Our Ref: C20/671   23 October 2020
Your Ref: SSD-10459

Mr David Koppers

Senior Environmental Assessment Officer

NSW Department of Planning, Industry & Environment

c/o: *david.koppers@planning.nsw.gov.au*

Mr Koppers,

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Request for advice on EIS

Central Sydney Industrial Estate incorporating the Sustainable Road Resource Centre

SSD-10459

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Thank you for your referral seeking consultation 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 <u>key fish habitats</u> 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.

Duck Creek is important key fish habitat in Sydney and the Department particularly looks that the project minimises potential erosion and sedimentation impacts to the river during and following construction and maintain an effective vegetated buffer zone to the river.

As the degradation of native riparian vegetation along NSW watercourses is listed as a key threatening process (KTP) under the *Fisheries Management Act* DPI Fisheries recommends that this activity is avoided. The riparian area adjacent Lot 6 is a highly sensitive estuary. It is afforded protection by Commonwealth and State environmental legislation.

DPI Fisheries have reviewed the submitted documentation and make the following comments:

1. DPI Fisheries seeks clarification on the specific extent of marine vegetation disturbance. Any harm to marine vegetation (including harm to mangrove pneumatophores or salinity inundation regime) to SEPP (Coastal Wetlands) 2018 mapped vegetation is Designated Development.

2. The VMP is not a comprehensive document and it is difficult to see how it will facilitate '*improvement*' in the riparian corridor. Further clarification is sought regarding the species planting list and ratios, concentration of plantings, maturity of plantings, and ground works or levelling required. The plantings should as closely as possible reflect the existing PCT. Weed removal should form part of the care for the whole riparian corridor and not stop halfway. The existing fence in the middle of the riparian corridor should be removed. Success criteria should include erosion and sediment control measures. Please clarify what is considered a '*suitably qualified and experienced*' person to compile annual reports. DPI Fisheries request that the annual VMP reports be sent to this office for consideration in addition to supplying them to the proponent.

3. A 2.5m road proposed through the riparian corridor negates the effectiveness of the corridor as an environmental mitigation. DPI Fisheries does not support the road through the riparian corridor. DPI Fisheries also seeks further information about the extent and purpose of the retaining wall adjacent to the riparian corridor. Generally, retaining walls have a negative effect on the environmental value of a riparian zone.

4. DPI Fisheries requests the engineering specifications and expected flow rates of the Duck Creek outlets to assess the impact on existing protected mangrove forests. The outlet that services the retention pond is directly adjacent the widest part of the existing riparian vegetation. DPI Fisheries request that this outlet be moved to an area that is of a lower ecological value.

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

Yours sincerely,

J. Hollywood

Josi Hollywood
Fisheries Manager, Coastal Systems Unit

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Mail to: R. Philps,1243 Bruxner Hwy, Wollongbar NSW 2477
Email: ahp.central@dpi.nsw.gov.au
ABN 20770707468