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Our ref ER21455
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Attention: Mark Brown

Dear Mark

**Concept Plan Application – Cronulla Sharks Redevelopment – 461 Captain Cook
Drive, Woollooware
Preferred Project Report and Response to Submissions Report**

I refer to the email of 4 April 2012 requesting comments on the Preferred Project Report and Response to Submissions Report for the project proposal.

The Office of Water comments are provided at **Attachment A** for consideration.

Should you require further information please contact Janne Grose, Planning and Assessment Coordinator on (02) 4729 8262 at the Penrith office.

Yours sincerely

Mark Mignanelli
Manager Major Projects, Mines and Assessment
30 April 2012

Cronulla Sharks Redevelopment – PPR; Response to Submissions Report

NSW Office of Water Review Comments

Riparian Land

The NSW Office of Water (Office of Water) draws your attention to the detailed submission of 21 November 2011 on the Environmental Assessment (EA) for the Concept Plan and provides the following advice:

– The proposed amendments to the proposal are noted in regard to the riparian land adjacent to Woollooware Bay.

The Office of Water previously recommended the EA clarify if Part 3 Clause 11 (21) of the Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment is relevant to the site, as this clause specifies the establishment of minimum 40 m wide riparian buffer widths. Section 3.4.2 of the Preferred Project Report (PPR) notes the Minister is not bound by the provisions of the REP and may undertake a merit assessment of the functionality and adequacy of the proposed foreshore buffer.

Section 3.4.2 of the PPR refers to the proponents merit assessment to establish a 30 m wide riparian setback along Woollooware Bay. The Office of Water Controlled Activities guidelines recommends a 20-40 m wide core riparian zone (CRZ) is established for a third order or greater watercourse plus a 10 m wide vegetated buffer. As noted in the PPR, the CRZ width is subject to merit assessment based on riparian functionality. The project seeks to apply the minimum CRZ width of 20m plus a 10 m wide vegetated buffer and to encroach pathways and turf areas into this 30 m riparian setback. As previously advised, the Office of Water's merit assessment recommends a fully vegetated CRZ width of 40m is established at the site.

The PPR confirms the wetlands adjacent to the site form part of the Towra Point Aquatic Reserve and indicates the mangroves to the north of the site are of moderate to high riparian functionality (page 30) but the site currently serves little or no riparian function. The rehabilitation of a fully vegetated 40 m wide CRZ would provide a habitat node along the length of the site and enhance the riparian functionality adjacent to Woollooware Bay.

Table 7 in the PPR notes "the proposed foreshore setback will include native plantings where possible" (page 32). However, the Landscape Concept Plan (Drawing No. 11017 – EA 02) in Attachment N shows an open turf area (4) and turf terraces (12) are proposed to encroach within the 30 m setback to the north of the residential area and Toyota Stadium respectively. The Office of Water previously recommended the riparian area is revegetated with native plant species endemic to the vegetation community of this local area at a density that would occur naturally, and that any turf areas should ideally be located outside the riparian land.

The Landscape Concept Plan also shows a lower foreshore boardwalk (6a) and an upper foreshore path (13) is proposed within the riparian land north of the Toyota Stadium. The boardwalk (6a) is also proposed to be located through riparian land adjacent to the retail area. As

the pathways are proposed to be a minimum 3 m wide, the pathways to the north of Toyota Stadium would effectively reduce the riparian corridor width by 6m and prevent tree and shrub growth.

The Office of Water reiterates its recommendation to locate pathways outside the riparian areas to avoid reduction of the width and function of the rehabilitated riparian areas and disturbance to native fauna. Locating the pathways outside the riparian areas would benefit public surveillance and safety.

Drawing 11017 – EA 02 in Attachment N indicates two elevated pontoon decks (5) are proposed to be located within the riparian area north of the residential area. It is not clear why two pontoon decks (and associated access pathways) are required particularly as the decks are in close proximity to each other. If a pontoon is required, it is recommended that a single pontoon is provided to minimise disturbance of the rehabilitated riparian land.

Drawing 11017–EA 02 and Drawing 11017-EA 04 in Attachment N show gabion wall terraces are proposed for bank stabilisation within the proposed 30 m riparian area north of the Family Hill/Toyota Stadium area. It is not clear why gabion wall terraces are required in the riparian area. Ideally a more naturalised measure (i.e. use of stabilising riparian vegetation) to stabilise the banks is preferred.

The Office of Water previously recommended the EA provide details on any APZ requirements in relation to the riparian land. The PPR has not addressed this issue. Any APZs should be located outside the riparian areas (CRZ and VB).

The Office of Water reiterates that while previous development in the vicinity of the site has degraded riparian land along the foreshore by encroaching into it, this precedent does not abrogate the proposed development applying best practice in accordance with current guidelines and planning provisions.

Riparian land along tidal creek

Drawing 11017 – EA 02 in Attachment N shows a 21 m wide riparian zone is proposed adjacent to the tidal creek containing a planted swale and a pathway. The Office of Water reiterates that the proposed path and swale should be located outside the riparian land (CRZ and VB) for the reasons outlined in the submission of 21 November 2011.

Table 13 - Statement of Commitments

Ecology:

The third SOC listed under Ecology includes the wording "*in quantities commensurate to that removed elsewhere within the site, if relevant*" (see page 77 of the PPR). It is not clear what this statement means and why this wording has been included in the SOC. It is recommended the SOC states that riparian land to the north of the retail site shall incorporate species characteristic of the Swamp Oak Floodplain Forest ecological community at a density that would occur naturally.

**End Attachment A
30 April 2012**