

Investigation of Surrounding Foreshore Development



Woollooware Bay Town Centre Landscaping Amendments

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1.0 Fitness First 2006 – Development Consent (DA/0293)

In 2006, Council approved the construction of the gymnasium (Fitness First) adjacent to the site located at 447 Captain Cook Drive. In the Council assessment report (PLN120-06) heard at the Council meeting held on 20 March 2006 which approved the Fitness First development application, a building line setback of only 7.5 metres from the MHW (see **Figure 1**) was supported by Council for the following reason:

“Discussions with NSW Primary Industries (Fisheries) revealed that the topographical constraints of the subject site afforded a lesser setback from MHW than was the case with Sharkies. The subject site falls towards Captain Cook Drive and the amount and quality of stormwater runoff into Woolloomare Bay can be controlled as opposed to the Sharkies Site where a vegetated buffer zone is required that filters runoff before it enters Woolloomare Bay.”

Notwithstanding the fact that the gymnasium site drains towards intertidal saltmarsh (an endangered ecological community listed under the *Threatened Species Conservation Act 1995*) which lies between Captain Cook Drive and the gymnasium building, it is noted that water quality was the primary factor considered by both DPI Fisheries and Council with regards to the foreshore setback in this instance. Council’s report did not refer to any other factor which should be considered with regards to the riparian functionality of this foreshore setback.

It is noted that a Condition of Consent requiring the planting of 30 *Casuarina glauca* (Swamp Shea Oak) trees within the foreshore setback to the gymnasium has not been fulfilled nor enforced by Council. Council’s report notes the presence of a 3 metre wide Right of Carriageway benefitting Council to allow for the future provision of a cycleway and shared path to be located within this 7.5 metre setback.



Figure 1 – 7.5 metre wide riparian zone to the north of the gymnasium building

Whilst Council's assessment report for the gymnasium development application notes that "the proposed health club development does not require the same level of Government Authority input [as the 2005 Sharks planning proposal] as it is a permissible land use within the zone", the health club was subject to the same environmental planning instruments and policies as the 2005 Sharks proposal, and was referred to the NSW Department of Primary Industries (Fisheries) for comment as Integrated Development. DPI (Fisheries) supported the application in the approved form, and noted that:

Aquatic Reserves are declared in order to provide enhanced protection for marine fauna and habitats. Any development permitted to occur within or adjacent to an Aquatic Reserve must take into account the objectives of the Aquatic Reserve and ensure that the development or activity is managed in a way that results in no net medium or long-term environmental impact. Potential short term environmental impacts must be identified, mitigated and monitored during all phases of the development.

2.0 Woollooware Bay Shared Path and Cycleway Stages 2 and 3 – Development Consent (DA02/2146)

On 19 May 2006, Sutherland Shire Council granted development consent for a Council project involving the construction of Stage 3 of the Woollooware Bay foreshore cycleway/shared path. This development included Development Consent for the Foreshore Pedestrian and Cycleway Pathway and Boardwalk (Stage 3) was granted on 19 May 2006.

The Department of Primary Industries had no objections to the application even though the development fell within 40 metres of the shoreline. The development of the cycleway and pathway was also seen to enhance the natural environment as it would involve revegetation of land which had been through environmental degradation.

On 19 May 2003, Sutherland Shire Council granted development consent for the construction of Stage 2 of the Woollooware Bay foreshore cycleway/shared path between Solander Fields and Northumberland Drive. This section of path included a concrete path with approximately 150 metres of boardwalk above a section of rehabilitated saltmarsh.

At several points along the foreshore the concrete shared path and cycleway is located within 5 metres of the MHWL. Council's assessment reports for both Stages 2 and 3 note that the structures were within the relevant foreshore building line, however this was considered acceptable as:

environmental impact of the development once it has been constructed is unlikely to be great as it is simply a pathway with surrounding native landscaping and is highly unlikely to contribute additional contaminants to Woollooware Bay (Stage 2)

The proposal is unlikely to have any detrimental environmental impact upon Towra Point Aquatic Reserve and Woollooware Bay as there is hardly any removal of vegetation planned. Rather, rehabilitation, restoration and revegetation with native species will decrease the amount of sediment and nutrients entering the bay. Restoration of the shoreline and banks will improve the ecological health of the bay and prevent destabilisation. (Stage 2)

Both applications were referred to the NSW Department of Primary Industries (Fisheries) as Integrated Development. DPI (Fisheries) raised no objections to either application.

3.0 Endeavour Road, Caringbah – Modification Application (MA 06/0217)

On 5 May 2006, Sutherland Shire Council granted consent to a modification to the Toyota Motor Corporation facility which permitted the intrusion of an enclosed semi-outdoor pavilion extension to an office building to within approximately 20 metres of the MHWM.

It is noted that the ‘setback’ from Woollooware Bay on this site includes hard landscaped areas, turfed lawns, a jogging and fitness track which extends to the northern property boundary and a 3-hole golf course. The portion of this setback closest to the site is shown in **Figure 3**. It is unlikely that this setback provides any significant riparian functionality. A narrow strip of trees along the northern property boundary provides visual screening of this area. Council’s foreshore shared path and cycleway occupies the space between the property boundary and the MHWM, approximately half of which is provided as an elevated boardwalk and half of which is concrete.



Figure 2 – Setback from Toyota facility to Woollooware Bay foreshore

4.0 Northumberland Drive, Taren Point

On 2 April 2004 Sutherland Shire Council granted development consent (DA 03/1225) for an industrial development consisting of twelve industrial units at 12-14 Northumberland Drive, Caringbah. This site is located approximately 1.1 kilometres along the Woollooware Bay foreshore to the northwest of the site. Council records indicate this lot was created in 2003, and that the land was vacant at the time of the granting of development consent.

Council's assessment report reveals that a 2.5 metre landscaped setback was to be provided to the western property boundary (although parking hardstand extends to part of the property boundary). No reference is made to the distance to the MHWL in Council's report, save that as works are proposed within 40 metres of the MHWL an Integrated Development referral was required to the NSW Waterways Authority, who raised no objections and provided standard conditions of consent. It would appear that the distance between the approved buildings and the MHWL ranges between 20 and 30 metres, within which space Council has since constructed a concrete cycle/shared path that travels within 5 metres of the MHWL opposite the site and a gross pollutant trap.

On 25 September 2002, Sutherland Shire Council granted consent (IDA 013353) for an industrial complex of two separate buildings containing 14 factory units, a café and 3 warehouses at 2-4 Northumberland Ave, Caringbah. This site is located approximately 1.3 kilometres along the Woollooware Bay foreshore to the northwest of the site. The development consent provides for a 3.4 metre setback to the eastern property boundary, as a result of which both buildings are located approximately 20 to 30 metres from the MHWL.

The application was referred as Integrated Development to the NSW Waterways Authority who raised no objections. As with 12-14 Northumberland Avenue above, Council has constructed a concrete cycle/shared path within the space between the buildings and Woollooware Bay, with the path as close as 12 metres from the MHWL.

5.0 23-25 Mangrove Lane, Taren Point (DA02/2000)

On 20 March 2003, Sutherland Shire Council granted consent for the construction of an industrial building at 23-25 Mangrove Lane, Taren Point, which is located approximately 1.7 kilometres to the north-west of the Woollooware Bay site along the Woollooware Bay foreshore. This DA was referred to the NSW Waterways Authority, who raised no objections. The approved building sits approximately 20 metres from the MHW. As with development along Northumberland Drive, Council has approved and constructed a cycleway/shared path within the setback between the approved building and Woollooware Bay, with the path located generally within 10 metres of the MHW.