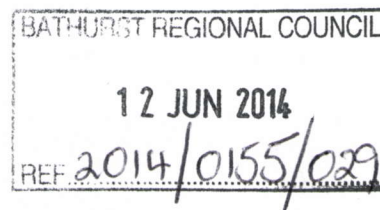




Primary
Industries



FE14/424
C14/234
11 June 2014
D R. Shaw
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

Your ref: LMCL:KJD:DA/2014/0155

Dear Mr Shaw

RE: DA No. 2014/0155 Extension to Existing Extractive Industry and Associated Processing and Stockpiling Area

Thank you for giving *Fisheries NSW* the opportunity to provide comments on this development application. *Fisheries NSW* 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)*. In addition the Department is responsible for ensuring the sustainable management of commercial and recreational fishing and aquaculture within NSW.

Fisheries NSW policy advocates the use of riparian buffer zones as per the *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)* available on the Department's website at <http://www.dpi.nsw.gov.au/publications>. Evans Plains Creek is a TYPE 2 (Moderately Sensitive Key Fish Habitat) CLASS 2 Waterway, and as a guide should have at least a 50 metre wide riparian buffer zone. Whilst the project site boundary extends to within 50 metres of Evans Plains Creek, the proposed limit of extraction does not encroach within 50 metres of Evans Plains Creek. The riparian buffer zone adjacent to Evans Plains Creek should be managed to avoid disturbance and potential degradation, and therefore the department has no objections to the proposed development.

If you require any further information please contact me on (02) 6763 1255 or 0429 908 856
Yours sincerely,

D. Ward

David Ward
Regional Assessment Officer (Tamworth)



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DEPBV