

C22/605
28 September 2022

DPE Planning
(Attn: Julia Green)
Lodged via NSW Major Project Planning Portal

Re: SSD-1313914 – Marulan Solar Farm – Environmental Impact Assessment Public Exhibition
Comment

Dear Ms Green,

Thank you for the above referral dated 15 September 2022 seeking DPI Fisheries advice on the publicly exhibited Environmental Impact Statement (EIS) for the Marulan Solar Farm (SSD-1313914).

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 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)*.

The site contains the following Strahler 4th order streams that are considered to be key fish habitat - Lockyersleigh Creek, Narambulla Creek and Osborne Creek.

DPI Fisheries has reviewed the Environmental Impacts Assessment for this proposal and provides the following advice on this proposal:

1. At the Secretary Environmental Assessment Requirements Stage of this proposal, DPI Fisheries stated that waterway crossings at this site were to be constructed according to DPI Fisheries fish passage requirements for waterway crossings (our ref C21/62, dated 5 February 2021), and requested information on the location, design and construction methodology of these road and pipeline crossings.

The EIS, including the statement of commitments, makes no mention of ensuring these fish passage requirements are met in the design and construction of waterway road and pipeline crossings at the proposal site. Should any Conditions of Approval be granted for this proposal, then DPI Fisheries requests that a condition to the following effect be included:

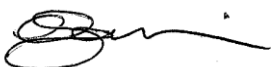
Endorsement of the design and construction plans of road and pipeline crossings over key fish habitat at this site is to be sought from DPI Fisheries prior to construction. These crossings are to be designed in accordance with DPI Fisheries *Policy and Guidelines for Fish Friendly Waterway Crossings (2004)* and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004)*.

DPI Fisheries seeks review of the design and construction plans of these road and pipeline waterway crossings as they have the potential to impact key fish habitat and fish passage over time and plans for these structures or pipe laying activity have not been provided at this stage of the approval process.

2. A permit under s.37 of the *Fisheries Management Act* is required to relocate native fish in farm dams during dam dewatering activities. Note that there is no exemption to this permit requirement, and this permit requirement needs to be included in any Conditions of Approval issued for this proposal.
3. Best practice erosion and sediment control measures are to be used during the construction of this facility.
4. DPI Fisheries recommends that a vegetated ground cover be maintained across the site over the operation of this facility to provide some mitigation against erosion and sedimentation impacts to the key fish habitat at and downstream of this site.
5. The changed use of this land presents an opportunity to improve the management of key fish habitat at this site. We note that it is proposed to provide adequate buffer zones to these waterways and to fence them off from stock access. DPI Fisheries supports the inclusion of these measures as part of the project approval. We also recommend that some consideration be given to repairing any gully erosion at this site as part of the construction of this facility and to revegetate the riparian zone with native species over time. This will result in improved key fish habitat and aquatic biodiversity values on and downstream of the project site, that should have no impact on the operation of the solar farm and associated grazing activity.

If you require any further information, please contact me on 4222 8342 or carla.ganassin@dpi.nsw.gov.au.

Sincerely



Carla Ganassin

Senior Fisheries Manager, Coastal Systems

DPI Fisheries