

Our Ref: C17/368

Your Ref: DA16/1068

4 September 2017

Sutherland Shire Council
(Attn: Amanda Treharne)
Locked Bag 17
SUTHERLAND NSW 1499

Dear Ms Treharne,

Proposal: IDA referral for construction and use of 238 dwellings across 4 residential flat buildings including associated podium car parking, landscaping and communal areas and 4 ground level non-residential tenancies

Property: 475 Captain Cook Drive, Woollooware

Thank you for your referral of 21 December 2016 and additional information received 10 March 2017 and 29 August 2017 seeking comment on this proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries 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, DPI Fisheries 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, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

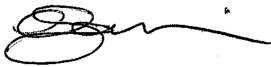
DPI Fisheries has reviewed the proposal in light of those provisions and has no objections, subject to the proponent meeting the General Terms of Approval that follow. As per s.91A(3) of the *Environmental Planning and Assessment Act 1979*, any consent issued by Council must be consistent with these GTAs.

1. A Controlled Activities Approval (CAA) under the *Water Management Act* should be obtained from DPI Water for these works. If DPI Water has determined that a CAA is not triggered in this instance, then the proponent must apply for and obtain a Part 7 permit under the FM Act from DPI Fisheries **prior to any works on site**. Permit application forms are available from the DPI Fisheries website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>;
2. The proponent must apply for and obtain a Part 7 permit to harm marine vegetation under the FM Act from DPI Fisheries **prior to any works on site**. Permit application forms are available from the DPI Fisheries website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>;
3. Environmental safeguards are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. An additional silt curtain is required downstream of the works and across the drainage channel as a further safeguard to turbid plumes entering Woollooware Bay. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms; and
4. The exposed surface of the excavated bench within the drainage channel is to be stabilised with a fibrous matting through which mangrove seedlings are to be planted where the water level is adequate for mangrove growth.

This comment applies only for works to the channel and does not apply to works or revegetation above the sheet piled wall. Any revegetation works above the sheet piled wall are currently the subject of a separate concept plan modification application, which has not been approved.

If Council, members of the Independent Assessment Panel or the proponent require 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 Ganassin".

Carla Ganassin
Fisheries Manager, Aquatic Ecosystems