



11214
7 June 2013

NSW Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Mark Brown (Senior Planner, Metropolitan and Regional Projects South)

Dear Mark,

**RESPONSE TO OEH COMMENTS ON PREFERRED PROJECT (MP10_0230)
461 CAPTAIN COOK DRIVE, WOOLLOOWARE**

We refer to the letter sent by the NSW Office of Environment and Heritage to yourself dated 6 June 2013 regarding the Preferred Project Report for the Stage 1 – Retail/Club Precinct Project Application for Woollooware Bay Town Centre.

1.0 ASSESSMENT METHODOLOGY

The following response has been provided by Eco Logical Australia with respect to OEH's comment regarding the absence of baseline surveys for threatened/migratory birds:

Baseline surveys for threatened/migratory birds have been conducted. ELA undertook a targeted survey of birds, frogs and micro-chiropteran bats during November 2011 to February 2012. This timeframe is considered optimal for migratory bird species. The results of the study were provided in a report to Bluestone dated 17 February 2012. A further letter was provided in response to agency comments on this report (dated 17 May 2012, attached). These letters were submitted to the NSW Department of Planning and Infrastructure (and OEH) during the assessment of the (now approved) Concept Plan.

This issue raised by OEH has therefore already been addressed.

2.0 FORESHORE BUFFER USES

The OEH states that "only some of the recreational uses originally proposed within the buffer area have been removed or modified. OEH remains concerned that the remaining and modified recreation uses will increase human activity and subsequent disturbance of the adjoining estuarine areas". This statement is disingenuous in that it fails to acknowledge the fact that the area adjoining the estuarine area is currently occupied by a bitumen carpark and a beer garden, and sits approximately 2m higher than the adjacent mangroves due to previous filling of the site during its previous use as a Sutherland Shire Council tip. There is currently a high degree of human disturbance within the foreshore setback. **Figures 1 to 4** illustrate the highly disturbed nature of this area in its current state. The notion that the foreshore works proposed Project Application could possibly increase human activity and disturbance is therefore false.



Figure 1 – Storage and parking area and electrical easement immediately adjoining mangroves



Figure 2 – Leagues Club beer garden and outdoor entertainment area



Figure 3 – Leagues Club car park adjoining mangroves



Figure 4 – Filling and level difference at car park edge adjoining mangroves

This Project Application, consistent with the approved Concept Plan, seeks to rehabilitate the foreshore area whilst extending the Woollooware Bay shared path and providing an appropriate interface with the new centre. The extension of the shared path is consistent with recent developments by Sutherland Shire Council, such as the Taren Point Shorebird Reserve (**Figure 5**) and other foreshore pedestrian and cycle access provided along Woollooware Bay. Council's current development contributions plan provides for the acquisition of land within the Woollooware Bay Town Centre site to extend this path along the foreshore. Between the Taren Point Bridge and Woollooware Bay Town Centre, a total foreshore distance of approximately 3.7km, approximately 2.25km includes pedestrian pathways located within the immediate vicinity of the foreshore whilst the remainder of foreshore sites are developed to MHW. The OEH appears to suggest that Woollooware Bay Town Centre should be the only site between the Taren Point Bridge and Cronulla High School where pedestrians and cyclists are prevented from being within 40m of Woollooware Bay.

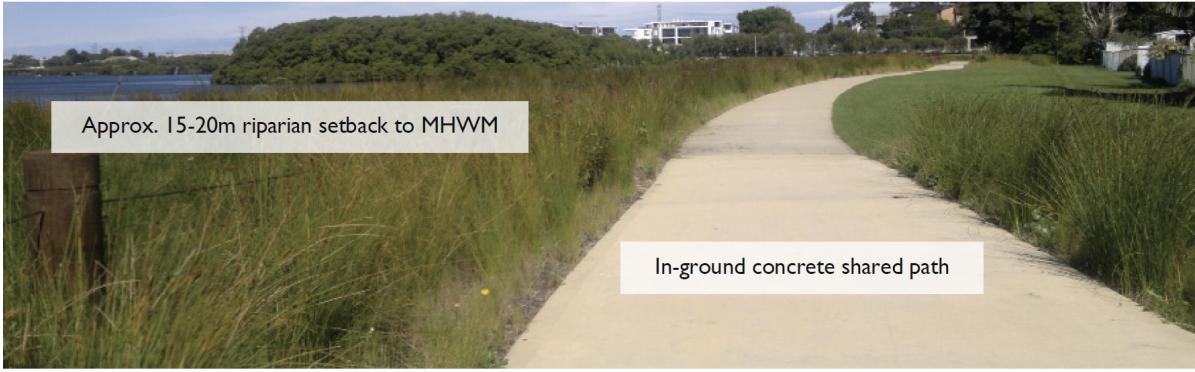


Figure 5 – Taren Point Shorebird Reserve improvements by Sutherland Shire Council

The only remaining ‘recreational use’ within the 40m foreshore setback under the Preferred Project is the shared path and associated structures providing access from this path into the new development (refer **Figure 6** and **7** below). The Preferred Project ensures that all of these paths are raised above ground level to allow the establishment of native groundcover species. If it is the intent of the OEH’s comment that these pedestrian access structures be removed, then this comment is clearly inconsistent with the Concept Plan approval.



Figure 6 – Exhibited Landscape Plan



Figure 7 – Preferred Project Landscape Plan

3.0 VEGETATION DENSITY

OEH's states that: *"vegetation density is only proposed to be increased in the area adjoining the loading dock façade and at the end of a shortened Woollooware Road North"*. As can be seen in **Figure 6** and **Figure 7** above, the Landscape Plans for which approval is sought under the Preferred Project clearly increase the vegetation density within the area north of the retail deck including the provision of additional trees and shrubs. Denser landscape plantings have also been provided in place of the removed 'terraced steps' adjacent to the eastern end of the retail deck. It is evident from even a cursory glance at the above figures that vegetation density has been increased.

It is noted that the density of vegetation has been increased at the request of the OEH despite expert advice received from Eco Logical Australia that the proposed lighting and noise mitigation measures are sufficient for the protection of the adjoining estuarine area.

In light of the above it is unclear as to whether OEH have reviewed the amended Landscape Drawings which accompany Preferred Project.

4.0 IMPLEMENTATION OF RECOMMENDATIONS

The OEH submission states that *"it is not clear from the PPR if the following OEH recommendations will be incorporated into any approval conditions or relevant management plans for the project"* before listing recommendations relating to microbats, bird strike, noise and lighting. All of the identified mitigation measures are included in Section 4.0 of the Preferred Project Report, which includes the Final Statement of Commitments. These commitments will form part of the conditions of any approval for the Project Application.

Should you have any queries about this matter, please do not hesitate to contact me on 9409 4961 or moliver@jbaplanning.com.au.

Yours faithfully



Michael Oliver
Urban Planner