

Our Ref: C20/805

11 February 2021

Stephen Crosby
Stephen Crosby & Associates Pty Ltd
c/o: scrosby@internode.on.net

Dear Steve,

Proposal: Retrospective approval for existing pontoon, sea wall and associated reclamation

Property: 20 Rednal St, Mona Vale (Lot 2, DP 224548) – Pittwater

Thank you for your application of 15/12/2020 seeking comment on the unauthorised waterfront structures 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)*. DPI Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

Please be aware that DPI Fisheries does not generally support the retrospective approval or issuance of Development Consent for waterfront structures built without consent, as consistent with the *Environmental Planning and Assessment Act 1979*. **In this instance, DPI Fisheries has reviewed the unauthorised structures and has no objections to issuing land owners' consent for the pontoon. DPI Fisheries does not support the installation of a sea wall and associated reclamation on water land.** This advice is in accordance with the following Policies:

- Policy 5.2.2.(1) - NSW DPI will generally not support or approve reclamation of TYPE 1 and 2 or CLASS 1-3 fish habitat (including freshwater, estuarine and marine) for private development such as roads, walkways, housing or commercial development, foreshore or beach improvement.
- Policy 5.2.2(2) - NSW DPI will generally not support or approve other reclamation activities impacting on TYPE 1 or 2 habitat unless the impacts can be mitigated or compensated [refer to Section 3.3 of the *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*].

This letter and attached plan (date stamped 11/2/2021) may be forwarded to the Crown Lands Division of DPI for their consideration in assessing your application for land owner's consent.

This advice operates from the date shown on the top of this notice and will lapse unless this advice is received by Crown Lands within 12 months. Should this advice lapse, and/or the proposal be modified, the applicant will be required to resubmit the proposal, accompanied by payment of the appropriate fees and updated aquatic habitat surveys and related information as advised by the relevant officer of DPI Fisheries.

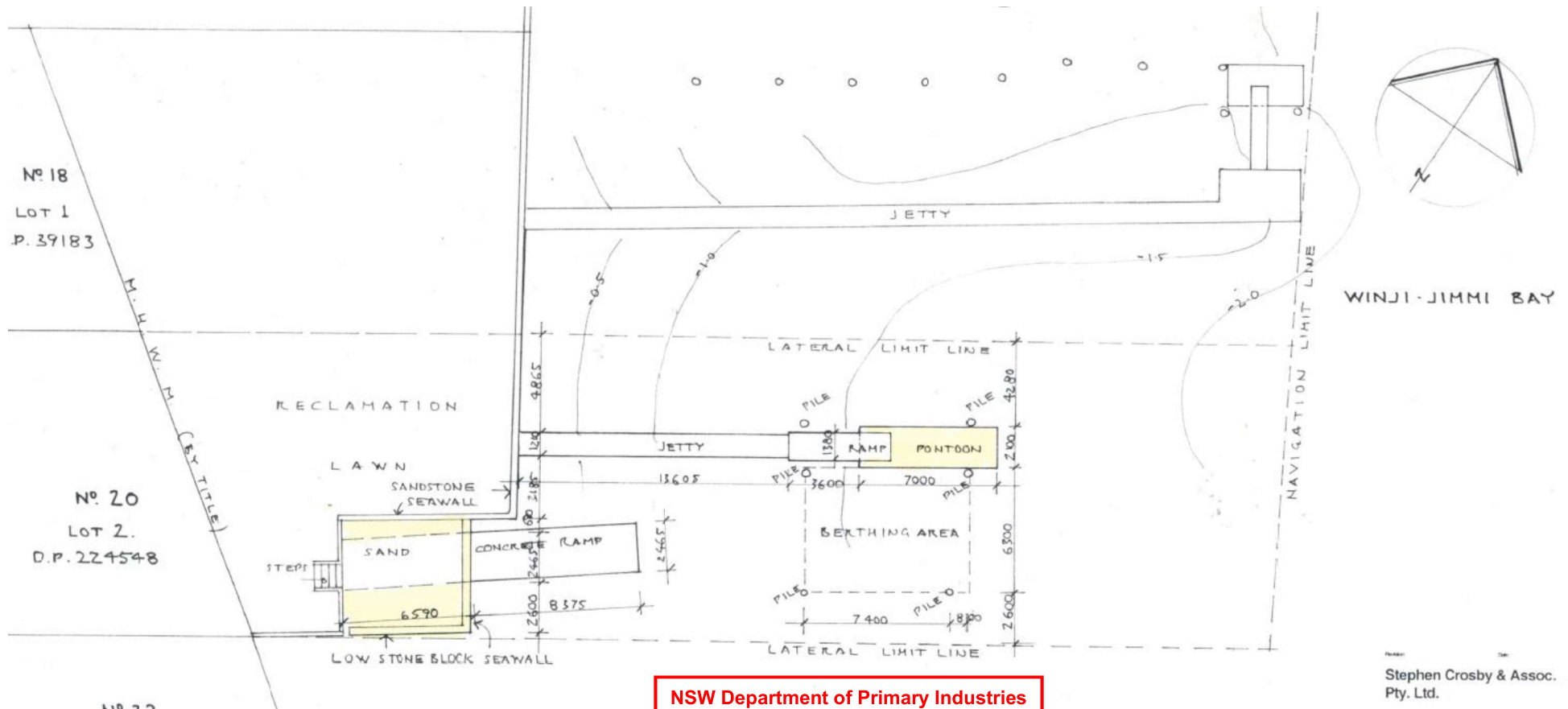
If you, Crown Lands or Northern Beaches Council require any further information, please do not hesitate to contact me on (02) 8437 4981.

Yours sincerely,



Sarah Conacher

Fisheries Manager, Coastal Systems



NSW Department of Primary Industries
Fisheries

DPI Ref: C20/805

Officer:

Date: 11/2/2021

Prepared: Stephen Crosby & Assoc.
Pty. Ltd.