

FE23/584 C23/321
27 June 2023

DPE Planning
Lodged via NSW Major Projects Planning Portal

Attn: Kurtis Wathen

Re: SSD-59235464 – Request for Advice - Pottinger Wind Farm – Hay Shire and Edward River LGAs

Dear Kurtis,

Thank you for referring the above proposal to DPI Fisheries. 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)*.

DPI Fisheries has reviewed the Draft SEARs and Scoping report and provides the following advice:

- The environmental assessment should specifically address impacts on the aquatic ecology of waterways or any *Key Fish Habitats* including Eurolie Creek, Nyangay Creek and Coleambally outfall drain.

AQUATIC ECOLOGICAL ASSESSMENT

The aquatic ecological environmental assessment should be as per *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)* and include the following information;

- Waterways that may be affected either directly or indirectly by the development or activity should be clearly identified.
- Description of aquatic and riparian vegetation should be presented and mapped.

- The extent of aquatic habitat removal or modification which may result from the proposed development,
- Details of the location of all waterway crossings, including any access tracks, timetable for construction of the proposal with details of various phases of construction
- Details of the methodology (e.g. directional drilling, trenching, boring) for any works within or adjacent to waterways.
- Aspects of the management of the proposal, both during construction and after completion, that relate to impact minimisation e.g. Environment Management Plans.

KEY ISSUES

Waterway crossings

The construction of waterway crossings should be in accordance with DPI Fisheries Policy & Guideline document: *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)*. Any temporary waterway crossings must be removed immediately upon completion of the various stages of construction.

Riparian buffer zones

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)* 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 waterways within the site area are considered habitat for the Lower Murray River aquatic ecological community which is listed as endangered under provisions of the *Fisheries Management Act 1994*.

Please contact me on 0484 907 343 or Alison.McLean@dpi.nsw.gov.au if you require any further information.

Sincerely



Alison McLean

Fisheries Manager, Murray Darling