DPI Fisheries
Department of Regional NSW

Our Ref: C22/796 FE22/1259

16 December 2022

Julia Green
Department of Planning & Environment

Re: *Dapper Solar Farm (SSD – 52217961) Request for SEARS*

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).*

The EA should specifically address impacts on the aquatic ecology and controls to be established for permanent access tracks, temporary access tracks or underground cabling in *Key Fish Habitats* (Third order streams or larger (Strahler Stream Order System)) such as Sandy Creek and Spring Creek and potential impacts on riparian vegetation and threatened species as per below;

AQUATIC ECOLOGICAL ASSESSMENT

The aquatic ecological environmental assessment should include the following information;

- A recent aerial photograph (preferably colour) of the locality (or reproduction of such a photograph) should be provided.
- Area which may be affected either by the development or activity should be identified and shown on an appropriately scaled map (and aerial photographs).
- Waterways within the area of development are to be identified.
- The extent of aquatic habitat removal and riparian vegetation removal or modification which may result from the proposed development,
- Details of the location and design of the waterway crossings or underground cabling through waterways.
- Details of the methodology (e.g trenching, boring) for any underground cabling passing through waterways.

WATERWAY CROSSINGS

The construction of permanent or temporary access tracks or underground cables through *Key Fish Habitat* should be in accordance with DPI Fisheries Guideline document: *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013),* and the *Policy and Guidelines for Fish Friendly Waterway Crossings (DPI 2003).* This is to ensure that the works are designed and constructed in accordance with best management practice and with minimal impact on the aquatic environment and fish passage requirements.

LOSS OF RIPARIAN VEGETATION

There is also the likelihood of a loss of riparian vegetation associated with the proposed solar area footprint, alongside Sandy Creek and Spring Creek. The *"degradation of native riparian vegetation"* has been listed as a Key Threatening Process under the provisions of the *Fisheries Management Act* 1994. 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/fishing/habitat/publications/pubs/fish-habitat-conservation in order to maintain the riparian buffer zone and limit disturbance and susceptibility to bed or bank erosion.

THREATENED SPECIES, POPULATIONS AND ECOLOGICAL COMMUNITIES – *FISHERIES MANAGEMENT ACT 1994*

The proposal should include a threatened aquatic species assessment (as per part 7A *Fisheries Management Act* 1994) to address whether there are likely to be any significant impacts on listed threatened species, populations or ecological communities listed under the *Fisheries Management Act 1994*. It should be noted that the proposal is located within an area considered habitat of the threatened species, Southern Purple Spotted Gudgeon (*Mogurnda adspersa*). Eel-tailed Catfish (*Tandanus tandanus*) are also known to be present within Sandy Creek despite not being highlighted in the threatened species mapping. Threatened fish species mapping distributions are available at: http://www.dpi.nsw.gov.au/fishing/species-protection/threatened-species-distributions-in-nsw

Should you require further clarification on the above issues, please contact me on (02) 6763 1255 or 0429 908 856.

D. Ward.

David Ward
Fisheries Manager (Tamworth)