

Your Ref: CSSI-10051

17 November 2020

Transport Assessment Team
Department of Planning
Mr Daniel Gorgioski
c/o: daniel.gorgioski@planning.nsw.gov.au

Mr Gorgioski,

Comments on EIS – Sydney Metro-Western Sydney Airport (CSSI-10051)

Thank you for your referral seeking comment on the proposal from DPI Fisheries, a division of NSW Department of Primary Industries on the proposed works stated above.

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* (FM Act) (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)*. DPI Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries has reviewed the proposal in light of these provisions and makes the following comments:

Both the off-airport and the on-airport environment contain Key Fish Habitat. To avoid impacts on these habitats, the Department recommends the inclusion of conditions;

- the installation and maintenance of best practice sediment and erosion controls,
- ensure all final designs and construction of waterway crossings allows for suitable fish passage,
- any stream realignments be constructed to ensure habitat values are included.

Under the provisions of section 5.23(1) of the Environmental Planning and Assessment Act (EP&A Act) (1979), permits that would otherwise be required under section 201, 205 and 219 of the FM Act are not required for approved State Significant Infrastructure projects. Further, under section 5.23(3) of the EP&A Act directions, orders or notices that could otherwise be issued under Division 7 of Part 7A of the FM Act cannot be issued for approved Critical State Significant Infrastructure projects.

If you require any further information, please contact me on (02) 4222 8311.

Yours sincerely,

J. Hollywood

Josi Hollywood
Fisheries Manager, Coastal Systems Unit