

## APPENDIX 3 – GOVERNMENT AGENCY CONSULTATION

### DISCLAIMER

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17th March 2017  
Steve Sass  
EnviroKey Pty. Ltd.  
PO Box 7231  
TATHRA NSW 2550

Dear Mr Sass

**Re: Notification of Proposed Extinct Mammal Agreement**

Thank you for providing DPI Fisheries the opportunity to provide input into the REF.

DPI Fisheries are 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, the Department ensures that developments comply with the requirements of the *Fisheries Management Act 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 Aquatic Habitat Management and Fish Conservation (2013)* at [www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats/toolkit](http://www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats/toolkit)

In relation to required approvals/permits, the Minister for Fisheries must be notified of any proposed dredging and reclamation works by a public authority in 'waterland' on 3<sup>rd</sup> order streams or greater (Strahler Stream Ordering System) in accordance with sections 198-203 of the *Fisheries Management Act 1994* (the Act). Such works may include, but are not limited to replacement of culverts, construction of sidetracks, bridges, creek diversions, excavating or reclaiming the bed or banks of any waterways such as Rocky Creek. The REF should describe the type and extent of such proposed works for this development.

A permit may be required to temporarily or permanently block fish passage under section 219 of the Act. Such works may include the bunding of waterways during works, use of fences across waterways and other similar works. Mapping indicates that the fence line will cross Rocky Creek twice and an unnamed 3<sup>rd</sup> order watercourse near Leyland Road. The REF should describe the type, extent and duration of such works, including details of fence design.

Specifically, DPI Fisheries requests that the following issues are addressed in the REF for the proposed works;

1. **Blockages to fish Passage** - DPI Fisheries requests that the REF needs to consider whether the project is likely to involve any waterway crossings that are likely to impede the free passage of fish. The *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (2013)* on the website outlines important considerations when designing or constructing waterway crossings, and includes a summary table of Classification of Waterways for Fish Passage.

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Consideration should also be given to the likelihood of the fencing blocking the free passage of fish.

2. **Loss of Riparian Vegetation-** There is the likelihood of a loss of riparian vegetation due to fence construction near waterways. *The "degradation of native riparian vegetation"* has been listed as a Key Threatening Process under the provisions of the *Fisheries Management Act 1994*. DPI Fisheries have a 'no net loss' policy to ensure that fish stocks are conserved and the key fish habitats upon which fish depend on is conserved. A thorough site assessment and environmental management plan should be included to minimise and mitigate against adverse impacts.
3. **Rehabilitation of Sites** – DPI Fisheries requests that any bed and bank rehabilitation works be completed immediately after the completion of works. Proposals to ensure replacement of aquatic and riparian vegetation with native/endemic species are encouraged.
4. **Sedimentation and Erosion Controls** – DPI Fisheries requests that information on proposed sedimentation and erosion controls be included for Construction Environmental Management Plans when constructing infrastructure works adjacent to Coghill Creek.
5. **Threatened species, populations, and ecological communities** –Threatened species provisions are listed within the *Fisheries Management Act 1994*. The REF must address the threatened species provisions of the Act; for species, populations or communities listed under schedules 4 and 5 whose historical geographical distribution extends to within the area of works. The proposal should address whether there are likely to be any significant impacts on the listed species, populations or ecological communities.

If you have any queries please call me on 6763 1255 or 0429 908 856.

Yours Sincerely



David Ward  
Fisheries Manager (Tamworth)

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