

11 February 2020

Daniel Halton
Ausgrid
24-28 Campbell St
SYDNEY NSW 2000

Dear Sir,

RE: Permit: PN20/03 – harm marine vegetation associated with powerline corridor maintenance at Ausgrid network.

I refer to your application dated 2 January 2020 for a permit under Part 7 of the *Fisheries Management Act 1994* (FM Act). DPI Fisheries, a division of NSW Department of Primary Industries, assesses applications 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 \$179.00 has been raised and will be posted separately.

The environmental assessment has been completed and it has been determined that a permit can be issued. The permit is attached.

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 form (Acceptance of Conditions) and return it to the Departmental 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, you are 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 in accordance with 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.** DPI Fisheries 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 \$179.00 permit application fee. Requests for an extension before the expiry date will not incur an application fee.**

DPI Fisheries, 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 publication "Managing Urban Stormwater: Soils and Construction" (4th Edition Landcom, 2004), commonly referred to as "The Blue Book" (see <http://www.environment.nsw.gov.au/resources/water/BlueBookVol1.pdf>).



Department of Primary Industries

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

If you have any queries please call me on (02) 4916 3931.

Yours sincerely,

Scott Carter
Senior Fisheries Manager – Coastal Systems Central/Metro
Authorised delegate of the Minister for Primary Industries

cc: Port Stephens Fisheries Office
Swansea Fisheries Office
Central Coast Fisheries Office
Wollestonecraft Fisheries Office
San Souci Fisheries Office

cc: Andrew Campbell, Fisheries Conservation Officer – Central Metro

Permit under Part 7 of the
FISHERIES MANAGEMENT ACT 1994

Permit Number:	PN20/03
Permit Holder:	Daniel Halton Ausgrid 24-28 Campbell St SYDNEY NSW 2000 Ph: 0490 022 169
Permit Area:	Ausgrid network
Permit Activity:	harm marine vegetation in association with or in relation to powerline corridor maintenance
Departmental Contact Officer:	Scott Carter Ph: (02) 4916 3931 Email : scott.carter@dpi.nsw.gov.au
District Fisheries Officer:	See Appendix 1

Expiry Date: Unless cancelled or suspended sooner, this permit shall remain in force until 30 August 2025

This permit is subject to the following Conditions:

ADMINISTRATIVE CONDITIONS

- 1) The **Acceptance of Conditions** form (attached) must be completed and returned to the Officers listed at the bottom of the form 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 Officers listed at the bottom of the form at least three to five (3-5) 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 Officers listed at the bottom of the form at least three to five (3-5) days BEFORE works are complete or machinery is removed from the site. Several colour photographs showing the work site and works completed to date must be included.
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) 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.

NATURE AND EXTENT OF WORKS

- 5) 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 dated 2 January 2020, and associated documents, including Ausgrid's internal environmental management guidelines and procedures, such as NS174C Environmental Handbook for Construction and Maintenance. 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

- 6) Compliance with Ausgrid's internal environmental management guidelines and procedures, such as NS174C Environmental Handbook for Construction and Maintenance, ensures that vegetation management works are undertaken in a manner that minimises the impact to sensitive areas including aquatic habitats, riparian zones and threatened saltmarsh communities..
- Site delineation and marking of "no go" areas (with the aim of keeping the impacted area to a minimum),
 - 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),
 - Use of temporary crossings or other access works (with the aim of keeping the impacted area to a minimum),
 - Material storage and stockpiling (with the aim of keeping the impacted area to a minimum),
 - Site restoration and clean up (with the aim of ensuring that the impacted area recovers as soon as possible),
 - 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.

WORK IN WATERS

- 7) 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.
- 8) 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 during works.
Reason – To reduce the threat of an unintended pollution incident impacting upon the aquatic environment.

AVOIDING HARM TO SNAGS, MARINE AND RIPARIAN VEGETATION

- 9) 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. **Heavy Machinery is not permitted in saltmarsh or mangrove**

habitats

Reason – To ensure that impacts on aquatic habitats and the riparian zone are minimised.

- 10) 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. Stockpiles should also be located 20 metres away from adjacent water land. 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.
- 11) No snags¹ are to be removed, realigned or relocated without first obtaining the written authority of the Departmental Contact Officer.
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.
- 12) On completion of the works the site is to be rehabilitated and stabilised including:
- 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.
 - replanting the disturbed area with native endemic riparian vegetation
 - Appropriate maintenance of erosion and sediment control devices is to be undertaken 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.

FISH KILL CONTINGENCY

- 13) 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.

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;

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).

- 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 – Coastal Systems Central/Metro
Authorised delegate of the Minister for Primary Industries

11 February 2020

cc: Andrew Campbell - Fisheries Conservation Officer

Location of works and contacts for works in relevant estuaries.

Contacts:

Office	Estuary	Telephone	Fax
Port Stephens Fisheries Office	Port Stephens	4982 1232	4982 1107
Swansea Fisheries Office	Hunter, Lake Macquarie	4971 1201	4971 2986
Central Coast Fisheries Office	Hawkesbury	4328 8622	4328 8628
Wollstonecraft Fisheries Office	Port Jackson	8437 4900	9966 0663
San Souci Fisheries	Botany Bay, Port Hacking	9529 6021	9529 6246

Legend for following maps.;

- Locations where AUSGRID network intersect with mangrove communities (taken from AUSGRID data)
- Mangrove communities
- Saltmarsh communities

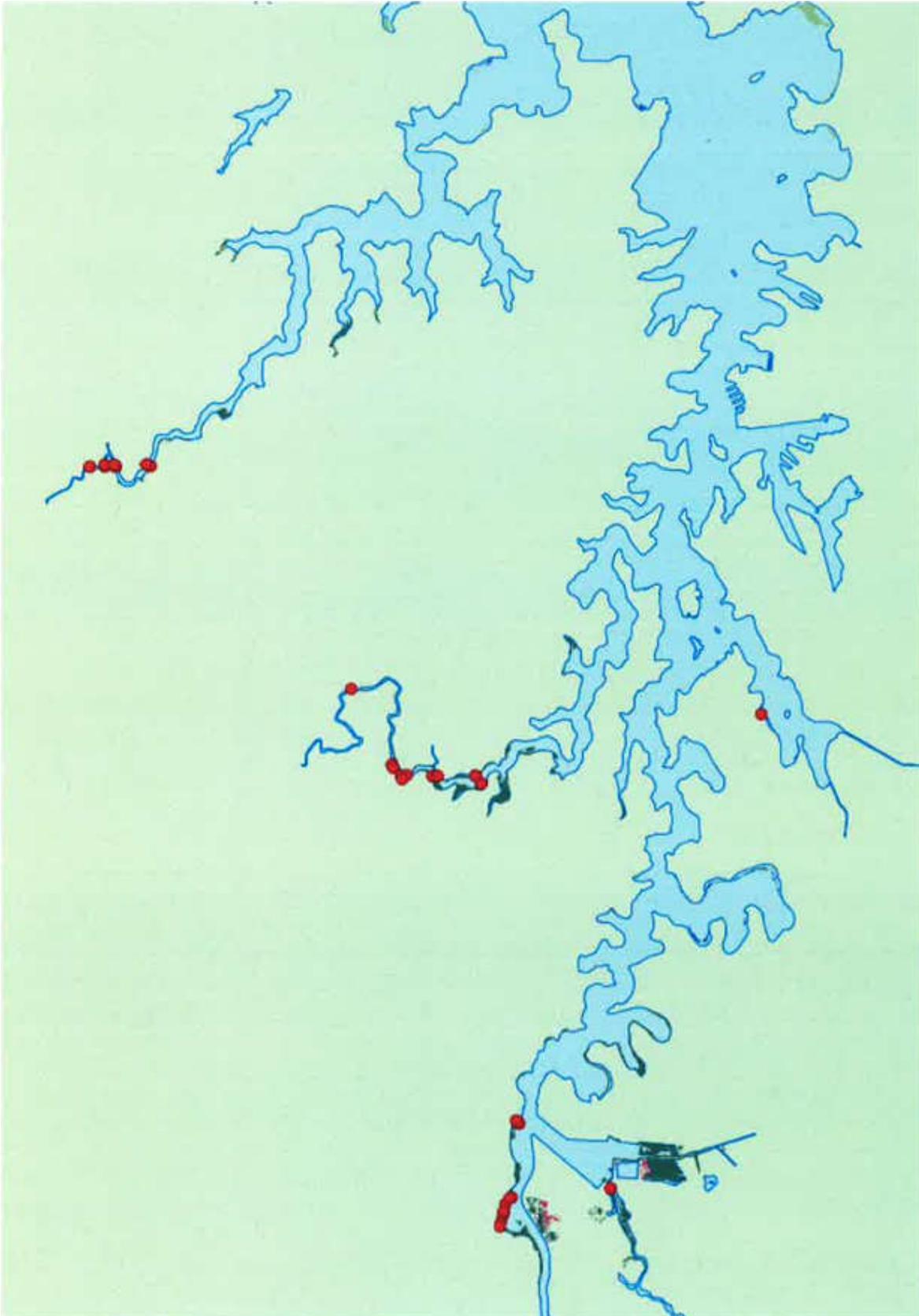




Lake Macquarie











**Permit No. PN20/03 issued under Part 7 of the
Fisheries Management Act 1994**

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI Fisheries

**In reference to Permit No. PN20/03- harm marine vegetation associated with powerline
corridor maintenance to be undertaken at Ausgrid network :**

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.

Responsible Officer's name: Chris Hatch

Responsible Officer's signature: 

Date: 25 February 2020

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

District Fisheries Officer, Port Stephens Fisheries Office

And

Departmental Contact Officer:



**Department of
Primary Industries**

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*Fisheries Management Act 1994***

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**In reference to Permit No. PN20/03 - harm marine vegetation associated with powerline
corridor maintenance to be undertaken at Ausgrid network:**

Commence Works Notification Form

(Note: to be completed and returned 3 - 5 working days before commencement of works)

Responsible Officer's name: _____

Expected Commencement date: _____

Responsible Officer's signature: _____

Date: _____

Comments:

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

District Fisheries Officer, Port Stephens Fisheries Office

And

Departmental Contact Officer:



Department of Primary Industries

**Permit No. PN20/03 issued under Part 7 of the
*Fisheries Management Act 1994***

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**In reference to Permit No. PN20/03 - harm marine vegetation associated with powerline
corridor maintenance to be undertaken at Ausgrid network**

Active Works Notification Form

*(Note: to be completed and returned 3- 5 days before completion of works or before
machinery is removed from the site)*

Responsible Officer's Name _____

Commencement Date: _____

Anticipated Completion Date: _____

Comments:

Responsible Officer's signature: _____ Date: _____

**Please provide several photographs showing completed works
Please ensure you have SIGNED this page and RETAINED a
copy for your records before you email or MMS it (including
photographs) to:**

District Fisheries Officer, Port Stephens Fisheries Office

And

Departmental Contact Officer: