Environmental Assessment Form – Level 2

Buff Point Ave, Buff Point

This form is an Environmental Impact Assessment under Part 5 of the EP&A Act 1979 and S228 of the EP&A Reg (2000). This form is to be completed by an Assessing Officer in accordance Council's Environmental Assessment Guideline.

Section A: Work Activity

The below table is a quick reference summary of the *Infrastructure SEPP* only. Check the SEPP using the links provided to confirm your work activity meets the criteria to be permissible without consent.

Parks, Reserves and Operational Land Clause 65 SEPP (Infrastructure), Clause 58E SEPP (Infrastructure)	
Roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges	✓
Recreation areas and outdoor recreation facilities (but not including grandstands)	
Visitor information centres, information boards and other information facilities	
Lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard	
Landscaping, including landscape structures or features (such as artwork) and irrigation systems	✓
Amenities for people using the reserve, including toilets and change rooms	
Food preparation and related facilities for people using the reserve	
Maintenance depots	
Portable lifeguard towers	
Environmental Management Works (Including Environmental Protection Works)	
Demolition of buildings (not a state or local heritage item or in a heritage conservation area)	

Section B: Nature and Scope

Project Title	Buff Point Ave, Buff Point pathway remediation
Location Address	Behind 88 Buff Point Avenue, BUFF POINT NSW 2262 and within Crown Reserve at 2W Liamena Ave, SAN REMO.



Location Map





Site Zoning

RE1 Public Recreation

Type here if multiple zones

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1. Locate the site, determine the specific scope and assess associated risks;

- Locate the site, ensuring site facilities, erosion and sediment control and safety measures are onsite and in use. Carry out site-specific risk assessments as required by the safety management plan.
- Implement Traffic and Pedestrian Management Plan (Mob/Demob).
- 2. Mobilise equipment & plant to site;
- Mobilise Plant and Materials under traffic management.
- Ensure equipment and plant are available and suitable for the works.
- Carry out prestarts as required prior to using equipment/plant.
- 3. Scaling Loose material and Earthworks
- Install temporary rope access anchor points.
- Ensure exclusion zones are in place.
- Clearing grubbing and scaling operations will be carried out from Ropes and Excavator and shall be limited to those areas required to construct the works and or meet specified visibility requirements.
- Care shall be made to avoid loosening any additional material.
- Using rope access, conduct light hand descale of loose materials as per drawing.
- 4. Soil Nail;
- Locations of nails to be set out by from the drawings using geometric information.
- Drill to be aligned to the proposed location as near as is practicable to the set-out location.
- Ensure inclination is as per the drawings and bearing is generally perpendicular to the face.
- Begin drilling. Drilling is typically done using rotary percussion drilling with air or where required, water, as the purging medium.
- Driller to ensure constant pressure where possible is applied by the drill rig to the drill head.
- Drilling to be logged by the driller on a hole-by-hole basis. Logged information to include depths, strata, inclination, bearing and times as a minimum.
- Drilling to be terminated at the design depth with allowance for over drilling as required.
- Drill rods to be withdrawn sequentially from the hole with due care so as to avoid damaging the annulus.
- Pre-Assembled Bar and Sheath to be inserted slowly and supported appropriately to ensure that there is no damage to the drill hole.
- Grout to be batched onsite as per approved grout mix.
- Grout to be pumped using dedicated grout pump.
- Grout cubes to be taken at the frequency prescribed by the specifications and tested by a NATA accredited facility.

Description of the Work Activity

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5.0 Mesh (MACMAT R)

- Extents to be set out from drawing.
- RFN will be layer over the face and anchors as per manufacturers specifications.
- Wire rope to be installed to the top and bottom anchors.
- Rope to be fixed per the specification and design drawings.
- RFN mesh to be rolled out top-down where possible.
- Mesh to be fixed to the top, bottom and lateral boundary wire ropes and lapped as per the manufacturer's specification.
- Top and bottom laps to be stapled per the manufacturer's specification.
- Seams and laps to be stitched and stapled using the appropriate materials and as per the manufacturer's specifications.
- RFN installation will be carried out using of Ropes Access Techniques.

6.0 Pilling

- The site is cleared and levelled to accommodate the construction equipment and materials needed for the installation.
- A borehole is drilled into the ground using a large-diameter auger attached to a drilling rig. The depth and diameter of the hole as per the design.
- As the drilling progresses, soil is removed from the borehole using the auger. Spoils are typically stockpile at site.
- Once the desired depth is reached, steel reinforcement has been placed in the borehole as per design.
- After reinforcement is installed, the borehole is filled with concrete. This can be done using a concrete pump or by pouring concrete directly into the hole.
- Dowel has been placed in position while pouring.
- Curing.

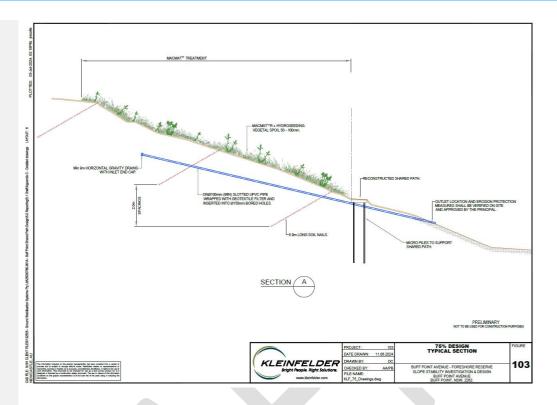
7.0 Boardwalk

- Shop drawing for precast elements.
- Construction of the precast elements.
- Precast element will be lifting using crane to install in position.

8.0 Handover Site;

- Demobilise Plant and Equipment.
- Site is to be left clean and tidy.
- Reinstate work area and surfaces.
- Any surplus material to be removed from site.





Description of the Existing Environment

The area is a maintained public reserve. Upslope vegetation is highly disturbed dominated by exotic vegetation. Downslope vegetation is mapped as endangered ecological community swamp oak forest on coast sandplains. The vegetation is consistent with the mapping and is considered to be in moderate condition.

Below the works is Budgewoi Lake, the lake is unlikely to be directly impacted by the proposal. Sea grass bed are present within the lake, no direct impacts are expected but may potentially be impacted indirectly by changes in hydrology, sediment and pollutants.





Reasons for undertaking the work activity The works are required to reinstate the pathway which received damage during the 2021 and 2022 flood events. Upslope stormwater management is required to ensure stability of the asset.

Section C: Environmental Impacts and Control Measures

Air

Dust	
1. Details of impacts	3. Control measures
Potentially minor impacts to air quality from dust will be generated during works; the impact is considered minor due to the sandy nature of the substrate.	 Where required dust suppression (e.g., water carts) will be used. Dust will be continually monitored during works. A site-specific Construction Environmental Management Plan (CEMP) will be created and implemented by the contractor. The document is required to be approved by CCC. Works will cease during periods of heavy winds.
2. Impacts without controls	4. Impacts with controls
Minor: Dust generated. Limited to duration of works.	Insignificant: No or minimal dust generated.

Odours	
1. Details of impacts	3. Control measures
Potential minor impacts to air quality from odors, and fumes) from plant & machinery during works.	 Plant will be maintained to industry standard. Daily plant and equipment inspections completed prior to commencing works. Plant and machinery will not be left to idle when unattended. Works will cease during periods of heavy winds. Notification to neighbours prior to works commencing
2. Impacts without controls	4. Impacts with controls
Minor: Odours generated. Limited to duration of works.	Insignificant: No or minimal odors generated.

Water

Stormwater	
1. Details of impacts	3. Control measures
Changes to stormwater flows will be created. Stormwater will discharge into Budgewoi Lake, there is potential for stormwater to contain pollutants (sediment, mulch, vegetation or hydrocarbons).	 During construction an Erosion and Sediment Control Plan (ESCP) will be created by the contractor, approved by CCC and implemented prior, during and post construction and until the site is stabilised. Designs will ensure discharged stormwater meets the ANZECC Guidelines prior to discharging into the lake. Works will cease during periods of heavy rain. Suitable spill kits are to be available on site at all times and adequately resourced. Staff must be trained in their implementation. Stockpiling is to be undertaken away from stormwater or drainage channels



	 Site will be swept, cleaned and re-instated prior to completion. Refuelling of machinery is to be undertaken away from stormwater or drainage channels.
2. Impacts without controls	4. Impacts with controls
Minor: Stormwater will potentially contain sediment or pollutants.	Positive: Improved stormwater quality.

Groundwater Groundwater	
1. Details of impacts	3. Control measures
Ground water has been encountered during Geotech; dewatering may be required during construction.	The contractor will assess the construction methodology against the <i>Water Management Act</i> , if

	a water access licence is required, it will be applied for and received from DPIE NSW prior to construction commencing https://water.dpie.nsw.gov.au/licensing-and-trade/water-access-licences-and-approvals
2. Impacts without controls	4. Impacts with controls
Insignificant: Groundwater will be intercepted but not impacted.	Insignificant: Groundwater will be intercepted but not impacted.

Water Bodies

1. Details of impacts

Budgewoi Lake is located downslope of the pathway; stormwater will be discharged post construction into the Lake.

During construction there is potential for pollutants (sediment, litter and hydrocarbons) to enter the Lake. Currently the lake receives off site storm and ground water from higher ground. This is planned to be filtered and enter the lake through stormwater pipes with rock scour.

The lake will not be directly impacted, though some reclamation will be required within the banks approx. 15m west of the lake. This area was stated by Fisheries DPI to require a Part 7 fisheries permit to install the drainage.

2. Impacts without controls

Insignificant: Works will be carried out adjacent to a water body.

3. Control measures

- During construction an Erosion and Sediment Control Plan (ESCP) will be created by the contractor, approved by CCC and implemented prior, during and post construction. ESC will be inspected daily and weekly by the contractor, if any repairs are required, they will be undertaken immediately. The inspection will include an assessment of the Lake for sediment plumes or hydrocarbons/litter. If these are identified all works will cease and the Project Environmental Controller will be contacted to undertake an assessment.
- The project will be inspected fortnightly by CCC Environmental Project controller.
- Drainage infrastructure will have a rock scour installed at drainage outlets and filter socks will be installed on all sub horizontal drains to ensure off site water quality is maintained.
- Part 7 Fisheries Permit PN22396 has been acquired and expected to be implemented during construction.
- Controls will be maintained until the site is stabilized.
- Suitable spill kits are to be available on site at all times and adequately resourced. Staff must be trained in their implementation.
- Stockpiling is to be undertaken away from stormwater or drainage channels
- Refuelling of machinery is to be undertaken away from stormwater or drainage channels.

4. Impacts with controls

Insignificant: Works will be carried out adjacent to a water body.

Soil

Soil Erosion and Disturbance 1. Details of impacts 3. Control measures

Upslope of the pathway soil disturbance will occur to stabilise the embankment. Large volumes of excavated materials will be created during the project. On the down slope of the pathway minor excavations will occur for installation of drainage outlets and associated rock scour protection.	 Materials will be classified prior to commencing work. Where practical materials will be reused onsite. If materials are unable to be reused, they will be disposed of at a licensed facility. An erosion and sediment control plan will be created, implemented and maintained prior to, during and post construction. Disturbed soils will be stabilised in perpetuity.
2. Impacts without controls	4. Impacts with controls
Soil erosion impacts without control measures	Soil erosion impacts with control measures

Acid Sulfate Soils	
1. Details of impacts	3. Control measures
Acid sulfate soils may be encountered for excavations below the path	 If Geotech identifies Acid Sulfate Soils (ASS) or Potential ASS an Acid Sulfate Soils Management Plan will be created and implemented for the project.
2. Impacts without controls	4. Impacts with controls
Acid sulphate soils impacts without control measures	Acid sulphate soils impacts with control measures

Land Contamination – Not Applicable	Comment No know contamination

Biodiversity

Native Animals (Fauna)	
1. Details of impacts	3. Control measures
Birds and reptiles may utilise the site for foraging and breeding. These species are expected to be able to traverse the site. No threatened species are likely to be utilising the site for breeding, roosting or foraging due to the poor quality of the vegetation.	 No fauna is permitted to be harmed under this assessment. If fauna is sighted it will be allowed to traverse the site unharmed. Arborists will check the area for fauna or habitat prior to clearing and grubbing. If harm to fauna occurs, cease works and contact WIRES (1300 094 737) and the Councils Environmental Reporting Section.
2. Impacts without controls	4. Impacts with controls
Minor: Fauna habitat may be disturbed.	Minor: Fauna habitat may be disturbed.

Native Vegetation (Flora)		
1. Details of impacts	3. Control measures	

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Approx 600m² of native and exotic vegetation scrub and ground covers will require removal for stabilisation of the upslope embankment. Some planted Lomandra is present, one *Glochidian ferdinandii* (Cheese tree) will require removal.

One tree on the high side, *Eucalyptus teriticornis* will also require removal.

One large *E territicornis* is present upslope with suitable hollows for fauna habitat, this tree will be retained and protected.

Upslope vegetation which will be removed is highly disturbed and dominated by exotic species. Down slope is EEC Swamp Mahogany Paper Bark Forest, this vegetation community will not be directly impacted by the proposal. The area of disturbance on the downslope is dominated by exotic flora (turf, grasses and forbes). No salt marsh species will be impacted for the installation of drainage.

- Prior to commencement of works vegetation to be retained will be delineated with flagging tapes or rope. This will include downslope protected FFC.
- Prior to tree removal, the area will be checked for fauna. If fauna is identified, it will be allowed to traverse the site unharmed or relocated by a trained ecologist to nearby and similar vegetated area.
- The site will be revegetated post construction with suitable native tree species. Revegetation will be maintained for 12 months post planting.
- Drainage installation (boring) will be carried out from upslope (pathway), no machinery is permitted downslope of the pathway.
- No native vegetation downslope is permitted to be impacted by the proposal

2. Impacts without controls

Minor: Native vegetation will be pruned or cleared.

4. Impacts with controls

Positive: Greater density, revegetation or enhanced protection of native vegetation.

Aquatic Ecology

1. Details of impacts

The area has no sea grass present within the lower slope. Saltmarsh vegetation is present at the water mark, but unlikely to be impacted by the construction of drainage outlets and associated scour protection.

3. Control measures

- Revegetation of the upper slope will be undertaken by macromat and spray seed of native seed species.
- Works will not occur in waters.
- Machinery is not permitted on the lower bank (downslope of the path).
- Part 7 Fisheries permit PN22 396 has been acquired for this project.

2. Impacts without controls

Minor

4. Impacts with controls

Aquatic ecology impacts with control measures

Threatened Species & Ecological Communities

1. Details of impacts

EEC Swamp Mahogany Paper Bark Forest is located downslope of the path and is commensurate with listed Endangered Ecological Community Swamp Sclerophyll Forest on Coastal Flood plain EEC. A test of significance has not been undertaken for this community as the vegetation will not be directly impacted, hydrological impacts associated with the proposal are unlikely to change (currently upslope stormwater is discharging to this area) and the area will be delineated and all stormwater construction (boring) will be undertaken from upslope.

3. Control measures

- CCC Project Environmental Controller will ensure all vegetation is protected and delineated prior to commencement of works.
- Revegetation of the upslope will occur using appropriate native species to offset any losses.
- No machinery is permitted to work or enter from downslope of the path.
- Project Environmental Controller will inspect the works weekly.

Upslope vegetation is unlikely to support listed fauna due to the disturbed nature and exotic flora species present	
2. Impacts without controls	4. Impacts with controls
Minor	Minor

Weeds & Pests	
1. Details of impacts	3. Control measures
Exotic flora species are present onsite. These will be removed for upslope stabilisation. Stabilisation of the embankment will occur post construction. There is potential for weeds to be spread during clearing and grubbing,	 All weed species to be removed as priority. If Noxious Weeds are identified on-site, these will be treated and disposed of at a Licensed Waste Management Facility. Reseeding of the embankment will occur with a native seed mix or revegetation through planting of tubes stock. Both options will require maintenance (watering and weed controls) until the site is stabilised and revegetation. Vehicles and plant will be cleaned off prior to entering or leaving the site for exotic flora species.
2. Impacts without controls	4. Impacts with controls
Minor: Weeds or pests will be disturbed.	Positive: Eradication or reduction of noxious weeds or pests.

Conservation Areas & Corridors – Not Applicable

Comment

Nil present

Heritage

Aboriginal Heritage	
1. Details of impacts Nil sites identified within 200m. The area is rich in Aboriginal heritage and undisturbed below the ground surface. Given the proximity to other known registered Aboriginal sites and waters RAP's have attended the site, confirming there is a high potential for	If suspected heritage is identified all works will cease and the Project Environmental Controller will be contacted to undertake an assessment.
archaeological deposits to be present. AHIMS Search Date: 05/02/2024 AHIMS Search ID: 860998	 Registered Aboriginal parties (RAP)'s have attended the site and requested attendance at ground-breaking activities. A RAP will be present on site during groundbreaking activities.
2. Impacts without controls	4. Impacts with controls
Insignificant: No Item or Place of Aboriginal heritage significance is known within the locality.	Insignificant: No Item or Place of Aboriginal heritage significance is known within the locality.

Local & State Heritage – Not Applicable

Comment

No items identified on the NSW Heritage Inventory

https://www.hms.heritage.nsw.gov.au/App/Item/SearchHeritageItems? ga=2.165972984.714120821.1658117920-

344545924.1656901875

Miscellaneous

Waste & Stockpiles

1. Details of impacts

Waste will be created from excavations of natural and construction materials.

The stockpile location has been delegated within the site boundary.

3. Control measures

- Stockpiles will be created; materials will be managed in accordance will EPA Orders and Exemptions.
- Waste classification will occur prior to works commencing.
- A Waste management Plan is required to be created and submitted to CCC for approval prior to commencing construction.
- Stockpile will be out of waters.
- Stockpiles will have ESC installed prior to commencement of works and maintained to industry standards.
- Stockpiles will be inspected daily.
- All waste will be taken to Buttonderry Waste Management Facility where materials cannot be recycled or re-used on-site.

2. Impacts without controls

Insignificant: Incidental waste & stockpiles.

4. Impacts with controls

Insignificant: Incidental waste & stockpiles.



Community Disturbance & Visual

1. Details of impacts

3. Control measures

Minor disturbance to the community through blockage of access to the path during construction.	 Adjacent residents will be informed of the construction through letter box drops, meetings and in person at least two weeks prior commencement of construction. Pedestrians will be managed by the contractor. Signage will be displayed to identify the site as a construction area. Site will be cleaned and re-instated prior to completion.
2. Impacts without controls	4. Impacts with controls
Minor: The community will be moderately disturbed during works or for short term periods.	Insignificant: The community is likely to be disturbed during works or for short term periods.

Economic	
1. Details of impacts	3. Control measures
The project is externally funded. CCC will need to budget for ongoing maintenance, currently maintenance occurs in the area and is already budgeted for.	Ongoing maintenance requirements will need to be discussed with the asset manager (open space/roads)
2. Impacts without controls	4. Impacts with controls
Minor: Ongoing operation and maintenance costs.	Insignificant: Funds allocated.

Environmental Hazards	
1. Details of impacts	3. Control measures
Due to the nature of the slope, there is potential for gravitational slips to occur.	Controls to stabilise the embankment will be further identified during final designs.
2. Impacts without controls	4. Impacts with controls
Minor	Minor

Noise & Vibration	
1. Details of impacts	3. Control measures
Minor noise and vibration impact during works.	 Standard working hours will be used for construction. Adjacent residents will be informed of the works and construction duration. PPE must be worn by all personnel on site
2. Impacts without controls	4. Impacts with controls
Minor: Noise and/or vibration will be generated during works and will impact nearby receivers.	Minor: Noise and/or vibration will be generated during works and will impact nearby receivers.

Chemicals		
1. Details of impacts	3. Control measures	

Hazardous chemical will be used, stored and transported during works.	 All chemicals will be used, stored and transported as per their label and SDS. If chemicals are to be stored in the site shed, this will be undertaken utilising a bunded area with appropriate signage installed. Suitable spill kits are to be available on site at all times and adequately resourced. Staff must be trained in their implementation. Refuelling of machinery is to be undertaken away from waterways, stormwater or drainage channels. If a chemical spill or leak occurs, contact the Environment Hotline on 4350 5789.
2. Impacts without controls	4. Impacts with controls
Insignificant: HC&DG will be stored and handled during works.	Insignificant: HC&DG will be stored and handled during works.

Climate Change	
1. Details of impacts	3. Control measures
Sea level rise may impact designs.	 Impacts to climate change will be further assessed and mitigated prior to final designs and construction methodology.
2. Impacts without controls	4. Impacts with controls
Climate change impacts without control measures	Climate change impacts with control measures

Cumulative or Additional Impacts	
1. Details of impacts	3. Control measures
N/A	• Nil
2. Impacts without controls	4. Impacts with controls
Cumulative & additional impacts without control measures	Cumulative & additional impacts with control measures





Section D: Additional Information

Date of site inspection (and attendees)

Multiple site visits have occurred between 2022 and 2024 to assess the impacts of

Jo Mack, Kirsty Bezzina, Darkinjung LALC,

Tracey Howie (Gurringai)

this proposal.

Who is the relevant landowner/asset manager?

Asset is owned by CCC and managed by Open Space and Recreation and Road Assets.

Concurrences, approvals, licences and/or permits

Part 7 Fisheries Permit and Crown Agreement

Consultation

Consultation has occurred with CCC Waterways Team, asset owners and adjacent

Other relevant information

NIL

Replacement Planting

Project environmental controller will delegate appropriate species for seeding.

Maintenance will occur for 12 months post construction.

Project Environmental Controller will induct contractors to this document and to site prior

to works commencing.

Project Handover

A Construction Environmental Management Plan (CEMP) will be created, communicated,

and implemented prior to, during and post works.

Section E: Authorisation

I have assessed the routine work activity in accordance with this Level 2 EA Form and the Environmental Assessment Guideline. The work activity meets the Level 2 EA criteria and has been assessed to have a minor environmental impact.

Register this EA in CCC's corporate record keeping system and use the Precis 'Environmental Assessment – Level 2 – Project Name – Date'. 4Task this EA for approval to an Authorising Officer via a workflow. Ensure that the control measures committed to in this EA are feasible and effectively communicated to those persons who will be undertaking the work activity.

Assessing Officer	Position	Section	Date
Joanne Mack	Project Environmental Controller	Environmental health and Systems	25/07/2024

I have reviewed the Environmental Assessment for the work activity and concur with the Environmental Assessment that the work activity is for minor works and will have a minor environmental impact. The activity is approved to proceed in accordance with the control measures committed to within this EA.

Authorising Officer	Position	Section	Date

Authoriser's Checklist

Environmental Assessment a.k.a. REF)

General

1. Does the form refer to the correct site and project details?	Comments
2. Has the correct level of assessment and form been used?	Comments
3. Has the assessment been completed during the planning stage of the project?	Comments
4. Has a site inspection been undertaken by the Assessing Officer?	Comments
5. Have all the supporting documents been referenced or attached?	Comments
6. Are all sections of the form completed correctly?	Comments
7. Have all relevant concurrences, approvals, licences and/or permits been obtained?	Comments
8. Has consultation with the Environmental Reporting Section occurred or other form of peer review been undertaken (if deemed necessary)? Control Measures	Comments
9. Have genuine efforts been made to first avoid then minimise, or as a last resort, offset the environmental impacts of the project?	Comments
10. Are all control measures specific, relevant and achievable (i.e., not generic and not 'cut and paste' or broad statements)?	Comments
11. Are all impacts 'minor' or less? (Potentially significant or significant environmental impacts would trigger the requirement for a Level 3	Comments

Comments

Provide any additional comments here

Colleen Birch Environmental Management Coordinator 05/08/2024

Appendix 1: Threatened Species Assessment

Threatened Species Assessment

Assessment of significance to threatened species, ecological communities or Matters of National Environmental Significance (MNES) pursuant to Section 7.3. of the Biodiversity Conservation Act 2016 and the Environment Protection and Biodiversity Conservation Act 1999. This section must only be completed by a qualified Ecologist, Environment Officer or consultant.

What threatened species, communities MNES or are being assessed?

Description

Description of impact to threatened species communities or MNES

Description

Matters for consideration

1. In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

Significance

- 2. In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
 - **a.** is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

Significance

- 2. In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
 - **b.** is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

Significance

- **3.** In relation to the habitat of a threatened species or ecological community:
 - **a.** The extent to which habitat is likely to be removed or modified as a result of the proposed development or activity.

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- 3. In relation to the habitat of a threatened species or ecological community:
 - **b.** Whether an area or habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity.

Significance

- 3. In relation to the habitat of a threatened species or ecological community:
 - **c.** The importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality.

Significance

4. Whether the proposed development or activity is likely to have an adverse effect on any declared area or outstanding biodiversity value (either directly or indirectly).

Significance

5. Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

Significance

Environment Protection and Biodiversity Conservation Act

Is the proposed action likely to have a significant impact on a Matter of National Environmental Significance?

Significance

Is the proposed action likely to have a significant impact on the environment in general?

Significance

Additional comments and Control Measures

Comments

Assessing Officer Name	Position	Service Unit	Date
Assessing Officer Name	Position	Service Unit	Date



Our Ref: PN22/396

15 December 2022

Joanne Mack Environmental Reporting and Emergency Management Central Coast Council PO Box 20 Wyong, NSW 2259

email: <u>Joanne.Mack@centralcoast.nsw.gov.au</u>

phone: 02 4304 4384

Dear Joanne,

RE: Permit PN22/396 for dredging, reclamation and harm to marine vegetation for disaster recovery works within the Central Coast Council Local Government Area.

I refer to your application of 9 September 2022 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 for dredging or reclamation, to harm marine vegetation and to block fish passage 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 \$531 (for 2 permit authorities ie. dredging/reclamation PLUS harm marine vegetation) has been raised and will be posted separately. Payment will need to be finalised to activate the attached permit.

Please find your Part 7 permit 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 Fisheries 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 Fisheries Contact Officer listed on the first page of the permit so that your concerns can be considered.

Please note that the attached permit providing authorisation under the FM Act to undertake dredging and reclamation and harm to marine vegetation does not provide authorisation under any other Act or planning instrument. It is Council's responsibility to ensure it possesses 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 1979*, land owners consent and/or a licences under the *Crown Land Management Act 2016*, and controlled activity approvals under the *Water Management Act 2000*.

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, Council is 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 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 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 Blue Book - Managing Urban Stormwater: Soils and Construction" (4th Edition, reprinted July 2006), (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 Sarah Conacher on sarah.conacher@dpi.nsw.gov.au.

Yours sincerely,

Sarah Conacher

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Senior Fisheries Manager, Central/Metro

Authorised delegate of the Minister for Agriculture and Western NSW

cc: Fisheries Compliance



Permit under Part 7 of the FISHERIES MANAGEMENT ACT 1994

Permit Number:	PN22/396
Permit Holder:	Joanne Mack Environmental Reporting and Emergency Management Central Coast Council PO Box 20 Wyong, NSW 2259
	email: <u>Joanne.Mack@centralcoast.nsw.gov.au</u> phone: 0400 153 077
	Contact: Bhusan Acharya
	Phone: 0448 412 705
	Email: bhusan.acharya@centralcoast.nsw.gov.au
Permit Area:	Various waterways and locations within the Central Coast Council LGA as listed in Appendix 1
Permit Activity:	Dredging and reclamation and harm marine vegetation and block fish passage associated with disaster recovery works (as described in your application dated 9 September 2022)
Fisheries Manager Contact:	Sarah Conacher Phone: 8437 4981 or 0419 314 437 E-mail: sarah.conacher@dpi.nsw.gov.au
Fisheries Compliance Office Contact: Central Coast	Ben Travis Email: ben.travis@dpi.nsw.gov.au Mobile: 0428 741 297

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

30 December 2024

This permit is subject to the following Conditions:

1A If additional site-specific information is still required or new sites identified, CCC must submit the remaining information no less than three (3) weeks prior to commencement of construction for each individual location. DPI may require additional time to review upcoming works.

Additional information which will be provide prior to commencement of construction will include:

- · Site identification information
- Description of works including final designs
- Information on any additional approvals, permits or licences (Planning controls)
- Review of Environmental Factors (REF) which will include:
 - o Description of the site and environs



- o Ecology report if impacts require and test of significance for threatened species
- o Vegetation and biodiversity including aquatic
- o Control measures
- o CEMP
- o Consultation with other regulatory bodies
- Project details
 - o Dredging
 - o Reclamation
 - o Harm to marine vegetation

ADMINISTRATIVE CONDITIONS

- 1) The **Acceptance of Conditions** form (attached) must be completed and returned to the nominated Fisheries 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 Fisheries Compliance (fisheries.compliance@dpi.nsw.gov.au) **and** the Fisheries Contact Officer (contact details listed above) 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.
- The **Active Works Notification** form (attached) must be completed and sent to Fisheries Compliance (fisheries.compliance@dpi.nsw.gov.au) **and** the Fisheries Contact Officer (contact details listed above) at least 1 day BEFORE works are complete or machinery is removed from the site. 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.
- The **Post Works Notification** form (attached) must be completed and sent to Fisheries Compliance (fisheries.compliance@dpi.nsw.gov.au) **and** the Fisheries Contact Officer (contact details listed above) 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 compliance with the Conditions of this permit.
- 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.

EXTENT OF WORKS

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.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN & OTHER PLANS

- 7) A Construction Environmental Management Plan (CEMP) detailing provisions relating to the items listed below, is to be prepared and implemented on site **prior to any works commencing.** The CEMP must address:
 - a. Site delineation and marking of "no go" areas (with the aim of keeping the impacted area to a minimum), including potential impacts to marine vegetation.
 - b. An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented in a manner consistent with currently accepted Best Management Practice (i.e. Managing Urban Stormwater: Soils and Construction 4th Edition Landcom, 2004). Erosion and sediment control (ESC) devices must be designed to prevent sediment from entering the waterway and to prevent sediment plumes from spreading within the waterway. ESC devices must be installed prior to earth works commencing and be maintained in good working order for the duration of the works and subsequently until the site has been stabilised and the risk of erosion and sediment movement from the site is minimal. The ESCP must include, but is not limited to:
 - 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.
 - A floating silt curtain is to be erected in a semi-circular arrangement with ends against the bank so as to contain all suspended sediments within the work area.
 - c. Use of temporary crossings or other access works (with the aim of keeping the impacted area to a minimum),
 - d. Material storage and stockpiling well away from the waterway (with the aim of keeping the impacted area to a minimum),
 - e. Site restoration and clean up (with the aim of ensuring that the impacted area recovers as soon as possible),
 - f. Site rehabilitation and revegetation (with the aim of ensuring that there are no long term impacts after works are completed).

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.

ACID SULFATE SOIL MANAGEMENT PLAN

8) An acid sulfate soil management plan is to be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment and Management Guidelines* (Acid Sulfate Soil Management Advisory Committee 1998) and developed consistent with best management practice outlined in *Restoring The Balance: Guidelines for Managing Floodgates and Drainage Systems on Coastal Floodplains* available at:

http://www.dpi.nsw.gov.au/ data/assets/pdf_file/0007/167875/restoring-balance-guidelines.pdf

The plan must comply with the NSW EPA Waste Classification Guidelines, Part 4: Acid Sulfate Soils.

Reason – Avoid oxidisation, and or appropriately treating potential acid sulfate soils to minimise impacts on aquatic ecosystems.



DEWATERING PLAN

9) The site shall not be dewatered, unless a Dewatering Management Plan is prepared as part of the Construction Environmental Management Plan required under Condition 1A of this permit. 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.

WORK IN WATERS

- 10) 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.
- 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.
- 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.

 Reason To reduce the threat of an unintended pollution incident impacting upon the aquatic environment.
- 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 or temporary crossingwithin the bed of the waterway.

 Reason Improve the ability to remove imported clean rock used in the work platform.
- 14) TIMING OF WORKS FOR LOW FLOWS/LOW TIDES
- Works are to be undertaken during low flows in the and when Bureau of Metrological forecast for the region indicates several days of clear, dry weather.

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

THREATENED AND PROTECTED SPECIES

The REF for each work must include the assessment of impacts and potential, mitigation and offsets for harming any threatened species listed, of particular concern are Strapweed, (Posidonia australis), Whites seahorse (Hippocampas whitei) and all seahorses and pipefish (Syngnathids). Any identified potential impacts on these species will require further assessment by DPI.

AVOIDING HARM TO SNAGS, MARINE AND RIPARIAN VEGETATION

- 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 Fisheries Contact Officer. Any harm caused is to be restored in accordance with directions provided by the Fisheries Contact Officer.

 Reason To ensure that impacts on aquatic habitats and the riparian zone are minimised.
- 18) 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 and should be located away from drainage lines and overland flow paths. 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.

- 19) No snags¹ are to be removed, realigned or relocated without first obtaining the written authority of the Senior Fisheries Manager.

 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.
- A Riparian Vegetation Rehabilitation Plan shall be developed prior to the commencement of activities approved by this permit and be attached to the CEMP.

 Reason "Degradation of native riparian vegetation along NSW water courses" is listed as a Key Threatening Process under the provisions of the FM Act, noting that estuarine and marine waters are excluded from the definition for this KTP. This approval has been granted on the basis that native riparian vegetation on the banks of the creek will not be removed or degraded.
- On completion of the works the site is to be rehabilitated and stabilised including but not limited to:
 - 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.
 - Appropriate maintenance of erosion and sediment control devices is to be undertaken until the vegetation has successfully established and the site has stabilised OR until the suspended sediments have settled out of the water column.

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.

COMPENSATORY / OFF-SET WORKS

22) NSW DPI enforces a 'no net loss' habitat policy. Any loss of habitat may require an offset to be developed by Council and approved by the Department before work can commence. Reason - DPI Fisheries policy and guidelines require that impacts on important fish habitats are appropriately remediated or compensated.

NOTIFICATION AND CONSULTATION WITH KEY FISHERIES STAKEHOLDERS

Oyster growers with leases within 2km of the work site are to be informed of any proposed works and works are to be timed to avoid impacting on oyster aquaculture activities such as, but not limited to, spat collection periods.

Reason – To minimise the impacts on Priority Oyster Aquaculture Areas.

FISH KILL CONTINGENCY

24) 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

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).



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;
- 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,

Sarah Conacher

Senior Fisheries Manager, Central/Metro

Authorised delegate of the Minister for Agriculture and Western NSW

15 December 2022



Appendix 1: Current list of CCC locations, Part 7 permit - disaster recovery 2022

Project Name	Suburb	Latitude	Longitude
Hereford St, Berkeley Vale (CH 1100) - Embankment Stabilisation	Berkeley Vale	-33.324417	151.421139
River Rd, Wyong (HN 12) - Embankment Stabilisation	Wyong	-33.28747	151.42372
Palmdale Rd, Palmdale (HN 191) - Embankment Stabilisation	Palmdale	-33.32588	151.36503
Palmdale Rd, Palmdale (HN 31) - Embankment Stabilisation	Palmdale	-33.33194	151.37703
Howes Road, ourimbah (HN 37) - Embankment Stabilisation	Ourimbah	-33.3469	151.3792
South Tacoma Rd, Tacoma South (HN 80) - Embankment Stabilisation	Tacoma South	-33.28835	151.45025
South Tacoma Rd, Tuggerah (CH 750;HN 1897) - Embankment Stabilisation	Tacoma South	-33.29230556	151.43075
Wisemans Ferry Rd, Spencer (CH 35200) - Embankment Stabilisation	Spencer	-33.4656	151.1123
Wisemans Ferry Rd, Gunderman (CH40410) - Embankment Stabilisation	Gunderman	-33.4497	151.0828
Wisemans Ferry Rd, Gunderman (CH 43,300) - Embankment Stabilisation	Gunderman	-33.44984	151.06552
Wisemans Ferry Rd, Gunderman (CH 46,300) - Embankment Stabilisation	Gunderman	-33.43285	151.04828
Wisemans Ferry Rd, Gunderman (CH 54900) - Embankment Stabilisation	Wisemans Ferry	-33.3904	150.9943
Wisemans Ferry Rd, Gunderman (CH 55000) - Embankment Stabilisation	Wisemans Ferry	-33.38937	150.99417
Wisemans Ferry Rd, Gunderman (CH 56000) - Embankment Stabilisation	Wisemans Ferry	-33.38079	150.99239
Wisemans Ferry Rd, Gunderman (CH 56100) - Embankment Stabilisation	Wisemans Ferry	-33.38017	150.99217

Note: This list is not exhaustive, due to the nature of the failures it is expected additional locations will be identified.



Permit No. PN22/396 issued under Part 7 of the Fisheries Management Act 1994

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. PN22/396 for dredging, reclamation and harm to marine vegetation for disaster recovery works within the Central Coast Council Local Government Area:

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:	
Permit holder's signature:	
Date:	

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

Fisheries Contact Officer – Sarah Conacher Email: sarah.conacher@dpi.nsw.gov.au

AND



Permit No. PN22/396 issued under Part 7 of the Fisheries Management Act 1994

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. PN22/396 for dredging, reclamation and harm to marine vegetation for disaster recovery works within the Central Coast Council Local Government Area:

Commence Works Notification Form

(Note: to be completed and returned 3 days be	efore commencement of works)
Permit Holder's Name	
Permit Number	
Site Location	
Works	
Commencement Date:	
Comments:	
Project Manager:	Date:
Please ensure you have SIGNED	. •

) a copy for your records before you email or text it to:

Fisheries Contact Officer - Sarah Conacher Email: sarah.conacher@dpi.nsw.gov.au

AND



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PLEASE COMPLETE THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. PN22/396 for dredging, reclamation and harm to marine vegetation for disaster recovery works within the Central Coast Council Local Government Area:

Active Works Notification Form

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

Permit Holder's Name	e	 		
Permit Number _				
Site Location _		 		_
_				_
Works _		 		_
Commencement Date	e:	 	_	
Anticipated Completic	on Date:	 		
Comments:				
Project Manager:		 	_Date:	

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

Fisheries Contact Officer – Sarah Conacher Email: sarah.conacher@dpi.nsw.gov.au

AND



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

PLEASE COMPLETE THIS PAGE AND RETURN TO DPI FISHERIES

In reference to Permit No. PN22/396 for dredging, reclamation and harm to marine vegetation for disaster recovery works within the Central Coast Council Local Government Area:

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		_
Permit Number _		
Site Location		
Works		
Date Completed		
	or complicated, i.e. were there complications that made nditions e.g. weather, unforseen geological conditions, e	
Project Manager:	Date:	
•	ou have SIGNED this page and RETAII ecords before you email or text it to:	NED a

Fisheries Contact Officer – Sarah Conacher Email: sarah.conacher@dpi.nsw.gov.au

AND