



Industry & Investment

OUT10/16792

Mining & Industry Projects
Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Howard Reed

Dear Howard,

Modification to Lynwood Hard Rock Quarry (DA 128-5-2005 Mod 2)

Thank you for the opportunity to comment upon this proposal. Industry & Investment NSW (I&I NSW) includes the former Department of Primary Industries divisions of Mineral Resources, Agriculture, Fisheries and Forests. This letter represents the combined responses from the Minerals and Fisheries agencies. Separate responses may be forwarded by the Agriculture and Forestry agencies at a later date.

There are no concerns regarding Minerals. However, there are several comment related to Fisheries.

I&I 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, 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* (1999).

It is I&I NSW policy that all developments should aim to achieve no net impacts on receiving waterways. Parts of Joarimin Creek and tributaries are located within the proposed development area which drain to the Wollondilly River and have the potential to be impacted by the proposed development.

I&I NSW concurs with the proposed safeguards, monitoring and mitigation measures to minimise environment impacts, in particular those related to ecology and surface water detailed in sections 6.2 and 6.4 of the EA. All the proposed safeguards, monitoring and mitigation actions listed in the EA and Appendices should be included in any project approval, and listed in the Construction and Operation Environmental Management Plans (CEMP and OEMP) and fully implemented by the proponent and its contractors.

I&I NSW recommends that any project approval require that the design and construction of new or upgraded access road crossings of Joarimin Creek must be undertaken in accordance with I&I NSW's *Policy and Guidelines for Fish Friendly Waterway Crossings* (2004) and *Why Do Fish Need to Cross the Road? Fish*

PO Box 17 Batemans Bay NSW 2536
Address: 1st Floor Cnr Beach Road and Orient Street Batemans Bay NSW 2540
Tel: (02) 4478 9103 Fax: (02) 4472 7542
ABN 72 189 919 072
www.industry.nsw.gov.au

Passage Requirements for Waterway Crossings (2004). These documents are available on our website www.dpi.nsw.gov.au, under 'Aquatic Habitats' and 'Publications'.

For further information related to aquatic habitat and fisheries issues please contact me on 4478 9103. For any queries regarding minerals, please contact Gary Burton, Senior Geologist, Orange, on 6360 5330.

Yours faithfully



Trevor Daly
Fisheries Conservation Manager, South Coast
Aquatic Habitat Protection

28 October 2010