Department of Primary Industries
and Regional Development

C24/851

22 October 2024

Department of Planning, Housing and Infrastructure
Via email: michael.doyle@dpie.nsw.gov.au.
Attn: Michael Doyle

Re: Rosedale Residential Subdivision Concept Plan - Modification 2 (MP05_0199 MOD 2), - George Bass Drive, Rosedale - Eurobodalla

Dear Michael,

Thank you for your referral of this Exhibition of State Significant Development Modification Application dated 10 October 2024 to DPIRD Fisheries, a division of NSW Department of Primary Industries & Regional Development.

DPIRD Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon with they depend. To achieve this, DPIRD 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)*. DPIRD Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves in NSW.

Key fish habitats include those habitats that are crucial to the survival of native fish stocks. The degradation of aquatic habitat is a major threat to the abundance and diversity of native fishes in NSW. As such, a primary objective for conserving fishes is to conserve the habitats that fish are dependent upon for survival.

It is understood that the subject proposal involves a residential subdivision and development, which will include the construction within and immediately adjacent to the key fish habitat (KFH) identified in the Riparian and Aquatic Assessment dated 19 June 2024.

DPIRD Fisheries' also note that there are a range of works proposed outside of KFH including the removal of waterways that connect downstream to KFH. Modification to hydrological regimes in this area could impact negatively upon fish by altering flow velocities, increasing turbidity and

altering stream morphology. In particular, increased runoff adjacent to urban developments has been cited as a contributing factor to the widening and deepening of streams.

In light of this, DPIRD Fisheries' highlight that the proposal should follow the principles set out for Water Sensitive Urban Designs. DPIRD Fisheries notes that the Water Cycle Management and Civil Engineering Report demonstrated that the proposed development can be supported by stormwater control infrastructure to adequately achieve statutory performance targets. However, it is noted that rainfall data from 2001 was used for the Catchment Hydrology (s.7.3.1 of report) due to insufficient rainfall being recorded for other years. Can the absence of data please be clearly explained, as the annual rainfall of 2001 is less than 8 of the past 10 years (2014-2024)? More contemporary data should be used to inform the model used and ensure that hydrological regimes and run off from the site will not negatively impact the downstream receiving environments, which includes Batemans Marine Park.

Saltwater Creek is a Class 1 waterway adjacent to the site and receiving waterway downstream of the site. As it is considered important key fish habitat, best practice development of this site should ensure the maintenance and improvement of key fish habitat by:

- protection and improvement of riparian habitat values;
- protection of aquatic habitat; and
- protection or improvement of water quality through water sensitive urban design, adequate stormwater treatment and best practice erosion and sediment control measures during construction.

To achieve the above, DPIRD Fisheries recommends that any Conditions of Approval issued for this addresses the following matters:

1. A Vegetation Management Plan (VMP) is necessary to outline how the restoration or rehabilitation will be carried out within and adjacent to the impacted KFH. The VMP should include native in-stream vegetation and snags where appropriate. Local native riparian vegetation species should be used across the riparian buffer zone to improve riparian habitat values.
2. Riparian buffer zone widths should be implemented as outlined Riparian and Aquatic Assessment dated 19 June 2024, which is consistent with Department of Planning and Environment Guidelines for riparian corridors on waterfront land.
3. Gross Pollutant Traps, and other water sensitive urban design measures are maintained according to manufacturers specifications to achieve the outcomes discused in the Water Cycle Management and Civil Engineering Report over the lifetime of the development. Pollutant inputs into the catchment will increase with lack of maintenance.

4. Erosion and sedimentation impacts during the land forming and development of the area presents a significant risk to key fish habitat values. It is important that these works are staged to minimise the area of exposed earth in forming these areas.
5. It is noted temporary sediment detention basins will be constructed to manage run-off during the construction stages. It is important these basins are cosnstructed for an adequate rainfall event of 20% ARI to ensure first order streams and Bevian wetland are not polluted during heavy rainfall events. This is of particular importance given the likelihood of an La Nina event during the proposed construction period where repeated rainfall events are likely reduce the capacity of the basins between each event.
6. DPIRD Fisheries, places particular importance upon the need to minimise the harm to key fish habitat both at the work site and in downstream/adjacent waters. Sediment and erosion controls during construction are to be implemented in line with Best Management Practice as outlined in the publication "Managing Urban Stormwater: Soils and Construction" (4th Edition Landcom, 2004), commonly referred to as "The Blue Book" (see https://www.environment.nsw.gov.au/research-and-publications/managing-urban-stormwater-soils-and-construction-volume-1-4th-editon).
7. Any material temporarily deposited or stockpiled on land is to be located well away from the waterway and to be contained by appropriate sediment control devices.

For any further information, please contact me at emily.messer@dpi.nsw.gov.au or 0456 660 757.

Sincerely,

Emily Messer

Fisheries Manager, Coastal Systems

DPIRD Fisheries