Your Ref: 10.2019.41.1
Our Ref: C19/192
Date: 13 May 2019

The General Manager
Murray Shire Council
PO Box 21
MATHOURA NSW 2710

Attention: Des Bilske

Dear Mr Bilske,

Re: DA 10.2019.41.1 construction of a water recreation wharf with associated pontoon, landing on boardwalk, walkway, lighting, filtered water and sewage dumping facility, Lot 107 DP 756508, Lot 2 Sec 26 DP 758053, Lot 159 DP 1049554, 9 Murray Street, Barham.

Thank you for referring the above proposal to DPI Fisheries for comment. I understand that the applicant wishes to undertake construction of a water recreation wharf structure 23.0m x 5.0m with a 33.5m gangway and landing to the existing boardwalk at the above location.

DPI Fisheries is responsible for ensuring that fish populations including threatened species are conserved and that there is “no net loss” of key fish habitats upon which they depend. To achieve this, the Department ensures that developments comply with the requirements of the Fisheries Management Act 1994 (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 Aquatic Habitat Management and Fish Conservation (1999). In addition the Department is responsible for ensuring the sustainable management of commercial and recreational fishing and aquaculture within NSW.

The information has been reviewed and I am pleased to advise that DPI Fisheries does not object to Council granting Development Consent to the proposal provided the conditions listed below (or similar conditions that impose the same requirements) are incorporated into the Development Consent.

I do not consider that the works are likely to have a significant adverse impact upon threatened fish species, populations or the aquatic ecological community which reside in the river in this area provided the works are carried out as stated and all conditions are faithfully implemented.

Aquatic Ecosystems
Unit 5, 620 Macauley St ALBURY NSW 2640
Tel: (02) 6051 7768
ABN 72189919072
www.dpi.nsw.gov.au
Conditions:

1. The applicants will need to obtain a permit under the Fisheries Management Act or the Water Management Act if there is to be any excavation within, or filling of the waterway.

2. If any ground disturbance is to take place, erosion and sediment mitigation devices are to be erected in a manner consistent with currently accepted Best Management Practice (ie Managing Urban Stormwater: Soils and Construction 4th Edition Landcom, 2004) to prevent the entry of sediment into the waterway prior to any earthworks being undertaken. These are to be maintained in good working order for the whole duration of the works and subsequently until the site has been stabilised and the risk of erosion and sediment movement from the site is minimal. Exposed soil is to be reseeded or turfed. 

   Reason – To ensure that sediment generated by the exposure of soil is not transported into the main water body.

3. On completion of the works, the site is to be rehabilitated and stabilised. Surplus construction materials and temporary structures (other than silt fences and other erosion and sediment control devices) installed during the course of the works are to be removed. 

   Reason – To ensure that habitats are restored as quickly as possible, public safety is not compromised and aesthetic values are not degraded.

4. Machinery is not to enter, or work from the waterway unnecessarily. 

   Reason – To ensure minimal risk of water pollution from oil or petroleum products and to minimise disturbance to the streambed substrate.

5. No snags (tree trunks, root balls, limbs, branches or other woody debris) in the channel or on the bank of the river are to be moved, removed or otherwise interfered with either during the construction phase or at any time subsequently, without the concurrence of Department of Primary Industries Fisheries. 

   Reason - “Removal of Large Woody Debris” is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994 and there are significant penalties for harming the habitat of threatened species.

6. Native vegetation (including trees such as River Red Gum, Black Box and River Coobah, shrubs, reeds such as Phragmites and grasses) on or adjacent to the river bank is not to be cleared, modified or otherwise harmed at any time during the construction or at any time subsequently. This does not include control of noxious or other recognised weeds. 

   Reason – “Decline in native riparian vegetation” is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994 and there are significant penalties for harming the habitat of threatened species.

7. The District Fisheries Officer at Deniliquin (Telephone: 03 5881 9928, Mobile: 0427 897 145, Email: shaun.burke@industry.nsw.gov.au) is to be notified at least 3 days prior to the commencement of construction (email or fax preferred). 

   Reason - To ensure that the local Fisheries Officer is aware that work on the river bank is about to commence.

9. NSW Department of Primary Industries Fisheries is to be notified immediately if any fish kills occur in the vicinity of the works. In such a case all works are to cease until the issue is rectified and approval is given to proceed. 

   Reason – Department of Primary Industries Fisheries needs to be aware of fish kills so that it can assess the cause and mitigate further incidents in consultation with relevant authorities. They are also potentially contentious incidents from the public perspective. Work practices may need to be modified to reduce the impacts upon the aquatic environment.
Could you please provide a copy of the Development Consent (if granted) for our records.

If you have any queries please call me.

Yours sincerely

Nathan Reynoldson
A/Fisheries Manager (Albury)
NSW Department of Primary Industries