

Our Ref: FE22/197; PN22/92

Date: 28 April 2022

General Manager
Snowy Monaro Regional Council
81 Commissioner Street
COOMA NSW 2630

Attn: Mr Arthur Wilkinson

Dear Mr Wilkinson,

RE: Permit: Dredging and reclamation associated with culvert crossing replacement at Booroomba Creek - Micalago Road, Michelago

I refer to your application dated 28 February 2022 for a permit under Part 7 of the *Fisheries Management Act 1994* (FM Act) and Review of Environmental Factors for this proposal (received 28 April 2022). DPI Fisheries, a division of NSW Department of Primary Industries, assesses applications for dredging and reclamation 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)*.

This application attracts a minimum fee of \$358.00. The fee comprises \$179.00 application fee plus \$179.00 for the first three hours of assessment. An invoice for \$358.00 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 225 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>).

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.

Note: The attached permit providing authorisation under the *Fisheries Management Act 1994*, to undertake dredging and/or reclamation (s.200 or s.201), and/or harm marine vegetation (s.205) does not provide authorisation under any other Act or planning instrument. It is the applicant's responsibility to ensure they have all appropriate approvals and land owner consents before works occur. This may include, but is not restricted to, development consent under the *Environmental Planning & Assessment Act*, land owners consent and/or a licence under the *Crown Lands Management Act 2016*, and a controlled activity approval under the *Water Management Act 2000*.

If you have any queries please call Carla Ganassin on (02) 4222 8342.

Yours sincerely,

Carla Ganassin
Senior Fisheries Manager – Coastal Systems, South
Authorised delegate of the Minister for Primary Industries

cc: Jesus Montilla Tuarezca, District Fisheries Officer (DFO), Monaro Fisheries Office
cc: Mick Bettanin – DFO Statewide Environmental Investigations Group - South

Permit under Part 7 of the
FISHERIES MANAGEMENT ACT 1994

Permit Number:	PN22/92
Permit Holder:	Snowy Monaro Regional Council 81 Commissioner St, COOMA NSW 2630 CONTACT PERSON NAME: Arthur Wilkinson Ph: 0439 061 354 Email: arthur.wilkinson@snowymonaro.nsw.gov.au
Permit Area:	Micalago Road, Michelago crossing of Booroomba Creek (near Lot 1 DP 750549)
Permit Activity:	Dredging and reclamation in association with or in relation to culvert crossing replacement
Departmental Contact Officer:	Carla Ganassin Ph: (02) 4222 8342 Email: carla.ganassin@dpi.nsw.gov.au
District Fisheries Officer:	Jesus Montilla Tuarezca Ph: (02) 6541 3402 Email: jesus.montilla.tuarezca@dpi.nsw.gov.au
Expiry Date:	Unless cancelled or suspended sooner, this permit shall remain in force until 24 March 2023

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 28 February 2022, the engineering plans for these works (G.O. Engineering Consultants, Dwg No 20201114, date 28.02.2022), the Erosion and Sediment Control Plan submitted with the permit application, and the Part 5 Environmental Assessment for these works. 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

- 6) The base of the box culvert is to be placed a minimum of 1500mm below the bed level of the waterway.
Reason – To mitigate impacts to fish passage.

SEDIMENT AND EROSION CONTROL

- 7) 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 culvert construction works and subsequently until the site 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

- 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) 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.
- 10) 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.
- 11) On completion of the works, the temporary by-pass and diversions or coffer dams within the creek are to be completely removed.
Reason – To mitigate impacts to the aquatic environment.

TIMING OF WORKS FOR LOW FLOWS - FRESHWATER

- 12) Works are to be undertaken during low flows in the creek (and when Bureau of Metrological forecast for the Monaro Region indicates several days of dry weather).
Reason – Timing the works for appropriate conditions can reduce delays and minimise impacts on the aquatic environments.

AVOIDING HARM TO SNAGS AND RIPARIAN VEGETATION

- 13) 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 contact officer.
Reason – To ensure that impacts on aquatic habitats and the riparian zone are minimised.
- 14) 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.
- 15) 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.
- 16) On completion of the works the site is to be rehabilitated and stabilised including:
- 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) Additional to replanting the disturbed areas with native endemic riparian vegetation or native grass seed mix for 5 metres either side of the work footprint (10 metres in total for either bank).
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

- 17) 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 225 of the *Fisheries Management (General) Regulation 2010*.**

Yours sincerely,

Carla Ganassin

Senior Fisheries Manager – Coastal Systems, South

Authorised delegate of the Minister for Primary Industries

29 April 2022

cc: Jesus Montilla Tuarezca, District Fisheries Officer (DFO), Monaro Fisheries Office

cc: Mick Bettanin – DFO Statewide Environmental Investigations Group - South

Figure 1 Location diagram of works authorised under PN22/92



**Permit No. PN22/92 issued under Part 7 of the
*Fisheries Management Act 1994***

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI Fisheries

**In reference to Permit No. PN22/92 associated with culvert replacement works to be
undertaken at Booroomba Creek, Micalago Rd, Michelago:**

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 it to:**

Jesus Montilla Turezca, District Fisheries Officer, Monaro Fisheries Office
Email: jesus.montilla.tuarezca@dpi.nsw.gov.au

Departmental Contact Officer: Carla Ganassin
Email: carla.ganassin@dpi.nsw.gov.au

**Permit No. PN22/92 issued under Part 7 of the
*Fisheries Management Act 1994***

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI Fisheries

**In reference to Permit No. PN22/92 associated with culvert replacement works to be
undertaken at Booroomba Creek, Micalago Rd, Michelago:**

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 it to:**

Jesus Montilla Turezca, District Fisheries Officer, Monaro Fisheries Office
Email: jesus.montilla.tuarezca@dpi.nsw.gov.au

Departmental Contact Officer: Carla Ganassin
Email: carla.ganassin@dpi.nsw.gov.au



Department of Primary Industries

**Permit No. PN22/92 issued under Part 7 of the
*Fisheries Management Act 1994***

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI Fisheries

**In reference to Permit No. PN22/92 associated with culvert replacement works to be
undertaken at Booroomba Creek, Micalago Rd, Michelago:**

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 it (including
photographs) to:**

Jesus Montilla Turezca, District Fisheries Officer, Monaro Fisheries Office
Email: jesus.montilla.tuarezca@dpi.nsw.gov.au

Departmental Contact Officer: Carla Ganassin
Email: carla.ganassin@dpi.nsw.gov.au