

Contact: Haley Rich
Phone: 02 9228 6516
Fax: 02 9228 6466
Email: haley.rich@planning.nsw.gov.au
Our ref: S09/00068

Ms Sarah Boyd
Fisheries Manager
Department of Industry and Investment
PO Box 49
ALBURY NSW 2640

Dear Ms Boyd

Marine Fish Stocking Program (NSW Coastal Waters) Re-issue of Director-General's Requirements

I refer to your email dated 20 July 2010, requesting an extension of the Director-General's requirements for the preparation of an Environmental Impact Statement (EIS) under Part 5 of the *Environmental Planning and Assessment Act 1979* for the proposed Marine Fish Stocking Program for NSW Coastal Waters.

Statutory Issues

Attachment No.1 outlines the statutory matters that must be included in any EIS under clauses 229 and 230 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation).

Department of Planning Guidelines

Pursuant to clause 231 of the EP&A Regulation, the Director-General requires the EIS to address the following specific issues:

Description of the Proposal: The EIS must include a full description of the proposal, identifying:

- Details of the activities undertaken including the species to be stocked, sources of broodstock, stocking methods and locations, and quantity of fish to be stocked. This should be supported by maps/plans clearly showing the various stocking locations. Natural environmental features should also be included; and
- Operational details including the ownership and responsibility for the ongoing operation and management of the fish stocking program.

Justification for the Proposal: The EIS must include a detailed justification for the need and location of the proposal including:

- Consideration of alternatives including the "no stocking" option and justify the preferred option considering social, environmental and economic factors;
- Detail the surrounding water use capability to host the proposal, also demonstrating its suitability and sustainability over the long term; and
- Current and future demand for fish stocking.

Planning Context: The EIS must assess the proposal against relevant environmental planning instruments, strategic and local planning documents. The EIS must also outline any licence/approvals applicable to the project.

Key Issues: The EIS must assess the following potential impacts of the proposal during construction and operation (as relevant):

- **Flora and Fauna – including:**
 - an assessment of any potential impacts on critical habitats, threatened species, protected species, populations or ecological communities and their habitats in the region, and measures to mitigate these impacts;
 - potential significant impacts to natural populations of predators and prey, trophic interactions and marine biodiversity in general;
 - ensuring that the genetics of the broodstock are compatible with the genetics of the stock in the receiving waters.
- **Disease Risks and Their Management– including:**
 - identification of any disease risks to fish and aquatic health from introducing hatchery fish into the marine environment;
 - details of proposed measures to be used in maintaining the genetic integrity of local wild stocks; and
 - detailed disease and pest management protocols.
- **Performance Monitoring – including procedures to monitor:** catch rates of stocked fish, migration of stocked fish, the location of specific stocking events and the number of fish stocked.
- **Marine Protected Areas – including:**
 - an assessment of how the proposed activity interacts with the management objectives of marine parks, aquatic reserves and marine areas of national parks and nature reserves;
 - release strategies for waters directly adjacent to marine protected areas.
- **Cost Benefit Analysis – include an assessment that demonstrates the species to be stocked, size at stocking, stocking rates and the timing and location of stocking produce benefits that are optimal or near optimal.**
- **Indigenous Cultural Heritage – include the interests of Indigenous people in fish stocking, any important Aboriginal heritage sites/places impacted by the proposed activity and outline any existing protocols/measures that aim to minimise risk of harm to these sites.**
- **Crown Land – including likely direct or indirect impacts of Crown Land and assets such as breakwaters or boat ramps.**

Please note that the above list of issues is not exhaustive and where the Proponent identifies other environmental impacts of the proposal, these issues must also be assessed in the EIS at an appropriate level of detail. The level of analysis of the issues should reflect the significance of their impacts and relevance for the proposal.

Environmental Monitoring and Management: The EIS must describe in detail what measures would be implemented to avoid, manage, mitigate and/or off-set the potential impacts of the activity, and describe how the environmental performance of the activity would be monitored and managed over time.

Other Determining Authorities

In your Form A you indicated that your proposal does not require additional approval(s) from other Government agencies.

Nonetheless, the Department has consulted with the Department of Industry and Investment (formerly known as the Department of Primary Industries), the NSW Land and Property

Management Authority (formerly known as the Department of Lands), the NSW Office of Water (formerly known as the Department of Water and Energy), Marine Parks Authority, the Department of Environment, Climate Change and Water (formerly known as the Department of Environment and Climate Change) and the Commonwealth Department of Environment, Water, Heritage and the Arts. Their requirements for the proposal are attached and these must be addressed in the EIS.

You should consult directly with all other agencies and address any requirements they may have in your EIS.

If any/further determining authorities are identified then you must conduct your own consultation with the relevant agencies and address their requirements in the EIS.

Consultation

During the preparation of the EIS, you must further consult with the Marine Parks Authority, Department of Environment, Climate Change and Water, NSW Land and Property Management Authority, Department of Industry and Investment and the Commonwealth Department of Environment, Water, Heritage and the Arts and any other relevant local, State and Commonwealth government authorities, service providers and community groups. In particular, you should consult the surrounding landowners and occupiers that are likely to be impacted by the proposal. Details of the consultations carried out and issues raised must be included in the EIS.

The Commonwealth Environment Protection and Biodiversity Conservation Act

If your proposal contains any actions that is likely to significantly impact matters of National Environmental Significance, it will require an additional approval under the *Commonwealth Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Department of Environment, Water, Heritage and the Arts in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal is likely to significantly impact on matters of National Environmental Significance, and would require an approval under the EPBC Act. If it is subsequently determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary Director-General's requirements may need to be issued.

Administration

You should note that if the EIS is not exhibited within 2 years after this notice is given, you must consult further with the Director-General in relation to the preparation of the EIS.

Enquiries

If you have any enquiries about the above, please contact Haley Rich on the above details.

Yours sincerely



28/7/10.

Chris Ritchie
Manager - Industry
Mining & Industry Projects
as delegate of the Director-General