

## Luke Moroney

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**From:** Helen Wheeler <helen.wheeler@crownland.nsw.gov.au>  
**Sent:** Monday, 20 June 2022 3:58 PM  
**To:** Luke Moroney  
**Cc:** Nigel Smith; Michael Roberts; Carla Ganassin  
**Subject:** HPECM: RE: Emergency works required - River Road, Shoalhaven Heads  
**Attachments:** Attachment-A-Crown-Land-Manager-Fact-Sheet-2.23-Deemed-LOC.pdf

Hi Luke

There are 2 things at play in this situation wrt CL processes.

One is Land Owners Consent to lodge the DA, the other is licensing of the works once development consent is given.

Luckily in this instance SCC are ahead in both cases.

Land Owners Consent:

Under s.2.23 CLMA 2016, SCC does not need CL Landowners Consent to lodge the DA as it has been taken to have been given to lodgement of a DA:

- SCC is the holder of a CL licence for Coastal Protection Works, on Lots 7004 and 7005 of DP 1075719 and adjoining area below MHW, AND
- The proposed development is consistent with the licence purpose.

The fact sheet is attached or via: [Planning and development \(nsw.gov.au\)](https://planning.nsw.gov.au/planning-and-development/planning-and-development) at "Deemed Land Owners Consent fact sheet". It downloads as a pdf.

Once lodged with Planning CL will get a notification of the DA lodgement form the Planning Portal so CL can assess the DA and submit any comments if CL has an objection or requires further information. (If CL objects to the development it would be unlikely the development would be licenced in the future, even if the DA got consent through council determination).

CL Licence:

Once the DA applicant has Development Consent they would then need to apply for a CL licence to occupy the site and do the development.

In this case SCC already holds Li 630902 for Environmental Rehabilitation over the land involved in the DA, and this licence is in place for 5 years until December 2026.

I can advise you that should Development Consent be granted, then additional licencing is not required, the reason for this is:

1. The existing licence includes additional conditions based on the REF for sand nourishment, and
2. CL has already assessed the site for the Permit for emergency works at the DA site, and
3. CL has the opportunity to review the DA, including I have already reviewed the design provided for the pre-DA lodgement meeting, and
4. The DA will also be conditioned wrt the development.

Practically this means that in this instance:

- a) SCC can lodge the DA without requiring a separate Land Owners Consent application, and
- b) if SCC get Development Consent it can undertake the development without requiring an additional licence.

I hope this helps.

Regards and stay well.

**Helen Wheeler**

## Natural Resource Project Management Officer

Crown Lands | Department of Planning and Environment

PO Box 309 NOWRA NSW 2541

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)

*The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

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**From:** Luke Moroney <Luke.Moroney@shoalhaven.nsw.gov.au>

**Sent:** Monday, 20 June 2022 12:31 PM

**To:** Carla Ganassin <carla.ganassin@dpi.nsw.gov.au>; Helen Wheeler <helen.wheeler@crownland.nsw.gov.au>

**Cc:** Nigel Smith <Nigel.Smith@shoalhaven.nsw.gov.au>; Michael Roberts <Michael.Roberts@shoalhaven.nsw.gov.au>

**Subject:** RE: Emergency works required - River Road, Shoalhaven Heads

Good afternoon Helen and Carla,

With regard to Councils Development Application (DA) in progress for the proposed rock revetment modification works at River Road Shoalhaven Heads, we are seeking information for the departmental approvals process.

We are under the impression that Crown Land and Fisheries will be consulted during the DA assessment through NSW Planning, and the associated Licences and Permits from the respective departments would be assessed and executed during this process.

We are looking to confirm if we are best to submit applications for permits and licence independently to the DA through the NSW planning portal to expedite licence execution? (i.e. SCC to apply for permits direct to CL and Fisheries under the same processes we follow for coastal works not requiring development approval)

Could you please advise of any considerations regarding?

Many thanks



**Luke Moroney**

Coastal Project Officer

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**From:** Michael Roberts <[Michael.Roberts@shoalhaven.nsw.gov.au](mailto:Michael.Roberts@shoalhaven.nsw.gov.au)>

**Sent:** Thursday, 16 June 2022 8:47 AM

**To:** Carla Ganassin <[carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)>

Cc: Luke Moroney <[Luke.Moroney@shoalhaven.nsw.gov.au](mailto:Luke.Moroney@shoalhaven.nsw.gov.au)>; Nigel Smith <[Nigel.Smith@shoalhaven.nsw.gov.au](mailto:Nigel.Smith@shoalhaven.nsw.gov.au)>

**Subject:** RE: Emergency works required - River Road, Shoalhaven Heads

Thanks Carla – very much appreciated.



**Michael Roberts**

Manager - Environmental Services

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**From:** Carla Ganassin <[carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)>

**Sent:** Thursday, 16 June 2022 8:12 AM

**To:** Michael Roberts <[Michael.Roberts@shoalhaven.nsw.gov.au](mailto:Michael.Roberts@shoalhaven.nsw.gov.au)>

**Subject:** RE: Emergency works required - River Road, Shoalhaven Heads

Hi Michael,

Okay will add the DA to the worklist when it arrives.

The Resilience and Hazards SEPP timeframe has no influence on the timeframes of Fisheries permit PN22/159. This permit was issued for the once off placement of sandbags at the base of the banksia trees (and associated dredging), and it expires on the 10 April 2023. As the works authorised under this permit have already been conducted before the permit expiry date, there is no need to obtain an extension to this permit.

Cheers,

Carla Ganassin | Senior Fisheries Manager - South | Coastal Systems

NSW Department of Primary Industries | Fisheries

Block E Level 3, 84 Crown Street (PO Box 5106), Wollongong NSW 2520

T: (02) 4222 8342 | M: 0447 644 357 | E: [carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)

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**From:** Michael Roberts <[Michael.Roberts@shoalhaven.nsw.gov.au](mailto:Michael.Roberts@shoalhaven.nsw.gov.au)>

**Sent:** Tuesday, 14 June 2022 12:46 PM

**To:** Carla Ganassin <[carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)>

**Cc:** Nigel Smith <[Nigel.Smith@shoalhaven.nsw.gov.au](mailto:Nigel.Smith@shoalhaven.nsw.gov.au)>; Luke Moroney <[Luke.Moroney@shoalhaven.nsw.gov.au](mailto:Luke.Moroney@shoalhaven.nsw.gov.au)>;

Helen Wheeler <[helen.wheeler@crowland.nsw.gov.au](mailto:helen.wheeler@crowland.nsw.gov.au)>

**Subject:** FW: Emergency works required - River Road, Shoalhaven Heads

Dear Carla,

Council has just finalised the Statement of Environmental Effects associated with the end effect rectification of the rock wall at Shoalhaven Heads.

You will receive this assessment via the NSW Planning Portal.

In relation to the attached permit for the emergency works and banksia protection, it is currently day 63 since this was granted. Council is permitted 90 days in accordance with the Resilience and Hazards SEPP.

What is the process to obtain an extension, or do you consider this to be unnecessary if the sandbags will be removed when the proposed works are implemented?

Please get back to me as soon as practically possible.

Kind regards,



**Michael Roberts**

Manager - Environmental Services

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**From:** Carla Ganassin <[carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)>

**Sent:** Friday, 8 April 2022 3:08 PM

**To:** Michael Roberts <[Michael.Roberts@shoalhaven.nsw.gov.au](mailto:Michael.Roberts@shoalhaven.nsw.gov.au)>

**Cc:** Mark Edwards - Crown Lands <[Mark.Edwards@crownland.nsw.gov.au](mailto:Mark.Edwards@crownland.nsw.gov.au)>; Kristian Kumbier <[Kristian.Kumbier@shoalhaven.nsw.gov.au](mailto:Kristian.Kumbier@shoalhaven.nsw.gov.au)>; Nigel Smith <[Nigel.Smith@shoalhaven.nsw.gov.au](mailto:Nigel.Smith@shoalhaven.nsw.gov.au)>; Peter Swanson <[Peter.Swanson@shoalhaven.nsw.gov.au](mailto:Peter.Swanson@shoalhaven.nsw.gov.au)>; Mathew Kinsele <[Mathew.Kinsele@shoalhaven.nsw.gov.au](mailto:Mathew.Kinsele@shoalhaven.nsw.gov.au)>; Trevor Dando <[Trevor.Dando@shoalhaven.nsw.gov.au](mailto:Trevor.Dando@shoalhaven.nsw.gov.au)>; Jatish Singh <[Jatish.Singh@shoalhaven.nsw.gov.au](mailto:Jatish.Singh@shoalhaven.nsw.gov.au)>; Luke Moroney <[Luke.Moroney@shoalhaven.nsw.gov.au](mailto:Luke.Moroney@shoalhaven.nsw.gov.au)>; Stephen Dunshea <[Stephen.Dunshea@shoalhaven.nsw.gov.au](mailto:Stephen.Dunshea@shoalhaven.nsw.gov.au)>; James Ruprai <[James.Ruprai@shoalhaven.nsw.gov.au](mailto:James.Ruprai@shoalhaven.nsw.gov.au)>

**Subject:** RE: Emergency works required - River Road, Shoalhaven Heads

Dear Michael,

See attached the DPI Fisheries permit for emergency works to protect banksia trees along River Rd at Shoalhaven Heads.

In assessing this permit, DPI Fisheries conducted an assessment of historical aerial imagery of the sand surrounding stormwater outlets along river road. The sand in these areas have been in place for quite some time and the overall footprint of these areas appears to be relatively stable. Changes are most evident where there has been a change to the location, configuration, size or height of the stormwater outlets and connecting stormwater system.

DPI Fisheries has considered the proposed scale of works and has identified that the shoreline surrounding the stormwater outlet east of the banksia protection site contains more than enough sand that would be required for these works. The permit therefore has only authorised the collection of sand from this site, and the specific area authorised for sand collection is identified in the permit. Further, collection of sand this site only would minimise disturbance of the foreshore from vehicle tracking activity.

Please ensure you let me know when construction is due to commence. Either myself or a colleague will aim to be on site during these emergency works to assess unforeseen issues from an authorisation perspective and assist with the prompt implementation of these emergency works.

Regards,

**Carla Ganassin** | Senior Fisheries Manager - South | Coastal Systems  
NSW Department of Primary Industries | Fisheries  
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**From:** Michael Roberts <[Michael.Roberts@shoalhaven.nsw.gov.au](mailto:Michael.Roberts@shoalhaven.nsw.gov.au)>  
**Sent:** Thursday, 7 April 2022 7:49 PM  
**To:** Carla Ganassin <[carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)>  
**Cc:** Mark Edwards <[mark.edwards@crowland.nsw.gov.au](mailto:mark.edwards@crowland.nsw.gov.au)>; Kristian Kumbier <[Kristian.Kumbier@shoalhaven.nsw.gov.au](mailto:Kristian.Kumbier@shoalhaven.nsw.gov.au)>; Nigel Smith <[Nigel.Smith@shoalhaven.nsw.gov.au](mailto:Nigel.Smith@shoalhaven.nsw.gov.au)>; Peter Swanson <[Peter.Swanson@shoalhaven.nsw.gov.au](mailto:Peter.Swanson@shoalhaven.nsw.gov.au)>; Mathew Kinsele <[Mathew.Kinsele@shoalhaven.nsw.gov.au](mailto:Mathew.Kinsele@shoalhaven.nsw.gov.au)>; Trevor Dando <[Trevor.Dando@shoalhaven.nsw.gov.au](mailto:Trevor.Dando@shoalhaven.nsw.gov.au)>; Jatish Singh <[Jatish.Singh@shoalhaven.nsw.gov.au](mailto:Jatish.Singh@shoalhaven.nsw.gov.au)>; Luke Moroney <[Luke.Moroney@shoalhaven.nsw.gov.au](mailto:Luke.Moroney@shoalhaven.nsw.gov.au)>; Stephen Dunshea <[Stephen.Dunshea@shoalhaven.nsw.gov.au](mailto:Stephen.Dunshea@shoalhaven.nsw.gov.au)>; James Ruprai <[James.Ruprai@shoalhaven.nsw.gov.au](mailto:James.Ruprai@shoalhaven.nsw.gov.au)>  
**Subject:** RE: Emergency works required - River Road, Shoalhaven Heads  
**Importance:** High

Thanks for your response, Carla.

Please refer below for my responses in red.

The deposition of sand in and around the subject tree is required to mitigate public safety risks associated with the potential tree failure. The works will be undertaken in a controlled manner to reduce the impacts on the surrounding environment.

I have attached a Permit application and associated documents.

Council is immensely concerned about the public safety risks associated with the subject tree and is attempting to undertake these works to address this, but also to improve bank stabilisation associated with the ongoing presence of this tree. The proposed works will result in a neutral or beneficial impact on the environment and the sensitive environmental features managed under the mandate of DPI Fisheries.

Council appreciates your prompt response to this email and permit application, to ensure that public safety mitigation and environmental benefits are appropriately achieved in a timely manner.

Regards

Michael

**Michael Roberts**  
Manager Environmental Services  
Shoalhaven City Council

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**From:** Carla Ganassin <[carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)>  
**Sent:** Thursday, 7 April 2022 1:03 PM  
**To:** Michael Roberts <[Michael.Roberts@shoalhaven.nsw.gov.au](mailto:Michael.Roberts@shoalhaven.nsw.gov.au)>  
**Cc:** Mark Edwards - Crown Lands <[Mark.Edwards@crownland.nsw.gov.au](mailto:Mark.Edwards@crownland.nsw.gov.au)>; Kristian Kumbier <[Kristian.Kumbier@shoalhaven.nsw.gov.au](mailto:Kristian.Kumbier@shoalhaven.nsw.gov.au)>; Nigel Smith <[Nigel.Smith@shoalhaven.nsw.gov.au](mailto:Nigel.Smith@shoalhaven.nsw.gov.au)>; Peter Swanson <[Peter.Swanson@shoalhaven.nsw.gov.au](mailto:Peter.Swanson@shoalhaven.nsw.gov.au)>; Mathew Kinsele <[Mathew.Kinsele@shoalhaven.nsw.gov.au](mailto:Mathew.Kinsele@shoalhaven.nsw.gov.au)>; Trevor Dando <[Trevor.Dando@shoalhaven.nsw.gov.au](mailto:Trevor.Dando@shoalhaven.nsw.gov.au)>; Jatish Singh <[Jatish.Singh@shoalhaven.nsw.gov.au](mailto:Jatish.Singh@shoalhaven.nsw.gov.au)>; Luke Moroney <[Luke.Moroney@shoalhaven.nsw.gov.au](mailto:Luke.Moroney@shoalhaven.nsw.gov.au)>  
**Subject:** FW: Emergency works required - River Road, Shoalhaven Heads

Dear Michael,

Seeking some clarification on the following:

- 1) The previously proposed concept work plan shows exposed roots in front of the trees during 2016. Are the roots to the trees currently exposed? If not, please explain again what the current emergency risk is, and what consideration of other potential risk mitigation measures has been undertaken – such as fencing off access around the area?

Council's arborist has assessed the subject tree and determined that the Structural Root Zone of one of the trees has been compromised. Since the *Banksia integrifolia* in question is approximately 20 -30 years old and is performing a vital bank stabilization function, it is preferable to retain it to ensure that bank remains stable and environmentally sensitive aspects of the area are protected. The public safety risks associated with not undertaking the proposed works cannot be addressed in isolation by the use of administrative controls (i.e. fencing off the area, signage etc.).

- 2) What is the scale of the proposed works? What size and number of bags would be required for these works? What volume of sand is required to fill the bags and what area will be reclaimed around the trees?

The size of the proposed work area required to retain the subject tree roots is approximately 4 metres wide, 1.2 metres high and 1.5 metres deep. Up to 15 cubic metres of sand will be used to retain the tree roots. The number of sandbags will depend on the dimensions of the sandbags used. Nonetheless, the minimum number will be utilized as encroachment will be minimized.

The use of sand from the sand fans will be above the low water mark and will be the minimum extent required to obtain the 15 cubic metres of sand to encompass the tree roots. This is expected to involve the use of sand that has deposited at the end of the stormwater outlets, and will prevent it from being washed into seagrass habitat locations further in stream. Moreover, the process of sand removal from the sand fans will not be near any seagrass habitat or seagrass populations. This process will reprofile the sand in and around the stormwater outlet to prevent sand movement into the Shoalhaven River. Thus, ensuring a neutral or beneficial impact on the environment and no direct or indirect impacts on seagrass habitat/seagrass populations.

- 3) What number of vehicle movements would be required to deposit the sandbags and sand at the tree roots, from Shoalhaven Heads Beach? Will this activity be conducted along the beach or from land?

The original proposal involved multiple movements from the beach to deposit the sandbags and sand at the tree roots from Shoalhaven Heads Beach. Such works would involve the movement of plant and equipment along the beach, then land and then onto the Shoalhaven River foreshore (approximately 20 – 30 movements). The number of movements associated with the revised methodology (use of sand from the sand fans at the stormwater outlets) will significantly reduce plant and equipment tracking and associated impacts.

- 4) Can Council provide some further information on the Pied Oyster catchers in the area and explain whether they are currently breeding/fledging in the River Road / Shoalhaven Heads precinct or not? Where did the advice come from regarding the sand bag placing works causing a potential impact to pied oyster catchers come from?

I observed a Pied Oystercatcher near the boat ramp car park. As per generic environmental risk mitigation measures utilized for all of our projects, a 50-metre separation distance is to be adhered to in non-breeding times, such as now. Placing sandbags does not have any known impacts on the Pied Oystercatcher bird species. It is all about the separation distance associated with the use of plant and equipment and tracking near Pied Oystercatcher locations.

- 5) Council has just recently undertaken some beach scraping activity at Shoalhaven Heads Beach. Did that process involve mitigation measures for the pied oyster catchers? How does the scale of the proposed placement of sand and sandbags at the banksias compare to what has recently undertaken at Shoalhaven Heads Beach? Comparatively, how can the works to place sandbags at Banksias be considered a considerable risk the pied oyster catcher? Could such impacts be mitigated?

Please refer above to the answer to Q4. We will engage with Anne Mueller, if required, to add to the generic mitigation measures that Council readily utilize for these works. However, the revised methodology will ensure that the 50-metre separation distance will be attained.

- 6) Similarly when the works were undertaken at the River Rd seawall, how did that process account for the 'presence of' pied oyster catchers. What mitigation measures were used? How does the proposed placement of sandbags compare to the scale of works associated with the seawall construction? Could potential impacts to the pied oyster catcher be mitigated?

It is about the movement of plant and equipment and the separation distance of 50-metres prescribed by NPWS Shorebird specialists. It is not about the proposed works (i.e., the use of sandbags and backfilling with sand) within the root zone of the Banksia.

- 7) The activity of dredging below the mean high water mark, filling and placing of sand and sand bags (from the 'sand flats') in front of the banksias, will require access to the site and disturbance to the area while the works are being undertaken. How does this compare to the placement of sand & sandbags from Shoalhaven Heads beach at the site? Will this activity also have impact on the presence pied oyster catchers?

Please refer to my previous answers. The revised proposal has significantly less impacts on the local systems, compared to the repeated trafficking of plant and equipment back and forward to the beach as per the original proposal.

Part 2.3 of the SEPP (Resilience and Hazards) does not override any requirement to obtain a permit under Part 7 of the *Fisheries Management Act*.



The activity of dredging associated with sourcing sand from the sand flats is poorly described in the email below – especially in terms of methods, scale, and impact on works on the aquatic environment. It seems likely that this would occur below the mean high water mark and would therefore require a permit under the *Fisheries Management (FM) Act*. The activity also has the potential to harm nearby marine vegetation both during the activity, from the slumping of dredge batters and perhaps from the redistribution of sediment around the excavated areas. The works could also therefore require a permit to harm marine vegetation under the FM Act.

As mentioned in a previous answer to a question raised above, the amount of sand taken from the sand fans/sand flats is expected to be minimal. The sand that has accumulated at these locations should be re-deposited using Nature Assisted Beach Enhancement (NABE) or beach scraping to the foreshore bank to avoid it being pushed out to blanket seagrass and/or seagrass habitat, thus facilitating a neutral or beneficial impact on these sensitive environmental aspects.

DPI Fisheries questions how Council has considered potential impacts to aquatic habitat from the proposed works? What is the proposed location scale and depth of the dredging? And were potential impacts to aquatic habitat and Fisheries permit and assessment requirements were considered in proposing this works methodology?

Please refer to my previous answer. The proposed works will involve the re-deposition of sand that has accumulated in response to stormwater flows. It will be the minimum extent required to gather up to 15 cubic metres of sand to place in the root zone of the subject tree, and it will not involve the creation of dredge batters.

Without further information on the scale, location and impact of the proposed dredging activity – DPI Fisheries cannot provide an assessment of impact on this proposal at this stage. Council will be required to apply for a permit under the FM Act before conducting the works. This application will require an appropriate assessment of environmental impacts to aquatic habitat.

DPI Fisheries is not supportive of harm of aquatic habitat from these temporary works. Especially when there appears to be an alternative option where with appropriate use of mitigation measures impacts to aquatic habitat can be avoided, and significant impacts to the 'presence' of pied oyster catchers from these temporary works could be mitigated as would have occurred during other more extensive works in the area. It is my understanding that pied oyster catchers would not currently be fledging in the area.

Please call if you wish to discuss this.

Regards,

Carla Ganassin | Senior Fisheries Manager - South | Coastal Systems  
NSW Department of Primary Industries | Fisheries  
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**From:** Michael Roberts <[Michael.Roberts@shoalhaven.nsw.gov.au](mailto:Michael.Roberts@shoalhaven.nsw.gov.au)>

**Sent:** Thursday, 7 April 2022 10:16 AM

**To:** Carla Ganassin <[carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)>

**Cc:** Mark Edwards <[mark.edwards@crowland.nsw.gov.au](mailto:mark.edwards@crowland.nsw.gov.au)>; Kristian Kumbier

<[Kristian.Kumbier@shoalhaven.nsw.gov.au](mailto:Kristian.Kumbier@shoalhaven.nsw.gov.au)>; Nigel Smith <[Nigel.Smith@shoalhaven.nsw.gov.au](mailto:Nigel.Smith@shoalhaven.nsw.gov.au)>; Peter Swanson

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<[Luke.Moroney@shoalhaven.nsw.gov.au](mailto:Luke.Moroney@shoalhaven.nsw.gov.au)>

**Subject:** RE: Emergency works required - River Road, Shoalhaven Heads



Dear Carla,

Council staff have re-inspected the proposed work site this morning.

Given the presence of pied oystercatchers in and around the traversable section from Shoalhaven Heads Beach to the River Road foreshore, together with increased excavator and other plant movements, Council has decided to source the sand from the sand fans that have formed near the stormwater outlets off River Road. These sand fans are located directly adjacent to the subject *Banksia integrifolia* root zones and excavator/plant movements will be restricted to this location, and thus overall, will be minimised. This will lead to negligible impacts on the environment, and considers staff/contractor safety risk mitigation, to ensure that this is as low as reasonably practicable.



Red – locations for the source of sand, Green – locations for the sand deposition.



*The eastern most sand fan illustrating the deposition of sand from upstream.*

Works will be commencing on 11 April 2022.

Regards,

Michael

**Michael Roberts**

**Manager Environmental Services**

Shoalhaven City Council

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Bridge Rd (PO Box 42) Nowra NSW 2541

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**From:** Carla Ganassin <[carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)>  
**Sent:** Wednesday, 6 April 2022 8:44 AM  
**To:** Michael Roberts <[Michael.Roberts@shoalhaven.nsw.gov.au](mailto:Michael.Roberts@shoalhaven.nsw.gov.au)>  
**Subject:** RE: Emergency works required - River Road, Shoalhaven Heads

Hi Michael,

Thanks for this notification and discussion of the works.

As you are taking the sand at Shoalhaven Heads Beach from above the Mean High Water Mark, and the sandbags being placed close to the root zone of the trees will mostly sit above the mean high water mark letting you know that a permit under the *Fisheries Management Act* is not required for these works.

Regards,

**Carla Ganassin** | Senior Fisheries Manager - South | Coastal Systems  
NSW Department of Primary Industries | Fisheries  
Block E Level 3, 84 Crown Street (PO Box 5106), Wollongong NSW 2520  
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**From:** Michael Roberts <[Michael.Roberts@shoalhaven.nsw.gov.au](mailto:Michael.Roberts@shoalhaven.nsw.gov.au)>  
**Sent:** Tuesday, 5 April 2022 4:32 PM  
**To:** Carla Ganassin <[carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au)>; Helen Wheeler <[helen.wheeler@crowland.nsw.gov.au](mailto:helen.wheeler@crowland.nsw.gov.au)>  
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**Subject:** Emergency works required - River Road, Shoalhaven Heads  
**Importance:** High

Dear Carla and Helen,

I hope you are both well.

Please be advised that following an arborist assessment of the *Banksia integrifolia* trees located behind 68 River Road, Shoalhaven Heads – emergency works will be enacted to make these safe in relation to public safety risks. All attempts will be made to undertake these works before the onset of the upcoming school holidays.









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The emergency works will be undertaken in accordance with Part 2.3 of the State Environmental Planning Policy (Resilience and Hazards) 2021, as follows:

- Placement of geotextile sand pillows around at-risk mature banksia trees along the foreshore for not more than 90 days;
- Back filling with loose fill (marine sand) around tree roots to protect trees and to be retained by the sand pillows; and,
- Using sand sourced from Shoalhaven Heads beach and tracked to site as per attached work plan

This work will assimilate into planned works to rectify the end effects of the rock revetment in the near future. Consultation will continue in relation to these works with you both, as key stakeholders.

Council has placed administrative controls (signage, bunting etc) in the interim to advise people to not traverse through the area.

If you have any questions, please do not hesitate to let me know.

Regards,

**Michael Roberts**

**Manager Environmental Services**

Shoalhaven City Council

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