Permit under Part 7 of the

FISHERIES MANAGEMENT ACT 1994

Permit Number: PN19/204
Permit Holder: Roads and Maritime Services
Contact: Alison Garnett
Phone: 0427 660 421
Email: alison.garnett@rms.nsw.gov.au

Permit Area: Coal loader wharf, Balls Head Bay, Waverton
Permit Activity: Reclamation and harming marine vegetation associated with the installation of barrier netting around the dilapidated coal loader wharf (as described in your application dated 31/5/2019)

Contact Officer: Sarah Conacher
Phone: 8437 4981
E-mail: sarah.conacher@dpi.nsw.gov.au

Unless cancelled or suspended sooner, this permit shall remain in force until:

30th June 2020

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 Commence Works Notification form (attached) must be completed and sent to the Sydney North Fisheries Office (0419 185 363; 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 DPI Fisheries 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 DPI Fisheries 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 DPI Fisheries 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 – DPI Fisheries 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.

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 & OTHER PLANS

7) A Construction Environmental Management Plan (CEMP) detailing provisions relating to the items listed below, is to be prepared and implemented on site prior to any works commencing. The CEMP must address:

   a) Site delineation and marking of “no go” areas (with the aim of keeping the impacted area to a minimum), in particular minimising harm to seagrass and other marine vegetation.
   b) Sediment and erosion control plan with the aim of preventing the escape of visible turbid plumes into the waterway. The ESCP must include, but is not limited to:
      i) A floating sediment curtain is to be erected in a semi-circular arrangement with ends against the bank so as to enclose all drainage water that may wash towards water land from the worksite.
   c) Material storage and stockpiling well away from the waterway (with the aim of keeping the impacted area to a minimum).
   d) Site restoration and clean up (with the aim of ensuring that the impacted area recovers as soon as possible),

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.

WORK IN WATERS

8) 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 streamed substrate.

9) 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.

10) A floating boom and attached silt curtain is to be used to isolate the work site and minimise the impacts of turbidity and mobilised sediment during the construction. The curtain is to be maintained to ensure it operates effectively.

Reason – To minimise impacts to water quality.

AVOIDING HARM TO SNAGS, MARINE AND RIPARIAN VEGETATION

11) 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.*

12) 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.*

13) No snags are to be removed, realigned or relocated without first obtaining the written authority of the Senior Conservation Manager.

*Reason – “Removal of large woody debris from NSW rivers and streams” is listed as a Key Threatening Process under the provisions of the FM Act. This approval has been granted on the basis that snags are not to be removed.*

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.

b) Appropriate maintenance of erosion and sediment control devices is to be undertaken until the water clarity has returned to normal.

*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.*

**FISH KILL CONTINGENCY**

15) 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 – DPI Fisheries 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.*

---

1 “Snags” is a term used to describe large woody debris from trees and shrubs, including whole fallen trees, broken branches and exposed roots that have fallen or washed into a waterway and are now wholly or partially submerged by water. For the purposes of this permit, snags are only those pieces of large woody debris that are greater than 3m in length and 300mm in diameter and also includes submerged large rocks (of greater than 500 mm in two dimensions).
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
Senior Fisheries Manager, Central/Metro
Authorised delegate of the Minister for Primary Industries

11 June 2019
ATTACHMENT 1 – Site map depicting location of works authorised under this Fisheries Permit (PN19/204)
Permit No. PN19/204 issued under Part 7 of the
Fisheries Management Act 1994

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. 19/204 to undertake reclamation and harm marine
vegetation associated with the installation of barrier netting around the dilapidated coal
loader wharf at Balls Head Bay, Waverton:

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:

Fisheries Contact Officer – Sarah Conacher
Email: sarah.conacher@dpi.nsw.gov.au

AND

Sydney North Fisheries Office
Email: wollstonecraft.fisheries@dpi.nsw.gov.au
Mobile: 0419 185 363
Permit No. PN19/204 issued under Part 7 of the
Fisheries Management Act 1994

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. 19/204 to undertake reclamation and harm marine vegetation associated with the installation of barrier netting around the dilapidated coal loader wharf at Balls Head Bay, Waverton:

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:_____________

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

Fisheries Contact Officer – Sarah Conacher
Email: sarah.conacher@dpi.nsw.gov.au

AND

Sydney North Fisheries Office
Email: wollstonecraft.fisheries@dpi.nsw.gov.au
Mobile: 0419 185 363
Permit No. PN19/204 issued under Part 7 of the  
*Fisheries Management Act 1994*

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. 19/204 to undertake reclamation and harm marine vegetation associated with the installation of barrier netting around the dilapidated coal loader wharf at Balls Head Bay, Waverton:

**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 copy for your records before you email or text it to:

Fisheries Contact Officer – Sarah Conacher  
Email: sarah.conacher@dpi.nsw.gov.au

AND

Sydney North Fisheries Office  
Email: wollstonecraft.fisheries@dpi.nsw.gov.au  
Mobile: 0419 185 363
Permit No. PN19/204 issued under Part 7 of the  
*Fisheries Management Act 1994*

PLEASEocomplete THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. 19/204 to undertake reclamation and harm marine vegetation associated with the installation of barrier netting around the dilapidated coal loader wharf at Balls Head Bay, Waverton:

**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, unforseen 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:

Fisheries Contact Officer – Sarah Conacher
Email: sarah.conacher@dpi.nsw.gov.au

AND

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