

Our Ref: C22/638 FE22/995

13 October 2022

Javier Canon
The Department of Planning and Environment

Re: **Birriwa Solar Farm (SSD- 29508870) EIS Exhibition**

Dear Mr Canon,

The Department of Primary Industries (Fisheries) is responsible for ensuring that fish stocks are conserved and that there is “no net loss” of Key Fish Habitat upon which they depend. To achieve this, the Department ensures that developments comply with the *Fisheries Management Act 1994 (FMA 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 has reviewed the Birriwa Solar Farm Environmental Impact Assessment and provides the following recommendations.

Fish Passage

The design of new or upgraded bridges, culverts, and waterways 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)*. Consideration should also be given to the detailed design of any scour protection below watercourse crossing structures to ensure that fish passage is not impeded.

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)* available on the Department’s website at <http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation> 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.” Where disturbance is inevitable, environmental management plans should be prepared to minimise the extent of the disturbance footprints and re-establish riparian and aquatic habitat features.

Should you have any queries regarding this correspondence please contact me on 0429 908 856.

D. Ward

David Ward
Fisheries Manager (Tamworth)