

Our Ref: V17/18#6... C21/490

Your Ref: SSI-7319

24 August 2021

Daniel Gorgioski
DPIE - Planning
Via Major Projects Portal

Dear Daniel,

Proposal: M1 Extension – Black Hill to Heatherbrae

Thank you for your referral seeking comments on the proposal from the NSW Department of Primary Industries – Fisheries (DPI Fisheries).

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.

The Department has reviewed the EIS for the M1 extension and would make the following comments.

1. The Biodiversity offset arrangement have correctly noted that the offset for mangroves does not sit within the BAM process, however the saltmarsh *communities* listed under the *Biodiversity Conservation Act* do fall under the BAM offsets.
2. The EIS, identifies the need for environmental offsets for impacts on marine vegetation.
3. The Department and Transport NSW have an agreement in place in relation to offsetting impacts from road and bridge construction in the Hunter region. The land at Lot 51 DP 739336 (between the existing highway and the Hunter River), purchased by Transport several years ago, has been identified as suitable land for offsetting and environmental restoration. Some work has already been carried out due to the impacts from the construction of Tourle Street Bridge.
4. The Department would be happy to assist Transport NSW, with the assistance of LLS and ESS, to develop a suitable offset and restoration strategy for restoring tidal flows to this land to rehabilitate the remaining salt marsh area and encourage the restoration of a gradational wetland.
5. The Department would also support any proposals by LLS or EES in relation to the restoration of tidal flows on the western side of the river.
6. The Department has no objections to the construction methodologies described in the document for the bridge and viaduct and the temporary and permanent creek crossings.

The Department would request several conditions to be included in the consent;

- Transport NSW consult with DPI Fisheries and LLS in developing an offset management plan for the restoration of tidal flows on the land identified as Lot 51 DP 739336, to

encourage the recovery of remnant saltmarsh and estuarine *vegetation*, as defined under the *Fisheries Management Regulations*..

- Transport NSW liaise with DPI Fisheries on final design of all creek crossings, both permanent and temporary.
- All stormwater discharge from the viaducts be delivered directly to major creeks, existing drains and the river rather than be discharged to any saltmarsh or future potential saltmarsh areas.
- Ensure Best Practice Management systems for sediment and erosion control and Acid Sulphate Soil are in place during all construction works. The Department would recommend systems developed during the Pacific Highway Upgrade project to be adopted.

If you or Transport NSW require any further information, please do not hesitate to contact me on 4916 3931.

Yours sincerely,



Scott Carter

Senior Fisheries Manager – Coastal Systems Central/Metro

Authorised delegate of the Minister for Primary Industries