



Department of Primary Industries

FE22/117
C22/79
10 February 2022

Department of Planning, Industry and Environment
Attention: Iwan Davies

RE: Advice on EIS – Project EnergyConnect NSW Eastern Section SSI-9172452

DPI Fisheries are 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, 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 Fish Habitat Conservation and Management (Update 2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing within NSW.

DPI Fisheries have reviewed the EIS and provide the following comments. Generally, DPI Fisheries concur with the conclusions of the aquatic ecology assessment. It is noted that the works will generally be set back 50m to 100m from any watercourse, with transmission line towers set on either side of the watercourse and transmission lines spanning the full width of the watercourse.

Waterway crossings

The design and construction of any temporary waterway crossings should be in accordance with the document *Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003)* and the *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)*. The proponent has indicated that they intend to follow these requirements in their approach to temporary waterway crossings.

Proposed temporary crossings to be used during construction should be tabulated to include the following information: location of proposed crossing, strahler stream order, a clear indication of waterway deemed ‘Key Fish Habitat’ in accordance with Fisheries policies and the associated TYPE (including consideration of known and potential threatened species distributions), waterway CLASS (i.e. major/moderate/minimal/unlikely Key Fish Habitat) and preferred waterway crossing type in relation to waterway CLASS.

To reinstate fish passage, temporary crossings need to be removed upon completion of works.

Threatened species

Known and potential distributions of several threatened fish species including Murray Hardyhead, Silver Perch, Flathead Galaxias and Macquarie Perch occur in waterways across the proposal.

Environmental management plans should be prepared and made available for DPI Fisheries to review for waterway crossing sites that occur in potential threatened fish species distributions.

Riparian Buffer Zones

DPI Fisheries Policy advocates the use of terrestrial buffer zones as per the *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)* which states that “NSW DPI will generally require riparian buffer zones to be established and maintained for developments or activities in or adjacent to TYPE 1 or 2 habitats or Class 1-3 waterways”. The department anticipates that adequate riparian buffer zones will be maintained adjacent to water courses that the proposal intersects with. Where disturbance is inevitable (such as clearing/trimming for allowance of transmission lines), environmental management plans should be prepared to minimise the extent of the disturbance.

Stockpiling of Felled Timber

Consultation with DPI Fisheries should occur regarding stockpiling of felled trees from the footprint of the development for use as snags (large woody debris) to rehabilitate and improve the habitat quality of Key Fish Habitats.

Should you have any further queries regarding this correspondence please contact Alison McLean (Fisheries Manager) on 0484 907 343 or Alison.McLean@dpi.nsw.gov.au.