

Amanda Treharne - 9710 0462
File Ref: DN17/0002

08 February 2017



Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Jane Flanagan

Dear Sir/Madam

Development Referral No. DN17/0002

**Proposal: Modification to Concept Plan - Landscaping Amendments (MP
10_0229 MOD 5)**

**Property: 461 Captain Cook Drive, Woollooware, 475B Captain Cook Drive,
Woollooware, 475A Captain Cook Drive, Woollooware**

Thank you for referring the above development proposal to Council for comment.

On 29 January 2016 Council provided comments to the NSW Department of Planning and Environment (DPE) in response to the initial proposed MP10_0229 MOD 5. The overarching issues raised by Council in that correspondence should be considered as still relevant.

Of key concern to Council in its review of the proposed MOD is the fact that parts of the documentation submitted are at odds with works the applicant is seeking approval for from Council as part of the Stage 3 Residential development (DA16/1068).

In late December 2016 the applicant submitted civil engineering drawings and flood reports (for works to the drainage channel) to Council as part of a revised proposal to address outstanding flooding matters. These works had been requested by Council to form part of the Stage 3 DA. The works constitute Integrated Development under the Environmental Planning and Assessment Act (EP & A Act) and were subsequently referred to the Department of Primary Industries – Fisheries (DPI Fisheries) and the NSW Office of Water.

DPI Fisheries has stopped the clock on the application after advising Council that it requires additional information regarding the extent of works to the channel and the need to assess potential impacts on the aquatic environment and adjacent aquatic reserve. The Office of Water is yet to respond.

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Council has advised the applicant of design concerns with the proposed channel works and is waiting to hear back from its flood consultants.

The reason for advising the DPE of the above is relevant to the extent that the proposed Concept Landscape drawings submitted to the Department (dated November 2015) have not been updated to reflect the latest engineering drawings for the drainage channel submitted by the applicant as part of DA16/1068.

For example, the proponent is seeking to reduce the extent of excavation adjacent the drainage channel as part of DA16/1068. This is not reflected in the proposed MOD Concept Landscape Plans, which still shows much greater excavation.

Council is also questioning the proponent with respect to the proposed shoring along the channel as a batter slope would be preferable. The slope of the embankment and height of the proposed retaining wall along the western edge of the shared path is likely to be recommended for amendment as part of DA16/1068. This should also be shown consistently in the Concept Landscape Drawings in the MOD.

The proposed lower bridge across the drainage channel (refer to Mangrove Boardwalk Plan - Dwg No. FSA-S75W-04 rev A prepared by Turner dated November 2015) has not been included in the flood model submitted to Council with DA16/1068. Final design parameters of the bridge would need to conform and be confirmed by the flood consultant (WMAwater) to ensure that they don't adversely affect flood behaviour prior to Council accepting this design. The proposed MOD drawings in this regard are therefore indicative only or should be modified once flooding design parameters are determined.

The above concerns illustrate that there is a need to sequence the approvals the proponent is seeking. Failure to do so will result in further MOD applications to regularise works that are no longer consistent. The key issue to finalise first is the flooding. Once the extent of works required to the channel has been approved, the landscape treatment of the channel and associated foreshore / riparian area can be confirmed.

Other matters of relevance for Council to comment on with respect to the proposed MOD re as follows:

NSW Office of Water Guidelines

The NSW Office of Water Guidelines for riparian corridors on waterfront land (NOW Guidelines) require that non-riparian uses, such as play areas and structures are generally excluded from the inner 20m of the 40m riparian zone. The proposed Concept Landscape plans generally comply with this guideline, in that play areas, turfed areas, shade structures and BBQs are located outside this inner 20m zone. While walkways and cycleway are located within the inner 20m, these are permitted under the NOW guidelines.

Within the outer 20m riparian zone a number of non-riparian uses are present. The NOW guidelines allow for the encroachment of non-riparian uses in this zone to be off-set by providing additional riparian land beyond the 40m riparian zone. This has generally been provided by way of additional planting in the foreshore park area between the 40m riparian zone and the residential buildings. The constraints of the site are such that this is a preferable outcome.

The electricity easement that runs through the park restricts the size of trees that can be planted in the riparian zone. By placing turfed areas and playground, etc within the 40m riparian zone, under the HV lines, and off-setting this by planting trees to the south of the HV lines outside the 40m riparian zone, a greater height and diversity of tree species can be achieved.

In balancing the encroachments into the 40m riparian zone against the off sets provided beyond the 40m riparian zone, the proposal is positive in terms of the overall environmental benefits.

Concept Landscape Drawings

It is not clear from the proposed landscape drawings what materials or path widths are proposed for the various paths within the foreshore park. Council has previously advised the proponent that it wishes to maximise the deep soil area within the riparian zone by reducing the amount of paved area and to create a clear hierarchy of paths.

In particular, the three N-S paths leading from the apartments and the footbridge to the foreshore bike path should be reduced in width. Information showing the proposed width of the paths (note that the foreshore cycleway must be 4.0m in width) and the choice of paving material should be submitted as part of the future detailed DA.

Timing of Landscape Works

Landscape works for the drainage channel should form part of the work undertaken as part of DA16/1068 (Stage 3 Residential), rather than being included as part of the foreshore park works. The reason for this is that the front gardens of the proposed townhouses (including steps, fences, embankment and retaining walls) encroach into this space and ought to be completed in conjunction with those dwellings. In addition, the salt marsh area and steep banks in front of the townhouses must be stabilised quickly after the construction works are completed.

Additional Tree Planting

Council would like to see increased tree planting along both sides of the shared pathway on the western side of the drainage channel. At least 20 additional large indigenous canopy trees would be ideal to shade this path. The trees can be planted in clusters to allow views from the townhouses.

In terms of the proposed tree species for inclusion in the foreshore park area, Council suggests removal of two of the suggested tree species, namely the Red Ash

(*Alphitonia excelsa*) and Wollybut (*Eucalyptus longifolia*). These should be replaced with Bangalay (*Eucalyptus botryoides*) or similar.

Vegetation Management Plan

The landscape drawings refer to the Vegetation Management Plan (VMP) but no updated VMP has been submitted with the MOD. The previous VMP was dated February 2013. The proponent has been previously advised by Council that this requires updating to reflect changes to the proposed landscape scheme. The VMP is critical for the long term management of what will be a publicly accessible space. Close coordination between the VMP and the plant schedule in the landscape plans is also required.

Easement

Approvals granted to date state that the foreshore park will be owned and managed in perpetuity by the Strata Corporation of the adjoining apartments and that the foreshore bike path and park will be publicly accessible. This will require the establishment of an easement or another form of instrument in favour of Council facilitating public access.

Amendment to Conditions

Condition B1

The proposed plan amendments for B1 outlined in the JBA Section 75W to Concept Plan (MP10_0229) are not acceptable to Council at present. This is on the basis of the points raised above with respect to the inconsistency of works to the channel and the potential for change to the excavation and landscape works adjacent this.

Condition B2

The proposed amendment to condition B2 proposes removal of the Family Hill area from the riparian corridor. No objection is raised to this on the basis of agreed discussions with the proponent that this area would not be considered as part of the development and outside the considerations of any future modifications to the riparian zone.

Works to the north of the Family Hill, proposed to connect the residential portions of the development to the retail areas, were considered part of the development. The revised landscape plans and drawings acknowledge this and the areas noted as included and excluded on the plans are appropriate.

Summary

Overall, Council is supportive of the proposed foreshore landscape works, as detailed above. Resolution of the flooding works to the channel as part of DA16/1068 should enable resolution of the landscape works to this area, but how this works in terms of the timing of the proposed MOD is a matter for the DPE. Council is happy to discuss this aspect further

I trust the DPE will take into account the matters raised by the Council. If you need any clarification of the above comments, please contact Council's Development Assessment Officer Amanda Treharne on 9710 0462 or email atrehane@ssc.nsw.gov.au and quote the application number in the subject.

Yours faithfully

A handwritten signature in black ink, appearing to be 'P Barber', with a horizontal line extending to the right.

Peter Barber
Director, Shire Planning