

## APPENDIX H

### H.1 NSW FISHERIES PERMIT

Our Ref: PN15/230

11 September 2015

Pittwater Council  
ATTN: Mr Chris Hunt  
PO Box 882  
MONA VALE NSW

Dear Mr Hunt,

**RE: Permit PN15/230 for dredging or reclamation and to harm marine vegetation associated with the realignment of McCarrs Creek Road at Church Point - Pittwater**

I refer to your application of 20 August 2015 for a permit under Part 7 of the *Fisheries Management Act 1994* (FM Act). Fisheries NSW, a division of NSW Department of Primary Industries, assesses applications for dredging or reclamation and to harm marine vegetation in accordance with Part 7 of the FM Act, Part 14 of the *Fisheries Management (General) Regulation 2010* and the *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*.

An invoice for the permit fee of \$3980 has been raised and will be posted separately. This fee is comprised of 2 x \$168 application fees for authorities to dredge and reclaim and harm marine vegetation and a permit assessment fee of \$3644 as Fisheries NSW has spent greater than 21 hours assessing various aspects of this proposal over the years.

Please find attached a permit under Part 7 of the FM Act for dredging or reclamation and to harm marine vegetation associated with the realignment of McCarrs Creek Road at Church Point, Pittwater.

Please carefully read and note the conditions included in the permit. **If you agree that all the conditions are reasonable, appropriate and achievable, you must sign and date the attached sheet (Acceptance of Conditions) and return it to the Contact Officer as soon as possible. If you believe that you cannot comply with all the Conditions then you must not commence work.** Instead, you should contact the Contact Officer listed on the first page of the permit so that your concerns can be considered.

If you intend to have the work undertaken by a contractor, please ensure that the contractor receives a full copy of the permit and understands the importance of abiding by the conditions. As the permit holder, Pittwater Council is responsible for ensuring compliance with all conditions therein and with any other relevant legislative obligations. **Breaching a condition of a permit can incur an on-the-spot penalty notice of \$500 or up to \$11,000 through the courts pursuant to clause 259 of the *Fisheries Management (General) Regulation 2010*.**

The extent of work is to be restricted to that outlined in the application and plans submitted to the Department. **If for any reason, other works are required, or the works need to be extended to other areas, you must seek specific approval beforehand.** Fisheries NSW will require a justification for these variations and may charge additional assessment fees as outlined in the permit application.

Similarly **please note the expiry date** on the permit. If the works are not completed by the expiry date you will need to obtain an extension. **Requests for an extension after the expiry date will incur the \$161 permit application fee.** Requests for an extension before the expiry date will not incur an application fee.

Fisheries NSW places particular importance upon the need to minimise the harm to the natural environment both at the work site and in downstream/adjacent waters. The Department expects implementation of Best Management Practice with respect to erosion and sediment control as outlined in "The Blue Book - Managing Urban Stormwater: Soils and Construction" (4<sup>th</sup> Edition,

reprinted July 2006), (see: <http://www.landcom.nsw.gov.au/news/publications-and-programs/the-blue-book.aspx>).

The extent and magnitude of works is such that I have included a condition requiring the preparation and implementation of a Construction Environmental Management Plan (CEMP) to be submitted to and approved by Fisheries NSW prior to the commencement of works. The CEMP is to incorporate erosion and sediment control measures to be used at the site, dewatering procedures, acid sulphate soil management and site rehabilitation / revegetation provisions.

In addition to complying with the conditions of the permit, Fisheries NSW recommends that laminated copies of the permit be included on the site security signage and/or other high visibility areas of the works compound.

If you have any queries please call Carla Ganassin on 4222 8342.

Yours sincerely,



*Scott Carter*

**Regional Manager, Central**

Authorised delegate of the Minister for Primary Industries

cc: Sydney North Fisheries Office  
cc: Fisheries Conservation Officer - Central

## Permit under Part 7 of the **FISHERIES MANAGEMENT ACT 1994**

**Permit Number:** PN15/230

**Permit Holder:** Pittwater Council  
PO Box 882, Mona Vale  
Contact: Chris Hunt – 9970 1371; 0417 495 402;  
chris\_hunt@pittwater.nsw.gov.au

**Permit Area:** McCarrs Creek Road (west of the Pasadena Restaurant), Church Point – Pittwater

**Permit Activity:** Dredging and reclamation and harm marine vegetation as described in your application dated 20 August 2015. Note that this permit also authorises the harm of 70m<sup>2</sup> of fringing *Zostera* seagrass with *Halophila* in areas. This seagrass area was calculated during site investigations undertaken by Fisheries NSW on 31 August 2015 and will be harmed by the proposal. It is additional to that reported in permit application and accompanying information, as the area and potential harm of this fringing seagrass bed was not identified as part of this application.

**Contact Officer:** Carla Ganassin  
Phone: 4222 8342  
E-mail: carla.ganassin@dpi.nsw.gov.au

**Unless cancelled or suspended sooner, this permit shall remain in force until:  
11 September 2016**

This permit is subject to the following Conditions:

### ADMINISTRATIVE CONDITIONS

- 1) The **Acceptance of Conditions** form (attached) must be completed and returned to the nominated Contact Officer before commencing any works authorised by this permit.  
*Reason – To remove any doubt that the Permit Holder understands and accepts the Conditions before work commences.*
- 2) The **Works Notification** form (attached) must be completed and sent to the Sydney North Fisheries Office (0419 185 363; [wollstonecraft.fisheries@dpi.nsw.gov.au](mailto:wollstonecraft.fisheries@dpi.nsw.gov.au)) **and** the Contact Officer (contact details listed above) at least three (3) days BEFORE the commencement of works authorised by this permit.  
*Reason - To ensure that local Fisheries NSW staff are aware that works authorised by this permit are about to commence.*
- 3) The **Active Works Notification** form (attached) must be completed and sent to the Sydney North Fisheries Office (contact details listed above) **and** the Contact Officer (contact details listed above) at least 1 day BEFORE works are complete or machinery is removed from the site.  
*Reason - To provide an opportunity for local Fisheries NSW staff to inspect the site whilst machinery is still on site and available to do any remedial work that may be necessary.*
- 4) The **Post Works Notification** form (attached) must be completed and sent to the Sydney North Fisheries Office (contact details listed above) **and** the Contact Officer (contact details listed above) within 21 days of completion of works at the site.

*Reason - To provide an opportunity for local Fisheries NSW staff to inspect the site to ensure compliance with the Conditions of this permit.*

- 5) This permit (or a true copy) and a copy of the finalised Construction Environmental Management Plan (CEMP) must be carried by the permit holder or sub-contractor operating on-site at all times during work activity in the permit area.  
*Reason – Fisheries NSW staff may wish to check compliance of works with imposed conditions.*

#### EXTENT OF WORKS

- 6) The permit holder must ensure that all works authorised by this permit are restricted to the permit area and are undertaken in a manner consistent with those described in the permit application and associated documents. Other works, which have not been described, are not to be undertaken. In particular:
- a) Steel sheet piling and a floating sediment curtain are to be erected prior to construction so that they encircle the works site. These structures are to be maintained in working order during construction.
  - b) A rock rubble toe is to be placed at the foot of the concrete piled section of seawall.
  - c) The eastern end of the seawall is to key into the existing seawall at the minimart. Detailed plans of the seawall to be constructed at this site are to be provided to Fisheries NSW prior to construction.
- Reason – This permit has been granted following an assessment of the potential impacts of the described works upon the aquatic and neighbouring environments. Other works, which were not described in the application have not been assessed and may have significant adverse impacts.*

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- 7) A Construction Environmental Management Plan (CEMP) detailing provisions relating to the items listed in this section below, is to be prepared **and submitted to the Contact Officer listed above for approval two weeks prior to any works taking place.** The CEMP should consist of simple statements and diagrams of how each of the factors will be managed on site to achieve the stated aim.
- a) Site delineation and marking of “no go” areas (with the aim of keeping the impacted area to a minimum),
  - b) Sediment and erosion control plan (with the aim of achieving an outcome of “no visible turbid plumes reaching the waterway”, for any rainfall event up to a 1 in 2 year Annual Recurrence Interval (ARI) event),
  - c) Use of temporary crossings or other access works (with the aim of keeping the impacted area to a minimum),
  - d) Material storage and stockpiling (with the aim of keeping the impacted area to a minimum),
  - e) Site restoration and clean up (with the aim of ensuring that the impacted area recovers as soon as possible),
  - f) Site rehabilitation and revegetation (with the aim of ensuring that there are no long term impacts after works are completed).

All works undertaken are to be consistent with this statement.

*Reason – To ensure that appropriate strategies for preventing sediment input to downstream waterways and rehabilitation of aquatic habitats and the riparian zone are proposed and carried out.*

#### DEWATERING PLAN

- 8) The site shall not be dewatered, unless a Dewatering Management Plan is prepared and submitted as part of the Construction Environmental Management Plan required under Condition 7 of this permit. Any Dewatering Management Plan shall specifically consider

any potential off-site impacts as a result of the dewatering operations and contain mitigation controls to effectively treat any discharge waters to prevent offsite pollution of any receiving waters. A copy of the dewatering plan is to be attached to this permit.

#### WORK IN WATERS

- 9) Machinery is not to enter, or work from the waterway unless in accordance with works proposed in your application for the permit and the requirements of this permit.  
*Reason – To ensure minimal risk of water pollution from oil or petroleum products and to minimise disturbance to the streambed substrate.*
- 10) A layer of geotextile fabric is to be placed between the inner edge of the seawall and fill material used in the reclamation.  
*Reason – To avoid fines, clay and other sediment un-necessarily entering the waterway and potentially impacting upon aquatic habitats.*
- 11) Prior to use at the site and/or entry into the waterway, machinery is to be appropriately cleaned, degreased and serviced. Spill kits are to be available on site at all times.  
*Reason – To reduce the threat of an unintended pollution incident impacting upon the aquatic environment.*

#### AVOIDING HARM TO SNAGS, MARINE AND RIPARIAN VEGETATION

- 12) When working near marine vegetation (seagrass, mangroves and saltmarsh), riparian vegetation or water land these areas need to be identified and appropriately delineated as “No Go” areas (with the aim of avoiding harm to these areas). Harm to marine vegetation, riparian vegetation or water land outside the work footprint approved under the authority of this permit is not permitted and any harm caused is to be documented and reported to the contact officer. Any harm caused is to be restored in accordance with directions provided by the contact officer.  
*Reason – To ensure that impacts on aquatic habitats and the riparian zone are minimised.*
- 13) Material storage and stockpiling is not to be undertaken on water land, marine vegetation (saltmarsh, mangrove, seagrass) or riparian vegetation. Stockpiling must be undertaken in a manner to avoid harm to these types of vegetation or water land and should be located away from drainage lines, overland flow paths and above the 1:100 year flood level. Stockpiles and/or dewatering areas should be appropriately controlled by sediment fencing or other materials prescribed in the “Blue Book” to ensure sediments do not enter the waterway.  
*Reason – To ensure that impacts on aquatic habitats, the riparian zone and threatened saltmarsh communities are minimised. “Degradation of native riparian vegetation along NSW water courses” (excluding estuarine and marine waters) is listed as a Key Threatening Process under the provisions of the FM Act.*
- 14) On completion of the works the site is to be rehabilitated and stabilised including but not limited to:
  - a) Surplus construction materials and temporary structures (other than silt fences and other erosion and sediment control devices) installed during the course of the works are to be removed.  
*Reason – To ensure that habitats are restored as quickly as possible, public safety is not compromised, aesthetic values are not degraded and sediment inputs into the waterway are reduced.*

#### COMPENSATORY / OFF-SET WORKS

- 15) The loss of 70 m<sup>2</sup> of seagrass habitat from these works are to be compensated according to one of the two following offset measures:



- a) The creation of an additional 140m<sup>2</sup> area of saltmarsh and/or mangrove habitat, or the rehabilitation of 140m<sup>2</sup> of degraded saltmarsh or mangrove habitat. These on-ground offsetting works are to be determined by the Contact Officer to be a suitable offsetting measure prior to implementation. Appropriate on-ground offsetting works must be identified and reported to the Contact Officer within 8 weeks of the date of issue of this permit (i.e. prior to 6 November 2015). A plan outlining the proposed works, including the timing of implementation, is to then be provided to the contact officer for approval by 20 November 2015. Should suitable on-ground offset not be found prior to 6 November 2015, then option (b) below will be implemented;
- b) Monetary compensation to the value of \$3724.00 is to be paid into the Fisheries NSW Conservation Trust Fund. Fisheries NSW will issue an invoice to Council for this payment, should a suitable on-ground option according to offset (a) above not be agreed upon prior to 6 November 2015.  
*Reason - Fisheries NSW policy and guidelines require that impacts on important fish habitats are appropriately remediated or compensated.*

#### FISH KILL CONTINGENCY

- 16) A visual inspection of the waterway for dead or distressed fish (indicated by fish gasping at the water surface, fish crowding in pools or at the creek's banks) is to be undertaken daily during the works. **Observations of dead or distressed fish are to be immediately reported to the Contact Officer by the Permit Holder.** In such a case all works are to cease until the issue is rectified and approval is given to proceed. If requested, the Permit Holder is to commit resources to the satisfaction of the Contact Officer for an effective fish rescue, if in the view of that officer, a fish kill event is imminent and likely to occur within or adjacent to the works area due to conditions associated with weather, water quality and other parameters.  
*Reason – Fisheries NSW needs to be aware of fish kills so that it can assess the cause and mitigate further incidents in consultation with relevant authorities. They are also potentially contentious incidents from the public perspective. Work practices may need to be modified to reduce the impacts upon the aquatic environment.*

#### IMPORTANT NOTE:

In the event of any inconsistency between the conditions of this approval and:

- the drawings / documents referred to above, the conditions of this approval prevail to the extent of the inconsistency;
- any Government publication referred to in this permit, the most recent document shall prevail to the extent of the inconsistency; and
- the proponent's mitigation measures outlined in the application, the conditions of this approval prevail to the extent of the inconsistency.

#### STOP WORK ORDERS

A Fisheries Officer or other appropriate delegate who has reasonable cause to suspect that the conditions of this permit have not been complied with, **may order the work to stop immediately.** The order may be given to the permit holder or any person who informs the officer that they are acting in any capacity on behalf of the permit holder. Any damage caused to the habitat outside the specified permit area, or the carrying out of works not in accordance with the conditions specified in this permit and/or the application and that were accepted by the permit holder, could result in a breach of the *Fisheries Management Act 1994* or *Regulations*, and penalties of up to \$220,000 may apply. Orders may also be made requiring work to rectify any damage caused by unauthorised works. **Breaching a condition of a permit can incur an on-the-spot penalty notice of \$500 or up to \$11,000 through the courts pursuant to clause 259 of the *Fisheries Management (General) Regulation 2010*.**

Yours sincerely,



*Scott Carter*

**Regional Manager, Central**

Authorised delegate of the Minister for Primary Industries

11 September 2015



**Permit No. PN15/230 issued under Part 7 of the  
*Fisheries Management Act 1994***

PLEASE COMPLETE THIS PAGE AND RETURN TO Fisheries NSW

**In reference to Permit No. PN15/230 to harm marine vegetation and undertake  
dredging or reclamation works associated with realignment of McCarrs Creek Road  
to be undertaken at Pittwater:**

**Acceptance of Conditions Form**

I the undersigned, acknowledge that I have read and understood and agree to comply with the conditions specified. I understand that penalties can be imposed for non compliance with conditions.

Permit holder's name: \_\_\_\_\_

Permit holder's signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please ensure you have SIGNED this page and RETAINED a  
copy for your records before you email or text it to:**

Sydney North Fisheries Office  
Email: wollstonecraft.fisheries@dpi.nsw.gov.au  
Mobile: 0419 185 363

Contact Officer: Carla Ganassin  
Email: carla.ganassin@dpi.nsw.gov.au  
Fax: 4225 9056

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**In reference to Permit No. PN15/230 to harm marine vegetation and undertake  
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to be undertaken at Pittwater:**

**Commence Works Notification Form**

*(Note: to be completed and returned 3 days before commencement of works)*

Permit Holder's Name \_\_\_\_\_

Permit Number \_\_\_\_\_

Site Location \_\_\_\_\_

\_\_\_\_\_

Works \_\_\_\_\_

Commencement Date: \_\_\_\_\_

Comments:

Project Manager: \_\_\_\_\_ Date: \_\_\_\_\_

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to be undertaken at Pittwater:**

**Active Works Notification Form**

*(Note: to be completed and returned 3 days before completion of works or before  
machinery is removed from the site)*

Permit Holder's Name \_\_\_\_\_

Permit Number \_\_\_\_\_

Site Location \_\_\_\_\_

\_\_\_\_\_

Works \_\_\_\_\_

Commencement Date: \_\_\_\_\_

Anticipated Completion Date: \_\_\_\_\_

Comments:

Project Manager: \_\_\_\_\_ Date: \_\_\_\_\_

**Please ensure you have SIGNED this page and RETAINED a  
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Sydney North Fisheries Office  
Email: wollstonecraft.fisheries@dpi.nsw.gov.au  
Mobile: 0419 185 363

Contact Officer: Carla Ganassin  
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*Fisheries Management Act 1994***

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**In reference to Permit No. PN15/230 to harm marine vegetation and undertake  
dredging or reclamation works associated with realignment of McCarrs Creek Road  
to be undertaken at Pittwater:**

**Post Works Notification Form**

*(Note: to be completed and returned within 21 days of completion of works associated with  
this permit, including rehabilitation of riparian areas)*

Permit Holder's Name \_\_\_\_\_

Permit Number \_\_\_\_\_

Site Location \_\_\_\_\_

\_\_\_\_\_

Works \_\_\_\_\_

Date Completed \_\_\_\_\_

Assessment of works:

(e.g. straightforward, or complicated, i.e. were there complications that made it difficult to  
comply with permit conditions e.g. weather, unforeseen geological conditions, etc.)

Project Manager: \_\_\_\_\_ Date: \_\_\_\_\_

**Please ensure you have SIGNED this page and RETAINED a  
copy for your records before you email or text it to:**

Sydney North Fisheries Office  
Email: wollstonecraft.fisheries@dpi.nsw.gov.au  
Mobile: 0419 185 363

Contact Officer: Carla Ganassin  
Email: carla.ganassin@dpi.nsw.gov.au  
Fax: 4225 9056

**ATTACHMENT 1 – Site map depicting location of works authorised under this Fisheries Permit (PN15/230)**

