

Our Ref: IDA22/61

29 March 2023

Your Ref: CNR-40904

Hornsby Shire Council
c/o: ePlanning Portal

Dear Hornsby Shire Council,

Proposal: IDA referral for a public boardwalk and shared path
Property: Kangaroo Point to Brooklyn Road, Brooklyn (Lot 100, DP 865249; Lot 101, DP 1223533; Lot 7, DP 740853) – Hawkesbury River

Thank you for your referral of 9/6/2022 and additional information supplied on 28/3/2023.

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 to 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. Offsets for harm to marine vegetation will be negotiated between DPI Fisheries and Hornsby Shire Council as part of the Fisheries Permit process. Council must undertake a feasibility assessment for on-ground rehabilitation works within the Hawkesbury Estuary. The offset works do not need to occur within the project site or immediately adjacent, so long as they are within the same estuary as where the harm will occur. Monetary compensation will only be accepted if the feasibility assessment demonstrates that there is no potential for on-ground rehabilitation works; and
3. 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.

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



Yours sincerely,



Sarah Conacher
Senior Fisheries Manager, Coastal Systems