



## Department of Primary Industries

OUT16/5293

Ms Fiona Gibson  
Regional Assessments  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Fiona.Gibson@planning.nsw.gov.au

Dear Ms Gibson,

**Department of Primary Industries (DPI) response to request for comment on  
proposed Modification to  
Woollooware Bay Town Centre Concept Approval (MP 10\_0229 Mod 5)**

I refer to the letter from Natasha Harras dated 4 December 2015 to the NSW Office of Water (now DPI Water) in respect of the above matter. It is requested that future referrals to any part of DPI be sent by email to [landuse.enquiries@dpi.nsw.gov.au](mailto:landuse.enquiries@dpi.nsw.gov.au). Comment has been sought from DPI Water and DPI Fisheries in respect of this modification.

The proposed modification relates to a 40-metre vegetated riparian buffer corridor required by conditions in the Concept Plan Approval for the larger development. Under the proposed modification, a portion of the vegetated riparian buffer corridor, the Family Hill area north of the Cronulla Sharks' stadium, would be excluded from a modified and reduced buffer corridor. In addition, recreational infrastructure is proposed for the remaining buffer corridor in the form of a playground, shared bicycle and pedestrian pathways, and a boardwalk.

DPI recommends that no further encroachment be permitted within the current vegetated riparian buffer corridor. The modification, as proposed, would have significant impacts on the Towra Point Aquatic Reserve. DPI is available to meet with staff from the Department of Planning and Environment or the proponent to discuss its concerns.

DPI further advises that while the current proposal relies on DPI Water's *Controlled Activities Guidelines*, guidance from DPI Fisheries is more relevant to this proposal.

DPI Fisheries comments

The proposed modification will have significant impacts on the Towra Point Aquatic Reserve, a Marine Protected Area administered by DPI Fisheries. Key comments from DPI Fisheries, including the Marine Parks and Aquatic Reserves Unit, are as follows:

1. The reduction in the proposed riparian buffer zone is inconsistent with DPI Fisheries' aquatic habitat protection guidelines.
2. Maintaining adequate buffer zones is particularly important adjacent to Towra Point Aquatic reserve.
3. The proposed modification will reduce saltmarsh habitat.
4. The modification does not include consideration of alternatives for locating recreational structures outside the 40 metre riparian buffer zone.
5. Any necessary seawalls should not harm mangroves within Towra Point Aquatic Reserve.

Detailed comments from DPI Fisheries are at **Attachment A**. For further information regarding DPI Fisheries' comments, please contact Lesley Diver, Senior Project Officer, Marine Parks and Aquatic Reserves on 4222 8339, or at [Lesley.Diver@dpi.nsw.gov.au](mailto:Lesley.Diver@dpi.nsw.gov.au).

#### DPI Water comments

DPI notes that advice from DPI Fisheries is more relevant than the *Guidelines for riparian corridors on waterfront land* for this proposal. However, given that the proposal relies on these guidelines, DPI Water notes that the proposed modification is inconsistent in certain respects with DPI Water's guidelines.

DPI Water's key comments are:

1. The proposed modification includes significant infrastructure within the inner riparian area of the buffer zone, inconsistent with the Guidelines.
2. Some of the proposed offsets for development within the vegetated riparian zone are not consistent with the Guidelines.
3. If the Family Hill area is proposed to be used for recreation, this area should be offset elsewhere at the site.
4. The development of the riparian corridor should take into account constraints relating to the Ausgrid Electricity transmission line easement.

For further information or to arrange a meeting with DPI, please contact Brendan Fletcher, A/Manager Assessments on 9934 0805 or by email [Brendan.Fletcher@dpi.nsw.gov.au](mailto:Brendan.Fletcher@dpi.nsw.gov.au).

Yours sincerely



Mitchell Isaacs  
**Director, Planning Policy & Assessment Advice**  
**8 February 2016**

## Attachment A

### Woollooware Bay Town Centre Concept Approval (MP 10\_0229 Mod 5) NSW Department of Primary Industries, Fisheries detailed comments

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If approved the proposal would represent a significant reduction of protection for aquatic habitats adjacent to the Towra Point Aquatic Reserve, one of NSW's most significant aquatic protected areas, as discussed below.

1. The reduction in the proposed riparian buffer zone is inconsistent with DPI Fisheries' aquatic habitat protection guidelines.

In order to provide adequate protection to high value aquatic habitats, DPI Fisheries' *Policy and Guidelines for Fish Habitat Conservation and Management 2013*) recommend a 100m setback adjacent to TYPE 1 aquatic habitats, such as aquatic reserves. Fisheries NSW proposed a 100m setback at the time of the original development proposal. The 40m riparian buffer zone approved at the concept stage was a significant compromise on the recommended setbacks.

The proposed modification further encroaches on recommended setbacks for TYPE 1 habitats, as do the pathways, boardwalks and playground proposed for the buffer zone.

2. Maintaining adequate buffer zones is particularly important adjacent to Towra Point Aquatic reserve.

Towra Point Aquatic Reserve is one the most important aquatic reserves in the state due to the unique range of habitats it protects, including fish nursery areas essential to regional fisheries, and the fact that it is adjacent to and complements the only Ramsar wetland in the Sydney region.

Currently the primary objective of a NSW Government priority project, the Hawkesbury Shelf Marine Bioregion Assessment, is to enhance marine biodiversity conservation in this region. Towra Point Aquatic Reserve is one of the priority sites that are being considered in this assessment.

A threat and risk assessment has shown that climate change and associated sea level rise is the most significant threat to marine biodiversity within the Hawkesbury Shelf Marine Bioregion. To mitigate this threat, estuarine wetlands within and adjacent to aquatic reserves such as Towra Point need adequate buffer zones to be able to retreat upslope with sea level rise.

As stated above, the 40m setback already approved is a significant compromise on protection for high-value aquatic habitat. Where, as here, development is proposed adjacent to Towra Point Aquatic Reserve, a priority site in the NSW Government's marine biodiversity conservation program, it is critical not to further compromise environmental safeguards.

The vegetated 40m buffer zone is essential to protect and enhance the biodiversity of the Aquatic Reserve, and is already a compromise on the buffer zone widths for

Aquatic Reserves. It is well established that marine protected areas need to be supported by high quality management of adjacent lands.

Contrary to what is stated in the proponent's s75W modification report, the mangrove forest in Towra Point Aquatic Reserve adjacent to this site is mostly in excellent condition, apart from the long-term poor litter management practices at this site, which should be remediated as part of the site redevelopment. Fisheries staff have not observed any weeds growing in mangrove forest at this site. The saline, intertidal environment of mangrove habitat does not support the growth of terrestrial weeds.

### 3. The proposed modification will reduce saltmarsh habitat.

The current proposed reduction of the buffer zone and proposed infrastructure within the remnant will reduce the area of saltmarsh habitats and adjacent riparian vegetation compared with that approved at concept design stage. These saltmarsh habitats are important to provide food for fish and enhance the biodiversity of adjacent mangrove habitats. Reducing saltmarsh habitat has a significant impact on the environmental value and function of the riparian buffer zone.

Research has shown that saltmarsh behind mangroves enhances the biodiversity of the mangrove forest habitats. In addition, saltmarsh communities provide large volumes of food for fish and contribute to the sustainability and value of the local fisheries. The annual economic output for recreational fishing in the Sydney Region, which includes Botany Bay, is over \$1 billion. This recreational fishery relies on adequate and protected fish and invertebrate nursery areas.

Saltmarsh has been declared an Endangered Ecological Community under the *Threatened Species Conservation Act 1995* due to habitat loss, and some of the largest losses have occurred in the Botany Bay catchment. Specifically, Woollooware Bay has lost 63% of saltmarsh between 1940 and 1994 and a further 14% between 1999 and 2008. In order to reverse this decline, riparian buffer zones need to be adequate to allow saltmarsh communities to retreat upslope.

The proposed modification will impact on saltmarsh communities in the following ways:

- The public path is now situated approximately 18-21 metres closer to the edge of the Aquatic Reserve, with BBQ facilities, a public play facility and a grassed area now included in the area that was previously proposed by the proponent as a 30m wide riparian buffer zone predominantly vegetated with saltmarsh species. The proposed modification reduces the width of the proposed saltmarsh planting adjacent to the Aquatic Reserve to approximately 8-12 metres.
- The proposed relocation of the public path closer to the mean high water mark is accompanied by an increase in the height of the landform. This significantly reduces the scope for sensitive aquatic habitats to retreat during sea level rise. The previously considered design incorporated some scope for aquatic habitat retreat. Sea level rise is a significant threat to aquatic habitats, and a riparian zone of adequate width is needed to allow habitat to retreat upslope, particularly adjacent to a marine protected area.

- In the retail precinct area the vegetated buffer areas has been changed to a grassed area with a significant amount of infrastructure.

DPI Fisheries recommends that any public path and other infrastructure should be located 40 metres from the mean high water mark and the path should be made of permeable materials. The remaining area within the 40 metre riparian buffer zone should be vegetated with the majority of vegetation consisting of saltmarsh. This area should be continuous to allow for habitat connectivity with the Aquatic Reserve and within the riparian zone itself. Interrupting the connectivity as is proposed in the current application will significantly reduce the biodiversity value of the riparian zone.

4. The modification does not include alternatives for recreational structures outside the 40 metre riparian buffer zone.

DPI Fisheries acknowledges that appropriately designed recreational infrastructure can add significant public value to this development site. However, the proposed modification does not consider alternatives to provide structures for recreational use outside the 40 metres riparian buffer zone currently required by the concept plan approval. The 40 metre buffer has been part of the concept approval since 2012, and the development guidelines underlying that buffer from DPI Fisheries and DPI Water (discussed below) have been in place in similar form for several year before that. Under the circumstances, and particularly given the importance of the site and its proximity to Towra Point Aquatic Reserve, DPI Fisheries recommends that alternative sites for recreational infrastructure be investigated.

5. Any necessary seawalls should not harm mangroves within Towra Point Aquatic Reserve.

Detailed designs for an environmentally friendly seawall have not been provided at this stage. Any interruption of the intertidal zone with a seawall should be avoided in the first instance. If an environmentally friendly seawall is a necessity, it should cause no harm to mangroves within Towra Point Aquatic Reserve.

**End Attachment A**