

Our Ref: C23/640 FE22/995

6 October 2023

Nestor Tsambos
The Department of Planning, Industry and Environment

Re: Birriwa Solar Farm (SSD- 29508870) Amendment Report

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 Amendment Report and reiterates the previous recommendations.

Fish Passage

The design of new or upgraded bridges, culverts, and waterways crossings at potential creek crossing points 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 at potential creek crossing points 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.

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