

OUR REF: PN23/455

24 October 2023

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470
C/- Joshua Winter
Burchills Engineering Solutions
Via email: joshua.winter@burchills.com.au

Attention: Mr Jack Baker

Dear Mr Baker,

Re: Permit #PN23/455 for dredging and reclamation work associated with investigation and resurfacing works on the existing access track on Halstead Drive within the Richmond River, within and adj to Lot 1 DP 668253, Halstead Drive, Casino, Richmond Valley Council LGA

I refer to Council's application dated 5 October 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)*.

Clause 224 of the Fisheries Management (General) Regulation 2019 lists the application fee of \$179 for each permit under Part 7 of the FM Act and enables an accompanying assessment fee to be determined based on the time required to complete an assessment. An invoice has been prepared and sent to Council for the statutory minimum initial application and assessment fee of \$358. The quality of the application enabled the assessment to be undertaken without additional charges being required.

Please find enclosed a permit under Part 7 of the FM Act for dredging and reclamation work associated with investigation and resurfacing works on the existing access track on Halstead Drive within the Richmond River, within and adj to Lot 1 DP 668253, Halstead Drive, Casino, 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 owner's 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 owner's 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 Council agree that all the conditions are reasonable, appropriate and achievable, the Responsible Officer or other Council Representative must sign and date the attached sheet (Acceptance of Conditions) and return it to the Contact Officer as soon as possible. If Council believe that Council cannot comply with all the conditions then Council must not commence work.** Instead, Council should contact the Contact Officer listed on the first page of the permit so that Council's concerns can be considered.

If Council intends 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, Council 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 Council 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 adjacent 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 Fletcher Mingramm, Fisheries Manager Coastal Systems (North Coast) on 0499 689 583 or fletcher.mingramm@dpi.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jonathan Yantsch".

Jonathan Yantsch
Senior Fisheries Manager, Coastal Systems (North Coast)
Marine Estate Management, Primary Industries NSW
Authorised delegate of the Minister for Agriculture

Cc: fisheries.compliance@dpi.nsw.gov.au

Permit under Part 7 of the FISHERIES MANAGEMENT ACT 1994

Permit	Permit Number	PN23/455
	Expiry Date	Unless cancelled or suspended sooner, this permit or updated variations shall remain in force until 31 October 2024
Permit Holder:	The General Manager Richmond Valley Council Locked Bag 10 CASINO NSW 2470 Responsible Officer: Jack Baker Phone: 0428 692 140 Email: jack.baker@richmondvalley.nsw.gov.au	
Permit Area:	The permitted area is along the existing access track on Halstead Drive within the Richmond River, running from Webb Park (on River Street), under the Centre Street bridge, to an end point approximately 120 m to the west of the bridge, Various Lots & DPs, Casino, Richmond Valley Council LGA. (Refer to Attachment 1)	
Permit Activity:	Dredging and reclamation works, specifically: <ul style="list-style-type: none">- Drilling for geotechnical testing; and- Reconstruction of the Halstead Drive road through formalising the existing works access track and resurfacing it with a robust material, including either gravel, rocks, road base or concrete, or a combination of these materials. As proposed in Council's application dated 5 October 2023. (Refer to Attachment 2)	
Departmental Contact Officer:	Fletcher Mingramm Fisheries Manager, Coastal Systems (North Coast) 1243 Bruxner Hwy WOLLONGBAR NSW 2477 Ph: 0499 689 583 Email: fletcher.mingramm@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 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 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 5 October 2023. 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 such as landholder’s consent 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 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 investigation and resurfacing works on the existing access track on Halstead Drive 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.

WORK IN WATERS

7. Machinery is not to enter or work from the waterway unless in accordance with works proposed in Council's 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.
8. 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.
9. 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.

TIMING OF WORKS FOR LOW FLOWS

10. Works are to be undertaken during low flows in the Richmond River and when Bureau of Meteorology 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

11. When working near aquatic vegetation¹ (phragmites and other aquatic vegetation) on water land², 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 vegetation 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 "**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*.'

² "**Water land**" is defined in the *Fisheries Management Act 1994* and means land submerged by water:

- a) whether permanently or intermittently, or
- b) 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.

12. 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 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.
13. No snags³ 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.
14. 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.*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 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.

³ "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).

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:



Jonathan Yantsch
Senior Fisheries Manager, Coastal Systems (North Coast)
Marine Estate Management, Primary Industries NSW
Authorised delegate of the Minister for Agriculture

24 October 2023

Attachment 1



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

**Acceptance of Conditions Form specified in
Permit No. PN23/455 issued under Part 7 of the
*Fisheries Management Act 1994***

PLEASE COPY THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. PN23/455 for dredging and reclamation work associated with investigation and resurfacing works on the existing access track on Halstead Drive within the Richmond River, within and adj to Lot 1 DP 668253, Halstead Drive, Casino, 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: John Baker

Permit Holder's signature: [Signature]

Date: 24/10/2023

Please COPY AND SIGN this page and email to:

ahp.central@dpi.nsw.gov.au

**Commence Works Notification Form specified in
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*Fisheries Management Act 1994***

PLEASE COPY THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. PN23/455 for dredging and reclamation work associated with investigation and resurfacing works on the existing access track on Halstead Drive within the Richmond River, within and adj to Lot 1 DP 668253, Halstead Drive, Casino, Richmond Valley Council
LGA:

Commence Works Notification Form

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

Permit Holder's Name: Jack Baker / Richmond Valley Council

Site Location: Halstead Drive: Lot 1 DP 668253

Works Geotechnical Assessment, design works

Commencement Date: 20/11/2023

Comments:

Project Manager: Jack Baker Date: 14/11/23

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
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In reference to Permit No. PN23/455 for dredging and reclamation work associated with investigation and resurfacing works on the existing access track on Halstead Drive within the Richmond River, within and adj to Lot 1 DP 668253, Halstead Drive, Casino, 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