

Daniel Gorgioski
Department of Planning and Environment
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Re: State Significant Infrastructure – SSI-74258485 – Greater Parramatta, Olympic Peninsula Water Cycle – Advice on EIS

Dear Daniel,

Thank you for your referral of this State Significant Infrastructure project dated 11 February to DPIRD Fisheries, a division of NSW Department of Primary Industries.

DPIRD 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, DPIRD Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act* (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). DPIRD Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves in NSW.

DPIRD Fisheries has reviewed the EIS and relevant appendices in light of those provisions and makes the following comments.

Parramatta River, Duck River, Duck Creek and Vineyard Creek are mapped as Key Fish Habitat (KFH), and their associated wetlands are identified as SEPP Coastal Wetlands under the Resilience and Hazards SEPP (2021). Freshwater discharges of treated water from the proposed Rosehill WRRF into the Parramatta River are expected to be in the order of 100 ML/day, and construction of the associated pipeline will require under boring beneath these sensitive waterways. It is therefore essential that both construction and operation of the facility are carefully designed and monitored to avoid, minimise and mitigate potential impacts on KFH, and that appropriate offsets are applied where impacts cannot be avoided.

DPIRD Fisheries considers that the EIS has adequately identified, assessed and mitigated the potential impacts to KFH, including commitments to ongoing monitoring of long-term water quality changes and potential effects on adjacent SEPP Coastal Wetlands. However, the footprint of the discharge point (concrete mattress) within the Parramatta River is likely to be substantial and will overlay Type 3, Class 1 KFH as defined in the *Policy and Guidelines for Fish Habitat Conservation and Management* (2013). In our view, this represents an unavoidable loss of KFH.

The EIS concludes that offsets are not required on the basis that the affected habitat is of low ecological value and that the proposed infrastructure will itself provide habitat-forming structure. While these considerations may have merit, they do not remove the requirement to offset the loss of KFH.

Accordingly, DPIRD Fisheries recommends the following as the project progresses:

1. Demonstration of avoidance, minimisation and mitigation principles.
2. Clear descriptions of all proposed mitigation measures.
3. A monitoring program addressing long-term water quality changes.
4. Offsetting strategies consistent with the NSW Biodiversity Offsets Policy for Major Projects.

DPIRD Fisheries supports development of a Marine Biodiversity Offset Strategy (MBOS), noting that habitat creation is preferable to repair. We acknowledge the proposal to rehabilitate the existing seawall and install Living Seawall boulders along disturbed and adjacent sections, and recommend investigating opportunities to extend these measures to nearby seawalls outside the immediate disturbance footprint.

Recommended conditions of consent:

1. Impacts to Key Fish Habitat must be avoided wherever possible. Where impacts are unavoidable, offsets must be applied at a 2:1 ratio.
2. A Key Fish Habitat Offset Strategy (MBOS) must be prepared in consultation with DPIRD Fisheries.

For any further information, please contact me on Peter.Gibson@dpird.nsw.gov.au.

Sincerely,



Peter Gibson

Fisheries Manager, Aquatic Ecosystems Assessments

DPIRD Fisheries