

Our Ref: C23/369

FE23/660

10 July 2023

Nestor Tsambos
The Department of Planning & Environment

Re: ***Sundown Solar Farm (SSD-8911) EIS Exhibition***

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* (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.

Waterway crossings

The project will involve the construction of temporary waterway crossings or permanent waterway crossings over waterways which are *Key Fish Habitat*. The construction of waterway crossings should be in accordance with DPI Fisheries Guideline document: *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings*. 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 within the immediate vicinity of the proposed works.

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." The department anticipate that adequate riparian buffer zones will be maintained adjacent to the watercourses as part of this project.

Should you require further clarification on the above issues, please contact me on 0429 908 856.

D. Ward

David Ward
A/ Senior Fisheries Manager, Murray Darling