



Date: 9 February 2018

The General Manager
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Attention: Michele G Bos

Dear Ms Bos,

Re: Planning proposal to reclassify riverfront parcels from community to operational land.

Thank you for referring the above proposal to the DPI Fisheries for comment. The proposal indicates that council wishes to reclassify 23 riverfront land parcels from community to operational lands.

DPI Fisheries administers the Fisheries Management Act 1994 (FM Act) and associated Regulations (FM Regulations). The objectives of the FM Act are to conserve, develop and share the fishery resources of NSW for the benefit of present and future generations, and in particular:

- a) to conserve fish stocks and key fish habitats, and
 - b) to conserve threatened species, populations and ecological communities of fish and marine vegetation, and
 - c) to promote ecologically sustainable development, including the conservation of biological diversity,
- and, consistently with these objectives:
- d) to promote viable commercial fishing and aquaculture industries,
 - e) to promote quality recreational fishing opportunities,
 - f) to appropriately share fisheries resources between the users of those resources, and
 - g) to provide social and economic benefits for the wider community of NSW, and
 - h) to recognise the spiritual, social and customary significance to Aboriginal persons of fisheries resources and to protect, and promote the continuation of, Aboriginal cultural fishing.

To achieve this, the Department ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat

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protection and threatened species conservation provisions in Parts 7 and 7A of the Act respectively) and the associated *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999)*.

DPI Fisheries has reviewed the proposed reclassification of the proposed lots from community to operational lands with regard to the above provisions and DPI Fisheries objects to the proposed reclassification for the following reasons:

1. A key objective under the *Fisheries Management Act 1994*, Sect 3 is to promote quality recreational fishing opportunities and to provide social and economic benefits for the wider community of New South Wales. Both Anglers and DPI Fisheries have identified loss of angler access and limitations on use as a major concern in the delivery of these key objectives. The proposed reclassification of land is viewed by the department as a loss of angler access and amenity, these sites are currently accessible via the river and some via crown roads and therefore provide access and amenity to recreational anglers which will be lost should the reclassification occur.
2. The Murray and Darling Rivers are highly valued and iconic angling destinations and they are stocked annually for the community by DPI Fisheries under the Departments stocking programs. Given the importance of this existing perpetual and legal access to the rivers for anglers through these lands, DPI Fisheries asks that council, as manager of the land retains the legal right of unobstructed passage and use of the land for the public.
3. The current classification of community lands affords these lands greater environmental protection, with the reclassification of these lands to operational and the subsequent sale of the land to adjacent landowners would reduce the protection the environmental and ecological aspects of the lands. Activities that potentially impact on the aquatic environment and key fish habitat such as clearing or riparian vegetation, construction of retaining walls, boat ramps, jetties, de-snagging and other such activities as have been seen on other similar riverside freehold lands.
4. The degradation of riparian vegetation and the removal of large woody debris are both listed as Key Threatening Processes under the *Fisheries Management Act 1994*, this imposes certain requirements upon authorities when authorising and activity or development that may involve instream woody habitat removal or the degradation of riparian vegetation. For further information see the departments website;<https://www.dpi.nsw.gov.au/fishing/species-protection/conservation/what-current>

If you have any queries please call me on (02) 6051 7768.

Yours sincerely,



Luke Pearce
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