

Our Ref: C21/181

13 April 2021

Your Ref: SSI-10053

Mr Jonathan Blackmore  
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Transport Assessments  
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Mr Blackmore,

**Consultation for advice on Environmental Impact Statement (EIS) –  
Moorebank Avenue Realignment (SSI – 10053)**

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. This advice is further to the EIS consistency comments issued as C20/757 on 08/12/2020 which was not a merit review.

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.

This project seeks to realign and upgrade of the existing Moorebank Avenue from south of Anzac Road to the East Hills Railway, running predominantly to the east of the Moorebank Precinct East site. DPI Fisheries has reviewed the Moorebank Avenue Realignment Environmental Impact Statement (Report No. J190486RP2, 01/03/2021, v3). Specifically, Section 7.2 Biodiversity and Section 7.7 Water. DPI Fisheries make the following comments:

- An assessment of Likelihood of Occurrence was undertaken for all threatened species, populations and communities listed under the FM Act. No species, populations or communities were considered to occur within the Project Area due to unsuitable habitat and/or outside of their distribution range.
- Anzac Creek (a first order stream) is not mapped as a KFH in the Key Fish Habitat map. KFH is defined in sections 3.2.1 and 3.2.2 of the Policy and Guidelines for Fish Conservation and Management (DPI, 2013). While Anzac Creek is not KFH the project will have direct and indirect impacts on it and potential impacts on the receiving waters. These include four Key Threatening Processes (KTP) as listed in Section 7.2.1 of the EIS. A portion of the site is mapped as Coastal Wetlands (Coastal Management SEPP, 2018), but the project does not interact with this area.

- The disturbance of waterway beds, bank and riparian vegetation of Anzac Creek is proposed to be mitigated by the development of a Construction Environmental Management Plan (CEMP) and sub-plans post approval. DPI Fisheries requests to be consulted on the relevant parts of the CEMP, specifically the riparian vegetation management plan and removal/new waterway crossings.
- As the Project is SSI, sections 5.23 and 5.24 of the Environmental Planning & Assessment Act (1979) apply. Under section 5.23, certain separate approvals under other NSW legislation would not be required. Part 7 FM Act permits are relevant to the project but they are not required for a SSI development.

If you require any further information, please contact Josi Hollywood on (02) 4222 8311 or [josi.hollywood@dpi.nsw.gov.au](mailto:josi.hollywood@dpi.nsw.gov.au)

Yours sincerely,



**Scott Carter**  
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