

OUR REF: PN23/159

03 May 2023

The General Manager
Richmond Valley Council
Locked Bay 10
CASINO NSW 2470
Via email: noelene@envirocivilconsultants.com.au

Attention: Ms Noelene Stuart

Dear Ms Stuart,

Re: Permit # PN23/159 for dredging and reclamation work associated with the replacement of Jackybulbin Bridge within Jackybulbin Creek, Road Reserve adjacent Lot 82 DP 755609 Bungawalbin-Whiporie Road, Doubleduke, Richmond Valley Council LGA.

I refer to your application dated 03 April 2023 and further information received 03 May 2023 for a permit under Part 7 of the *Fisheries Management Act 1994* (FM Act). DPI Fisheries, a division within the Department of Primary Industries, assesses applications for dredging and reclamation works, harm marine vegetation and obstruction of fish passage in accordance with Part 7 of the FM Act and the *Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update)*.

An invoice has been prepared and sent to Council for the statutory minimum initial assessment fee of \$358. The quality of the application enabled the assessment to be undertaken without additional charges being required.

DPI Fisheries has considered the test of significance provided in *Review of Environmental Factors Bridge Replacement on road from Whiporie to Bungawalbin over Jacky Bulbin Creek March 2023* for the proposed works and work methods outlined in correspondence and documentation received 03 April 2023 and further information received 03 May 2023. The Department has determined that the proposed works are not likely to significantly affect aquatic threatened species, populations or ecological communities listed under Federal and State legislation (EPBC Act, BC Act, FM Act) or their habitats, and consequently the proposed works do not require a referral to the Commonwealth or a licence to harm.

Please find enclosed a permit under Part 7 of the FM Act for dredging and reclamation work associated with the replacement of Jackybulbin Bridge within Jackybulbin Creek, Road Reserve adjacent Lot 82 DP 755609 Bungawalbin-Whiporie Road, Doubleduke, Richmond Valley Council LGA.

Please note that the attached permit providing authorisation under the FM Act to undertake dredging and reclamation (s200) does not provide authorisation under any other Act or planning instrument.

It is Council's responsibility to ensure they possess all appropriate approvals and land owners consent before works occur. This may include, but is not restricted to, development consent under the *Environmental Planning & Assessment Act 1979* and *Biodiversity Conservation Act 2016* in relation to impacts on terrestrial species and threatened species not covered by the *Fisheries Management Act 1994*; land owners consent and/or licences under the *Crown Land Management Act 2016*; and controlled activity approvals under the *Water Management Act 2000*.

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 and proponent of the works, Council is responsible for ensuring that all conditions are fully adhered to. **Breaching a condition of a permit can incur an on-the-spot fine of up to \$500 or up to \$11,000 through the local court pursuant to clause 225 of the *Fisheries Management (General) Regulation 2019*.**

The extent of work is to be restricted to that outlined in the application and plans submitted to DPI Fisheries. **If for any reason, other works are required, or the works need to be extended to other areas, you must seek specific approval beforehand.** DPI Fisheries will require 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 to renew a permit before the expiry date will not incur a fee. Requests to renew a permit that has expired within the last 3 months will incur a \$179 fee. Permits that have expired more than 3 months previously will need to be reapplied for.**

DPI Fisheries places particular importance upon the need to minimise the harm to the natural environment both at the worksite and downstream waters. We expect implementation of Best Management Practice with respect to erosion and sediment control and aquatic vegetation management. This includes:

- Work scheduling (e.g. installation of protective measures before earthworks commence, suspension of works during rain etc.);
- Deployment of protective measures (e.g. silt curtains, site drainage, separation of "clean" and "dirty" water, silt stop fencing, check dams, sediment traps etc.); and
- Constant maintenance of protective measures (e.g. replacing torn silt-stop fencing, replacing silt-stop fencing which has fallen down or been knocked over, removing accumulated sediment etc.).

Please refer to the publication Landcom (2004), *Managing Urban Stormwater: Soils and Construction* (4th Edition), commonly referred to as "The Blue Book" for guidance (www.environment.nsw.gov.au/research-and-publications/managing-urban-stormwater-soils-and-construction-volume-1-4th-edition).

DPI Fisheries highlight that the State Environmental Planning Policy (Transport and Infrastructure) 2021 requires that exempt developments, complying developments and emergency works are carried out in accordance with all applicable requirements of The Blue Book.

If you have any queries, please contact me on 0429 300 489 or scott.nichols@dpi.nsw.gov.au.

Yours sincerely



Scott Nichols
Senior Fisheries Manager, Coastal Systems (Fish Passage)
Authorised delegate of the Minister for Primary Industries

Cc: Brad Harrison, North Conservation Compliance Officer
fisheries.compliance@dpi.nsw.gov.au

Permit under Part 7 of the FISHERIES MANAGEMENT ACT 1994

Permit	Permit Number	PN23/159
	Expiry Date	Unless cancelled or suspended sooner, this permit or updated variations shall remain in force until 1 June 2024
Permit Holder:	Richmond Valley Council Locked Bay 10 CASINO NSW 2470 Responsible Officer: Noelene Stuart Phone: 0409 471 686 Email: noelene@envirocivilconsultants.com.au	
Permit Area:	Within Jackybulbin Creek, Road Reserve adjacent Lot 82 DP 755609, Bungawalbin-Whiporie Road, Doubleduke, Richmond Valley Council LGA (Refer to Attachment 1)	
Permit Activity:	Dredging and reclamation works, specifically the installation of a new 14 m long x 4.5 m wide, single span concrete bridge, involving: <ul style="list-style-type: none"> - Installation of sheet piling around location for temporary bridge abutment works on downstream side of existing bridge; - Dredging and reclamation (20 m³ each side) for installation of concrete block supports for temporary steel bridge; - Move sheet piling to in front of existing bridge abutments; - Dredging for removal of existing bridge and preparation for new bridge abutments following same alignment (205 m³ total, 102.5 m³ each side); - Reclamation of 350 m³ backfill for abutments; - Placement of approximately 7 m³ clean D₅₀ = 300 mm rock for scour protection around each abutment, extending no more than 2.5 m from abutments and not across the low flow channel of Jackybulbin Creek; and - Removal of sheet piling and temporary bridge components and remediation of site. <p>Associated with the replacement of Jackybulbin Bridge as proposed in your application of 03 April 2023 and further information received 03 May 2023.</p> (Refer to Attachment 2 & 3)	
Departmental Contact Officer:	Scott Nichols, Senior Fisheries Manager, Fixing Country Bridges Phone: 0429 300 489 Email: scott.nichols@dpi.nsw.gov.au	

This permit is subject to the following conditions:

ADMINISTRATIVE CONDITIONS

1. The attached **Acceptance of Conditions** form must be completed and returned to ahp.central@dpi.nsw.gov.au before any works authorised by this permit commence.
Reason – To remove any doubt that the Permit Holder understands and accepts the Conditions before work commences.
2. The attached **Commence Works Notification** form must be completed and sent to ahp.central@dpi.nsw.gov.au and fisheries.compliance@dpi.nsw.gov.au 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 attached **Post Works Notification** form, including clearly labelled site photographs of the completed works, must be completed and sent to ahp.central@dpi.nsw.gov.au, fisheries.compliance@dpi.nsw.gov.au and scott.nichols@dpi.nsw.gov.au within 21 days of completion of works at the site, including requirements of the Construction Environmental Management Plan (CEMP). Photographs should include the old and new structures, including abutments when viewed from upstream, downstream, and from the road alignment to show them within the waterway setting; the temporary structure viewed from upstream, downstream and from the track alignment to show it within waterway setting; and the remediated temporary crossing location from the track alignment to show it within the waterway setting.
Reason - To provide an opportunity for local DPI Fisheries staff to inspect the site to ensure that riparian restoration works have been adequately completed consistent with the authority of this permit.
4. 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 application made to DPI Fisheries dated 03 April 2023 and further information received 03 May 2023. In particular, all the actions and recommendations outlined in the REF Bridge Replacement on road from Whiporie to Bungwalbin over Jacky Bulbin Creek March 2023 and the CEMP are to be followed. Other works which have not been described, excepting those activities required by this permit, 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.
5. This permit (or a true copy), a copy of the determined Part V Assessment, CEMP and other approvals must be carried by the permit holder or sub-contractor operating on-site at all times during work activity in the permit area.
Reason – A DPI Fisheries Compliance Officer may wish to check compliance of works with imposed conditions.

SEDIMENT AND EROSION CONTROL PLAN

6. Erosion and sediment mitigation devices are to be erected in a manner consistent with the diagram shown in Attachment 4 of this permit and currently accepted Best Management Practice (i.e. Landcom [2004], *Managing Urban Stormwater: Soils and Construction* [4th Edition]) to prevent the entry of sediment into the waterway, or mobilisation of sediment within the waterway, **prior to** any earthworks being undertaken. **These erosion and sediment devices are to be maintained in good working order for the whole duration of the bridge replacement works and subsequently until the worksite 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.

DEWATERING PLAN

7. Dewatering at the worksite is to be undertaken consistent with accepted Best Management Practice (i.e. Landcom [2004], *Managing Urban Stormwater: Soils and Construction* [4th Edition]). In addition, mitigation controls such as a sediment fence between the sump water release outlet and the waterway are to be employed to ensure that downstream water quality is not adversely affected.
Reason – Minimise turbidity impacts from the site on downstream waters.
8. Dewatering at the worksite is to be undertaken with a screen around the pump inlet possessing mesh no greater than 5 mm. Netting and removal of fish should be undertaken at late stages of dewatering regardless of any positive identification of fish. Any fish captured via netting should be released unharmed into adjacent waters downstream of the worksite.
Reason – Minimise dewatering impacts on fish.

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 including construction of rock armouring authorised by this permit.
Reason – To ensure minimal risk of water pollution from oil or petroleum products and to minimise disturbance to the streambed substrate.
10. Only clean rock is to be used in construction of works authorised by this permit.
Reason – To avoid fines, clay and other sediment un-necessarily entering the waterway and potentially impacting on aquatic habitats.
11. Geotextile fabric is to be used to underlay the rock used to armour the bank.
Reason – Consistent with best management practice and reduce the potential for the bank to continue to erode behind the rock armouring.
12. Prior to use at the site, machinery is to be appropriately cleaned, degreased and serviced. Emergency Spill Kits appropriate for containing and cleaning up petroleum and solvent product spills within waterways are to be available on site at all times during works.
Reason – To reduce the threat of an unintended pollution incident impacting upon the aquatic environment.

13. An array of hydrocarbon booms and silt curtains should be used to isolate instream works at the two abutments to minimise the impacts of turbidity and mobilised sediment during the construction. Silt curtains are to be deployed around each abutment consistent with currently accepted Best Management Practice (i.e. Landcom [2004], *Managing Urban Stormwater: Soils and Construction* [4th Edition])¹ and as depicted in Attachment 4 of this permit. Hydrocarbon booms are to be located as shown in Attachment 4 of this permit. The curtains are to be installed, prior to commencement of any instream works and retained until after the completion of works that risk mobilising sediment. The curtains are to be maintained to ensure they operate effectively.
Reason – Minimise the impact of turbidity generated from the works upon the aquatic environment.

TIMING OF WORKS FOR LOW FLOWS

14. Works are to be undertaken during low flows in Jackybulbin Creek and when Bureau of Metrological forecast for the Northern Rivers district forecast region (available at: www.bom.gov.au/nsw/forecasts/map.shtml) indicates several days of clear, dry weather.
Reason – Timing the works for appropriate conditions can reduce delays and minimise impacts on the aquatic environments.

AVOIDING MOVING OR HARMING SNAGS, RIPARIAN AND AQUATIC VEGETATION

15. When working near aquatic vegetation² (sedges and other submerged aquatic vegetation) on water land³, these areas are to be identified and appropriately delineated as “No Go” areas (with the aim of avoiding harm to these areas). Harm to aquatic including removing or moving vegetation on water land outside the permit area approved under the authority of this permit is not permitted. Such removal, harm or movement caused to aquatic vegetation is to be documented and reported to the contact officer who may direct that the removed, harmed or damaged aquatic vegetation on water land be restored.
Reason – To ensure that impacts on aquatic habitats and the riparian zone are minimised.

¹ Available at: www.environment.nsw.gov.au/research-and-publications/managing-urban-stormwater-soils-and-construction-volume-1-4th-edition

² “*Aquatic vegetation*” is defined in the *Fisheries Management (General) Regulation 2019* as ‘native vegetation that inhabits freshwater but does not include noxious weeds within the meaning of the *Noxious Weeds Act 1993*.’

³ “*Water land*” is defined in the *Fisheries Management Act 1994* and means land submerged by water:

- whether permanently or intermittently, or
- whether forming an artificial or natural body of water.

and includes wetlands and any other land prescribed by the regulations.

Wetlands include marshes, mangroves, swamps, or other areas that form a shallow body of water when inundated intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities.

16. Material storage and stockpiling is not to be undertaken on water land, riparian or aquatic vegetation. Stockpiling must be undertaken in a manner to avoid harm to these types of vegetation or water land. Stockpiles should also be located 40 metres away from adjacent water land. Stockpiles and dewatering areas should be appropriately controlled by sediment fencing or other materials prescribed in the "Blue Book" (i.e. Landcom 2004, *Managing Urban Stormwater: Soils and Construction* [4th Edition]) to ensure sediments do not enter the waterway.
Reason - To ensure that impacts on aquatic habitats and the riparian zone are minimised. "Degradation of native riparian vegetation along NSW water courses" is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994.
17. No snags⁴ outside of the works area described in the permit application are to be removed, realigned or relocated without first obtaining the authority of the Senior Fisheries Manager, Coastal Systems.
Reason - "Removal of large woody debris from NSW rivers and streams" is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994. This approval has been granted on the basis that snags are not to be removed.
18. On completion of the works, the worksite is to be rehabilitated and stabilised including:
- Removal of surplus construction materials and temporary structures (other than silt fences and other erosion and sediment control devices) installed during the course of the works.
 - Removal of all imported material that formed the temporary crossing and side track. The crossing and side track footprint is to be reinstated to a stable grade generally consistent with the upstream and downstream bank profile and re-established with *Lomandra sp.* or native endemic riparian vegetation;
 - Complete removal of the existing bridge that is to be replaced by the new bridge;
 - Undertaking plantings of *Lomandra sp.* along the left and right banks of the waterway for five (5) metres upstream and downstream of the work footprint and within all temporarily disturbed areas of works. Replanting within temporarily disturbed areas should consist of at least six (6) *Lomandra sp. tubestock* per square metre.
 - Appropriate maintenance of erosion and sediment control devices until the vegetation has successfully established and the site has stabilised.
- 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.*

⁴ "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. Snags also includes submerged large rocks (of greater than 500 mm in two dimensions).

FISH KILL CONTINGENCY

19. 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 twice 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.

IMPORTANT NOTE:

INCONSISTENCY BETWEEN DOCUMENTS

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 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. Failure to abide by permit conditions may incur a \$500 on-the-spot fine per breach pursuant to clause 225 of the *Fisheries Management (General) Regulations 2019*.

Authorised:



Scott Nichols

Senior Fisheries Manager, Coastal Systems (Fish Passage)

Authorised delegate of the Minister for Primary Industries

03 May 2023

Attachment 1



Figure 1: Plan showing location of Jackybulbin Bridge works as described within the Permit Area section above.

Attachment 2

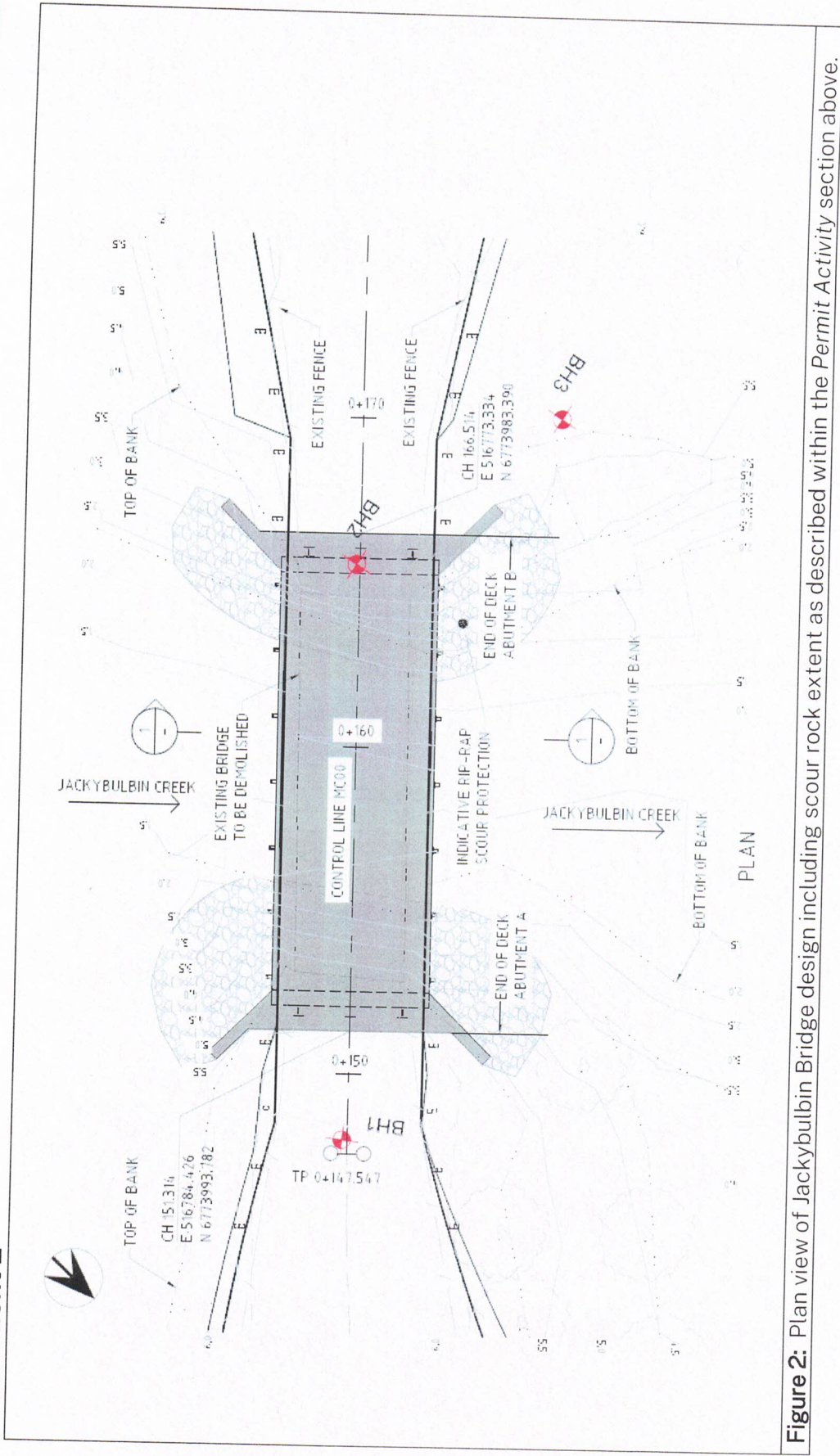


Figure 2: Plan view of Jackybulbin Bridge design including scour rock extent as described within the Permit Activity section above.

Attachment 3

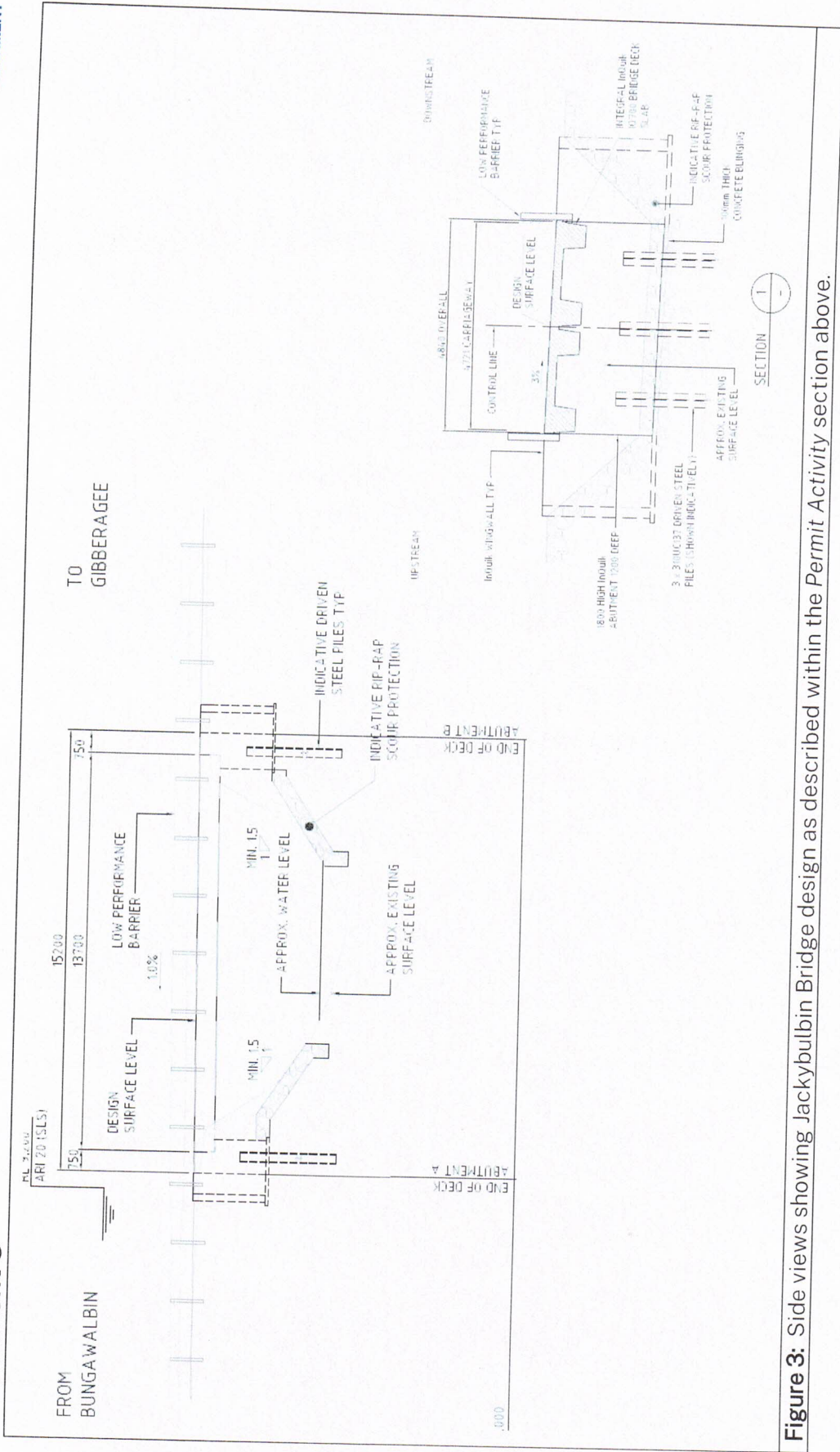


Figure 3: Side views showing Jackybulbin Bridge design as described within the Permit Activity section above.

Attachment 4

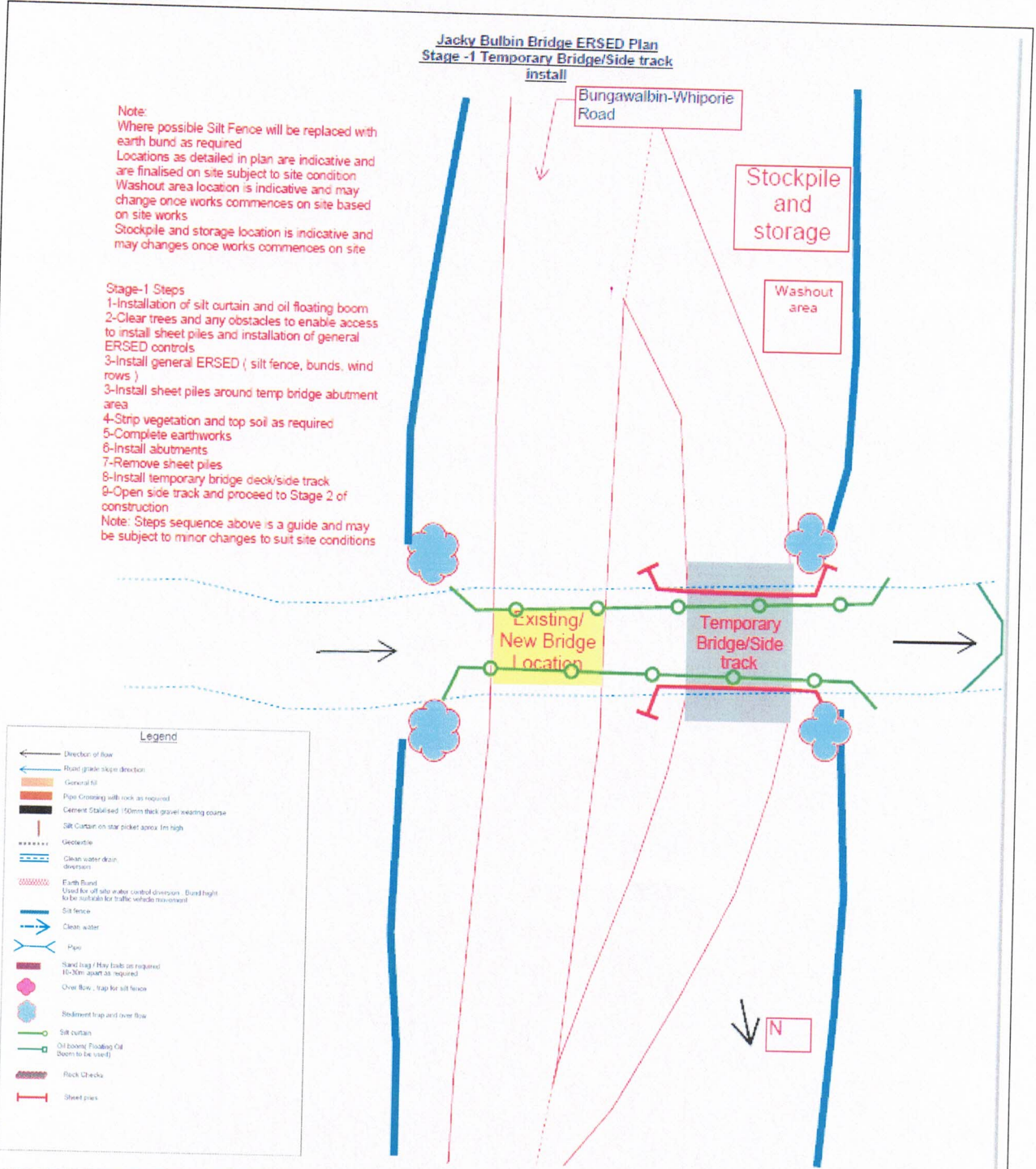


Figure 4a: Site layout plan for Jackybulbin Bridge temporary bridge install works including minimum sediment and erosion control actions as described within the *Permit Activity* section above.

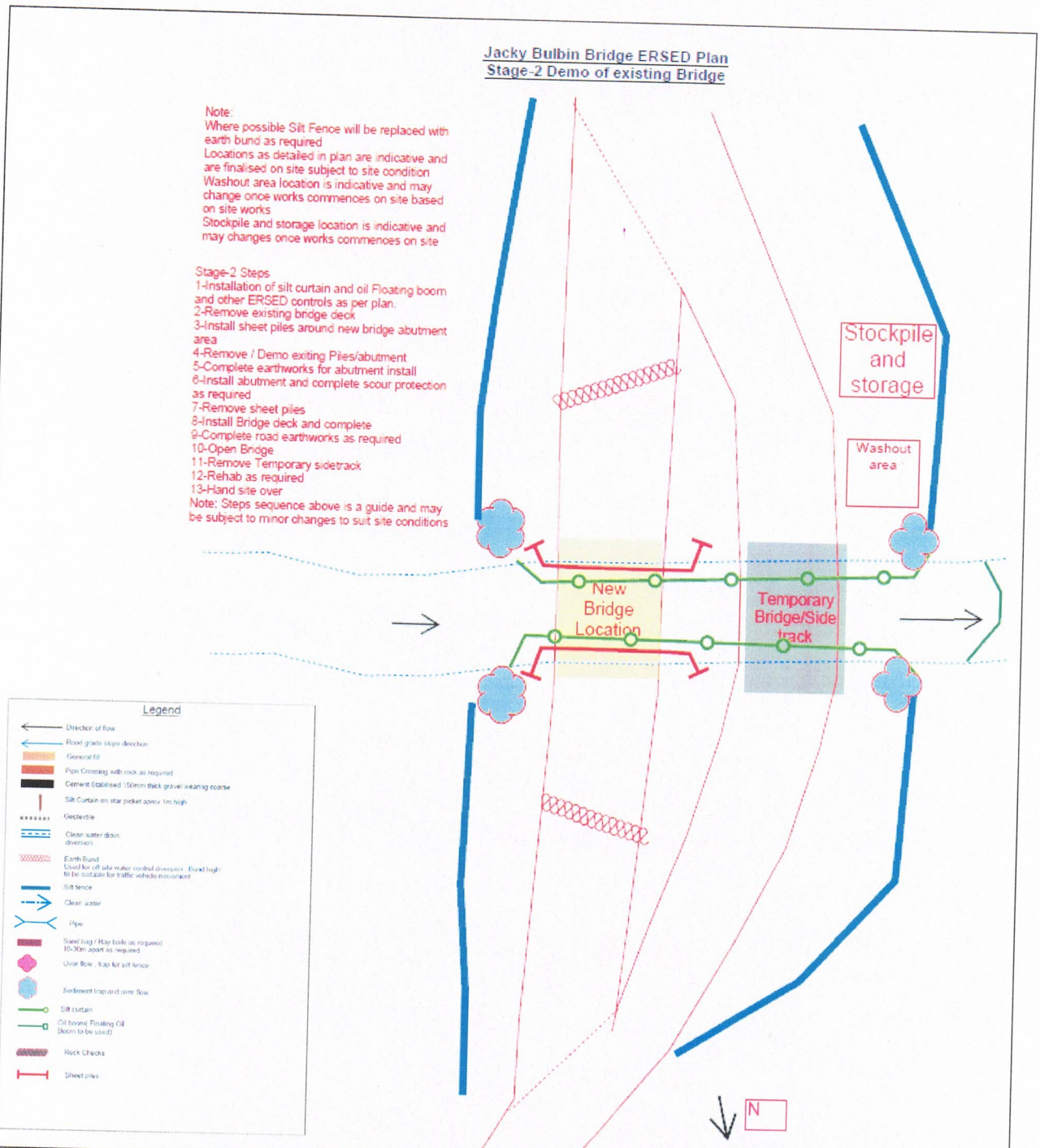


Figure 4b: Site layout plan for Jackybulbin Bridge works (demolition of old and construction of new bridge) including minimum sediment and erosion control actions as described within the Permit Activity section above.

**Acceptance of Conditions Form specified in
Permit No. PN23/159 issued under Part 7 of the
Fisheries Management Act 1994**

PLEASE COPY THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. PN23/159 for dredging and reclamation work associated with the replacement of Jackybulbin Bridge within Jackybulbin Creek, Road Reserve adjacent Lot 82 DP 755609 Bungawalbin-Whiporie Road, Doubleduke, Richmond Valley Council LGA:

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: MURRAY STUART

Permit Holder's signature: 

Date: 03/05/2023

Please **COPY AND SIGN** this page and email to:

ahp.central@dpi.nsw.gov.au

**Commence Works Notification Form specified in
Permit No. PN23/159 issued under Part 7 of the
Fisheries Management Act 1994**

PLEASE COPY THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. PN23/159 for dredging and reclamation work associated with the replacement of Jackybulbin Bridge within Jackybulbin Creek, Road Reserve adjacent Lot 82 DP 755609 Bungawalbin-Whiporie Road, Doubleduke, Richmond Valley Council LGA:

Commence Works Notification Form

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

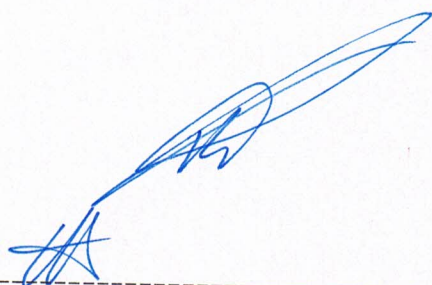
Permit Holder's Name: MURRAY STUART

Site Location: road reserve adjacent to 82 DP 755609
on the Bungawalbin to Whiporie Rd

Works Replacement of bridge over Jacky Bulbin
Creek.

Commencement Date: 08/05/2023

Comments:

Project Manager:  Date: 03/05/2023

Please **COPY AND SIGN** this page and email to:

ahp.central@dpi.nsw.gov.au
fisheries.compliance@dpi.nsw.gov.au

**Post Works Notification Form specified in
Permit No. PN23/159 issued under Part 7 of the
Fisheries Management Act 1994**

PLEASE COPY THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. PN23/159 for dredging and reclamation work associated with the replacement of Jackybulbin Bridge within Jackybulbin Creek, Road Reserve adjacent Lot 82 DP 755609 Bungawalbin-Whiporie Road, Doubleduke, Richmond Valley Council LGA:

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 _____

Site Location _____

Works _____

Date Completed _____

Assessment of works:
(e.g. Were there any complications that made it difficult to comply with permit conditions i.e. weather, unforeseen geological conditions etc.)

Project Manager: _____ Date: _____

Please COPY AND SIGN this page and return with clearly labelled photographs via email to:

ahp.central@dpi.nsw.gov.au
fisheries.compliance@dpi.nsw.gov.au
scott.nichols@dpi.nsw.gov.au