

The Hon Tara Moriarty MLC

Minister for Agriculture
Minister for Regional New South Wales
Minister for Western New South Wales



MF24/1837

Mr Ross Farlow
Chairman
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Re: Northern Rivers Drainage Solutions

Dear Mr Farlow,

Thank you for your letter regarding Northern Rivers Drainage Solutions. I appreciate the reasons that have prompted you to write.

As you may be aware, the role of the Department Primary Industries and Regional Development (the Department) in maintaining and improving the health of the state's estuarine assets includes the protection of key fish habitats under the *Fisheries Management Act 1994 (FM Act)*. This includes involvement with local government and other agencies in the development of Coastal Management Programs and leading the Marine Estate Management Strategy (MEMS).

The FM Act includes provisions that require a permit to be obtained from the Department prior to undertaking dredging and reclamation works, harm to marine vegetation and obstruction of fish passage within of key fish habitat.

These provisions enable the Department to ensure that activities are undertaken in a manner that avoids, minimises and mitigates impacts to fish and key fish habitat and that any unavoidable, residual impacts are appropriately offset. I am advised the exemptions to legislative requirements under the FM Act relating to drain outlet maintenance works would be detrimental to achieving the objectives of the FM Act.

As you may be aware, Marine Estate Management Strategy (MEMS) sets the overarching framework for the NSW Government to coordinate the management of priority threats to the marine estate in accordance with the objects of the *Marine Estate Management Act 2014*. Clearing marine vegetation (such as mangroves) and adjacent habitats including coastal wetlands for drainage, was identified as the fourth highest risk to environmental assets in the NSW Marine Estate Threat and Risk Assessment (2017) (TARA) which underpinned the development of MEMS.

I am advised that under the MEMS, to drive regulatory and administrative efficiency, the Department has streamlined the approval process under the FM Act for routine, minor maintenance works undertaken by local government, including maintenance of flood mitigation and drainage infrastructure, by offering a single, long-term permit covering multiple routine maintenance activities across multiple sites.

North Coast Councils including Ballina Shire Council have applied for and obtained long-term maintenance permits including for activities related to drainage infrastructure. This has resulted in significant efficiencies for both local government and the Department.

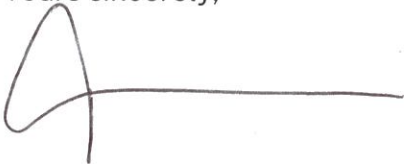
The Department also can issue strategic permits for programs of works that cover multiple structures at multiple locations. Through recent process reforms, the Department is also able to issue permits without the need for evidence of landowners' consent (e.g. Crown Lands) which has previously been a cause of delay in issuing permits.

I am also advised that the TARA identified the complexity of approvals for coastal floodplain drainage as having impacts to the social and economic values of the Marine Estate. The MEMS includes the Coastal Floodplain Drainage Project being led by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) which commenced in 2019 and aims to address the complexity, time and costs associated with the approvals process and reduce the impact of these works and activities on downstream water quality, aquatic ecosystems, communities and industries. Public consultation on the project's Options Report has now closed and the multi-agency working group will now consider all feedback, including submission from the NSW Cane industry and local government, and make recommendations to the relevant NSW Government Ministers.

The *Local Government Act, 1993* is administered by the Department of Planning, Housing and Infrastructure (DPHI), therefore enquiries relating to changes to this legislation should be directed to DPHI.

I trust this is of assistance, however, I have asked Mr Jonathan Yantsch, Senior Fisheries Manager Coastal Systems, to be available to answer any further questions you may have. Mr Yantsch can be contacted on (02) 6626 1375 or by email Jonathan.yantsch@dpi.nsw.gov.au.

Yours sincerely,



Tara Moriarty MLC

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