

Our Ref: FE20/382

Wagga City Council
243 Baylis Street
WAGGA WAGGA NSW 2650

Dear Mr Ben Creighton,

RE: Permit: PN20/156 for dredging and reclamation associated with the removal of regrowth vegetation hazards and removal of six boat ramp extensions and replacement of one boat ramp, Lake Albert, Wagga Wagga.

Part 7 of the *Fisheries Management Act 1994* (FM Act). DPI Fisheries, a division of NSW Department of Primary Industries, assess applications for dredging and reclamation in accordance with Part 7 of the FM Act, Part 13 of the *Fisheries Management (General) Regulation 2019* and the *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*.

An invoice for \$358 has been raised and will be posted separately.

Please find attached a permit under Part 7 of the FM Act for dredging and reclamation associated with the removal of regrowth vegetation hazards and removal of six boat ramp extensions at the above location.

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 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, 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 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 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 \$177 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.landcom.nsw.gov.au/news/publications-and-programs/the-blue-book.aspx>).

In addition to complying with the conditions of the permit, DPI Fisheries 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 Nathan Reynoldson (02) 6051 7766.

Yours sincerely,



Luke Pearce
A/Senior Fisheries Manager (Murray Darling Unit)
Authorised delegate of the Minister for Primary Industries

cc: Mat Gill, A/District Fisheries Officer, Tumut Fisheries Office

cc: Jodi Thompson, Fisheries Conservation Officer - Inland

Permit under Part 7 of the
FISHERIES MANAGEMENT ACT 1994

| | |
|--------------------------------------|--|
| Permit Number: | PN20/156 |
| Permit Holder: | Wagga City Council 243 Baylis Street WAGGA WAGGA NSW 2650 |
| Responsible Officer | Ben Creighton Ph: 0400 380 618 Email: creighton.ben@wagga.nsw.gov.au |
| Permit Area: | Lake Albert, Wagga Wagga as shown in Figure 1. |
| Permit Activity: | Dredging and reclamation related to the removal of regrowth vegetation hazards and remove six boat ramp extensions, as described in your application dated 1 May 2020. |
| Departmental Contact Officer: | Nathan Reynoldson Phone: (02) 6051 7766 E-mail: nathan.reynoldson@dpi.nsw.gov.au |

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

30 June 2021

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 Fisheries Officer at Tumut Ph: (02) 6941 1406, Mobile: 0419 185 544, E-mail: mat.gill@dpi.nsw.gov.au and the Departmental Contact Officer (contact details listed above) 3 to 5 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 Fisheries Officer at Tumut (contact details listed above) **and** the Contact Officer (contact details listed in Condition 2 above) 3 to 5 days BEFORE works are complete or machinery is removed from the site. Several colour photographs clearly showing the work site and works completed to date, must be provided
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) 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.

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 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.

SPECIFIC CONDITIONS

SEDIMENT AND EROSION CONTROL PLAN [use this condition where a CEMP is not provided]

- 6) Erosion and sediment mitigation devices are to be erected in a manner consistent with currently accepted Best Management Practice (i.e. Managing Urban Stormwater: Soils and Construction 4th Edition Landcom, 2004) to prevent the entry of sediment into the waterway **prior to** any earthworks being undertaken. **These are to be maintained in good working order for the duration of the escape replacement works and subsequently until the site has been stabilised and the risk of erosion and sediment movement from the site is minimal.**

In particular:

- a) A sediment fence is to be erected along the toe of the bank just above the waterline. The fence is to be of sufficient length and arrangement to capture all sediment that may wash towards water land from the worksite.
- b) A second sediment fence is to be erected 1 to 3m upslope of the sediment fence referred to in (a) above. The fence is to be of sufficient length and arrangement to capture all sediment that may wash towards water land from the worksite.
- c) Sediment fences are to be kept in place after work is complete. They are to be removed once the site has been stabilised and the risk of sediment movement is minimal.
- d) On completion of works all disturbed soil is to be levelled and smoothed and sown with a mixture of sterile grass seeds to encourage rapid revegetation and planted out with native endemic riparian vegetation.

Reason – To ensure that sediment generated by the exposure of soil is not transported into the main water body.

DEWATERING PLAN

- 7) The site shall not be dewatered, unless a Dewatering Management Plan is prepared and approved by the contact officer or submitted to the contact officer. 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.
Reason – Dewatering poses a significant risk to aquatic animals and needs to be carefully managed.

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 streambed substrate.
- 9) Only clean rock (no fines) 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.
- 10) 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.
- 11) Geotextile fabric is to be used to isolate the natural bed of the waterway from any imported clean rock fill or other material used to create a work platform within the bed of the waterway.
Reason – Improve the ability to remove imported clean rock used in the work platform.
- 12) The crest height of the block bank is to be no greater than 1.0m above the natural bed level of the river at the construction location.
- 13) The block bank is only to be constructed from in situ riverbed material sourced from the nearby area which is free from vegetation. No material is to be imported into the site for construction or other purposes. *Reason – To ensure no additional material enters the waterway.*

AVOIDING HARM TO SNAGS AND RIPARIAN VEGETATION

- 14) When working near 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 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 Departmental Contact Officer.
Reason – To ensure that impacts on aquatic habitats and the riparian zone are minimised.
- 15) Material storage and stockpiling is not to be undertaken on water land 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 and the riparian 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.

- 16) 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.
- 17) 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.
 - Disturbed areas are to be replanted with native endemic riparian species (such as *Phragmites australis*, *Juncus usitatus*, *Callistemon sieberi* and *Carex appressa*) along the toe and top of the bank of the waterway for 5 metres either side of the work footprint (10 metres in total for either bank).
- 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

- 18) 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.

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).

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,



Luke Pearce
A/Senior Fisheries Manager (Murray Darling Unit)
Authorised delegate of the Minister for Primary Industries

**Permit No. PN20/156 issued under Part 7 of the
*Fisheries Management Act 1994***

PLEASE COMPLETE THIS PAGE AND RETURN TO Fisheries NSW

**In reference to Permit: PN20/156 for dredging and reclamation associated with the
removal of regrowth vegetation hazards and removal of six boat ramp extensions,
Lake Albert, Wagga Wagga:**

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: _____

Responsible Officer's signature: _____

Date: _____

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

Contact Officer: Nathan Reynoldson
Email: nathan.reynoldson@dpi.nsw.gov.au

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*Fisheries Management Act 1994***

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**In reference to Permit: PN20/156 for dredging and reclamation associated with the
removal of regrowth vegetation hazards and removal of six boat ramp extensions,
Lake Albert, Wagga Wagga:**

Commence Works Notification Form

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

Expected Commencement Date: _____

Responsible Officer's name: _____

Responsible Officer's signature: _____

Date: _____

Comments:

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

A/District Fisheries Officer, Tumut Fisheries Office
Email: Mat.Gill@dpi.nsw.gov.au

Contact Officer: Nathan Reynoldson
Email: nathan.reynoldson@dpi.nsw.gov.au

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**In reference to Permit: Permit: PN20/156 for dredging and reclamation associated
with the removal of regrowth vegetation hazards and removal of six boat ramp
extensions, Lake Albert, Wagga Wagga:**

Active Works Notification Form

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

Expected Completion Date: _____

Responsible Officer's name: _____

Responsible Officer's signature: _____

Date: _____

Comments:

**Please provide several colour photographs showing the works
site and works completed to date.**

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

A/District Fisheries Officer, Tumut Fisheries Office
Email: Mat.Gill@dpi.nsw.gov.au

Contact Officer: Nathan Reynoldson
Email: nathan.reynoldson@dpi.nsw.gov.au

Figure 1 Location Diagram

