

Our Ref: C23/91

27/02/2023

Your Ref: PAE-54033711/PAE-54033706

Joe Fittell
Department of Planning and Environment
c/o: Major Projects Portal

Dear Joel,

Request for advice on EIS documents for the HVO South and North Open Cut Coal Continuation Projects SSD-11826681 and SSD-11826621

Thank you for your referral of 30/01/2023 seeking input on the EIS documents from DPI Fisheries, a division of NSW Department of Primary Industries.

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 *Fisheries Management Act 1994* (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)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries has reviewed the EIS and notes the presence and/or close proximity of key fish habitat in the proposed footprint and notes the projects proposal to construct a new bridge over the hunter river. The design and construction of the new bridge may include direct and indirect impacts to key fish habitats, both onsite and downstream.

DPI Fisheries therefore recommends the following:

1. Waterway crossings should be designed and constructed in accordance with the national guidelines entitled 'Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings' (Fairfull and Witheridge 2003). This document can be access via the website at this link: https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0004/633505/Why-do-fish-need-to-cross-the-road_booklet.pdf.
2. Environmental safeguards (silt curtains, booms etc) are to be used during the works to ensure that there is no escape of turbid plumes into the adjacent aquatic environment;
3. Any material removed from the waterway that is to be temporarily deposited or stockpiled on land is to be located well away from the waterway and to be contained by appropriate sediment control devices; and
4. DPI Fisheries (1800 043 536) and the Environment Protection Authority (131 555) is to be notified immediately if any fish kills occur in the vicinity of the works. In such cases, all works other than emergency response procedures are to cease until the issue is rectified and approval is given by DPI Fisheries and/or the Environment Protection authority for the works to proceed.

If you have any queries, please contact Cherie Colyer-Morris, Fisheries Manager, Coastal Systems (Central) at cherie.colyer-morris@dpi.nsw.gov.au.

Yours sincerely,



Cherie Colyer-Morris
Fisheries Manager, Coastal System