

Our Ref: C22/416

Your Ref: Ref-1402; PP-2021-837

6 July 2022

Department of Planning and Environment
Lisa Kennedy
Response uploaded onto Planning Portal

Dear Ms Kennedy,

Planning Proposal – Moss Vale Road North Urban Release Area
DPI Fisheries comment on publicly exhibited proposal

Thank you for your referral of 2 June 2022 seeking comment on this proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

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)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

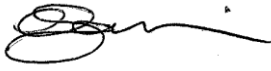
Abernethys Creek is important key fish habitat within this land release area. Best practice development of this site should ensure the maintenance and improvement of key fish habitat by: protection and improvement of riparian habitat values; maintenance of fish habitat; and protection or improvement of water quality through stormwater treatment and best practice erosion and sediment control measures during construction.

DPI Fisheries has reviewed the proposed amendment to the Planning Proposal for the Moss Vale North Urban Land Release Area and is supportive of the proposal. To protect key fish habitat values at this site, the following measures should be implemented:

1. Riparian buffer zone widths should be implemented as proposed. Riparian habitat values should be improved by the restoration of this zone with local native riparian vegetation species.
2. Waterway crossings over key fish habitat (i.e. Strahler 3rd order and above streams) are to be designed and constructed in accordance with NSW DPIs Fish Passage Requirements for Waterway Crossings (available from: [Council and Developer Toolkit \(nsw.gov.au\)](https://www.nsw.gov.au/council-and-developer-toolkit)). Appropriate approvals for these crossing must be sought prior to construction. These approvals will include either a permit from DPI Fisheries, or if a Controlled Activities Approval is required consultation with DPI Fisheries under s.199 of the FM Act.
3. Water sensitive urban design stormwater treatment measures must be maintained according to manufacturers and best practice maintenance requirements over time.
4. Erosion and sedimentation impacts during the land forming and development of the urban release area presents a significant risk to key fish habitat values. It is important that these works are staged to minimise the area of exposed earth in forming these areas and that best practice erosion and sedimentation controls are implemented during each stage of the development of this site.

If you require any further information, please contact me on 4222 8342.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Carla", with a long horizontal flourish extending to the right.

Carla Ganassin
Senior Fisheries Manager, Coastal Systems