



Kylie Rourke - 9710 0535  
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NSW Planning & Environment  
ATTN: Fiona Gibson  
GPO Box 39  
SYDNEY NSW 2001  
By email: [fiona.gibson@planning.nsw.gov.au](mailto:fiona.gibson@planning.nsw.gov.au)

**Please reply to:**

General Manager,  
Locked Bag 17,  
Sutherland NSW 1499  
Australia

**Tel** 02 9710 0333

**Fax** 02 9710 0265

**DX** 4511 SUTHERLAND

**Email** [ssc@ssc.nsw.gov.au](mailto:ssc@ssc.nsw.gov.au)

[www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)

**ABN** 52 018 204 808

**Office Hours**

8.30am to 4.30pm  
Monday to Friday

Dear Ms Gibson

**Council response to section 75W request to modify the concept approval for Woollooware Bay Town Centre (MP 10\_0229 MOD 5) – Landscaping Amendments at 471 Captain Cook Drive, Woollooware.**

Thankyou for the opportunity to make a submission on the above proposal. Council has reviewed the proposal and provides the following comments.

On 13 October 2014, Council provided advice to the applicant on the proposed foreshore works, via a preliminary Development Application discussion. A copy of the letter sent to the applicant from Council has been included for your reference.

Council has no objection to the configuration of the foreshore area being changed to facilitate greater passive recreation activity if it can be demonstrated that the primary purpose of the vegetated riparian buffer envisaged under the Concept Plan can still be achieved. Council sees the key benefits of the vegetated riparian buffer being:

- the management of stormwater discharge and surface flows;
- the provision of a physical barrier to the adjoining wetland for its protection, and
- the provision of habitat for fauna.

The Director-General's Environmental Assessment report dated June 2012, prepared by the (then) Department of Planning and Infrastructure, originally recommended approval of some minor works within the buffer zone. The following comment was made:

*"provision of boardwalks and structures such as bio-swales within the riparian corridor is supported where they do not negatively impact upon the function of the riparian corridor"*

It would be relevant to apply the above principle to determine the acceptability of the proposed works within the riparian zone, i.e. additional works within the riparian zone should only be deemed acceptable where they do not negatively impact upon the function of the riparian corridor.

The proponent has not provided any quantifiable data to demonstrate that the presence of structures, paths, picnic facilities, playground equipment and grassed areas will not have a negative effect on ensuring that the riparian zone can achieve its intended functions.

In the absence of this information, the precautionary principle should be applied, and the vegetated riparian zone should remain primarily vegetated, as per the original approved concept landscape plan. A less formal and more natural foreshore landscaped space would appear the most logical way to maximise the functionality of a vegetated riparian buffer.

The need for a high “quality” vegetated riparian buffer is of increased importance given that the Concept Plan was approved with a riparian buffer zone less than the 40m width recommended by Council and the NSW Office of Water.

The subject site adjoins an area of undisputed environmental sensitivity, marked by its proximity to the areas identified as internationally significant RAMSAR wetland at Towra Point. The implementation of best practice design principles should be expected and there should be certainty that the vegetated buffer zone achieves the aims envisaged under the concept plan before modifications are approved.

The Concept Approval also included various conditions of consent that relate to public domain and landscape requirements and ecological considerations. The Ecological Commitments contained in Schedule 5 of the Concept Approval are also relevant to the proposed landscape amendments. Council trusts that these commitments will be enforced by the Department when making the decision on this application.

If you need any clarification of the above comments, please contact Council's Development Assessment Officer Kylie Rourke on 9710 0535 or email [krourke@ssc.nsw.gov.au](mailto:krourke@ssc.nsw.gov.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'P Barber', with a stylized flourish at the end.

Peter Barber  
Director, Shire Planning