



## Department of Primary Industries

OUT13/8409

24 APR 2013

Mr Mark Brown  
Metropolitan and Regional Projects South  
NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Mark.Brown@planning.nsw.gov.au

Dear Mr Brown,

### **Woollooware Bay Town Centre Stage 1 (MP 10\_0230) Response to exhibition of Environmental Assessment**

I refer to your letters dated 5 March 2013 to Fisheries NSW and the NSW office of Water, both divisions within the Department of Primary Industries, in respect to the above matter.

#### Comment by Fisheries NSW

Fisheries NSW advises as follows:

- (i) no objection in principle is raised to the proposed works.
- (ii) it is recommended the draft Statement of Commitments in Chapter 7 be amended to formalise and strengthen the commitment to conduct measures to improve the aquatic habitat outcomes from this site. This should include a commitment to constructing the riparian zone and stormwater system according to the plans submitted with the Environmental Assessment Report.
- (iii) it is important that the foreshore boardwalk is set back from the crown of the adjacent mangrove trees so that maintenance trimming of mangroves for safety purposes will not be required over time.
- (iv) Fisheries NSW requests the opportunity to comment on the designs of the Environmentally Friendly Seawall once they have been prepared. It is important that this wall is designed so that it does not result in the harm of mangroves.

For further information please contact Carla Ganassin, Conservation Manager (Wollongong office) on 4254 5527, or at: [carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au).

#### Comment by NSW Office of Water

The NSW Office of Water provides the comments detailed in Attachment A.

For further information please contact Janne Grose, Planning and Assessment Coordinator (Penrith office) on 4729 8262, or at: [Janne.Grose@water.nsw.gov.au](mailto:Janne.Grose@water.nsw.gov.au).

Comment re adjacent Crown Land

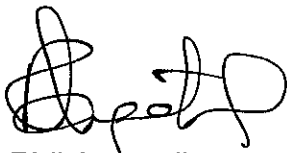
It is noted that land adjacent to the north-east corner of Woollooware Road (being Lot 7074 DP 1063961) is Crown land, and part of Captain Cook Drive adjacent to the subject site is Crown road under joint responsibility with Sutherland Shire Council. No part of the proposed development is to encroach on these areas without prior approval under the *Crown Lands Act 1989* or the *Roads Act 1993*, as applicable.

For further information please contact Stephen Fenn, Senior Manager Crown Lands Sydney (Parramatta office) on 8236 7113, or at: [stephen.fenn@lands.nsw.gov.au](mailto:stephen.fenn@lands.nsw.gov.au).

Future referrals

To assist the Department of Primary Industries (DPI) in making a single coordinated response to your Department in respect to State Significant development and transitional Major Project matters, referrals of future stages of this application should be made direct to DPI as a whole, to: [landuse.enquiries@industry.nsw.gov.au](mailto:landuse.enquiries@industry.nsw.gov.au). This notification will then be referred internally to relevant DPI divisions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Anquetil', with a stylized, cursive script.

Phil Anquetil

**Executive Director Business Services**

## Attachment A

### Woollooware Bay Town Centre Stage 1 (MP 10\_0230) Response to exhibition of Environmental Assessment (EA)

#### Comment by NSW Office of Water

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#### 1. Riparian Corridor

The Concept Plan Approval approved by the Planning Assessment Commission for the mixed use development of Cronulla Sutherland Leagues Club includes Condition B2 for a vegetated riparian buffer corridor to be provided along the foreshore. The condition requires that the vegetated riparian buffer must be a minimum of 40 metres wide, except for the 70 metre stretch adjacent to the retail loading dock where the vegetated riparian corridor must be a minimum of 35 metres wide.

The Landscape Plans provided in Appendix H do not appear to comply with Condition B2 to provide a minimum vegetated riparian buffer of 40 metres. The Office of Water recommended the riparian corridor is fully vegetated with native tree, shrub and groundcover plant species from the local endangered ecological community, Swamp Oak Floodplain forest. It appears the riparian area that is proposed to be fully vegetated only forms a small part of the total riparian footprint. The Retail Landscape Plan (Drawing 11017 RDA-03) shows Swamp Oak Floodplain Forest is only proposed to be planted on the embankment to the loading dock façade.

The Statement of Commitments (SOC) attached to the Concept Plan Approval (Schedule 5) under Section 8 Ecology includes a commitment that re-vegetation shall be undertaken using local provenance species that are consistent with estuarine vegetation communities (ie mangrove coastal saltmarsh-swamp oak floodplain forest and that future applications for development to the north of the retail site shall incorporate species characteristic of the Swamp Oak Floodplain Forest endangered ecological community. The Office of Water previously sought clarification in regard to the inclusion of the wording "*in quantities commensurate to that removed elsewhere within the site, if relevant*" and recommended the SOC states that riparian land to the north of the retail site shall incorporate species characteristic of the Swamp Oak Floodplain Forest ecological community at a density that would occur naturally.

It is recommended details are provided on the total area (in m<sup>2</sup>) of the riparian corridor that is to be provided adjacent to the retail centre and the total area of riparian buffer that is proposed to be fully vegetated to emulate the Swamp Oak Floodplain forest.

The Retail Landscape Plan in Appendix H (Drawing 11017 RDA-03) indicates a number of uses are proposed to be located in the 40 metre vegetated riparian setback including a raised spill out deck (4) a native turf area (6), timber deck terraces (7); landscape seating terraces (9); a 3 m wide foreshore path and a bioswale (13). It is recommended consideration be given to the potential reduction in function of the vegetated buffer and consistency with the SOC with the inclusion of such infrastructure.

#### 2. Bioswale

Appendix H indicates the bioswale is to be planted with species from the Swamp Oak Floodplain Forest. The EA for the Concept Plan (Appendix K) indicated the maintenance program for the water quality control measures would include "*periodic (6 monthly) inspection and removal of any gross pollutants and coarse sediment that is deposited in the bio-retention swales*". The Office of Water in its submission on the EA raised concern that the maintenance program associated with the swales would disturb the rehabilitation of riparian vegetation.

Details are required as to how the maintenance program will be undertaken to maintain the functionality and composition of the vegetation.

### **3. Transmission lines**

Appendix P notes preliminary discussions will be entered into with Ausgrid to explore the option of relocating the existing overhead transmission lines north of the site to underground cables (see Section 5.1.3, page 16). Further details are required on the potential adverse/beneficial impacts of the underground cables as opposed to the overhead lines on the vegetated riparian buffer.

### **4. Vegetation Management Plan (VMP)**

The VMP (Appendix U) does not provide costings for the implementation of all components and stages of the work including materials, labour, watering, maintenance, monitoring and reporting. It is recommended the VMP includes this detail.

The VMP indicates ongoing monitoring and maintenance will be essential to ensure good health of the riparian buffer (page 6). Clarification is required as to whether monitoring and maintenance is proposed in perpetuity, or if a minimum period for maintenance is proposed. The longer the developer maintains and is responsible for the management of the riparian area the better, as the vegetation becomes more established and is able to compete with fringe effects such as weeds, litter, etc

**End Attachment A**