again confirms the decisions made by the Government to date have not only been the right ones, but have also followed proper and rigorous processes.

“I hope this now puts an end to the legal wrangling and the site’s approved planning framework can now be implemented.”

Concept plan approval for the Sandon Point site was granted by the then Planning Minister in 2006, with subsequent project approval granted in November 2009 after the proposal had been referred to the independent Planning Assessment Commission (PAC).

The PAC found the Department of Planning’s assessment had been thorough and the recommendation to approve the project was reasonable.

The Court of Appeal upheld the concept plan approval in 2008.

These latest court proceedings challenged the validity of the 2009 project approval on procedural grounds, particularly in relation to Aboriginal cultural heritage and flooding impacts.

The Department of Planning’s assessment of the project had included thorough consideration of these issues and the merits of the approval were not challenged.

In dismissing the challenge the judge found “none of the grounds of challenge should be upheld”.

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Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council