



Department of Primary Industries

FE21/128

C21/85

17 February 2021
Robert Hodgkins
Department of Planning Industry and Environment

Dear Robert,

RE: Dubbo Quarry Continuation Project (SSD-1047) - Advice on EIS

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 Dubbo Quarry Continuation Project EIS and provides the following advice.

WATERWAY CROSSINGS

Despite what the Biodiversity Development Assessment Report states, Eulomogo Creek is a 3rd order stream and is therefore considered to be *Key Fish Habitat*. As Eulomogo Creek is a TYPE 2 CLASS 3 Minimal Key Fish Habitat the design and construction of the new haul road from the existing quarry to the SEA should be undertaken in accordance with the Department's *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> to ensure that fish passage is not obstructed. Box culverts are preferred to fords and pipe culverts.

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)* 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." Eulomogo Creek is a TYPE 2 CLASS 3 Minimal Key Fish Habitat and therefore DPI Fisheries anticipates the use of a 50 metre riparian buffer zone either side of the creek, measured from the top of the bank.

Should you have any queries regarding this correspondence please contact me on (02) 6763 1255 or 0429 908 856.

D. Ward

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