



Office of Environment & Heritage

DOC17/282828

Ms Emma Butcher
Planning Officer
Modification Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Butcher

Further response to submissions - Modification 5 for Mixed Use Development, Cronulla Sharks

I refer to your email of 25 May 2017 inviting comments from the Office of Environment and Heritage (OEH) on the above.

OEH has reviewed the submitted documents which respond to issues raised by OEH and others on the Response to Submissions (RTS) Report and notes the proposed changes to the foreshore landscaping scheme (the May 2017 scheme) that purport to achieve *'an outcome consistent with the objectives for riparian corridor management contained in the NSW (DPI) Office of Water Guidelines for riparian corridors on waterfront land (the NOW Riparian Guidelines)'*. OEH disagrees with this claim and provides the following comments on the May 2017 scheme:

- Contrary to the assertion that the 'Family Hill' area *'was never intended to be included within the considerations of a (riparian) buffer'*, the Concept stage determination does not exclude this area. The Planning Assessment Commission made no mention of this matter in its Determination Report but was of the view that *'any departure from the 40m buffer ... must be minimised. Consequently, the Commission ... specified that the 40m buffer may be reduced by no more than 5m for no more than the 70 metre length of the loading dock, on the retail portion of the site'*. The total area of the riparian corridor area is therefore 20,490m² which includes the 3,065m² Family Hill area.
- Contrary to the NOW Riparian Guidelines, 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. OEH calculates the VRZ is 10,245m². While the proponent is proposing to revegetate 9,000m² of the VRZ (7,910m² [inner zone planting] + 1,090m² [inner zone salt marsh planting]), which is 284m² more than proposed in the first RTS, it is still not meeting the requirement of 10,245m².

- Contrary to the NOW Riparian Guidelines, non-riparian uses proposed within the outer riparian buffer are not appropriately or adequately offset elsewhere within the development site. A total of 2,955m² of the outer riparian zone is proposed to be vegetated. OEH calculates that of the 7,290m² of connected vegetated offset area required outside the riparian corridor, only 3,623m² is proposed. With regards to the proposed 1,847m² of mangrove rehabilitation, OEH considers it cannot be considered an offset area as it is outside the development site, below the mean high water mark (i.e. not 'land'), and owned by Roads and Maritime Services (i.e. not the proponent).

OEH is of the view that while the May 2017 scheme proposes some minor improvements to the previously proposed landscaping amendments, it remains substantially inconsistent with the NOW Riparian Guidelines. OEH therefore recommends the proposed modifications to the Concept Plan be refused.

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

Yours sincerely

S. Harrison 14/06/17

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