

Amanda Treharne - 9710 0462
File Ref: DN17/0002

14 June 2017



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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 the opportunity to provide comment in response to the proponent's
Further Response to Submissions.

It is acknowledged that the proponent has made changes to the proposal to address
some of Council's concerns. Council's submission of 22 February, 2017 remains
largely still relevant and should be read in conjunction with this correspondence.

Drainage channel

One of the key unresolved matters is the drainage channel and the long-term
treatment of this from both flood mitigation and an ecological perspective. At a recent
site meeting between Council officers and NSW Department of Primary Industries
(DPI Fisheries), the issue of mean high water mark and the area of the channel
affected by this, was raised. If the channel is below mean high water mark, the
channel and its banks fall within the Towra Point Aquatic Reserve, regardless of the
channel being a man-made structure. The proponent has been advised of this concern
and has commenced new survey work to ascertain the levels within the channel.

The implications for the design of the mitigation works to the channel and the
associated mangrove environment are potentially significant. If the channel forms part
of the Towra Point Aquatic Reserve, previous advice from both DPI Fisheries and DPI
Water is likely to change, as is the means by which the flood mitigation works to the
channel and its surrounds are achieved.

The Stage 3 Residential development (DA16/1068) was already on hold pending flood
mitigation information from the proponent. It will remain on hold until such time as the

proponent has completed the survey work and submitted updated flooding information. Once the flooding information is submitted to Council, new referrals to both DPI Fisheries and DPI Water will be made.

Given that the works to the channel and the associated landscaping works surrounding it form part of MOD 5, there is no value in Council making any further comment until the revised levels, flood management measures and aquatic reserve issues are resolved. Continuing assessment of the MOD without this information is essentially futile and would most likely lead to plans being approved that will need to subsequently be modified again.

Landscape Plans

Whilst Council accepts that the proposal is still conceptual, it is not supportive of the level of detail that the proponent seeks to form the approval i.e. the Concept Landscape Plans and some of the Illustrative / indicative Plans - but not all of them. The plans sought to be excluded are those that provide details which Council would like to see incorporated as part of the approval. The omission of these plans results in a far more ambiguous approval and one with reduced certainty for Council at DA stage.

Other matters which Council would like to see addressed in the Concept Landscape Plans or conditions include the following:

- Clarification of the proposed toilet under the lookout at the northern end of Stage 3;
- Shade structures over the playground and BBQ area;
- The proposed means of fencing (preferably low) between the cycle path and any riparian planting areas to ensure vegetation is protected (refer to the Taren Point Shorebird Reserve);
- Additional detail regarding the proposed removal or retention / protection of existing trees and mangroves. The information submitted provides insufficient detail particularly with respect to the mangroves within the channel;
- Two viewing platforms should be provided on the northern side of the shared path adjacent to Family Hill;
- The plans need to demonstrate how the conflict / safety issue between the cycle path and the playground entrances will be addressed. It is suggested that distinctive paving be provided along the shared path approx.30m either side of the playground area to alert cyclists to slow down, especially as this is potentially an area where disabled and young children will be present;
- Only one entrance gate should be provided at the eastern end of the playground (not two as proposed) to limit the conflict points and uncertainty between cyclists and pedestrians. The opening for the one entry / exit should be widened to accommodate the movement of people using the space;
- Planting near the playground gate must be low to allow clear sightlines between users of the playground and cyclists;
- The shared pathway at 3.0m width is not supported due to the potential volume of pedestrians and cyclists using the area. A minimum 3.5m shared path throughout is required. Experience from the shared pedestrian and cycling

paths at Brighton and Wollongong (which are comparative in respect to context and potential pedestrian and cycling traffic) show that a minimum 3.5m wide path in the area proposed would provide greatly improved safety, separation and amenity for all user groups;

- Narrowing of the pathway, such as at the proposed bridge over the channel, is not recommended from a safety / conflict basis and the frustration it can create between user groups;
- 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; and
- At junctions where a pedestrian and cycling activity converges, greater path width needs to be applied to allow different user groups to negotiate the space, safely change direction and avoid conflict.

Summary

Whilst it is appreciated that the Concept Approval is reasonably high level, there needs to be a degree of certainty for the Department and Council in what is being approved. This will avoid confusion, uncertainty and debate at DA stage about what was envisaged and the quality of the outcome.

Resolution of the status of the channel in terms of the Towra Point Aquatic Reserve and the resultant flood mitigation / ecological works as part of DA16/1068 should in turn enable resolution of the landscape works in this area. The area subject to resolution forms the large majority of Stage A2 of the MOD. Council considers that it would be premature to advance the MOD any further without resolution of this area.

The overall site is now subject to multiple layers of approvals and modifications. Council is seeking to ensure that a quality, coordinated development outcome is achieved on the site. The approval process needs to facilitate this by being as coordinated and cohesive as possible, and Council seeks the DPE's assistance to achieve this.

If you need any clarification of the above comments, please contact Council's Development Assessment Officer Amanda Treharne on 9710 0462 or email atreharne@ssc.nsw.gov.au and quote the application number in the subject.

Yours faithfully



Peter Barber
Director, Shire Planning