

REF: FE23/398 OUT23/10954

14 July 2023

Jeremy Swan
c/- Snowy Valleys Council
76 Capper St
Tumut NSW 2720

Re: DA 2022/0110 CNR-44715 Extension of Bald Hill Quarry – 71 Murrays Crossing Road,
Tumbarumba - Lot 1 DP111861

Dear Jeremy,

Thank you for providing further information regarding the above Development Application for the extension of Bald Hill Quarry, near Tumbarumba NSW.

DPI Fisheries is responsible for ensuring that fish populations including threatened species 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 fish habitat conservation and management 2013*. In addition, the Department is responsible for ensuring the sustainable management of commercial and recreational fishing and aquaculture within NSW.

Historical obligations did not incorporate a riparian protection zone, and quarry operations at the site have impacted the Tumbarumba Creek riparian zone. DPI Fisheries request that measures be instated in the Operational Environmental Management Plan to prevent further impacts and to ensure that existing native riparian vegetation is retained in an undamaged and unaltered condition. Furthermore, DPI Fisheries requires the provision of a progressive riparian rehabilitation plan, detailing the intentions and actions of the applicant to restore the impacted Tumbarumba Creek riparian zone.

Noting that the proposed development for the quarry expansion involves amending the current development consent and includes within its footprint the subject land immediately adjacent to Tumbarumba Creek, DPI Fisheries does not object to the proposed expansion and provides the following **General Terms of Approval** should Council approve the application.

Conditions:

1. The Operational Environmental Management Plan (OEMP) is to include details of mitigating measures to protect the riparian zone from further impacts. *Reason - "Decline in native riparian vegetation" is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994*
2. A riparian zone rehabilitation plan is to be prepared, detailing the progressive actions to be taken to rehabilitate the riparian zone. *Reason - "Decline in native riparian vegetation" is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994*
3. DPI Fisheries is to be afforded the opportunity to review and approve the OEMP and the riparian zone rehabilitation plan.
4. Erosion and sediment mitigation devices are to be erected in a manner consistent with currently accepted Best Management Practice (ie Managing Urban Stormwater: Soils and Construction 4th Edition Landcom, 2004) to prevent the entry of sediment into the waterway. These are to be maintained in good working order until the site has been stabilised and the risk of erosion and sediment movement from the site is minimal. *Reason – To ensure that sediment generated by the exposure of soil is not transported into the main water body.*
5. No snags (tree trunks, root balls, limbs, branches or other woody debris) in the channel or on the bank of the Creek are to be moved, removed or otherwise interfered with. *Reason - "Removal of Large Woody Debris" is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994 and there are significant penalties for harming the habitat of threatened species.*
6. Native vegetation (including trees, shrubs, reeds and grasses) on or adjacent to Tumbarumba Creek is not to be cleared, modified or otherwise harmed. This does not include control of noxious or other recognised weeds. *Reason – "Decline in native riparian vegetation" is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994 and there are significant penalties for harming the habitat of threatened species.*
7. NSW Department of Primary Industries Fisheries is to be notified immediately if any fish kills occur in the vicinity of the quarry. *Reason –Department of Primary Industries Fisheries needs to be aware of fish kills so that it can assess the cause and mitigate further incidents in consultation with relevant authorities.*

For further information please contact Alison McLean via email at Alison.McLean@dpi.nsw.gov.au.

**Alison McLean**

Fisheries Manager, Murray Darling
Freshwater Environment Branch
NSW Department of Primary Industries