

Our Ref: IDA20/77

14 October 2020

Your Ref: CNR-10502

Newcastle City Council
c/o: ePlanning Portal

Dear Newcastle City Council,

Proposal: IDA referral for Richmond Vale Rail Trail – boardwalk and bridge construction
Property: 81 King St, Shortland – Ironbark Creek, Fishery Creek, Hexham Swamp

Thank you for your referral of 30/7/2020 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, reclamation and to harm marine vegetation 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 (sediment fences, 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 boardwalk design must not obstruct overland flow paths.

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

Yours sincerely,



Sarah Conacher
Acting Senior Fisheries Manager, Coastal Systems