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Our Ref: 10/05790
Your Ref:09_0088

18 June 2013

Dear Sarah

**RE: MP 09_0088 Mixed Use Subdivision West Culburra
DG's Environmental Assessment Requirements.**

The Environmental Assessment for MP 09_0088 appears to include proposed development on Crown land, being Lot 7309 DP1163571 and adjacent Crown land below the Mean High Water Mark of the Crookhaven River.

These Crown lands are part Reserve 1011268 for the public purpose of Future Public Requirements, see Figure 1. There are several issues with the apparent proposed use of the Crown land and these are discussed below

1. Extent of proposed use of Crown land.

The EA for MP 09_0088 states that 21.61ha of foreshore land along 3.75km of the Crookhaven River is to be developed as a Foreshore Park. Crown foreshore Lot 7309 occupies 7.95ha and approximately 2.49km of foreshore in this location.

The EA does not accurately confirm the extent and purpose of any Crown land it is seeking to include in the proposed development, particularly in regard to a foreshore cycleway/walkway, clearing for views and development of boating facilities.

If this proposal is referring in any capacity to Lot 7309 DP1163571 it must be noted that any development of this land must have the prior approval of the Crown Lands, and approval is in no way guaranteed.

Any proposal to develop Crown land must also specify the party responsible for the ongoing "care, control and management" of the included Crown land, including any part of the Crown Lands proposed to be maintained in the proponents identified 3 year commitment to management.

2. Essential and public infrastructure.

As per DG's requirements any proposed public infrastructure, including stormwater infrastructure, stormwater treatment areas, constructed wetlands, pipes, cycling/walking tracks or other utilities, are required to be located on private land and outside of any riparian corridors/ ecological buffers.

Prior to any development in the area of the Crown reserve, the boundary between the reserve and the adjacent freehold land must be physically defined to ensure infrastructure to service the development is contained within the freehold land to which the development applies.

3. Vegetation Management.

Should any ecological or vegetative restoration be proposed over the Crown land, either above or below MHWM, Crown Lands authorisation will need to be sought and gained before any such works begin.

The EA Landscape Plan (Plan 9), shows Grasslands over a section of Crown land which is the proposed location of cleared land in drawing 12 'Vista avenue East viewed from Curleys Bay', see Figure 1. Apart from the application of SEPP14 to this area, the site is protected by the provisions of Section 11 of the *Crown Lands Act* 1989 and also by the *Fisheries Management Amendment Act* 2009.

Development adjacent the wetland such as installation of BBQs, seating etc creates a desire within the public to have an unimpeded view to the waterway, regardless that wetlands and mangroves are an integral part of the riverine environment. This could result in ongoing unauthorised and illegal clearing of and damage to the wetland, estuarine and other native vegetation.

4. Boat ramps, jetties and other infrastructure fronting Lot 61 DP 755971:

The EA appears to propose that a boat ramp, jetty and associated infrastructure will be developed on and adjacent freehold Lot 61 DP 755971 in the areas of the 'western vista avenue', see Figure 1.

The boat ramp, jetty and associated infrastructure is not shown on the Concept Plan or referred to in the text, but does appear at Drawings 3 and 13, and within the Community Power Point Presentation as a zone of Economic Activity.

Notwithstanding the Crookhaven River being 400m wide from this point, the navigable channel is approximately 25m wide and is located approximately 240m from the proposed site of the boat ramp. The Crookhaven River at this location is often shallow and shoaling, is vegetated with a variety of Sea-grasses and contains DPI oyster growing leases.

The depth of water in the location at low tide is crucial to the ability even of small boats to use such a facility. Bathymetric survey should be undertaken to assist with determining the viability of any boat ramp or jetty proposed to be constructed on the Crookhaven River.

Furthermore the long term maintenance, management and tenure of any infrastructure placed within the Crown waterway must be determined before any such development takes place.

Any future proposed development on the Crown land below Mean High Water Mark would need to be accompanied with an environmental assessment specific to impacts of the development and consequent traffic impacts on substrate flora and fauna, and on marine and foreshore vegetation.

Overall the proposed development should not utilise Crown land as buffer areas for example as visual impact relief and or open space to serve additional demands created by the development, or as bush fire hazard reduction zones.

Prior to any development taking place Crown Lands requires the proponent to provide a detailed Development Plan that identifies the impacts on Crown land foreshore, bed of the

Crookhaven River and reserve during all of the construction phases of the proposed development and formulates management strategies to negate identified impacts on Crown land.

Yours Sincerely



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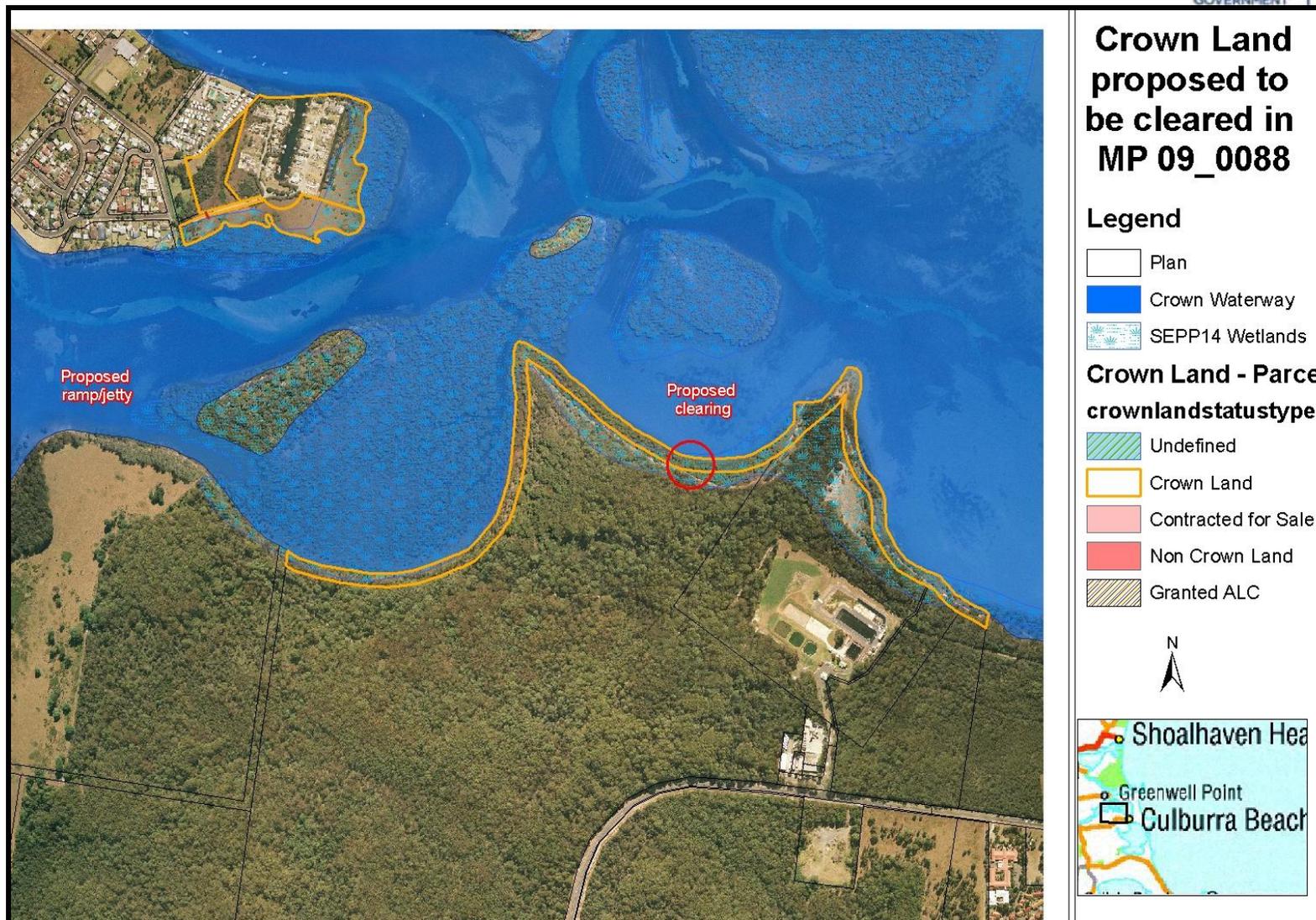


Figure 1: Crown land adjacent development area, including Crown foreshore land, Crown waterway and proposed site for clearing for views and establishment of boat ramp and jetty