

24 January 2019

Liz Makin
Strategic Planning Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

Dear Ms Makin,

Proposal: Planning Proposal (PP.2018.04) 2090 Sutton Road, Sutton

Thank you for your referral of 11 December 2018 seeking comment on the 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 and marine protected areas within NSW.

The proposal for rezoning of RU1 to RU5, R5 and E3 zones and the construction a housing development adjacent to the Yass River is of interest to DPI Fisheries. The Yass River is considered to be a Type 1 (highly sensitive), Class 1 (Major) Key Fish Habitat. The Yass River is known to support Murray Cod which is listed as a threatened species under the provisions of the *Environment Protection and Biodiversity Conservation Act (Cwth)*, Southern Pygmy Perch which is listed as an endangered species under the *Fisheries Management Act 1994* and is a highly valued recreational fishing area.

The proposed R5 zoning fronting the Yass River allows for the creation of private housing lots directly adjacent to a Class 1, Type 1 Crown Waterway. The documentation provided did not include any assessment of riparian or aquatic habitats located within the proposal site, or recognise the requirements of DPI Fisheries as described in the Department's publication *Policy and guidelines for fish habitat conservation and management (2013)*.

DPI Fisheries requires that all new developments adjacent to waterways maintain well managed, intact riparian buffer zones. The recommended buffer width for a Type 1, Class 1 waterway is 100 meters

The Department supports the recommendations in Appendix 6 of the Land Capability Assessment, specifically;

- The final lot layout should include a riparian corridor along the river,
- The improvement of the resilience and ecological value of the riparian zone through the development and implementation of a Riparian Landscape Management Plan
- The future rehabilitation and of the watercourse and riparian areas through the Riparian Landscape Management Plan.

The Department recommends that the riparian corridor be clearly delineated and ownership either returned to Council or included as a 'Stewardship Lot' with the identified aim to 'allow for management practices designed to maintain and improve the biodiversity values on the lot'.

Given the importance of the aquatic habitats and fish populations and drinking water requirements of Yass River the Department recommends the adoption of the Neutral or Beneficial Effect (NorBE) principal in relation to water quality for all future development applications relating to the proposal.

If you require any further information, please contact me on (02) 4428 3007

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Reynolds'.

Jillian Reynolds
Fisheries Manager
Coastal Systems – South