



23 MAY 2013

OUT13/12483

Ms Swati Sharma
Infrastructure Projects-Rail and Ports
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Swati.Sharma@planning.nsw.gov.au

Dear Ms Sharma,

**Capital Strategic Dredging Project (Newcastle Port) (SSI 10_0203)
Response to exhibition of Environmental Assessment**

I refer to your letter dated 26 March 2013 requesting advice from the Department of Primary Industries (DPI) in respect to the above matter.

Comment by Fisheries NSW

Fisheries NSW 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, Fisheries NSW ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999)*. In addition, Fisheries NSW is responsible for ensuring the sustainable management of commercial and recreational fishing in NSW.

In these regards, Fisheries NSW advise:

- (i) the environment of the Hunter River estuary is highly modified due to past dredging activities, land reclamation, port infrastructure and industrial land uses. The berthing areas have been subject to previous dredging and are subject to ongoing port related activities, including ship movements and periodic maintenance dredging.
- (ii) the overall impacts from the works are likely to be no worse than from routine maintenance dredging operations that occur in the Port or from recent capital works in the South Arm.
- (iii) the Environmental Impact Statement incorrectly states that "the Hunter River prawn fishery was declared closed, effective from the 4 June 2010, for a period of five years unless sooner amended or revoked." It should be noted that this closure relates to prawn numbers and is not a total closure to fishing. There is a seasonal closure to prawn fishing from the end of May until the beginning of November.

- (iv) the Statement of Commitments appears adequate for the purpose of managing and mitigating any potential environmental impacts.
- (v) there are no objections to the approval of the works.

By way of information, it is noted that concerns by prawn trawler operators about the proposed works were discussed at a meeting on 6 May 2013 with operators, the proponents, and Fisheries NSW in attendance. It would appear that these concerns may now be allayed; however the Department may wish to seek formal confirmation from this group.

For further information please contact Scott Carter, Senior Conservation Manager (Port Stephens office) on 4916 3931, or at: scott.carter@dpi.nsw.gov.au.

Comment by Crown Lands

Crown Lands advise:

- (i) the area of the proposed works is not Crown land, and as such no comment is made in respect to the Environmental Impact Statement on exhibition.
- (ii) however, Crown Lands is currently negotiating with the proponent to authorise the dumping of dredged material offshore on what does comprise Crown land (being within five mile zone for NSW waters). The proposed dump site is located in a recognised and previously approved site for this purpose, and any dumping would need to be in accordance with Federal Government approval (via a sea dumping permit).

For further information please contact Stewart Veitch Senior Manager Hunter Area (Maitland office) on 4937 9366, or at: stewart.veitch@lands.nsw.gov.au.

Comment by NSW Office of Water

The NSW Office of Water advises there are no objections to the proposal on the basis that the proponent's Statement of Commitments and Recommended Mitigation Measures are considered adequate to address the potential impacts of the proposal. This Statement of Commitments and the Recommended Mitigation Measures should be incorporated as conditions to any approval.

It is also confirmed, as noted in the Environmental Impact Statement, any activities likely to intercept groundwater will require a licence from the NSW Office of Water prior to the activity commencing.

For further information please contact Mitchell Isaacs, Manager Strategic Stakeholder Liaison (Parramatta office) on 8838 7529, or at: mitchell.isaacs@water.nsw.gov.au.

Yours sincerely



Phil Anquetil
Executive Director Business Services