

**To:** Sutherland Shire Council  
C/- Aliro  
Level 38, Gateway  
1 Macquarie Place  
Sydney NSW 2000

**Attn:** Andrew Whiteman

17 October 2024

Dear Sir/Madam,

RE: DA23/0721 PAN-379298 13 Endeavour Road, Caringbah

Sutherland Shire Council (Council) have provided Request For Information (RFI) dated 3rd May 2024 and via an email dated 27th August 2024.

Our responses as they relate to the biodiversity issues are provided in Table 1 and matters raised by DPI Fisheries are responded to in Table 2. :

**Table 1. Response to Council DA23/0721 PAN-379298 (3 May 2024)**

Item	How and where addressed
The Vegetation Management Plan (VMP) is to be updated as follows:	
+ To meet the requirements of NSW DPI Fisheries as well as Councils Greenweb – the VMP must be modified to specify that only locally indigenous species are planted within the foreshore buffer zone	The following amendments to the VMP were made to address the concerns raised:  + <i>Cakile maritima</i> , <i>Sesuvium portulacastrum</i> removed from list  + <i>Alectryon coriaceus</i> changed to <i>Alectryon subcinereus</i>  + <i>Myoporum boobialla</i> changed to <i>Myoporum acuminatum</i>  + <i>Oplismenus imbecillis</i> changed to <i>Oplismenus aemulus</i>  + <i>Poa poiformis</i> changed to <i>Poa labillardierei</i>
+ Planting species for Bioretention swales must be included	Bioretention plant species selection has been included in VMP as requested
+ Detail of proposed paths, seating areas and any other infrastructure proposed in the restoration foreshore area.	Details of the proposed foreshore treatments are discussed in Section 2 of the VMP and shown in VMP Figure 2-1 and the

Item	How and where addressed
	<p>following landscape drawings (Habit8, October 2024):</p> <ul style="list-style-type: none"> <li>+ Landscape concept plan 02</li> <li>+ Landscape detail plain building 2-3 common area</li> <li>+ Landscape detail plain building 3-4 common area</li> <li>+ Landscape detail plain building 4 common area</li> </ul>
+ Table 3-3 Indicative planting densities and quantities, the subtotals column includes the area size in its calculations – please rectify.	Planting densities have been amended as requested and all areas / quantities and calculations have been checked and validated.
+ Amend tree and shrub planting rates change to; Trees - 1/7m <sup>2</sup> (from 1/5m <sup>2</sup> ) and Shrubs - 1/2m <sup>2</sup> (from 1/3m <sup>2</sup> ) to closer mimic Council's Greenweb Specification planting rates and reduce tree canopy cover allowing more light penetration to the lower canopy species, assisting with establishment and growth of the lower growing plant species. The other planting rates are appropriate.	
Table 3-2. Pre-planting indicates that mulching (as well as jute matting) will only cover 80% of the planting area. Clarification is to be provided as to why this has not been proposed for 100% of the planting area.	Mulching or jute matting in VMP zones 2 and 4 is a conservative over-estimate as retained plantings will collectively occupy greater than 20% of VMP zones 2 and 4 and mulching or jute matting of retained areas is unlikely to be feasible).
The plan is to include a requirement that reports regarding progress and maintenance works are provided to Council.	Reporting requirements are included in Section 3.5 of the VMP.
The plant species <i>Alectryon coriaceus</i> is not native to the Sutherland Shire and may become invasive. This could be substituted with <i>Alectryon subcinereus</i> (Native Quince) which can be found in the Sutherland Shire and is also a shrub to small tree size.	<i>Alectryon coriaceus</i> has been replaced with <i>Alectryon subcinereus</i> .
Biodiversity Assessment Report	
<p>The Biodiversity Assessment Report identifies that some stands of <i>Casuarina</i> stated to be planted, may actually be natural regeneration.</p> <p>Supplementary documentation is to be provided considering existing stands of <i>Casuarina</i> on site and whether these are natural regeneration or whether they are planted.</p>	<p>Existing stands of <i>Casuarina glauca</i> were identified as planted in Section 3.3 (Historical assessment) with evidence in 1989 photography (provided in Appendix A).</p> <p><i>C. glauca</i> is listed as a widely cultivated native species in Appendix B of the BAM streamlined module for planted native vegetation guideline (DPE 2022).</p>

Item	How and where addressed
Should the Casuarina stands be natural regeneration, an amended assessment is to be provided.	<p>The guideline identifies historical aerial photography as an accepted source of evidence to justify planted origins of native vegetation.</p> <p>It is considered that supplementary documentation and/or an amended assessment is unnecessary.</p>
<b>Construction Environmental Management Plan (CEMP)</b>	
<p>The submitted Biodiversity Assessment Report relies heavily on the implementation of a CEMP to mitigate potential impacts of the proposed development on the surrounding environment.</p> <p>Given the reliance on this document, the CEMP must be provided to Council during the assessment phase for consideration. It must incorporate the mitigating measures outlined in the submitted Biodiversity Assessment Report.</p>	<p>Aliro commissioned SLR Consulting Australia Pty Ltd to prepare a preliminary CEMP, which incorporates the mitigation measures outlined in the Biodiversity Assessment Report.</p>

**Table 2. Response to DPI Fisheries**

DPI Fisheries IDA24/7 (30 January 2024)	How and where addressed
<b>Oyster aquaculture</b>	
<p>DPI requires the proponent to adequately consider the State Environmental Planning Policy (Primary Production) 2021, the NSW DPI Oyster Industry Sustainable Aquaculture Strategy and the NSW DPI Healthy Estuaries for Healthy Oysters Guidelines, to ensure the proposed development has no net impact on downstream water quality and any consequential impact on the oyster industry.</p> <p>The proponent must consider any adverse effect that the development may have on, or ways in which the development may impede or be incompatible with oyster aquaculture or, the development of a POAA.</p> <p>The development site is located 694 m upstream of POAA in the Georges River. The proponent must also consider any adverse effect that the development may have on, or ways in which the development may impede or be incompatible with food safety requirements administered by the NSW Food Authority for oyster aquaculture development or nearby POAA.</p>	<p>Consideration of SEPP Primary Production 2021, the OISAS and the Healthy Estuaries for Healthy Oysters Guidelines is provided in Section 2 of the Biodiversity Assessment Report.</p> <p>The proposal is not considered to be development that is incompatible with oyster aquaculture or the development of a POAA.</p> <p>Potential short term construction impacts are considered to be a low risk provided best practice construction mitigation measures are implemented and maintained (i.e., erosion and sediment control plan, acid sulfate soil management plan).</p> <p>Best practice water sensitive urban design has been considered in the proposal's stormwater management strategy (Sparks &amp; Partners 2024a) to minimise and mitigate potential operational impacts.</p> <p>Sections 2 and 7 of the Biodiversity Assessment Report provides further</p>

DPI Fisheries IDA24/7 (30 January 2024)	How and where addressed
	discussion and consideration of the NSW Food Authority guidelines.
Marine Estate Management Act 2014 (DPI Fisheries IDA24/7 30 January 2024)	
<p>DPI Fisheries have assessed the proposal for this site, in relation to the Marine Estate Management Act 2014 (MEM Act), and have specifically considered the following;</p> <ul style="list-style-type: none"> <li>+ Buffer to Towra Point Aquatic Reserve</li> <li>+ Vegetation Management Plan</li> <li>+ Erosion and Sediment Control and Acid Sulfate Soils</li> <li>+ Stormwater Management</li> </ul> <p>DPI Fisheries has reviewed the proposal in light of these provisions and has no objections, subject to the proponent meeting the General Terms of Approval that follow. As per s.4.47(3) of the Environmental Planning and Assessment Act 1979, any consent issued by Council must be consistent with these GTAs.</p>	
<ol style="list-style-type: none"> <li>1. The Vegetation Management Plan (Ecologique, 9/10/2023) be amended to specify that only local native species are to be planted within the foreshore buffer zone. This will protect and enhance the biodiversity of TPAR and reduce the likelihood of threats, such as weed invasion.</li> <li>2. Environmental safeguards as stated in the Erosion and Sediment Control Plan (Civil Engineering Drawings by Sparks+ Partners, June 2023) and Acid Sulfate Soils Management Plan and Assessment (JBS&amp;G, 27/09/2023) are to be used and regularly inspected and maintained during construction and until vegetation has established and the site is stabilised. Failure to conduct timely inspections and regular maintenance is likely to result in sediments and site contaminants entering TPAR and causing harm to the plants, animals and habitats within the Aquatic Reserve. This would constitute a breach of the Marine Estate Management Act 2014</li> <li>3. Stormwater treatment measures be maintained according to manufacturers and best practice maintenance requirements for the life of the development.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Vegetation Management Plan has been amended as required (écologique, 17/10/2024).</li> <li>2. To be complied with, noting that the Civil Engineering Drawings have been updated (Sparks+ Partners June 2024).</li> <li>3. Noted – to be complied with</li> </ol>
Additional feedback from Fisheries received by Council (via email to applicant dated 14 June 2024)	
Council has received the below feedback from Fisheries in respect to the utilisation of the existing stormwater disposal point.	

DPI Fisheries IDA24/7 (30 January 2024)	How and where addressed
<p><b>Impacts to Aquatic Reserve</b></p> <ul style="list-style-type: none"> <li>+ A comprehensive environmental assessment completed by a suitably qualified marine ecologist. The environmental assessment should include; <ul style="list-style-type: none"> <li>▪ Mapping of the various habitat types present within 20m of the proposed stormwater outlet and its area of impact (habitat types include seagrasses, mangroves, saltmarsh, macroalgae, unvegetated sediment, rubble and/or rocky reef).</li> <li>▪ Composition and area of the key fish habitats of saltmarsh (dominant species), mangrove (species, number, height), seagrass (species and density), rocky reef (with or without macroalgae, including type of macroalgae- e.g. kelp).</li> <li>▪ Clear photographs of the site from above water (if tidal at low tide), including photographs of any riparian and aquatic vegetation present.</li> </ul> </li> </ul>	<p>Assessment completed and provided in Appendix F of Biodiversity Assessment Report</p>
<ul style="list-style-type: none"> <li>+ Impacts (including direct, indirect, on and off-site, short and long term and cumulative impacts) of any works or activities on Towra Point Aquatic Reserve are to be assessed. Assessment of alternative options including sites, work methods, timing, etc. shall also be undertaken as part of the assessment to avoid potential impacts. This includes clearly showing how the development has incorporated water sensitive urban design to address both water quantity and water quality impacts to the adjacent Aquatic Reserve.</li> </ul>	<p>The proposal does not involve any works or activities on Towra Point Aquatic Reserve. Indirect impacts associated with water quantity and quality are addressed in the Masterplan's stormwater management strategy (Sparks &amp; Partners Consulting Engineers. 2024). The strategy has achieved the principle of Neutral or Beneficial Effect (NorBE) with a net decrease in pollutant load from between 11% to 57% for nutrients, gross pollutants and total suspended solids.</p> <p>Potential short term construction impacts are considered to be a low risk given the high level of control within the already developed environment; and implementation of best practice construction mitigation measures (i.e., erosion and sediment control plan, acid sulfate soil management plan).</p> <p>Further discussion is provided in Sections 2 and 7 of the Biodiversity Assessment Report.</p>
<ul style="list-style-type: none"> <li>+ Potential direct and indirect impacts to any oyster leases or other aquaculture facilities within the subject waterway. If not present on and/or near the site.</li> </ul>	<p>The proposal does not involve any direct impacts to any oyster leases. The potential for indirect impacts is considered to be a low risk, with connection to the existing sewerage infrastructure and the NorBE principle applied to the development as</p>

DPI Fisheries IDA24/7 (30 January 2024)	How and where addressed
	discussed above and in Sections 2 and 7 of the Biodiversity Assessment Report.

Yours faithfully



**Kat Duchatel**

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