

Our Ref: IDA21/20

29 March 2021

Your Ref: CNR-18723

Northern Beaches Council
c/o: ePlanning Portal

Dear Northern Beaches Council,

Proposal: IDA referral for boatshed, ramp, slipway, jetty and steps
Property: 316 Hudson Pde, Claireville (Lots 1 & 2, DP 827733) – Pittwater

Thank you for your referral of 1/3/2021 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 understands that construction work on the proposed boat shed commenced in July 2018 without development consent. Had the proposed boat shed been referred to DPI Fisheries prior to construction, DPI Fisheries would not have supported the proposal. The reasons for this include:

- The proposed boat shed, concrete ramp and footpath are not a like-for-like replacement of the original structures. The proposed footprint is greater than the original.
- DPI Fisheries does not support reclamation for the purposes of a sea wall in this location. The sea wall reclaims water land for private development.
- Vertical sea walls are not in accordance with the *Environmentally Friendly Seawalls Guideline* (OEH 2009) – see <https://www.environment.nsw.gov.au/research-and-publications/publications-search/environmentally-friendly-seawalls>

This advice is consistent with the following DPI Policies and Guidelines:

- Policy 5.1.7(1) NSW DPI will generally not approve reclamation for the construction of boat sheds and boat ramps below highest astronomical tide (1.0 m AHD), or on the banks of rivers and streams in an active erosion or sediment deposition zone, unless there is a demonstrated public benefit.
- Guideline 5.1.7(b) Boatsheds and similar structures may be considered for approval where they are located above the highest astronomical tide or, in freshwater environments, in areas where no active erosion or sediment deposition is occurring.
- 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 (see Tables 1 and 2) (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 (see Table 1) unless the impacts can be mitigated or compensated (see section 3.3).
- Policy 5.2.4.1(1) NSW DPI will generally not approve the construction of new breakwalls, groynes, seawalls or retaining walls except where there are no feasible alternatives for erosion control and valuable assets are at risk. Modifications or repairs to existing walls or groynes should incorporate designs that reduce wave energy reflection and include restoration of the original shoreline.
- Policy 5.2.4.1(2) NSW DPI will generally not approve bank and bed stabilisation works that create a barrier to fish passage (see section 4.5).
- Policy 5.2.4.1(3) NSW DPI will generally only approve foreshore stabilisation works (with the exception of groynes) that follow the natural contour of the shoreline. Unnecessary foreshore or stream realignment will not be approved.
- Policy 5.2.4.1(5) NSW DPI will generally not support the use of vertical retaining walls, gabion baskets or concrete lining for foreshore works. Steep retaining walls comprised of gabions baskets and concrete-lined channels have little fish habitat value.
- Guideline 5.2.4.1(c) Seawalls should be constructed in accordance with OEH's "Environmentally Friendly Seawalls: A Guide to Improving the Environmental Value of Seawalls and Seawall-Lined Foreshores in Estuaries" (see www.sydney.cma.nsw.gov.au/component/option,com_remository/Itemid,116/func,select/id,51/)

The proponent claims to have existing use rights of the foreshore structures at 316 Hudson Parade, Clareville. If Council determines this to be correct, DPI Fisheries has no objections to the original structures being replaced like-for-like in the same location as the original structures with no additional reclamation.

The proponent is welcome to submit a revised proposal, that takes into account the above recommendations, for consideration by DPI Fisheries.

If Council or the proponent require any further information, please do not hesitate to contact me on (02) 8437 4981.

Yours sincerely,



Sarah Conacher
Fisheries Manager, Coastal Systems