

Amanda Treharne - 9710 0462
File Ref: DN17/0002

22 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**

Further to Council's submission of 8 February 2017, advice from the applicant (and confirmed with NSW Department of Planning and Environment (DPE) indicated that more recent plans were available than those on which Council had based its initial comments. On this basis, this correspondence supersedes that correspondence as Council's submission on the MOD.

Council's key concern in its review of the proposed MOD is to ensure that the documentation submitted is consistent with (albeit at a different level of detail) the works the applicant is seeking approval from Council as part of the Stage 3 Residential development (DA16/1068), as the area the subject of the DA overlaps with the area relevant to the MOD.

Background

The applicant submitted civil engineering drawings and flood reports (for works to the drainage channel) to Council in mid December 2016, 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 DPI 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. That information has yet to be submitted.

DPI Water has provided General Terms of Approval (GTA) to be included in the development consent, with a requirement for the applicant to apply for a controlled activity approval once consent is issued.

Council has advised the applicant of design concerns with the proposed channel works and is waiting for a response.

Clarification

The Concept Landscape plans submitted to the DPE comprises two components – namely the Landscape Concept Masterplan and the Illustrative Landscape Plans (DPE website titles). From discussion with the proponent, it is understood that the Illustrative Landscape Plans are for information purposes only (as stated on the front cover sheet) and will not form part of the plans referenced as part of the modified Concept Plan Approval.

Council is seeking clarification from the DPE in terms of what relevance these plans have. For example, Drawing No. L006 shows a proposed sheet pile wall along the side of the drainage channel. This wall is not Council's preferred outcome for the drainage channel, with the applicant having been advised that a gentle batter slope is preferred.

The issue of the sheet pile wall versus the batter slope is further exacerbated by the cross-sections shown in the Concept Landscape Masterplan set. Cross-sections D and F (plan reference L007 and L008) show a batter slope in one part of the channel and the shored wall on the other (respectively). The plans are therefore contradictory. It is noted that these sections are not proposed to form part of the plan amendments the proponent is seeking under Condition B1. This is despite the fact that plan L005 (which is listed in Condition B1) has the subject cross-sections shown on it.

Council is querying the reason why the complete set of plans contained in the Concept Landscape Masterplan (as opposed to a select few) are not intended to form the new Concept Approval plans (Condition B1). There is considerable supporting information in these plans that Council would like to incorporate as part of the approval.

Flood impact

The proposed lower bridge across the drainage channel has not been included in the flood model submitted to Council with DA16/1068. Final design parameters of the bridge would need to 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 the 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.

Amended Landscape Concept Masterplan

Overall the proposed landscape is an improvement on the previous scheme in terms of the simpler design, reduced areas of hard paving and more pervious and revegetated areas, all of which respond better to the requirements of a riparian zone. The inclusion of a new mangrove boardwalk is also welcomed. The following issues are raised in terms of feedback for the proponent and matters that Council will require to be addressed at future DA stage:

1. The plans do not show the proposed staging of the works i.e. the drainage channel works that Council has requested form part of the Stage 3 Residential development application (DA16/1068).
2. The plans do not clearly show the removal or retention of existing trees on the site, particularly mangroves within the drainage channel. (This information has also been requested as part of the assessment of DA16/1068).
3. The revegetated area on the western side of the path to the mangrove boardwalk should be revegetated as salt marsh to match the area on the eastern side of the path.

4. All salt marsh areas should be fenced with low post and wire fencing (refer Taren Point Shorebird Reserve). Where salt marsh abuts the shared pathway, the fence should be located approximately 1m from the path.
5. A shelter should be provided over the BBQ area at the eastern end of the playground to provide weather protection for users and to protect the asset.
6. The mangrove boardwalk should be constructed in durable materials that will require minimal maintenance over the long term. Details of the boardwalk should be submitted to Council as part of the foreshore DA.
7. Grass used within the open turf area should be native grass such as "Nara Native Turf"
8. Signposting and distinctive paving should be provided along the shared path approx. 30m either side of the playground to alert cyclists to slow down where children, especially children with disabilities, may be present.
9. Only one gate should be provided at the eastern end of the playground (not two) and the opening should be widened. Planting near gates must be designed to allow clear sightlines between users of the playground and cyclists.
10. The shared path should be 3.5m wide throughout. It is unclear why the shared path is reduced to 3.0m on the NW side of the Hill.
11. The bridge over the drainage channel should be 3.5m wide to match the shared path to eliminate a pinch point and potential safety hazard.
12. Two viewing platforms should be provided on the northern side of the shared path adjacent to the hill.
13. To prevent bikes from accessing the mangrove boardwalk, signage and a bike track (for 2 bikes) should be provided at the intersection of the gravel walkway and the shared path.
14. Bike access to the retail development should be provided as well as bike racks in the parking area and next to the sitting / water play area within the foreshore park area.

It is not clear from the proposed landscape drawings what materials are proposed for the various paths within the foreshore park. This information should be submitted to Council for assessment with the foreshore works DA.

Timing of Landscape Works

As stated in Council's previous correspondence dated 08 February 2017, the 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, embankments and retaining walls) encroach into this space and ought to be completed in conjunction with those dwellings.

In addition, the salt marsh area and banks in front of the townhouses must be stabilised quickly after the construction works are completed.

The proposed plant schedule is not appropriate and alternative species should be required. Council has advised the proponent of these requirements and can make the revised schedule available to the DPE if it requires.

Vegetation Management Plan

The previous VMP was dated February 2013 and has not been updated. The proponent has previously been 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.

Gunninah Ecological and Environmental Outcomes & Assessment

Concern is raised in terms of the accuracy of the report. For example, the plan included between pages 1 and 2 from Aspect Studios and is a superseded plan. The plan is no longer relevant to the report or the project.

The report is silent regarding any detail or plan concerning which trees are proposed to be removed or retained, particularly with respect to the mangroves. This same issue has been raised with the Stage 3 Residential DA (DA16/1068).

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. A condition should be included stating this requirement.

Amendment to Conditions

Condition B1

The proposed plan amendments for B1 outlined in the JBA Response to Submissions Section 75W to Concept Plan (MP10_0229) are not acceptable at present. This is on the basis of the points raised above with respect to the inconsistency of works in the channel and the potential for change to the excavation and landscape works adjacent. Whilst it is appreciated that the Concept Approval is reasonably high level, there needs to be a degree of certainty for Council in what is being approved.

Clarification is also sought regarding Plan L012. The Concept Landscape Masterplan drawings are numbered L002 – L011 and the Illustrative Landscape Plans are numbered L002 – L007. Has the plan been accidentally omitted from the MOD or is the L012 plan reference by JBA an error?

Summary

Overall, Council is supportive of the proposed foreshore landscape works, subject to some suggested minor refinements.

Resolution of the flooding works to the channel as part of DA16/1068 should in turn enable resolution of the landscape works in this area. How this is coordinated in terms of the timing of the proposed MOD is a matter for the DPE to consider.

Clarification regarding the extent of documentation and detail that will form part of the modified Concept Approval is sought. In the absence of further plans and information, Council requests to have its concerns addressed by conditions in the modified Concept Approval to ensure that a quality, coordinated outcome is achieved.

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 read 'P Barber', with a long horizontal flourish extending to the right.

Peter Barber
Director, Shire Planning