

NSW DPI Submission on the Woolgoolga to Ballina Pacific Highway Upgrade Preferred Infrastructure report

NSW DPI (Fisheries and Marine Parks) have reviewed the Woolgoolga to Ballina Preferred Infrastructure Report in accordance with the provisions of Part 7 and Part 7A of the *Fisheries Management Act 1994* (FM Act) and relevant policies and guidelines applicable to the application of the Act. Comments on the Preferred Infrastructure Report have also been provided by Melissa Kahler, NSW DPI Agriculture. Separate submissions to Department of Planning (DoP) will be submitted by Minerals NSW, Forests NSW and Office of Water.

NSW DPI Agriculture

Agriculture NSW is satisfied with the Preferred Infrastructure Report and suggests the following comments:

The development of a cane farm strategy and the continual engagement with landholders growing horticultural crops, to address these industry specific issues at the landholder scale is strongly supported. Also, to mitigate air quality impacts through the use of vegetative buffers between both blueberries and bananas and the new highway should be based on a risk assessment approach taking into account local land form and land use characteristics as well as the opinion of adjoining farmers. Both these horticultural and cropping industries, are dominate within the project area and continual implementation of the environmental management measures LU15, LU16 and LU17 as referred to in Chapter 5 are recommended. It is suggested to amend LU15 as shown: *environmental management measures will be implemented to minimise potential for impacts on adjoining agricultural uses, including from changes in water quality, **air quality as a result of dust** and spread of weeds and pests.*

Should you require any further information or advice with regard to agricultural issues, please contact Melissa Kahler on T. (02) 6650 3125 or email melissa.kahler@industry.nsw.gov.au.

NSW DPI Solitary Islands Marine Park

The Solitary Islands Marine Park may be affected by works conducted in Section 1 of the project and these comments only relate to works proposed for Section 1, in particular those within the catchments of the Corindi River and Arrawarra Creek. The Marine Parks Authority is pleased that the concerns raised in previous correspondence have been addressed in the Environmental Impact Statement and Preferred Infrastructure Report. The Marine Parks Authority is particularly pleased by the following commitments:

- Not to place stockpiles (including mulch stockpiles) within 100m of the waterways that flow into the Solitary Islands Marine Park;
- Use of 90% sediment basins in the vicinity of waterways flowing into the Solitary Islands Marine Park.
- The use of operational water quality basins to protect waterways from pollution events;

- The management of vegetation mulch in accordance with the provisions of the RMS Environmental Direction – Management of Tannins from Vegetation Mulch 2012.

For further information please contact James Sakker (Fisheries Conservation Manager (Pacific Highway Upgrade) on 0419 185378.

NSW DPI Fisheries

NSW DPI Fisheries is generally satisfied with the Preferred Infrastructure Report and notes a number of commitments including:

- Addressing the final design of waterway crossing structures in the detailed design phase in consultation with NSW DPI Fisheries;
- The use of a bridge or arch structure for all Class 1 waterways;
- Consultation with NSW DPI Fisheries regarding the use and or design of plunge pools or chutes on Class 1-3 waterways;
- A commitment to further aquatic surveys;
- A commitment to consult with NSW DPI Fisheries on creek realignments;
- A commitment to locate concrete batch plants at least 300 metres from waterways with threatened species;
- A commitment to appropriate management of the Lang Hill borrow area to minimise impacts on threatened fish;

The Threatened Fish Management Plan detailed in Appendix K while generally satisfactory has still some outstanding issues to be resolved. The plan in its current form requires improvement in both grammar and spelling to ensure that its intent is clear. Specific issues NSW DPI Fisheries would like addressed or clarified in the plan are:

Table 4.1 combines mitigation/control measures for threatened fish with non threatened fish. NSW DPI Fisheries would like to see this table revised to have a clear focus on threatened species measures.

Section 6.2 Main goals for Management should include no negative impact on threatened species.

Section 6.3.3 Underboring of creeks is included as both a high risk and low risk activity. NSW DPI Fisheries consider underboring of waterways to be a high risk activity.

Section 6.3.4 The installation and decommissioning of temporary waterway crossings where threatened species are present should not be conducted during both the October to December spawning period and the February to April spawning period. A commitment to minimising the time temporary crossings are in waterways should be made.

Section 6.3.5 Translocation strategy. This strategy needs a lot more work and should be further developed in consultation with NSW DPI Fisheries. NSW DPI Fisheries recommends that suitable sites for relocating OPP should be identified during future aquatic surveying. Identifying suitable sites will allow the development of a translocation plan.

Section 6.3.6 This section needs to be rewritten to clearly address the Woolgoolga to Ballina project as it has sections directly taken from the Devils Pulpit Upgrade plan.

Table 6.1 makes a commitment to no change in instream habitat. This commitment is unrealistic as some changes are inevitable due to the installation of a structure and associated scour protection. NSW DPI Fisheries would like a commitment to minimise riparian vegetation clearing during construction and a targeted rehabilitation program post construction to restore as much as possible the instream and riparian habitat.

Should you have any queries regarding *Fisheries NSW* issues, please contact James Sakker (Fisheries Conservation Manager (Pacific Highway Upgrade) on 0419 185378.