Department of Primary Industries
and Regional Development

Our Ref: C25/527 26/06/2025

Your Ref: PAE-84551493

Jarrod Blane
Department of Planning, Housing and Infrastructure
c/o: Major Projects Portal

Dear Jarrod,

Request for advice on the Environmental Impact Statement for the proposed SSD 7055712 - Hillview Hard Rock Quarry Project

Thank you for your referral of 21/05/2025 seeking advice from DPIRD Fisheries, a division of NSW Department of Primary Industries and Regional Development, on the Environmental Impact Statement for the proposed Hillview Hard Rock Quarry.

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

DPIRD Fisheries has reviewed the *Hillview Hard Rock Quarry 67 Maytoms Lane, Booral Environmental Impact Statement* (EIS) (Coastwide Materials Pty Limited, August 2024) and does not consider the proposal to have sufficiently addressed the key issues raised by DPIRD Fisheries during consultation for SEARS. The proposed works have the potential to impact key fish habitats, including those in Double Creek; indicative threatened species habitat in Cromarty Creek; and the sensitive receiving waters of the Port Stephens-Great Lakes marine park (PSGLMP), specifically the Karuah River sanctuary zone, which have not been clearly identified or addressed by the proponent.

DPIRD Fisheries advises that further information is required regarding the following key issues.

AQUATIC ECOLOGICAL ASSESSMENT

An aquatic ecological assessment is required that addresses all direct and indirect impacts of the Hillview Hard Rock Quarry Project on Key Fish Habitat and associated flora and fauna including threatened species, populations, and communities during construction and operation for the life of the asset.

The Aquatic Ecological Assessment should cover the assessment requirements outlined in Chapter 3 of the Policy and Guidelines for Fish Habitat Conservation and Management (2013) including:

- Recent aerial photograph (preferably colour), map or GIS of the locality which details the Key Fish Habitat of the development site, all habitats impacted by the development,

and waterway classification (CLASS) as defined in Tables 1 and 2 of the Policy and Guidelines for Fish Habitat Conservation and Management (2013).

- Location details of all temporary and permanent infrastructure and construction activities, such as waterway crossings, intake/outtake towers, access tracks, tunnels, pipelines, raceways, etc.
- Mapping of the full aerial extent of Key Fish Habitat types that will be impacted either directly or indirectly by the development and subsequent operation of Hillview Hard Rock Quarry, with impacted habitats clearly identified on recent aerial photographs, maps or GIS.
- Description, quantification, and mapping of all aquatic and riparian vegetation communities potentially impacted by the development. This should include an assessment of the extent and condition of aquatic and riparian vegetation and the presence of significant habitat features (e.g. gravel beds, snags, reed beds, rock bars, etc).
- Quantification of the extent of aquatic and riparian habitat removal, modification or inundation (whether temporary or permanent) that will result from the proposed development within and outside the footprint of the development.
- Development of mitigation measures during construction (e.g. Environmental Management Plans) and operation (e.g. Operational Management Plan) including monitoring of proposed mitigation measures and plans to confirm their effectiveness.

DREDGING AND RECLAMATION ACTIVITIES

The EIS should assess any dredging and reclamation activities as defined by the FMA 1994 and includes such works (but not limited to) waterway work platforms, coffer dams, intake/outtake towers, raceways, and excavating or reclaiming the bed or banks of any waterways. The EIS should describe the type and extent of any dredging or reclamation activities within ‘water land’. This assessment should include;

- Purpose of works
- Method of dredging and reclamation to be used
- Duration of dredging and reclamation works
- Time of dredging and reclamation works
- Dimension and depth of area to be dredged or reclaimed
- Nature of sediment to be dredged
- Method of disposal of dredge material
- Location and duration of spoil stockpiling, if planned
- Spoil type and source location for reclamation activities
- Details of dewatering activities or use of coffer dams and diversion channels.
- Environmental safeguards to be used during and after works

- Measures for minimising harm to Key Fish Habitat

FISH PASSAGE

The design and construction of waterway crossings of key fish habitat waterways should be undertaken in accordance with the Department's Policy and Guidelines for Fish Friendly Waterway Crossings (2004) and Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004). The EIS should explain how the types of proposed waterway crossings are consistent with best practice design for the relevant waterway class in accordance with Fisheries guidelines.

LOSS OF RIPARIAN VEGETATION

Hillview Hard Rock Quarry Project has the potential to cause impacts during construction and operation on riparian vegetation, which is listed as a Key Threatening Process (Degradation of native riparian vegetation) under the FMA 1994. The EIS will need to assess and quantify the full extent of riparian vegetation loss and will need to assess any impacts on riparian bank stability.

Marine Estate Management Act 2014 (MEM Act)

The MEM Act provides marine parks with a higher level of ecological protection than other areas of the NSW marine estate. This higher level of protection aims to protect the unique environmental, cultural social and economic values of NSW marine parks. Section 56 of the MEM Act requires consent authorities to seek comments on development proposals in the locality of the PSGLMP. Matters requiring consideration under this section may include the objects of the MEM Act, the purposes of marine parks, the purposes of the zone and marine park management rules.

Any works within or adjacent to the PSGLMP have the potential to affect the plants, animals and habitats of the marine park. Regarding this proposal, consultation is required under s56 of the MEM Act as it is within the locality of the PSGLMP. DPIRD-Fisheries is primarily concerned with ensuring that any environmental impacts do not adversely impact the marine biodiversity and ecological values of the marine park and this has not been addressed in the EIS.

PROXIMITY TO OYSTER AQUACULTURE

DPIRD requires the proponent to adequately consider the State Environmental Planning Policy (Primary Production) 2021, the NSW DPIRD Oyster Industry Sustainable Aquaculture Strategy and the NSW DPIRD Healthy Estuaries for Healthy Oysters Guidelines, to ensure the proposed development has no net impact on downstream water quality and any consequential impact on the oyster industry. These NSW DPIRD documents can be found on our website at https://www.dpi.nsw.gov.au/fishing/aquaculture

The proponent must consider any adverse effect that the development may have on, or ways in which the development may impede or be incompatible with oyster aquaculture or, development of a Priority Oyster Aquaculture Area (POAA). The development site is located 7,000 m upstream of POAA in the Karuah River. The proponent must also consider any adverse effect that the development may have on, or ways in which the development may impede or be incompatible with food safety requirements administered by the NSW Food Authority for oyster aquaculture

development or nearby POAA. The NSW Food Authority administers the NSW Shellfish Program and can be contacted at: food.nswsp@dpi.nsw.gov.au.

Dredging and reclamation works in an oyster-producing estuary have the potential to affect oyster health and growth through increased turbidity and through the mobilisation of toxins if they exist in the disturbed area.

Wild oyster spat collection operations can also potentially be affected by these activities. Re-suspension of sediments may also increase the levels of pathogenic microorganisms (such as Vibrio sp.) in the water column and subsequently in oysters. Increased turbidity and the deterioration of other water quality parameters can lead to direct oyster injury and also to oyster stress, which may result in secondary infections and oyster disease. Dredging and reclamation may also alter flow and tidal patterns and affect the suitability of an area for oyster aquaculture.

The risks to aquatic ecosystems and oyster harvest zone classification and management from construction activities can be minimised by ensuring that:

- Erosion and sediment control measures are designed in accordance with The Blue Book (Landcom, 2004) and any sediment and erosion control guidelines or DCP produced by the relevant local council;
- All erosion and sediment controls in areas that may impact on estuaries and oyster aquaculture areas are designed with special reference to the sensitive nature of these environments;
- Councils recognize the high risk of construction sites located in these areas and give them a high priority for compliance inspections.

Additionally, the proponents have indicated that they wish to install an unidentified secondary treatment system (1,200L/day), with 440m2 subsurface irrigation.

In order to most accurately assess the level of risk posed by this system, DPIRD requests that additional information regarding the proposed secondary treatment system be provided, including system type (AWTS, textile filter or otherwise) and whether any form of disinfection is proposed. Please note that the selected treatment system design must be NSW-accredited.

Key criteria NSW DPIRD requires to be enforced are:-

- Appropriate setbacks from waterways;
- Avoidance of pump-out systems;
- Appropriate dispersal areas;
- Soil type is suitable to accommodate loading;
- Design components will result in mean pollutant loads meeting required levels; and
- Regular inspection program.

Additional measures suggested by DPIRD include;

- All onsite sewage management systems must be registered with the relevant local council
- Having septic tanks de-sludged every three to five years to prevent sludge build up, which may block the pipes and absorption trenches.

- Having grease traps cleaned out regularly;
- Keeping a record of pumping, inspections and other maintenance (especially maintenance requirements for AWTS);
- Being aware of the location and layout of the system and land application area;
- Prevent compaction of the effluent disposal areas and exclude livestock and machinery access;
- Ensuring household products are suitable for use in an on-site system;
- Ensuring biodegradable liquid detergents are used (those with low phosphorus and low sodium); and
- Regularly maintaining the disposal area (long grass and weeds reduce the evapo-transpiration efficiency).

Please note that for secondary treatment systems, the irrigation pump must provide a minimum 20 m head and a flow rate that matches the design output of the selected dripline. Flow rate will vary depending on emitter spacing, flow rate and lineal metres of line. A full hydraulic design must be carried out. Each area should be capable of discharging a minimum of 80 L/min.

Due to the proximity of the proposed OSMS to sensitive receiving waters it is recommended that this system is placed as a high risk and inspected on at least an annual basis.

If you have any queries, please contact Cherie Colyer-Morris, Fisheries Manager, Aquatic Ecosystems Assessment (Central) at ahp.central@dpird.nsw.gov.au.

Yours sincerely,

C. Colyer-Morris

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