

FE22/791 C22/503

17 August 2022

Max Obiakor
Department of Planning, Industry and Environment
Via email: Max Obiakor <max.obiakor@dpie.nsw.gov.au>

Dear Max,

RE: Advice on EIS – Inland Rail – Albury to Illabo (SSI-10055)

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)*.

Technical paper 09 provides a comprehensive aquatic biodiversity assessment, particularly in relation to potential impacts to aquatic habitat and threatened fish species, populations and communities listed under provisions of the *Fisheries Management Act 1994* and *Environmental Protection and Biodiversity Conservation Act 1999*.

DPI Fisheries provides the following comments/advice:

- As per previous DPI Fisheries advice, fish passage provision is not required for the temporary crossing installation at Sandy Creek. Impacts will be mitigated by these works occurring during a dry period. The temporary crossing will be in place for 4-6 weeks and removed in full at the conclusion of works.
- Modification of Jeralgambeth Creek culvert will be in accordance with water crossing requirements outlined in NSW DPI Fisheries *Policy and guidelines for fish habitat conservation and management* and *Why do fish need to cross the road? Fish passage requirements for water crossings* (Fairfull & Witheridge 2003).
- “Removal of large woody debris from NSW Rivers and Streams” is listed as a Key Threatening Process under the *Fisheries Management Act 1994*. It is noted that under the proposed works there will be no removal of large woody debris from waterways.
- It is noted that there are to be no works to the substructure of the Murray River Bridge or instream works in the Murray River or Oddies Creek.
- “Degradation of native riparian vegetation along NSW watercourses” is listed as a Key Threatening Process under the *Fisheries Management Act 1994*. Under the proposal, 0.03 hectares of riparian vegetation is to be removed. DPI Fisheries policy advocates the use of terrestrial buffer zones as per the *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)* in order to maintain the riparian buffer zone and limit disturbance and susceptibility to bed or bank erosion.

- DPI Fisheries supports the inclusion of improvement to aquatic habitat such as reinstatement of removed riparian vegetation within the watercourse i.e., “re-snagging”, and reinstatement of native riparian vegetation to be incorporated into the rehabilitation strategy.

Should you require further clarification on the above issues, please contact Alison McLean (Fisheries Manager, Murray Darling) on 0484 907 343.