



## Department of Primary Industries

OUT17/32081

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

Emma.Butcher@planning.nsw.gov.au

Dear Ms Butcher

### **Mixed Use Development, Cronulla Sharks (MP10\_0229 MOD 5) Comment on the Response to Submissions Report**

I refer to your email of 4 August 2017 to the Department of Primary Industries (DPI) in respect to the above matter. Comment has been sought from relevant branches 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](mailto:landuse.enquiries@dpi.nsw.gov.au).

DPI has reviewed the additional RTS provided by the proponent dated 31 July 2017 and makes the following comments:

- DPI recognises the proponent's stated intent to protect the Towra Point Aquatic Reserve, however still has concerns with some of the specific measures proposed.
- DPI notes that consistent with previous advice, the DPI Fisheries' *Policy and guidelines for fish habitat conservation and management (2013)* is the most appropriate policy with respect to the vegetated riparian corridor for this site, as the key objective is the protection of the values of the Towra Point Aquatic Reserve. The proponent should address this policy and DPI Fisheries' concerns, rather than seeking to rely on DPI Water's *Guidelines for Controlled Activities on Waterfront Land*.
- DPI re-iterates that Condition of Approval B2, of the previously approved Concept Plan for MP 10\_0229 should be maintained, with a minimum setback of 40 metres and 35 metres to consist of uninterrupted riparian vegetation.
- The current plans propose to turf riparian areas, which should instead be planted with riparian vegetation. DPI recommends that the proposed play areas are removed from the plans and these areas planted with riparian vegetation.
- Saltmarsh is a valuable fish habitat and the primary objective of the riparian plantings adjacent to Towra Point Aquatic Reserve should be to return saltmarsh to the site and therefore enhance the productivity of the Aquatic Reserve. Currently the proportion of saltmarsh to the total area of riparian planting is small and should be increased. It is also important that any existing saltmarsh should not be harmed.

- The proponent proposes to restore the tidal levels along the northern property boundary to the mapped Mean High Water Mark (MHW) and to plant mangroves within this area, noting that the actual current MHW lies somewhere to the north of the mapped MHW. Any riparian planting below MHW will occur within the Towra Point Aquatic Reserve. DPI does not support additional mangrove planting if this activity requires removal of sediment to achieve an appropriate tidal height for mangrove growth in areas where appropriate tidal heights for saltmarsh growth could be achieved, with some more minor scale land reshaping. DPI recommends that any approved planting north of the site boundary above MHW allows for saltmarsh planting with the provision for saltmarsh to move upslope with sea level rise. DPI is of the opinion that saltmarsh could be planted within the proposed mangrove rehabilitation zone, especially as part of this area currently supports terrestrial grasses and weeds indicating that they lie above the current tidal levels. The proposal to remove sediment to plant mangroves and call this a buffer zone to Towra Point Aquatic Reserve is not correct. Lowering the sediment to below MHW would mean that the area becomes part of the Aquatic Reserve and not a buffer to it, as the boundary of the reserve is defined by the MHW. It is recommended that any relevant planting plans are finalised in consultation with DPI Fisheries.
  - Saltmarsh areas should not be considered a buffer for the mangroves to improve water quality. The runoff into saltmarsh areas should already be of a suitable quality.
  - The area around the drainage channel is not suitable for inclusion in any riparian offset calculations, as this area requires a vegetated riparian corridor in itself. This area needs to be removed from the current offset calculations.
  - DPI wishes to clarify that part of the drainage channel lies below the MHW and is therefore part of the Towra Point Aquatic Reserve. Attachment E indicates that part of the drainage channel lies below the MHW. The registered survey has simply not considered the tidal depths in the tidal drainage channel, as it was focussed on delineating the northern boundary of the site. The comments regarding tidal levels within the drainage channel made on page 5 of Attachment B are not correct.
  - It is important that the concept plan drawings for the drainage channel match the works to be submitted as part of a pending development application for flood mitigation works within the drainage channel. They currently do not match. DPI understanding is that the flood study is being finalised and plans for the drainage channel works will incorporate flood mitigation measures.
  - In Appendix B, Page 4 the statements that "Throughout the approvals process, the area surrounding the channel has not been subject to the NOW Guidelines" is not correct. The drainage channel as noted by the proponent is a Strahler Order 2 waterway and at the time of Concept Plan approval was subject to the NOW 2008 Guidelines which required a 30 m setback. An updated set of the NOW guidelines was issued in 2012 which requires a 20 m setback.
-

- For clarity, DPI notes that representatives from DPI's Fisheries and Strategy & Policy branches attended the site meeting on 31 March 2017 (the proponent's letter notes that "only DPI (Office of Water) chose to attend").

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**

*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>