



Office of  
Environment  
& Heritage

DOC17/28501

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

Dear Ms Flanagan

**Response to submissions - Modification 5 for Mixed Use Development, Cronulla Sharks**

I refer to your email of 20 December 2016 inviting comments from the Office of Environment and Heritage (OEH) on the above and apologise for the delay in replying.

OEH has reviewed the Response to Submissions (RTS) Report and does not support the amended proposed final modifications to Concept Plan condition B2 riparian setback or the Landscape Concept Drawings.

OEH maintains the view that a fully vegetated riparian buffer of at least 40m is required to ensure protection of the high biodiversity values of the adjoining foreshore wetlands of Woolloomooloo Bay. As previously advised, the riparian buffer setbacks required by Concept Plan approval condition B2 specify that *'any departure from the 40m (vegetated riparian) buffer ... must be minimised'*. OEH does not concur with the RTS statement (presumably based on the opinion of Gunninah Environmental Consultants) that *'a prescribed riparian buffer is not inherently necessary for the treatment and management of stormwater and mitigation of any subsequent impacts on aquatic habitat.'*

The arguments advanced for modifying the Concept Plan approval are based largely on an interpretation of the 2012 *Guidelines for Riparian corridors on Waterfront Land* (Riparian Guidelines). OEH does not agree with this interpretation and considers the proposed revised landscaping amendments do not comply with the Riparian Guidelines. OEH notes:

- The inner 50 per cent of the riparian buffer (or vegetated riparian zone [VRZ]) is not proposed to be fully vegetated with native endemic plants as it will include 683m<sup>2</sup> of shared pathways/boardwalks. In addition, around 300m<sup>2</sup> of the 'Family Hill' area within the VRZ has been excluded from the riparian corridor<sup>1</sup>. OEH recommends the necessity *'... to maintain*

---

<sup>1</sup> The proposed exclusion of the 3,065m<sup>2</sup> 'Family Hill' area from the riparian corridor is not adequately justified or supported by OEH.

access to their (Ausgrid) existing easement and assets' via the proposed pathways be discussed with Ausgrid. It should be noted that access to transmission lines in the eastern half of the site does not appear to require new pathways.

- Non-riparian uses proposed within the outer riparian buffer are not appropriately or adequately offset elsewhere within the development site. Only 2,748m<sup>2</sup> of the outer riparian zone is proposed to be vegetated. Offsetting of non-riparian uses within the remaining 8,742m<sup>2</sup> of the outer riparian zone (which includes the 'Family Hill' area) is limited to 3,524m<sup>2</sup> 'of native planting ... (in land) adjoining the riparian buffer'. As noted previously by OEH, around half of this 'land' (1,847m<sup>2</sup>) is outside the site area, below the mean high water mark (i.e. under water during high tides), and owned by Roads and Maritime Services (i.e. not the proponent).

While providing some minor improvements to the previously proposed landscaping amendments, OEH considers the revised landscaping amendments remain in substantial conflict with the Riparian Guidelines. OEH recommends DPE refuse the proposed modifications to the Concept Plan.

Please contact Richard Bonner, Conservation Planning Officer, on 9995 6917 should you have any queries regarding this advice.

Yours sincerely

*S. Harrison 13/02/17*

**SUSAN HARRISON**  
**Senior Team Leader Planning Sydney**  
**Regional Operations**