



Department of Primary Industries

OUT17/3779

Ms Jane Flanagan
Senior Planning Officer
Modification Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Jane.flanagan@planning.nsw.gov.au

Dear Ms Flanagan

Mixed Use Development, Cronulla Sharks (MP 10_0229 MOD5) Comment on the Response to Submissions Report

I refer to your email of 20 December 2017 to the Department of Primary Industries (DPI) in respect to the above matter. Comment has been sought from relevant divisions of DPI. Views were also sought from NSW Department of Industry - Lands that are now a division of the broader Department and no longer within NSW DPI. Any further referrals to DPI can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

DPI has reviewed the Response to Submissions report and provides the following comments:

- The proponent has not adequately addressed the issue of the protection of the Towra Point Aquatic Reserve through the provision of buffers and offsets.
- DPI re-iterates the protection and enhancement of the biodiversity and productivity values of Towra Point Aquatic Reserve, should be achieved by adhering to the requirement of a 40 m vegetated riparian setback and/or relevant offsets.
- It should be noted that this 40 m is a significant compromise on the 100 m riparian setback for aquatic reserves recommended in DPI Fisheries *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*.

Further comment is provided in relation to proposed buffers, offsets, saltmarsh and other issues in Attachment A.

For further information or to arrange a meeting with DPI, please contact Graeme White, Manager Assessments on 9934 0805 or by email graeme.white@dpi.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Isaacs', with a stylized flourish at the end.

Mitchell Isaacs
Director, Planning Policy & Assessment Advice
31 January 2017

DPI appreciates your help to improve our advice to you. Please complete this three minute survey about the advice we have provided to you, here:

<https://goo.gl/o8TXWz>

Attachment A

Mixed Use Development, Cronulla Sharks (MP 10_0229 MOD5) Further Comments on the Response to Submissions Report

Buffers

- There is a 70 m section of the foreshore adjacent to the retail loading dock where the vegetated riparian corridor must be a minimum of 35 m wide, this should also be uninterrupted vegetation to allow for habitat connectivity with the reserve.

Offsets

- Where interruption of the vegetated setback is to occur, all offsets should be located on the proposal site, should be connected to the riparian corridor, and should not be located on land beyond the Mean High Water (i.e. not out into the bay).

Saltmarsh

- There should be a firm commitment to plant saltmarsh on this development site and to formally determine designated saltmarsh areas, including what is required to obtain the optimal levels for saltmarsh survival. There also need to be allowances for saltmarsh moving upslope with sea level rise.
- Saltmarsh areas must not to be considered a buffer for the mangroves to improve water quality. The runoff into the saltmarsh areas should already be treated.
- Saltmarsh will not survive below MHW but the plans indicate that planting will occur below MHW and outside the boundary of the property. Mangroves will occur in areas currently below MHW. Any areas of saltmarsh planting must be above MHW and at the optimal level for saltmarsh survival.

Other Issues

- Where boardwalks are to be located through mangroves, harm of mangroves should be avoided or negligible.
 - Sheet piling should only occur adjacent to the substation.
 - The proponent should advise why swale planting is proposed within the inner riparian area, and why it is proposed to be established to the north of the proposed saltmarsh planting.
 - The proponent should provide details on the total inner and outer riparian areas, and the total encroachment by pathways into the inner riparian area.
 - There are large inconsistencies between the various reports and plans including the size of the area of saltmarsh and other riparian vegetation to be planted and where the different types of vegetation are to be planted. Correct and consistent figures, maps and plans need to be provided.
 - The proponent should provide details of the dimensions of the extended access road. The pathway and access roads should be constructed of permeable materials and be constructed at the minimum widths required.
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