

Section 75W to Concept Plan (MP10_0229)



Woollooware Bay Town Centre Landscaping Amendments

Submitted to Department of Planning and Environment
On Behalf of Bluestone Capital Ventures No. 1

November 2015 ■ 14574

JBA Urban Planning Consultants Pty Ltd ABN 84 060 735 104 [w jbaurban.com.au](http://jbaurban.com.au)
North Sydney [t +61 2 9956 6962](tel:+61299566962) ■ Newcastle [t +61 2 4927 0980](tel:+61249270980)

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Brendan Hoskins

30/11/2015

This report has been reviewed by:



Gordon Kirkby

30/11/2015

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1.0 Introduction

This Environmental Assessment Report (EAR) for modifications to the approved Concept Plan at Woollooware Bay Town Centre (WBTC) is submitted to the Minister for Planning in accordance with section 75W and Clause 3C of Schedule 6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Concept Plan Approval (MP10_0229) allows for a mixed use development including:

- use of the site for a mixed use development with associated public open space;
- indicative building envelopes for the residential and retail / club precinct;
- above ground car parking;
- road works to support the development;
- public pedestrian and cycle paths / boardwalks;
- landscaping areas throughout the site;
- sales and marketing facilities including display units, etc.; and
- subdivision of Lot 11 DP 526492 into two allotments.

This report has been prepared by JBA on behalf of Bluestone Capital Ventures No. 1 (the proponent). The report describes the proposed modifications; outlines the purpose of the modifications; and provides a detailed assessment of the potential environmental impacts.

In summary, this Section 75W application seeks the following modifications to the Woollooware Bay Concept Plan:

- amendment of the Concept Landscape Drawings to reflect the current envisaged design for the comprehensive landscaping scheme; and
- amendment of Condition B2 relating to the riparian setback to Woollooware Bay.

The proposed amendments to the Concept Plan are a result of detailed planning and testing over the last 2.5 years, typical in any significant major development project. The ongoing investigations and design development for the foreshore landscaping scheme have identified several key constraints which were not thoroughly considered in the original Concept Plan application. These constraints largely relate to detailed Ausgrid requirements associated with the overhead power lines, emergency vehicle access, topography and plant species requirements.

Another significant driver of the proposed modifications is the feedback received from the Touched by Olivia Foundation regarding the all abilities playground and from future residents on the entire foreshore park. Bluestone is collaborating with the Touched by Olivia Foundation to deliver an all abilities playground as part of an expansion to the 'Livvi's Place National Network of Inclusive Playspaces'. The Touched by Olivia Foundation is a national charity that builds special places in communities where people of all ages and abilities are able to play together.

The amended concept landscaping scheme still ensures that a riparian corridor will be provided along the foreshore, offering a net improvement on the current situation where no buffer is provided to the existing mangroves. This riparian corridor is to be provided generally in accordance with the NSW Office of Water Guidelines for riparian corridors on waterfront land.

2.0 Background

2.1 Development Stages Status

Since approval of the Concept Plan in 2012, approvals have been granted for two stages within the Residential Precinct and for the Retail/Club precinct. Construction has now commenced on the Residential Precinct. **Table 1** provides a breakdown of approved and current applications across the site.

Table 1 – Status of development stages

Event	Approval Date	Details
Concept Plan (MP10_0229)		
Concept Plan	27 August 2012	Concept Plan Application approved by NSW Planning Assessment Commission (PAC) for the redevelopment of the Cronulla Sutherland Leagues Club site and associated land for a new town centre with retail, entertainment, refurbishment of the Cronulla Sutherland Leagues Club, a new foreshore parkland and residential development.
MOD 1	14 July 2014	Section 75W modification to the Concept Plan Approval approved by the Department. This modification involved: <ul style="list-style-type: none"> – Amendment to the approved residential building envelopes; – Increase of the area of the outdoor deck of the Club; – addition of a Term of Approval relating to top level apartments and use of rooftop areas; – amendment to Future Environmental Assessment Requirement 2, 3 and 17; and – inclusion of a note within Schedule 3.
MOD 2	<i>Under Assessment</i>	<i>Modification to the retail/club precinct to allow for building envelopes above the approved retail/club building and associated amendments.</i>
MOD 3	<i>Under Assessment</i>	<i>Modification relating to an increase in GFA/GBA and amendment to select building envelopes.</i>
MOD 4	26 October 2015	Modification to amend the visitor and commercial parking rates to allow for a sharing of spaces in response to differing peak periods of demand.
MOD 5	<i>Under Assessment</i>	<i>Current modification regarding the landscaping scheme for the site.</i>
Retail/Club Project Application (DA-2012/410)		
Project Application	20 August 2013	Retail/Club Project Application approved by the PAC. This Project Approval provides consent for the development of a new retail centre, refurbishment of the Leagues Club, construction of Woollooware Road North and intersection upgrades to Captain Cook Drive, foreshore upgrades and public domain improvements along the Captain Cook Drive street frontage.
MOD 1	10 February 2014	Section 75W modification to Retail/Club Project Approval granted by the Department. This modification involved: <ul style="list-style-type: none"> – Amended configuration of the retail and Club development on Levels 1, 3 and 4; and – stratum subdivision plans.
MOD 2	<i>Under assessment</i>	<i>Section 75W modification to Retail/Club Project Approval to amend the stratum subdivision to better delineate between the Leagues Club's operational areas and the remainder of the town centre.</i>
Stage 1 – Residential Precinct (DA13/0270)		
Development Application	22 August 2013	Stage 1 Residential DA determined by the Sydney East Joint Regional Planning Panel (JRPP) and consent granted by Sutherland Shire Council. The consent includes demolition of existing structures, construction of a two (2) level podium containing car parking, communal facilities and estate management office, three (3) residential flat buildings above the podium level containing 220 dwellings, provision of infrastructure and services including access roads, associated landscaping and public domain works.
MOD 1	26 March 2014	Section 96 modification for the reconfiguration of Apartments E1.12.01 and E1.12.06 to provide two top level apartments, amongst other miscellaneous design changes and amendments to the wording of several conditions of consent.

Event	Approval Date	Details
MOD 2	25 September 2014	Section 96 modification to amend Condition 5 and Condition 12 of Development Consent DA13/0270 in regard to engineering matters.
MOD 3	30 March 2015	Section 96 to amend a drafting error in the description of the development consent to account for the approved number of apartments in MOD 1.
MOD 4	8 July 2015	Section 96 modification to amend the 2 x 2 Storey apartments to three (3) single storey apartments and amend the carpark to allow for two (2) additional residential car spaces and allocate two (2) additional visitor carpark spaces to the central road. This modification has been made in response to market feedback regarding a low desirability for two storey apartments.
Stage 2 – Residential Precinct (DA14/0598)		
Development Application	11 December 2014	Stage 2 Residential DA determined by the JRPP and consent granted by Sutherland Shire Council. The consent includes site preparation works, the construction and use of two Residential Flat Buildings over an integrated two storey podium, provision of 178 dwellings, construction of the Central Boulevard (part), provision of 21 on-street car parking spaces on the Central Boulevard and 215 car parking spaces within the two storey podium, provision of associated landscaping and public domain works, and extension/Augmentation of services and infrastructure.

2.2 Comprehensive Landscaping Scheme

For over 14 months the proponent and project team have been developing a comprehensive landscaping scheme for the Woollooware Bay redevelopment. This landscaping scheme has been informed by considerable consultation which is outlined further in Section 2.4 below. Since the approval of the Concept Plan, the landscaping scheme has developed due to a greater knowledge of the opportunities and constraints of the site.

The comprehensive landscaping scheme is illustrated in **Figure 1** below and in the Amended Concept Landscaping Drawings prepared by Aspect Studios (**Appendix A**).

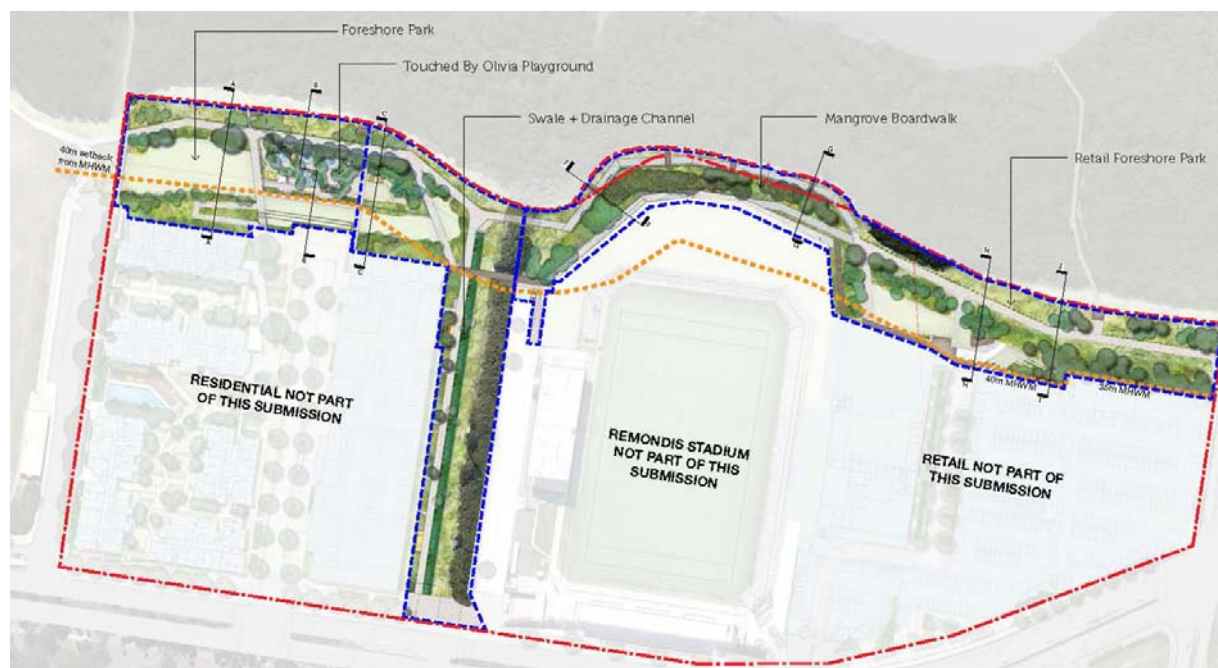


Figure 1 – Comprehensive landscaping concept scheme

Whilst the modifications to the Concept Landscape Drawings are outlined in greater detail in Section 3.0, the following key changes have occurred:

Residential Precinct

- The playground has been relocated to the centre of the foreshore park and to the north of the overhead power lines.
- A well-proportioned area of turf has been provided in the south-western quadrant of the foreshore park.
- A shared pedestrian and bicycle path has been provided along the northern perimeter of the foreshore park and additional pedestrian pathways facilitating equitable access.

Retail/Club Precinct

- Additional pathways have been designed to facilitate more efficient access through the foreshore park.
- A timber platform has been provided along the retail building, in part cantilevering over riparian planting below.
- A new stage and tiered seating has been provided close to the retail building allowing for a range of activities to occur along the foreshore.
- A well-proportioned area of turf has been provided to the west of the new stage.

These amendments to the original concept landscaping scheme have been driven by the following key factors and subsequent advice received from key stakeholders:

- Detailed Ausgrid requirements mandate that the equipment within the playground must be clear of the overhead powerline, meaning the playground must substantially be located outside the expanse of the overhead lines.
- A significant change in level occurs in the foreshore area, rising from RL1.10 at the foreshore to RL6.30 at the building line of Stages 2 and 3, with a significant level change south of the overhead power lines precluding the playground shifting south opposed to north of the overhead power lines.
- Ausgrid require maintenance pathways into and from the foreshore zone, particularly to existing poles which maintain the overhead power lines.
- A range of different plant species are stipulated by different stakeholders, including Council, Ausgrid and other referral agencies.
- It has been identified through consultation with the local community that there is a strong desire for active recreational uses in the foreshore park, particularly given the number of residents who will live within the finished development.
- There is a need to connect the new shared pedestrian and bicycle path with the existing Council developed pathway to the west. Notably, the Council developed pathway is setback five metres from the Mean High Water Mark.

As outlined above, the landscaping scheme has not been developed in isolation; rather it has been a collaborative approach which has sought to balance competing requirements. All ground level public domain within the Woollooware Bay site will be publically accessible, ensuring that the benefits and amenities offered on the site are shared amongst all of the community. The community benefits of the landscaping scheme are outlined further in Section 4.2.

2.3 40 Metre Setback Requirement

2.3.1 Department and PAC Assessment

The provision of a riparian corridor was a consideration in the assessment of the original Concept Plan. A 30 metre buffer was originally proposed and supported by the Department in their recommendation to the PAC.

After several meetings between the various stakeholders, including Council, the Department and the Proponent, as well as a public meeting with 94 speakers, the PAC compiled a Determination Report which addressed the consideration of a riparian setback amongst other issues.

The core consideration for the PAC in the Determination Report regarding the riparian setback appeared to be whether a 30 metre setback could be provided to a portion of the Retail/Club precinct. The remainder of the setback is assumed to be 40 metres in the PAC's Determination Report, whilst all discussion in the PAC Assessment Report is focused on the suitability of a 'reduced' setback to the Retail/Club precinct to account for a loading dock. No reasoning was provided for the assumption of a 40 metre setback despite the Concept Landscape Drawings illustrating a 30 metre setback.

2.3.2 Condition B2 Riparian Setback

Condition B2 of the Concept Plan Approval is located in Part B – Modifications. This condition was placed on the Concept Plan Approval by the PAC during their final determination of the project. The Condition states:

B2. RIPARIAN SETBACK

The vegetated riparian buffer corridor, to be provided along the foreshore, must be a minimum of 40 metres wide, except for the 70 metres stretch adjacent to the retail loading dock, where the vegetated riparian buffer corridor must be a minimum of 35 metres wide.

In light of the discussion in Section 2.3.1, it is considered that this Condition was drafted with a focus on the Retail/Club precinct, namely allowing for a 35 metre wide setback zone for the future building. This is further reinforced by the condition not making any acknowledgement of the exclusion of 'Family Hill' from the provision of a riparian corridor. Throughout the Concept Plan assessment, the 'Family Hill' area, associated with the existing stadium, was excluded from all considerations given its vital role in the stadium. If Condition B2 were to be strictly interpreted as drafted, this would require the 'Family Hill' to be replaced by riparian planting, significantly disrupting the functioning of the existing stadium.

2.3.3 NSW Office of Water Guidelines for riparian corridors on waterfront land

In July 2012, some 20 months¹ into the assessment of the Woollooware Bay Concept Plan, the NSW Office of Water (NOW) released guidelines (the guidelines) regarding the provision of riparian corridors on waterfront land. At approximately the same time, the Department provided their recommendation on the Concept Plan to the PAC. In just over one month after the release of these guidelines, the PAC made a determination on the Concept Plan. A simplified timeframe of the release of the guidelines and the Concept Plan assessment is depicted in **Figure 2**.

¹ Based on submission of the Preliminary Environmental Assessment Report



Figure 2 – Timeline of Guidelines release and assessment

As evidenced from the above, it is clear that there was no consideration of the guidelines in the original Department assessment, and limited consideration throughout the PAC assessment. The guidelines are an important change to the way riparian corridors and waterfront land are planned. A true acknowledgment of the recreational benefits of these corridors and the maximisation of opportunities on waterfront land has been provided through these guidelines which have now been in force for over three years.

As stated on Page 2 of the guidelines, the following benefits were to be a direct result of changes to the management of waterfront land:

... (the guidelines) simplify the controlled activities application and assessment process, provide greater flexibility, help make more land available for housing, support floodplain, stormwater and bush fire management, and allow riparian corridors to be used for public amenity whilst continuing to deliver environmental outcomes...

The central intent of the guidelines is to enable flexibility in the provision of riparian corridors where a balance between ecological and recreational needs can be achieved. The application of the guidelines to the Woollooware Bay Concept Plan is discussed in further detail throughout this report.

2.4 Consultation

The proponent and consultant team have undertaken significant consultation prior to preparing this Modification Application. A number of meetings have been held with key stakeholders, including future residents and the community, to gain input into the comprehensive landscaping design. A full list of the consultation completed to date is provided in **Table 2**.

As a result of stakeholder input, the design of the landscaping has been significantly amended, in particular regard to the location of the playground. Further discussion on how stakeholder feedback has shaped the landscaping concept is provided throughout this report as relevant.

Table 2 – Consultation Summary

Date	Stakeholder	Activity	Comment
25 September 2014	Sutherland Shire Council	Meeting	Discussion regarding landscaping scheme and feedback regarding the removal of mangroves in the central stormwater channel
26 November 2014	Department of Planning and Environment, Office of Environment and Heritage and Fisheries NSW	Meeting	Discussion regarding the removal of mangroves in the central stormwater channel
26 August 2015	Ausgrid	Meeting	Discussion to identify Ausgrid requirements and gain feedback on design

Date	Stakeholder	Activity	Comment
17 September 2015	Sutherland Shire Council	Meeting	Discussion regarding the updated landscaping scheme and general feedback
22 September 2015	Sutherland Shire Council	Meeting	Discussion regarding flooding issues and how flooding may be resolved
1 October 2015	Fisheries NSW	Correspondence	Discussion on the ability and process to remove a small number of mangroves. This discussion included scoping the method for mangrove removal and ongoing maintenance to allow for floodwater access. It was also requested whether Fisheries NSW could review the landscaping scheme
12 October 2015	Fisheries NSW	Correspondence	Landscape drawings provided for comment
7 October 2015	NSW Office of Water	Meeting	Discussion on draft landscaping scheme and how the Guidelines for riparian corridors on waterfront land can be applied
23 October 2015	Office of Environment and Heritage	Correspondence	Landscape drawings provided for comment
22 October 2015	Sutherland Shire Council	Meeting	Discussion regarding flooding and the future emergency evacuation route which must be accommodated in the landscaping scheme
27 October 2015	Sutherland Shire Council	Meeting	Discussion to further review landscaping scheme with Council Landscape Officer
29 October 2015	Roads and Maritime Services	Correspondence	Request for landowners consent to embellish land within Woollooware Bay owned by RMS
3 November 2015	Department of Planning and Environment	Meeting	Discussion on the consistency of the landscaping scheme and how the Guidelines for riparian corridors on waterfront land can be applied
5 November 2015	Office of Environment and Heritage	Correspondence	OEH stated that no comment will be provided on the landscaping scheme
10 November 2015	Roads and Maritime Services	Correspondence	Landowners consent received from RMS to progress the landscaping scheme through the lodgement of a development application with Council

The commitment of Bluestone in engaging with the community has been evident in all of the events and activities organised in consultation with local schools and the Touched by Olivia Foundation. A number of future events are also scheduled, further reinforcing the integration of the local community with Woollooware Bay.

Table 3 provides a summary of the key events that have been/are being undertaken by the proponent.

Table 3 – Community events

Event/Activity	Date	Details
Family Fun Day Disco	Sunday 30th November 2014	A number of local public school principals were consulted and the details of the Disco were placed in local primary school newsletters. Parents and children attended the afternoon disco at the Leagues Club, providing feedback on what they wish to see in the park.
Kurnell and Woollooware Primary schools visits	Friday 5th December 2014	Sessions were held at the Kurnell and Woollooware Primary schools to discuss play spaces which are desired. Aspect Studios and Bluestone along with representatives from the Touched by Olivia Foundation attended the visit. Activities included painting tiles that will be placed in the future park and children were able to draw on butcher's paper a vision for the park.

Event/Activity	Date	Details
Facebook page	Ongoing	A Facebook page has been created by the Touched by Olivia Foundation for local parents with children who have special needs to provide input on the park design.
Mid-year Community Event	1 August 2015	Purchasers from the initial stages were invited to attend a community day at Wanda Surf Club and paint tiles to be placed in the future park.
International Day of People with Disability Event	3 December 2015	Bluestone has helped coordinate with the Touched by Olivia Foundation a handball challenge which is a federally funded national initiative to include children with special needs in play. The day will be conducted in association with Years 5 and 6 at a local Primary School.

3.0 Description of Proposed Modifications

The proposed modifications to the approved Concept Plan are described in this section. This Section 75W application seeks to amend the approved Concept Landscaping Drawings and Condition B2 Riparian Setback.

3.1 Amended Concept Landscaping Drawings

Aspect Studios has prepared updated Concept Landscape Drawings to reflect the current design intent for the comprehensive landscaping scheme of Woollooware Bay (refer to **Appendix A**). The amended Concept Landscape Drawings contain the following key modifications:

Residential Precinct

- Relocated and extended pathways, including the addition of new accessible pathways linking the foreshore with the Residential Precinct.
- Relocated all-abilities playground, BBQ and shelter facilities to the centre of the foreshore park.
- Redistributed riparian planting zones with low scale fencing envisaged around certain zones.
- Addition of fitness pod.
- Addition of turfed areas.

Stormwater Channel

- Addition of fitness pods.
- Realigned pathways.

Retail/Club Precinct

- Relocated and extended pathways.
- Addition of timber platform along the retail building.
- Addition of stage and tiered seating.
- Addition of turfed area and water play area.

The planting strategy approved with the Concept Plan has also been refined and further detail is provided as a result of ongoing consultation with stakeholders and detailed planning of species to be provided. Two schedules are now proposed to amend the approved planting strategy, comprising the 'Planting Characteristics' schedule and the 'Planting Community' schedule. The proposed amended planting strategies have also been informed by the collection of local seeds from the Kurnell peninsula, a task which is being undertaken to ensure local species are propagated for the rehabilitation of the foreshore.

3.2 Proposed Modifications to the Approval

The above modifications necessitate amendments to the Concept Plan Approval. Words proposed to be deleted are shown in ~~***bold italics strike through***~~ and words to be inserted are shown in ***bold italics***.

SCHEDULE 2 PART A – TERMS OF APPROVAL

A2. DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The approval shall be generally in accordance with MP 10_0229 and the Environmental Assessment, prepared by JBA Planning dated September 2011, except where amended by the Preferred Project Report prepared by JBA Planning dated March 2012 and additional information submitted in May 2012 and in August 2012 and the Section 75W Modification 1 prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 February 2014 (as amended on 27 February 2014, 20 March 2014 and 16 May 2014), and the Section 75W to Concept Plan (MP 10_0229) prepared by JBA Urban Planning Consultants Pty Ltd, dated 11 June 2015, and the Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 October 2015, and the Section 75W to Concept Plan (MP 10_0229) prepared by JBA Urban Planning Consultants Pty Ltd, dated November 2015, and the following drawings:

Landscape Concept Plan Drawings prepared by ASPECT Studios			
Drawing No.	Revision	Name of Plan	Date
11017-EA-01*	B	Site Context	March 12
11017-EA-02*	B	Landscape Concept Plan	March 12
11017-EA-03*	D	Landscape Sections and Precedents	May 12
11017-EA-04*	B	Landscape Sections and Precedents	March 12
11017-EA-05*	B	Landscape Sections and Precedents	March 12
11017-EA-06	B	Landscape Sections and Precedents	March 12
11017-EA-07*	C	Planting Strategy	May 12
FS - S75W - 02	A	Site Context And Pedestrian Links	November 2015
FS - S75W - 03	A	Landscape Master Plan	November 2015
FS - S75W - 04	A	Foreshore Park Sections	November 2015
FS - S75W - 05	A	Mangrove Boardwalk Sections	November 2015
FS - S75W - 06	A	Retail Foreshore Park Sections	November 2015
FS - S75W - 07	A	Planting Characteristics	November 2015
FS - S75W - 08	A	Planting Community	November 2015

* As amended by the requirements of modification B2 below for a 40 m setback

Reason: This condition is proposed to be updated to reference the modified Concept Landscape Drawings.

PART B – MODIFICATIONS

B2. RIPARIAN SETBACK

The ~~vegetated~~ riparian ~~buffer~~ corridor, to be provided along the foreshore, must be a minimum of 40 metres wide, except for the 70 metres stretch adjacent to the retail loading dock, where the vegetated riparian buffer corridor must be a minimum of 35 metres wide, and the Family Hill area which is excluded from the provision of any riparian corridor. The riparian corridor is to be provided generally in accordance with the NSW Office of Water 'Guidelines for riparian corridors'.

Reason: This condition is requested to be amended to reflect the ability for the NOW guidelines to be implemented into the development of the waterfront land and to reflect the correct title of a 'riparian corridor'. The 'Family Hill' area associated with the stadium is also clarified as excluded from the riparian buffer area.

4.0 Environmental Assessment

This chapter contains an assessment of the environmental effects of the proposed development as described in the preceding chapters of this report. Those matters which require further assessment are outlined below.

4.1 Ecological Assessment

4.1.1 Existing Conditions

Currently, the Woollooware Bay site is degraded and no maintenance or care occurs for the adjoining riparian vegetation. Stormwater generally drains into the bay without any water quality management or enhancement measures.

The existing foreshore of the site contains the following key features:

- A mangrove forest fringing the Woollooware Bay Aquatic Reserve (beyond the subject land). These mangroves are generally degraded by weeds and rubbish closer to the foreshore (refer to **Figure 3**).
- **Retail/Club Precinct** – asphalt carpark constructed over a disused landfill, extending as close as three metres to the top of the embankment. A steep bank / informal sea wall generally comprising rubble and weeds is located between the edge of the car park and mangroves.
- **Residential Precinct** – previously turf playing field gradually sloping into the mangroves. Currently, the field is being utilised for stockpiling associated with the construction activities on the broader site.
- **Stadium Precinct** – dense vegetation on a steep slope primarily comprising weeds with some remnant trees to the mangroves.

Currently, no vegetated riparian buffer is provided to the activities which are undertaken on the site. Despite the degraded and poorly managed state of the site, it has been acknowledged that the existing mangroves to the north of the site provide suitable habitat for nesting, foraging and refuge for a number of estuarine and coastal species and serves as a linkage for other species along the foreshore.



Figure 3 – Existing environment along the foreshore of the site

4.1.2 Surrounding Development

A detailed investigation of surrounding development adjoining Woollooware Bay was undertaken during the original Concept Plan assessment. This investigation examined existing development fronting Woollooware Bay and identified the setbacks which were approved.

A summary document outlining this investigation is provided at **Appendix B**, whilst **Figure 4** below illustrates some of the key setbacks to Woollooware Bay. It has been evident from this investigation that there are significantly varied setbacks along the Woollooware Bay foreshore, with a number of developments constructed 20 metres from the Mean High Water Mark. Notably, the development immediately to the east of the site has been provided with a setback of 7.5 metres from the Mean High Water Mark.

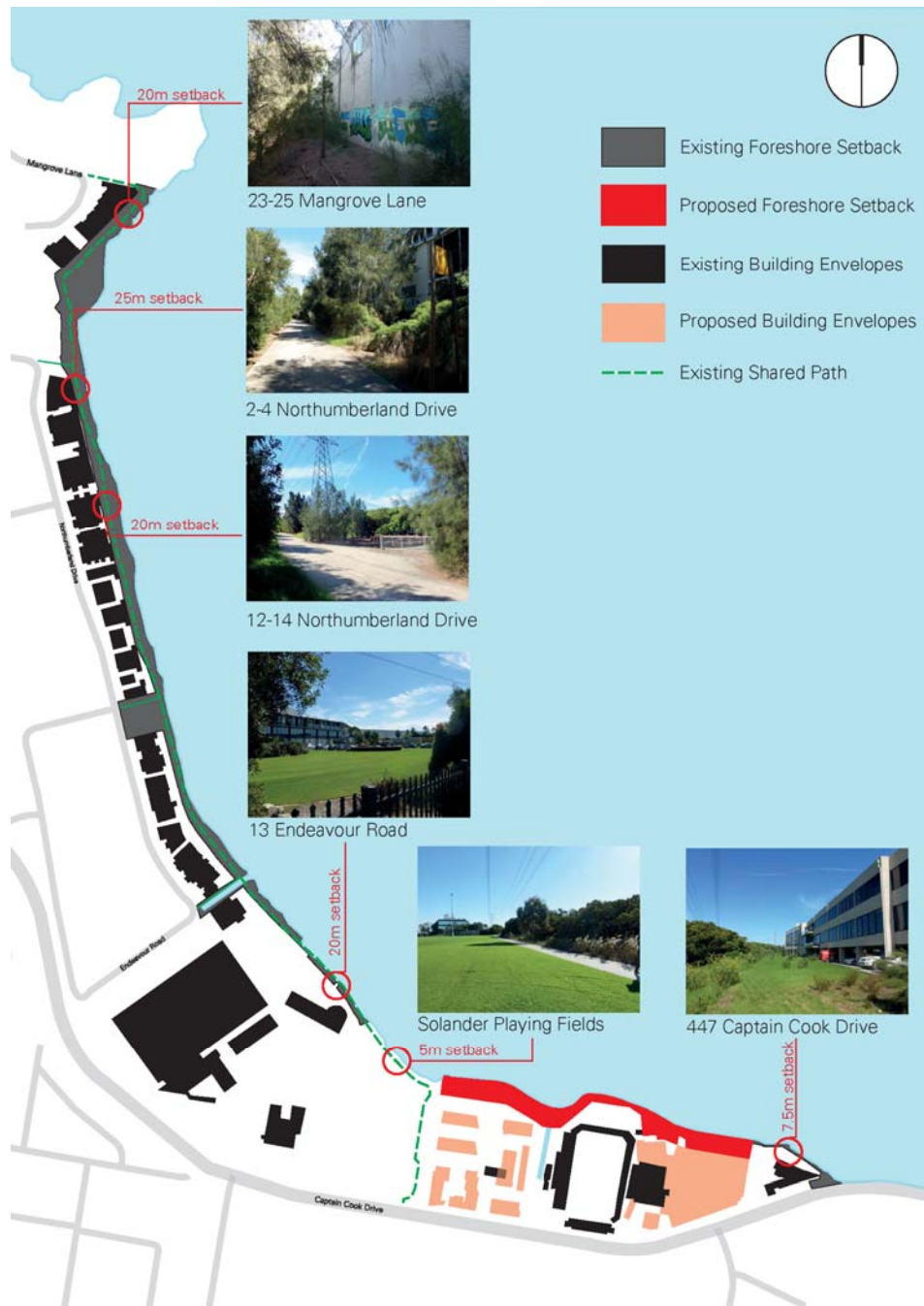


Figure 4 – Existing conditions around Woollooware Bay

4.1.3 Application of NOW Guidelines – Vegetated Riparian Buffer

The envisaged landscaping scheme will enable a riparian corridor to be provided generally in accordance with the NOW Guidelines for riparian corridors on waterfront land. The NOW Guidelines were released shortly before the approval of the original Concept Plan, therefore detailed consideration of these guidelines was not able to occur. As the guidelines have been in place for a number of years and their application has been tried and tested, there is an opportunity to now consider how the waterfront land at the site can be delivered for maximum ecological and recreational benefits. Fundamentally, a balance between recreational opportunities and ecological enhancement is sought to be achieved in the northern foreshore park.

As discussed in Section 2.3.3, the NOW Guidelines have been developed to enable waterfront land to be better utilised for a range of activities whilst ensuring a sufficient level of environmental protection is retained. The NOW Guidelines include an important component known as the ‘averaging rule’. This rule was developed to provide flexibility in the delivery of waterfront land and establish guidance for assessment authorities. **Figure 5** illustrates the averaging rule.

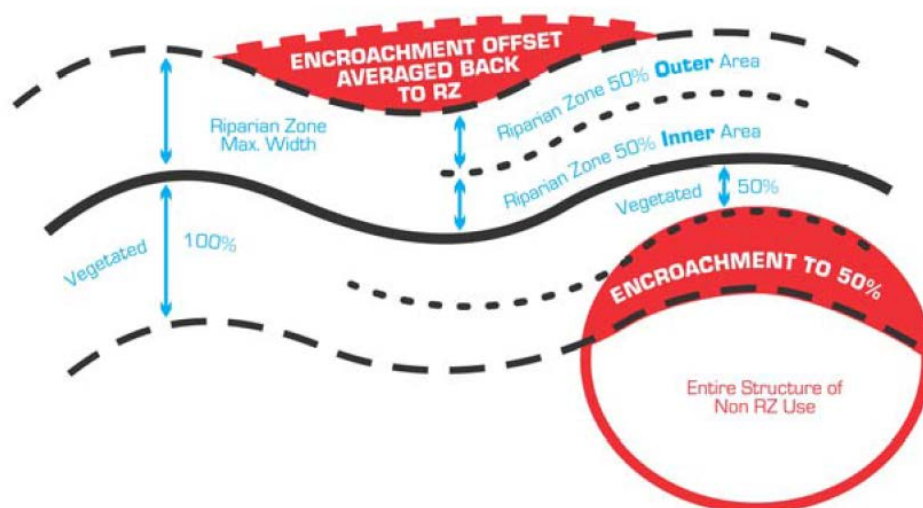


Figure 5 – NOW Guidelines Averaging rule

Source: NOW Guidelines for riparian corridors on waterfront land

The proposal seeks to provide a total of 10,434.6m² of riparian planting within the 17,590m² of area within the waterfront land². The remainder of waterfront land, 7,155.4m², will comprise a mixture of pathways, non-riparian vegetation and recreational infrastructure including the all abilities playground, BBQ shelter, stage and tiered steps/seating³. When implementing the averaging rule, the NOW Guidelines allow for the exclusion of recreational infrastructure such as pathways. As such, the total area of non-riparian uses within the waterfront land which should be considered for offset is 4,224m² and the pathways have been noted as ‘riparian’.

² Designated as land within 40 metres of the Mean High Water Mark

³ Note: pathways have been excluded from non-riparian areas in accordance with the NOW Guidelines

To offset these non-riparian functions, additional land is intended to be embellished with new riparian vegetation. A total of 3021.3m² of riparian vegetation will be provided beyond the 40 metre corridor to the south (within the site) and immediately to the north of the Mean High Water Mark (land owned by Roads and Maritime Services). If 'riparian' and 'non-riparian' provision were to be compared strictly, a deficit of 1,203.10m² would be apparent.

If the turfed area within the waterfront land which is classified as non-riparian was to be included in the calculation of vegetation, a surplus of 1,241.58m² of vegetated area would be provided on the site over and above the area of the waterfront land (excluding pathways). This non-riparian vegetation is still considered to provide environmental benefits such as enhanced stormwater infiltration and reduced run-off.

Table 4 provides a breakdown of the different areas within the site which will be embellished as part of the foreshore landscaping. It should be noted that a portion of the land, comprising the 'Family Hill' of the existing stadium, has been discounted from all calculations as this area of the site is approved to remain in its current function as a turfed embankment fronting the stadium.

Table 4 – Breakdown of foreshore landscaping

Component	Area (m ²)	Percentage of total waterfront land
Waterfront land		
Riparian planting	10,434.60	60%
Pathways*	2,931*	16%
Non-riparian provision	4,224.4	24%
- Vegetation (turf)	2,444.68	
- Recreational infrastructure	1,779.72	
Total	17,590	100%
Offset (beyond waterfront land)		
Offset riparian planting	3,021.30	-
Offset deficit (non-riparian not offset)	- 1,203.10	7% of waterfront land
Vegetated land		
Total planting (riparian + turf + offset + pathways*)	18,831.58	-
Planting surplus (total planting – total recreational infrastructure)	+ 1,241.58	-

**In accordance with the NOW Guidelines pathways have been classified as riparian as they are permitted to be included on waterfront land and do not require any offset*

Figure 6 illustrates a diagrammatical breakdown of the intended concept landscaping scheme, separating the riparian and non-riparian area. It is evident from this diagram that a significant amount of the waterfront land will be riparian vegetation. Cumulatively, the vegetated (riparian and non-riparian) land within the 40 metre corridor will comprise 88% of the waterfront land (excluding pathways).

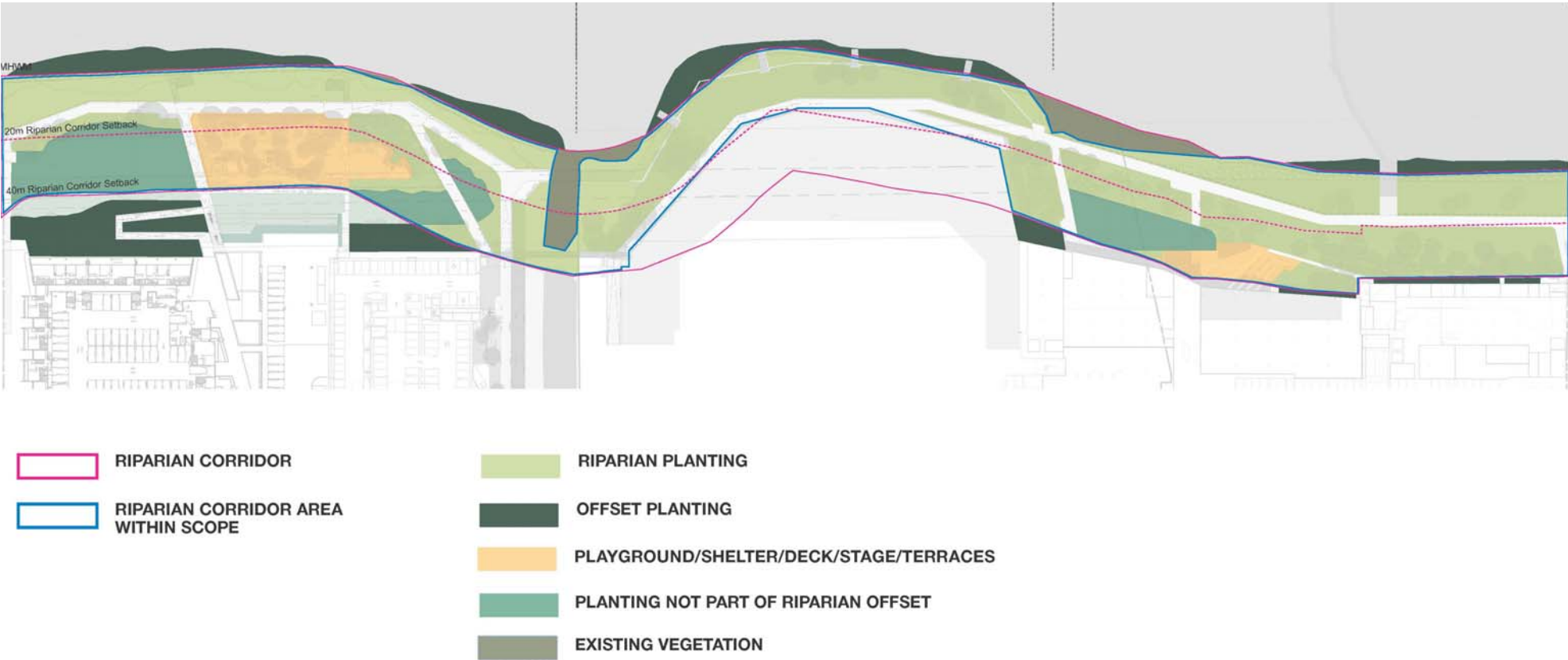


Figure 6 – Distribution of riparian and non-riparian uses

Source: Aspect Studios

Whilst the proposal does not result in a strict numerical implementation of the averaging rule, a balanced outcome is achieved within the considerable constraints of the site. As outlined in Section 2.2, the site is restricted in numerous ways, resulting in difficulties in providing any functional recreational infrastructure outside the waterfront land. Another important constraint is the size of the site, with minimal scope for additional riparian planting not already provided beyond the land designated as 'waterfront'.

Importantly, the proposal achieves the overarching objective of the NOW guidelines 'to establish and preserve the integrity of riparian corridors'. A variable riparian corridor is provided through the proposal which will achieve the objectives of the NOW guidelines as follows:

- Rehabilitation of the existing site and establishment of a riparian corridor with structured native vegetation;
- Disturbance and harm to the variable riparian corridor will be minimised through low scale fencing provided around areas of riparian planting and by providing a structured pathway network;
- The number of crossings is minimised;
- Services and infrastructure are located outside the riparian corridor where possible, with only the constraints of the site requiring some recreational infrastructure to be provided on the waterfront land; and
- Stormwater run-off will generally be treated before discharging into the riparian corridor and Woollooware Bay.

As permitted by the NOW Guidelines, the waterfront land does contain recreational infrastructure to better meet the needs of the community. This recreational infrastructure is able to be provided on the waterfront land as it will only cause minimal harm to the ecological functioning of the adjoining riparian land. A thorough assessment of the potential ecological impacts of the amended concept landscaping scheme is outlined further in Section 4.1.4.

4.1.4 Ecology Assessment

The redevelopment of the existing site will facilitate environmental benefits compared to the current situation. These benefits are to be realised both in the short and longer term, with immediate benefits and more sustained benefits to be realised over time.

Eco Logical Australia has prepared a letter summarising the studies, investigations and assessment undertaken to date for the site (refer to Appendix C). An assessment of the proposed amended landscaping concept scheme has also been undertaken by Eco Logical Australia. This assessment has considered the balanced approach taken to providing a riparian corridor as well as recreational infrastructure within the area designated as waterfront land. The following outcomes have been determined by Eco Logical Australia:

- The foreshore rehabilitation will involve revegetation with local provenance species associated with communities that would naturally occur on the edge of mangroves in this area, expanding the current riparian functioning of the foreshore.
- Additional habitat opportunities will be created for aquatic organisms through the provision of a seawall which will be installed or reconstructed in accordance with the Environmentally Friendly Seawall Guidelines.
- Invertebrates, such as crabs and snails, will be benefited through the establishment of additional habitat for saltmarsh and other riparian species.

- The in-perpetuity commitment to maintain the recreated vegetation communities through weed and rubbish control will be positive as some rehabilitated areas are often unmanaged and become weed-infested in the longer term.
- The values of the Towra Point Aquatic Reserve, including the water quality, habitat, fauna populations and diversity of the reserve, are not expected to be significantly impacted by the proposed rehabilitation.
- Stormwater quality entering Woollooware Bay from the site will likely be enhanced through the provision of water quality management features in the redevelopment.
- The new riparian buffer, which does not currently exist, may encourage additional fauna into the area. This may be limited by territorial behaviour and human activity in the overall Woollooware Bay site.

On balance, Eco Logical Australia has determined that the amended landscaping concept will provide similar benefits to those of the approved scheme. The ecological quality and functioning of the existing environment will be greatly improved from the existing situation and opportunities for improved habitat will be created.

4.1.5 Towra Point Aquatic Reserve and Towra Point Nature Reserve

The Towra Point Aquatic Reserve (declared under the *Fisheries Management Act 1994*) is located in the immediate vicinity of the Woollooware Bay site. The aquatic reserve generally comprises the water within Woollooware Bay as well as the wetlands fringing the bay. **Figure 7** illustrates the location of the site in comparison with the entire Towra Point Aquatic Reserve. Immediately adjoining the site is a refuge area, noted as an area which is of significance, but is not known to possess as higher value as the sanctuary zone, located a substantial distance from the site.

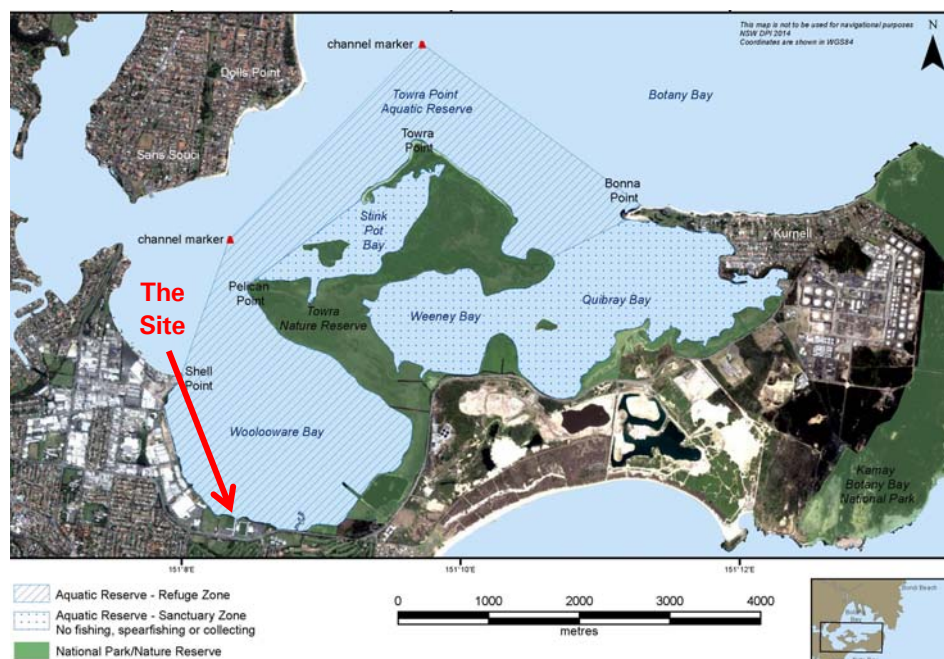


Figure 7 – Towra Point Aquatic Reserve and the site

Source: Department of Primary Industries

The Towra Point Aquatic Reserve has a function of protecting the wetland complex, as well as acting as a habitat area for fish, invertebrates and migratory seabirds. Adjoining the Towra Point Aquatic Reserve is the Towra Point Nature Reserve (declared under the *National Parks and Wildlife Act 1974*), a RAMSAR site listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999). The relationship of the site and the Towra Point Nature Reserve is illustrated in **Figure 8**. The site itself is located approximately two kilometres from the Towra Point Nature Reserve. The wetlands adjacent to the site to the north form part of the Towra Point Aquatic Reserve but do not form part of the Towra Point Nature Reserve.

The redevelopment of the site, including the implementation of the amended concept landscaping scheme will provide for a net improvement in the environmental quality and functionality of ecosystems within the adjoining Towra Point Aquatic Reserve due to the provision of a new riparian corridor; the establishment of new natural ecological communities including intertidal saltmarsh and the provision of controlled and formalised access along the foreshore.

Detailed consideration was given in the original assessment of the Concept Plan to the potential impacts of the proposal on the Towra Point Aquatic Reserve and the Towra Point Nature Reserve. The Concept Plan was referred to the Australia Government Department of Sustainability, Environment, Water, Population and Communities to determine whether the matter would be classified as a controlled action and require further assessment under the EPBC Act in relation to impacts on any matters of national significance (being the Towra Point Nature Reserve). On 17 May 2011 a decision confirming that the proposal is not a controlled activity was provided by Department of Sustainability, Environment, Water, Population and Communities (refer to **Appendix D**).

The proposal as sought to be modified is not significantly removed from the original Concept Plan which was considered by the Department of Sustainability, Environment, Water, Population and Communities. As such, the original determination that the proposal is not a controlled action continues to apply.

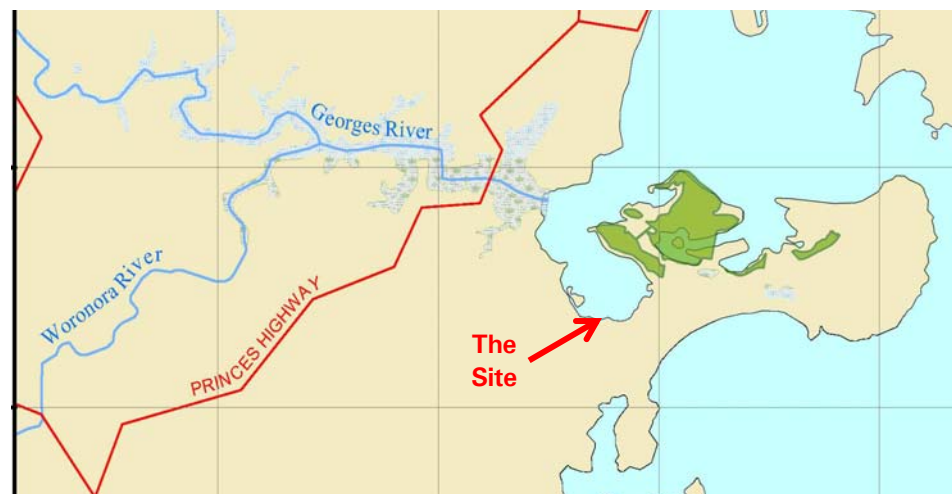


Figure 8 – Ramsar Wetlands (green) and the site

Source: Australian Government Department of the Environment

4.2 Community Benefits

A significant range of community benefits will be provided as a result of the amended concept landscaping scheme, not only contributing to the amenity of residents in Woollooware Bay, but also the wider community. Due to the constraints of the site, these community benefits are largely only to be realised if a flexible approach to the foreshore landscaping is adopted.

The following key community benefits will be realised through the delivery of the proposed landscaping scheme:

- Fulfilment of the shared pedestrian and cycleway path which connects Homebush to Kurnell. Currently, the shared pathway terminates at the beginning of the site on the west and commences again shortly to the east of the site.
- Provision of a new 'all-abilities' playground in collaboration with the Touched by Olivia Foundation. This playground will offer children and adults of all abilities the opportunity to play and live healthier and happier lives. Currently, the Sutherland Shire does not provide any such facilities. A letter of endorsement for the playground design and the project has been provided by the Touched by Olivia Foundation (refer to **Appendix E**).
- Provide uninterrupted areas for active recreational pursuits, ensuring that the areas provided with riparian vegetation will not be disrupted as residents and the local community have clear and sufficient designated areas of open space to play and socialise.
- Provision of fitness pods to encourage more active lifestyles and enable all of the community to have access to exercise equipment at no charge.
- Encouragement of greater social interaction and inclusion through the provision of shared BBQ facilities. These facilities will be located within the fenced all-abilities playground area to allow for a sharing of uses and encourage greater interaction amongst the community, particularly users of the playground.
- Achievement of greater activation along the retail/club building through the provision of a retail deck, permitting a blending of indoor and outdoor dining. Greater activity at the edge of the building will also ensure that the feeling of safety along the foreshore is enhanced through improved natural surveillance.
- Creation of opportunities for outdoor performances and exhibition of local talent through the provision of the stage and tiered steps in front of the retail/club building. The small scale stage and informal tiered steps will offer opportunities for intimate performances and will bring vibrancy and excitement to the foreshore park.
- Enhanced ecological functioning of the existing mangroves and significant new riparian planting, improving the overall vitality and quality of the foreshore. This will ensure that current and future generations are able to appreciate the riparian qualities of the foreshore and interact with the foreshore in a controlled manner through the creation of regulated pathways and fencing to important riparian areas immediately along the foreshore.
- Provision of a comprehensive interpretative signage strategy which will act as an educational resource for the local community and visitors to the area, offering opportunities for the display of facts on the history of the locality and particular themes (such as sport or ecology).
- Safety and security along the entire foreshore will be enhanced through a mixture of more active uses amongst the riparian planting. Through encouraging activity and people into the space, any opportunities for crime or anti-social behaviour will be reduced and the feeling of safety will be enhanced.

As outlined earlier above, the entire ground plane of the Woollooware Bay site will be publically accessible, ensuring the benefits provided in the landscaping scheme will be enjoyed by the wider community. The comprehensive landscaping of the site with a balance of ecological and recreational benefits will ensure there are key attractors for visitors to frequent the area and enjoy the natural foreshore.

The significant community benefits associated with the foreshore park will not be capable of being delivered if a strict 40 metre riparian vegetated strip is maintained. The balanced approach sought through this Modification Application will enable community benefits to be achieved whilst ecological benefits will remain, with a clear enhancement of the existing environmental conditions and ecological functioning.

5.0 Conclusion

This Section 75W modification seeks approval for amendments to the WBTC Concept Plan, namely the amendment of the Concept Landscape Drawings and the amendment of several terms of approval relating to the foreshore. The proposal is the result of over 2.5 years of design development and planning, including extensive consultation with various stakeholders.

The proposal seeks to instil a balance in the delivery of the foreshore improvements, providing scope for recreational pursuits amongst the riparian corridor which will enhance the ecological functioning of the adjoining Towra Point Aquatic Reserve. The significant community benefits to be delivered through the proposed scheme will not be realised if a balance of interests cannot be achieved.

The assessment contained within this report has resolved that there will not be any adverse environmental impacts resulting from the proposed modifications. The proposal has significant planning merit as:

- It will facilitate the rehabilitation and regeneration of the currently degraded and neglected foreshore;
- It will provide substantial riparian planting in a location which is currently cleared and does not possess any riparian qualities;
- It will facilitate the enhanced functioning of the existing mangrove environment through an improved buffer zone of riparian planting, regulated and controlled pedestrian access on the foreshore and improved stormwater runoff with minimised pollutants and sediments entering Woollooware Bay;
- It provides significant community benefits through the provision of a new shared bicycle and pedestrian path, areas for active recreational pursuits, a new all abilities playground and through creating opportunities for educational learning through interpretative signage;
- Safety and security along the foreshore will be enhanced through the provision of active uses amongst the riparian planting, inviting people into the space and increasing the level of natural surveillance whilst decreasing opportunities for crime and anti-social behaviour;
- It is generally consistent with the NSW Office of Water Guidelines for riparian corridors on waterfront land in that a balance of uses is provided on waterfront land and the averaging rule is employed within the constraints of the site;
- It will not result in any adverse impacts to the ecological functioning of the existing mangroves and will not impact the Towra Point Aquatic Reserve or the Towra Point Nature Reserve.

Due to the merit of the proposed modifications and the lack of any adverse environmental, social and economic impacts, the proposed modifications are appropriate and supportable.