

PN24/417  
20 September 2024

General Manager  
Wollongong City Council  
41 Burelli Street  
WOLLONGONG NSW 2500  
via email: [jpalmer@wollongong.nsw.gov.au](mailto:jpalmer@wollongong.nsw.gov.au)

Attn: Matt Watts

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Re: Fisheries Permit PN24/417 – Dredging and reclamation and harm of marine vegetation – Fire trail maintenance and environmental rehabilitation works – Fred Finch Park, Berkeley – Lot 1 DP 1130981

Dear Mr Watts,

I refer to your application received 17 September 2024 and additional requested information received 20 September 2024 for a permit under Part 7 of the *Fisheries Management Act 1994* (FM Act). Department of Primary Industries and Regional Development (DPIRD) Fisheries, assesses applications for dredging and reclamation works, harm marine vegetation and obstruction of fish passage in accordance with Part 7 of the FM Act, Part 14 of the *Fisheries Management (General) Regulation 2019* and the *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*.

This application attracts a minimum fee of \$358.00. The fee comprises a \$179.00 application fee plus \$179.00 for the first three hours of assessment. An invoice of \$358.00 has been raised and will be emailed separately.

The environmental assessment has been completed and it has been determined that a permit can be issued. The permit is attached and takes effect on receipt of payment.

Please note that 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 Act or planning instrument. It is the applicant's responsibility to ensure they have all appropriate approvals and landowner consents before the works occur. This may include, but is not restricted to, development consent under the *Environmental Planning & Assessment Act 1979*, landowners' consent and/or a licence under the

*Crown Lands Management Act 2016*, and a controlled activity approval 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 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 Departmental Contact Officer listed on the first page of the permit so that your concerns can be considered.

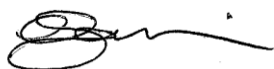
If you intend to have the work undertaken by a contractor, please ensure that the contractor receives a full copy of the permit and understands the importance of abiding by the conditions. As the permit holder, you are responsible for ensuring compliance with all conditions therein and with any other 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 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. DPIRD 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.

DPIRD 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" (4<sup>th</sup> Edition Landcom, 2004), commonly referred to as "The Blue Book" (see <https://www.environment.nsw.gov.au/research-and-publications/managing-urban-stormwater-soils-and-construction-volume-1-4th-edition> ).

If you have any queries regarding this permit, please contact Carla Ganassin at [carla.ganassin@dpi.nsw.gov.au](mailto:carla.ganassin@dpi.nsw.gov.au) or 0447 644 357.

Sincerely

A handwritten signature in black ink, appearing to read 'Carla', with a stylized flourish extending to the right.

**Carla Ganassin**

Senior Fisheries Manager, Coastal Systems

DPIRD Fisheries

Authorised delegate of the Minister of Primary Industries

## Permit under Part 7 of the *FISHERIES MANAGEMENT ACT 1994*

Permit	Permit Number	PN24/417
	Expiry Date	Unless cancelled or suspended sooner, this permit shall remain in force until <b>20 September 2026</b>
Permit Holder:		Wollongong City Council 41 Burelli St (Locked Bag 8821), Wollongong DC NSW 2500 Contact person: Julia Palmer Phone: 4227 8279 Email: <a href="mailto:jpalmer@wollongong.nsw.gov.au">jpalmer@wollongong.nsw.gov.au</a>
Permit Area:		Fred Finch Park, Hooka Creek Road, Berkeley – Lot 1 DP 1130981 (Refer to Attachment 1)
Permit Activity:		Dredging and reclamation and harm to marine vegetation (saltmarsh) associated with fire trail maintenance and environmental rehabilitation works.
Departmental Contact Officer:		Carla Ganassin Ph: 0447 644 357 Email: <a href="mailto:carla.ganassin@dpi.nsw.gov.au">carla.ganassin@dpi.nsw.gov.au</a>
District Fisheries Officer:		Daniel Minter Ph: 4220 8499 Email: <a href="mailto:daniel.minter@dpi.nsw.gov.au">daniel.minter@dpi.nsw.gov.au</a>

This permit is subject to the following Conditions:

### ADMINISTRATIVE CONDITIONS

- 1) The Acceptance of Conditions form (attached) must be completed and returned to [ahp.central@dpi.nsw.gov.au](mailto:ahp.central@dpi.nsw.gov.au) and [fisheries.compliance@dpi.nsw.gov.au](mailto:fisheries.compliance@dpi.nsw.gov.au) 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 [ahp.central@dpi.nsw.gov.au](mailto:ahp.central@dpi.nsw.gov.au) and [fisheries.compliance@dpi.nsw.gov.au](mailto:fisheries.compliance@dpi.nsw.gov.au) at least three to five (3-5) days BEFORE the commencement of works authorised by this permit.

*Reason - To ensure that local DPIRD Fisheries staff are aware that the works authorised by this permit are about to commence.*

- 3) The Active Works Notification form (attached) must be completed and sent to [ahp.central@dpi.nsw.gov.au](mailto:ahp.central@dpi.nsw.gov.au) and [fisheries.compliance@dpi.nsw.gov.au](mailto:fisheries.compliance@dpi.nsw.gov.au) 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 DPIRD 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) must be carried by the permit holder or sub-contractor operating on-site at all times during works activity in the permit area.

*Reason – DPIRD 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 17 September 2024; and Review of Environmental Factors for the works (Wollongong City Council, ECM Document Set ID 25180966, dated 20/9/2024). Other works, which have not been described, except 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.*

#### SEDIMENT AND EROSION CONTROL

- 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* 4<sup>th</sup> 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 works under PN24/417 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.*

## DEWATERING

- 7) The site shall not be dewatered unless a Dewatering Management Plan is prepared and approved by 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 water to prevent off site 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) 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 always available on-site 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 Lake Illawarra (and when the Bureau of Meteorological forecast for the Wollongong Region indicates several days of dry weather.

*Reason – Timing the works for appropriate conditions can reduce delays and minimise impacts on the aquatic environments.*

## TIMING OF WORKS FOR TIDAL CONDITIONS

- 11) Works are to be undertaken when the area is exposed from tidal inundation.

*Reason – Timing of works for appropriate conditions can reduce delays and minimise impacts on the aquatic environment.*

## AVOIDING HARM TO MARINE AND RIPARIAN VEGETATION

- 12) 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.

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

- 13) Material storage and stockpiling are not to be undertaken on water land, marine vegetation (saltmarsh, mangroves, 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 (KTP) under the provisions of the FM Act.*

- 14) 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.

*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 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 – DPIRD 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:

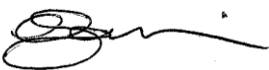
In the event of any inconsistency between the conditions of this approval and:

- the drawings / documents referred to above, the conditions of this approval prevail to the extent of the inconsistency.
- 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 2019*.**

Sincerely



**Carla Ganassin**

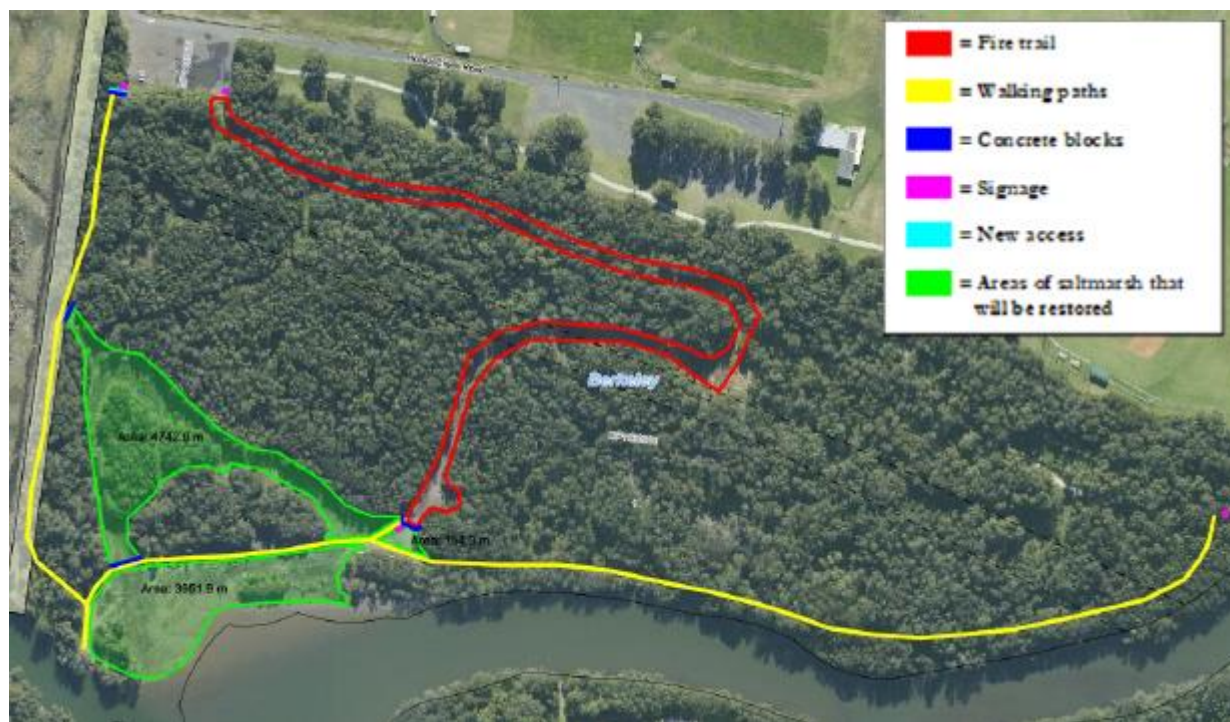
Senior Fisheries Manager, Coastal Systems

DPIRD Fisheries

Authorised delegate of the Minister of Primary Industries

20 September 2024

Attachment 1 – Location diagram of works authorised under PN24/417



**Permit No. PN24/417 issued under Part 7 of the  
*Fisheries Management Act 1994***

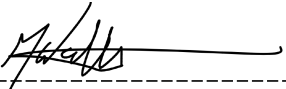
PLEASE COMPLETE THIS PAGE AND RETURN TO DPIRD FISHERIES

In reference to Permit No. PN24/417 associated with Dredging and reclamation and harm to marine vegetation works – Fire trail maintenance and environmental rehabilitation works – Fred Finch Park, Hooka Creek Wetland, Berkeley:

**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.

Permit Holder's name: Matt Watts Natural Area Officer WCC

Permit Holder's signature: 

Date: 23/09/24

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

[ahp.central@dpi.nsw.gov.au](mailto:ahp.central@dpi.nsw.gov.au)

[fisheries.compliance@dpi.nsw.gov.au](mailto:fisheries.compliance@dpi.nsw.gov.au)

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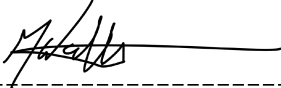
In reference to Permit No. PN24/417 associated with Dredging and reclamation and harm to marine vegetation works – Fire trail maintenance and environmental rehabilitation works – Fred Finch Park, Hooka Creek Wetland, Berkeley:

### Commence Works Notification Form

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

Permit Holder's name: Matt Watts Natural Area Officer WCC

Expected commencement date: 7/10/2024

Permit Holder's signature: 

Date: 23/09/24

Comments:

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

[ahp.central@dpi.nsw.gov.au](mailto:ahp.central@dpi.nsw.gov.au)

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## **Permit No. PN24/417 issued under Part 7 of the *Fisheries Management Act 1994***

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In reference to Permit No. PN24/417 associated with Dredging and reclamation and harm to marine vegetation works – Fire trail maintenance and environmental rehabilitation works – Fred Finch Park, Hooka Creek Wetland, Berkeley:

### **Active Works Notification Form**

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

Permit Holder's name: \_\_\_\_\_

Anticipated completion date: \_\_\_\_\_

Permit Holder's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Comments:

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

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