



Department of Primary Industries

OUT17/23285

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

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Dear Ms Butcher

Mixed Use Development, Cronulla Sharks (MP10_0229 MOD 5) Comment on the additional Response to Submissions (RTS)

I refer to your email of 25 May 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 additional RTS provided by the proponent and makes the following comments with additional detailed information in **Attachment A**:

- The DPI Fisheries [*Policy and guidelines for fish habitat conservation and management \(2013\)*](#) is the most appropriate policy for determining the activities allowable within the vegetated riparian corridor for this site.
- DPI considers that condition B2, of the previously approved Concept Plan for MP 10_0229 is appropriate as it is.
- The maps and plans provided by the proponent should to be amended to reflect the correct Mean High Water (MHW) mark, as determined by the Department of Industry – Lands and Forestry.
- All proposed turfed areas, and playgrounds should be located wholly outside of the 40 metre riparian corridor.
- No proposed dimensions have been provided for the width of the extended access road. The pathway and the access road widths should be constructed to the minimum requirement and any pathways or roadways in the 40 m riparian setback should be constructed of permeable materials.
- DPI considers that battering of the banks along the length of the drainage channel with natural materials is preferable to sheet piling. The proponent should provide detailed justification for why sheet piling is proposed over the use of natural materials.

- Any riparian offsets required due to the proposed activities of the modification should be within the project site.

DPI would be pleased to meet with DPE and the proponents to discuss these comments. Please contact Adam Oehlman at landuse.enquiries@dpi.nsw.gov.au to arrange a meeting if necessary.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Isaacs', with a stylized, cursive script.

Mitchell Isaacs
Director, Planning Policy & Assessment Advice
16 June 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 (MP10_0229 MOD 5) Comment on the Response to Submissions Report Detailed comments

- Due to the existence of the project site adjacent to the Towra Point Aquatic Reserve, the Department of Primary Industries (DPI) considers that the DPI Water (formerly NSW Office of Water) *Guidelines for Riparian Corridors on Waterfront Land (2012)* are not the appropriate guidelines for determining the makeup of the vegetated riparian corridor. The DPI Fisheries [*Policy and guidelines for fish habitat conservation and management \(2013\)*](#) is the appropriate document in this case, and should be applied in conjunction with the previously approved Concept Plan.
- DPI considers that condition B2, of the previously approved Concept Plan for MP 10_0229 should be maintained as it is, and that application of this condition in accordance with Fisheries policy requires the minimum setbacks of 40 metres and 35 metres to consist of uninterrupted riparian vegetation.
- DPI considers that the primary objective of the riparian plantings adjacent to Towra Point Aquatic Reserve is to return saltmarsh to the site and therefore enhance the productivity of the Aquatic Reserve. Additional mangrove planting should not occur if this activity requires removal of sediment to achieve an appropriate tidal height for mangrove growth. Instead areas designated in the current application for mangrove planting should be used for additional saltmarsh planting if these areas are currently above the actual Mean High Water (MHW) mark. Any areas of saltmarsh planting must be above the actual MHW mark and at the optimal level for saltmarsh survival. Existing Saltmarsh must not be harmed.
- There should be a commitment to plant saltmarsh on this development site as a priority over any other riparian plantings and to formally determine designated saltmarsh areas, including what is required to obtain the optimal levels for saltmarsh survival. Currently the vast majority of saltmarsh planting is proposed offsite on public land and the proportion of saltmarsh planting to the total area of riparian plantings is small.
- DPI reiterates that the saltmarsh areas are not to be considered a buffer for the mangroves to improve water quality. The runoff into the saltmarsh areas should already be treated.
- The area surrounding the drainage channel requires a vegetated riparian corridor itself, this area is not appropriate to be considered for offset planting. The section of the drainage channel below MHW is part of Towra Point Aquatic Reserve. In addition, as part of a development application that includes flood mitigation works within the drainage channel, DPI has not yet received updated flood plans for this area which could potentially significantly change what is proposed for the drainage channel.
- The proposal seeks to provide riparian offsets outside the development site on land owned by RMS, this is not consistent with DPI policy. Any offset planting required should occur within the project site.

End Attachment A
