

Our Ref: C15/300

Your Ref: DA -1010/2014

27 August 2015

Liverpool City Council  
(Attn: Ms Nabila Samadie)  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Dear Ms Samadie,

**Proposal: Construction of two residential flat buildings, underground car parking, demolition of existing structures and site works.**

**Property: 20 Shepherd Street, Liverpool – Georges River**

Thank you for your referral of 16 March 2015 and additional information dated 2 June 2015 and 6 August 2015 seeking comment on this proposal from Fisheries NSW, a division of NSW Department of Primary Industries.

Fisheries NSW is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, Fisheries NSW ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, Fisheries NSW is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

Note that Integrated Development or formal notification under the *FM Act* is not triggered with this development proposal as no works within the waterway are proposed. However, comment is provided on this application as Fisheries NSW seeks to ensure the ecological function of riparian zones is maintained to protect aquatic habitats and the Department will either have an approval or formal notification role for any future works within the adjoining waterway.

Fisheries NSW has reviewed the proposal in light of the policy stated above and wishes to raise the following comments or concerns:

- 1) The location of the top and toe of the riverbank within the mapped riparian zone within the 'Riparian Issues' report from ACS Environmental (dated July 2015) is not clearly stated.
- 2) The Georges River is important Class 1 key fish habitat within South West Sydney. Usually for Class 1 waterways Fisheries NSW recommends a 100 m wide riparian buffer zone. However, in already established urban areas this recommendation is generally reduced to 40 m. Riparian zones function as important filter strips that contribute to the ecological functioning of the aquatic environment and offer some protection from bank erosion. Even for the information submitted with this application, it is clear that a 40 m riparian buffer zone width will not be achieved with the proposal. Also, the ecological function and natural processes of the riparian buffer zone will be compromised by the proposed basement carpark, pathways and planter boxes within the riparian zone. Fisheries NSW do not consider planter beds covering a concrete slab to be a functional riparian buffer zone.
- 3) The planting of many deep rooted trees will be essential to any riparian revegetation at this site – especially to penetrate the clay soils in the area and provide the best protection against bank erosion.

- 4) A basement carpark is proposed to the property edge along the river. Although not clearly stated on the plans, the edge of this property appears to adjoin or be very close to (a few meters maximum) the top of the riverbank. Fisheries NSW is seriously concerned about these proposed works within the riparian buffer zone. These works will significantly reduce the filtering function potential of the riparian zone at this site and the resulting buffer zone provided to the property from erosion will be minimal. The riverbank adjacent to this site is susceptible to erosion from high level flood flows. Building a basement so close to the riverbank places it under immediate threat from erosion impacts and may also make the adjoining riverbank susceptible to erosion. The concern is that overtime, erosion of the riverbank at this site will increase sedimentation of the downstream wierpool, remove the riverbank in places, and place the basement carpark at risk, leading to future calls to rock-line the riverbank for erosion protection works at this site (at Council or government expense). This is a poor outcome for the aquatic ecology of the river and natural processes of the riparian zone.
- 5) Considering the points raised above, the natural process of the riparian zone and aquatic environment are likely to be negatively impacted over time. Fisheries NSW therefore questions whether the basement carpark complies with the Foreshore Building Line provisions within the Liverpool LEP 2008.
- 6) Best practice erosion and sediment control measures will be required during any future demolition and construction works at this site.
- 7) It is recommended that any public pathway constructed alongside this proposal is constructed outside the banks of the river. This will reduce erosion likely to result from flood flows around piered structures during times of flood. Although riverbank zone works are not considered as part of this development application, it is recommended that this development application is not considered in isolation of the foreshore works. Especially considering the narrow width of the riparian zone at this site, intended future public access along the riparian zone and associated impacts on natural foreshore processes of infrastructure proposed to be constructed within the riparian zone.

Fisheries NSW wish to point out that this Department has not been consulted to obtain pre-development application advice or environmental assessment requirements for this proposal or other proposals in the area. Fisheries NSW have also not been asked to provide advice on proposed riverbank works on Council land along this section of the Georges River. Nor has Fisheries NSW seen plans for any proposed riverbank works in this area. The Department is seriously concerned about potential impacts on erosion and riverbank stability from structures such as piered boardwalks within the riverbanks. Note that works within the banks of the Georges River are likely to trigger the requirement for either a s.200 or s.201 permit, or formal notification under s.199 of the *FM Act* pending on whether a Controlled Activities Approval will be required for these works and who does these works.

In summary, Fisheries NSW has serious concerns regarding the long-term impact of this proposal on the natural processes and aquatic environment of the Georges River. While currently weeded parts of the river are proposed to be revegetated with native species, other proposed works within the riparian zone are a backward step from best-practice riparian zone management.

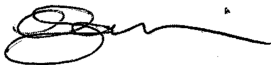
Further, it appears that future proposals may be submitted concerning the redevelopment of industrial sites along this part of the Georges River. It is important that planning is conducted to ensure that appropriate riparian buffer zone widths are maintained in this area to maintain the natural functions of the riparian and aquatic zones in this part of the river. Also, works within the

riverbank across this area should be avoided. The cumulative impact of each development needs to be considered in approving any proposal in this area.

Fisheries NSW strongly recommends that meeting be held with the state agencies responsible for the approval of activities within the riparian zone and aquatic environment to ensure that the future plans for redevelopment along this part of the river complies with state policies designed to produce best practice riparian zone management and good outcomes of the aquatic environment. This can still be achieved whilst providing a balance between development and public access along the Georges River. Currently the Department does not know what the future long-term vision is for this area and how/if the environment has been considered.

If Council or the Joint Regional Planning Panel requires any further information, please do not hesitate to contact me on 4222 8342.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Carla", with a long horizontal flourish extending to the right.

**Carla Ganassin**  
Regional Assessment Officer (Metro)