

Our Ref: IDA22/48

10 June 2022

Your Ref: CNR-39320

Northern Beaches Council
c/o: ePlanning Portal

Dear Northern Beaches Council,

Proposal: IDA referral for seawall repair, swimming pool netting, boat shed demolition and rebuild, boat ramp repair, slipway replacement

Property: 11 Seaforth Cres, Seaforth (Lot 16, DP 4889) – Middle Harbour

Thank you for your referral of 17/5/2022 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 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.

1. The proponent must apply for and obtain a Part 7 permit for dredging and reclamation under the FM Act from DPI Fisheries **prior to any works on site**. Permit application forms are available from the DPI Fisheries website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>; and
2. Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms; and
3. The swimming enclosure net must be hung horizontally, not on the bias. The net openings should look like squares, not diamonds, to avoid snagging fish on the nets. The net openings must be at least 15cm x 15cm; and
4. Please be aware that a swim net in this location will likely become habitat for an endangered species of seahorse that lives locally, the Whites Seahorse. Any future maintenance, repair, replacement or removal of the swim net will require prior consultation with DPI Fisheries and potentially the engagement of an experienced diver to inspect and relocate any seahorses that are living on the net to avoid harm during maintenance works. There are substantial fines for harming a threatened species under the *Fisheries Management Act 1994*.

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

Yours sincerely,



Sarah Conacher

A/Senior Fisheries Manager, Coastal Systems

**NSW Department of Primary Industries
Fisheries**

DPI Ref: IDA22/48

Officer:

Date: 10/6/2022

