

Our Ref: C20/628

22 October 2021

Your Ref: SSI-8609189

Mr Nathan Heath
Planning Officer
NSW Department of Planning, Industry & Environment
c/o: Major Projects Portal

Mr Heath,

Request for consultation – Advice on Environmental Impact Statement, Stage 1 - Upper South Creek Advanced Water Recycling Centre (AWRC) – multiple locations including Warragamba River, Nepean River, Kemps Creek & South Creek (also multiple pipeline water crossings)

Thank you for your referral seeking consultation on the above proposal from DPI Fisheries, a division of NSW Department of Primary Industries on the proposed works stated above. DPI Fisheries also provided Advice on SEARs for this proposal to Department of Planning, Industry and Environment (DPIE) as C20/500 on 10/08/2020.

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)*. DPI Fisheries is also 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 Environmental Impact Statement (EIS) document package, particularly *Appendix H – Aquatic & Riparian Ecosystem Assessment*, and provides the following advice:

- This proposal impacts on the mapped distribution of Macquarie Perch (*Macquaria australasica*). A Test of Significance (EPBC Act) and 7-part Test (FM Act) were conducted and found no significant affect from the proposed works.
- DPI Fisheries request to be consulted when the relevant sections of the Construction Environment Management Plan (CEMP) are available. Particularly, the Biodiversity Management Plan, Soil & Water Management Plan and the Site Specific Riparian Zone Vegetation Plans.
- DPI Fisheries understands that the following pipeline waterway crossings will be under bored: Prospect Creek, Green Valley Creek and Clear Paddock Creek. The mitigation measures suggested in Section 8 of Appendix H of the EIS suitably address the risk of Frac-outs (unintentional return of drilling fluid to the surface) and should be adopted in the CEMP.
- Pipeline waterway crossings for Kemps Creek and Hinchinbrook Creek are to be open trenched. DPI Fisheries requests to be consulted when the site-specific environment management plan has been prepared for these crossings as there is an increased risk of adverse impacts to aquatic ecology.

- It is recommended construction of coffer dams and temporary in-stream structures associated with open trenching is taken from the *Policy and Guidelines for Fish Habitat Conservation and Management* (2013). Refer to section 6.2.5 for detailed information on effective management of instream works.
- Additionally, as Bass are present at the subject site, it is recommended construction of open trenches, particularly South Creek is avoided between late April and early June so not to disrupt downstream migration of Australian Bass and avoided from late October to late December to enable Bass to return to upper reaches of their preferred creek.
- Sydney Water plan to adopt the NSW Office of Water (2021) Guidelines for Vegetation Management Plans, Guidelines for Outlet Structures and Riparian Corridors on Waterfront Land. DPI Fisheries does not object and will look to see these best practise guidelines being realised in design detail.

If you require any further information, please contact Josi Hollywood on (02) 4222 8311 or josi.hollywood@dpi.nsw.gov.au

Yours sincerely,



Scott Carter
Senior Fisheries Manager, Coastal Systems Unit