



NSW DEPARTMENT OF PRIMARY INDUSTRIES

APPLICATION FORM:

PERMITS UNDER PARTS 2 & 7 OF THE FISHERIES MANAGEMENT ACT 1994

Please tick the permit(s) you require.

Dredging and/or reclamation (Part 7)

Any person or local government authority performing dredging, excavation, reclamation or filling work within a waterway requires a permit from NSW Department of Primary Industries (NSW DPI) unless the work has been authorised under the Crown Lands Act 1989 or by a relevant public authority (not a local government authority).

Note: If you intend to obtain, or have already obtained, approval for these works from another relevant public authority (not a local government authority) such as the Department of Water and Energy, you do not need to obtain a second approval from NSW DPI. However, that public authority is required to consult with NSW DPI and obtain the concurrence of the department.

Fish passage obstruction (Part 7)

Any structure (such as a weir, causeway or dam) that may inhibit or obstruct the movement of fish within a waterway.

Harm marine vegetation (Part 7)

Any damage to or destruction of mangroves, seagrasses or seaweeds growing on public water land or the foreshore of public water land. Includes cutting, poisoning, removing, trimming, pulling up, gathering or shading. Includes both live and dead or detached material (e.g. shoreline wrack).

Use of explosives (in a waterway) (Part 2)

A APPLICANT DETAILS

A1 Name _____

A2 Organisation _____

A3 Address (street and postal) _____

A4 Contact person (if different from above) _____

C PLANNING CONTROLS

C1 What planning instruments (e.g. SEPPs, REPs, LEPs, DCPs) apply? Do any of these require special consideration for this proposal? _____

C2 What is the zoning? (number **and** name please) _____

C3 Is the proposal a form of development that is prohibited in that zone? yes no

If your development is prohibited, your application will not be processed.

C4 Is development consent required? _____

If development consent is required but not already granted, we will not continue to process this application. Submit your proposal as an integrated development application to Council before applying for a permit from NSW DPI.

C5 Has development consent already been granted by Council? yes no

If yes, please provide a full copy of the determination.

C6 Have you applied for any other permits, licenses etc. which are related to the proposed development (e.g. from DECC)? yes no

C7 Have such permits, licences etc been issued? yes no

If so, please provide copies of these permits or applications.

				Office use only
Is the proposal compatible with:				
DCP:	yes	<input type="checkbox"/>	no	<input type="checkbox"/>
LEP:	yes	<input type="checkbox"/>	no	<input type="checkbox"/>
REP:	yes	<input type="checkbox"/>	no	<input type="checkbox"/>
SEPPs:	yes	<input type="checkbox"/>	no	<input type="checkbox"/>
Aquatic Habitat and Fish Conservation policies and guidelines:		yes	<input type="checkbox"/>	no <input type="checkbox"/>
Other policies _____				

D DESCRIPTION OF SITE AND ENVIRONS

D1 General site description

D2 Please describe the aquatic and riparian environment within and adjacent to the proposed works/activities footprint (e.g. width, depth, flow rate, pool/riffle sequence, substrate type, presence/absence of aquatic vegetation, riparian vegetation, slope of adjacent land etc):

D3 What are the adjoining land uses?

D4 What are the adjoining vegetation types and what is its condition?

IMPORTANT: Include several original colour photographs of the site (not photocopies); if these are not attached, your application will be returned without processing.

E PROJECT DETAILS

- E1 Describe the works proposed (include information relating to what will be done, how it will be done, the environmental protection safeguards that will be employed, and site rehabilitation).

(* In the questions below, an asterisk marks a compulsory field)

a. Dredging

Important: Please provide details listed in Appendix 1 Part A.

* Dimensions of area to be dredged: length x width x depth (m) _____

* Volume to be dredged (m³) _____

b. Reclamation

Important: Please provide details listed in Appendix 1 Part B.

* Dimensions of area to be reclaimed: length x width x depth (m) _____

* Volume of material to be used as fill (m³) _____

c. Fish passage obstruction

Important: Please provide details listed in Appendix 1 Part C.

d. Harm marine vegetation

Important: Please provide details listed in Appendix 1 Part D.

e. Use of explosives

Important: Please provide details listed in Appendix 1 Part E. Attach extra sheets if required or provide details in EIS, REF or SEE and include a copy with this application.

Provide copies of engineering drawings if available. If not available, include a sketch diagram of proposed works including temporary structures such as coffer dams. Application will be returned if this is not done.

E2 What are the objectives/purpose of the works?

E3 Expected commencement date: _____

E4 Expected completion date: _____

E5 Provide a justification of the proposal in terms of environmental, economic and social considerations. Discuss any feasible alternatives, the reasons for your preferred approach, and the consequences of not carrying out the proposed activity.

E6 Describe (list) the measures you propose to take to protect the environment (including site delineation, erosion and sediment control, rehabilitation and revegetation; maintenance and monitoring) or attach a copy of the Construction Environmental Management Plan (CEMP) that will apply to works. If a CEMP is not currently available, any permit issued will include a condition requiring the preparation and submission of a CEMP two weeks prior to any works taking place.

The CEMP should consist of simple statements and diagrams of how each of the following factors will be managed on site to achieve the stated aim:

- a. Site delineation and marking of 'no go' areas (with the aim of keeping the impacted area to a minimum)
- b. Erosion and sediment control (with the aim of achieving an outcome of 'no visible turbid plumes reaching the waterway', for any rainfall event up to a 1 in 2 year ARI event)
- c. Material storage and stockpiling (with the aim of keeping the impacted area to a minimum)
- d. Site restoration and clean up (with the aim of ensuring that the impacted area recovers as soon as possible)
- e. Site rehabilitation and revegetation (with the aim of ensuring that there are no long-term impacts after works are completed).

F EVALUATION OF RISK OF ENVIRONMENTAL IMPACTS

Note: The following points (F1 to F15) are paraphrased from Section 228 of the *Environmental Planning and Assessment Regulation 2000*.

Assess the risk of impacts on-site, off-site, including downstream, and risks during construction and subsequently during operation.

In each case where the risk is assessed as being high or moderate, please provide information regarding the environmental consequences.

What is the risk that there will be:		High	Moderate	Low	Nil
F1	an environmental impact on a community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:.....					
F2	a transformation of a locality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:.....					
F3	an environmental impact on the ecosystems of a locality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:.....					
F4	a reduction of the aesthetic, recreational, scientific or other environmental quality of value of a locality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:.....					
F5	an effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:.....					

	What is the risk that there will be:	High	Moderate	Low	Nil
F6	an impact on the habitat of protected fauna (including fish)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consequences if risk is high–moderate:.....				
F7	an endangering of any species of animal or plant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consequences if risk is high–moderate:.....				
F8	a long-term effect on the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consequences if risk is high–moderate:.....				
F9	a degradation of the quality of the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consequences if risk is high–moderate:.....				
F10	a risk to the safety of the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consequences if risk is high–moderate:.....				
F11	a reduction in the range of beneficial uses of the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consequences if risk is high–moderate:.....				
F12	pollution of the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consequences if risk is high–moderate:.....				

What is the risk that there will be:		High	Moderate	Low	Nil
F13	an environmental problem associated with the disposal of waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:.....					
.....					
F14	any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:.....					
.....					
F15	a cumulative environmental effect with other existing or likely future activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:.....					
.....					

G EVALUATION OF POTENTIAL IMPACTS UPON THREATENED SPECIES AND THEIR HABITATS

G1 Are any threatened species, populations or communities of plant, mammal, bird, reptile, amphibian or fish species likely to occupy, depend upon, pass through or use the works site?

Note: Applicants should check the listings available at:

- for fish and marine vegetation:

http://www.fisheries.nsw.gov.au/threatened_species

- for plants, mammals, birds, reptiles and amphibians:

<http://www.environment.nsw.gov.au/threatenedspecies>

- for all species listed at the Federal level:

<http://www.deh.gov.au/cgi-bin/sprat/public/publiclistchanges.pl#process>

(That is, is the worksite likely to be habitat for a threatened species, population or ecological community?)

yes no

If yes please list:

G2 Is the work site within an area of **critical habitat** for a threatened species or population?

yes no

If yes please list:

G3 Is the type of work one that could be categorised as a **key threatening process** either wholly or partly?

yes no

If yes please explain:

G4 Is the proposal likely to affect these species/populations/communities? yes no

If not, explain why not:

Important: If the proposal is likely to affect these species/ populations/ communities in any way, you will need to assess the potential significance of

the impacts by completing a Test of Significance (Appendix 2) for each species/population/community.

If the Test of Significance indicates that impacts are likely to be significant, you have two choices:

1. Modify the proposal to eliminate or ameliorate the potential impacts. This may include redesigning the proposal, including additional ameliorative measures, including compensatory actions or offsets, rescheduling etc.
2. Prepare a Species Impact Statement and submit it with the application. Requirements for the SIS must be obtained from NSW DPI or DECC depending upon the species group.

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) establishes a system of environmental assessment and approval by the Commonwealth for actions that significantly affect matters of national environmental significance. Further information on the EPBC Act is available from the Commonwealth Government's website, at <http://www.environment.gov.au/epbc/index.html>.

In January 2007, the Commonwealth and NSW governments signed a Bilateral Agreement which allows the assessment regimes under the Environmental Planning and Assessment Act 1979 (Parts 3A, 4 and 5 of the EP&A Act) to be automatically accredited under the EPBC Act. This means that separate assessment processes are not required. The Bilateral Agreement only covers matters that are determined to be 'controlled actions' by the Commonwealth Government (see <http://www.planning.nsw.gov.au/assessingdev/environmentalassessment.asp>).

In accordance with the NSW Assessments Bilateral Agreement, please advise NSW DPI if this proposal is likely to have an impact upon any 'Matter of National Environmental Significance' under the EPBC Act, such as:

- heritage values of World Heritage properties
- listed National Heritage places
- wetlands of international importance (Ramsar wetlands)
- Commonwealth-listed threatened species and ecological communities
- listed migratory species

If you are unsure, please refer to the following website for more information:

<http://www.environment.gov.au/epbc/matters/index.html>

If you believe it will, you have an obligation under the EPBC Act to refer the proposal to the Commonwealth Environment Minister for a decision as to whether the action is a 'controlled action' and therefore requires assessment and approval.

G5 Has the proposal been referred to the Commonwealth Environment Minister? yes no

G6 If yes, what was the Commonwealth Environment Minister's determination?

Not a controlled action: no assessment required

A controlled action: assessment required

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Has the applicant adequately determined the potential impacts upon threatened species?

yes no

Are the impacts upon threatened species, populations or communities likely to be non-existent or negligible?

yes no

If not, seek additional information.

Should the proposal be referred to the Commonwealth Minister with responsibility for the environment for determination if the action is a 'controlled action'? That is, are impacts upon 'Matters of National Environmental Significance' likely?

yes no

If the proposal has been referred to the Commonwealth Minister and he/she has determined that the proposal is a controlled action and needs to be assessed, an assessment report needs to be completed and a copy of the assessment report must be provided to the Department of Planning (who will provide it to the Commonwealth Minister). The permit must not be issued until the Commonwealth Minister's determination is known.

H CONSULTATION

What consultation, if any, has occurred with the following agencies? What was the outcome?

H1 Local Council

H2 Department of Environment and Climate Change

H3 Adjoining landholders

H4 Other (excluding Commonwealth Department responsible for environment and water resources as per section G above, where relevant)

I DECLARATION

I/we, the applicant/s do hereby declare and affirm that the information provided on this form is accurate to the best of my knowledge, belief and information.

Applicant/s signature/s _____

Date _____

Application fees:

With your application, include a cheque made payable to:
NSW Department of Primary Industries
(ABN: 51 734 124 190)

Dredging and/or reclamation and/or obstruct fish passage: **\$225**

Marine vegetation: if the Director-General is of the opinion that an inspection of the relevant area is required before the application can be determined **\$124**

or if the Director-General is not of that opinion **\$64**

Explosives: **\$127**

Note: These fees may be waived under some circumstances such as a community group undertaking environmental restoration works.

APPENDIX 1 ADDITIONAL DETAILS OF PROPOSED WORKS

Part A: DREDGING proposals

- a) For how long will the dredging works/activities occur (indicate if ongoing)?

- b) For what months of the year are the dredging works/activities proposed?

- c) What are the dimensions of the area(s) to be dredged?

- d) What is the total volume of material to be dredged?

- e) Where and how will the dredged material be disposed of?

- f) To what depth below the existing bed will material be removed (give range if variable)?

- g) What is the nature of the material to be dredged?

- h) Is the material to be dredged likely to be contaminated by heavy metals or organohalide compounds e.g. organochlorides (give details)?

- i) Does the material to be dredged have acid forming characteristics (give details)?

- j) How is the area of works/activities to be marked (please note that suitable marking of the works area will be a condition of consent)?

- k) What environmental safeguards will be used during and after dredging?

Part B: RECLAMATION proposals, including causeways, bridge approaches and retaining walls or seawalls

- a) For how long will the area remain reclaimed (indicate if permanent)?

- b) For what months of the year are the reclamation works/activities proposed?

- c) What are the dimensions of the area to be reclaimed?

- d) What types of materials are to be used in reclamation?

- e) Are the materials to be used in reclamation contaminated by heavy metals or organohalide compounds e.g. organochlorides (give details)?

- f) Do the materials to be used in reclamation have acid forming characteristics (give details)?

- g) How is the area of works/activities to be marked (please note that suitable marking of the works area will be a condition of consent)?

- h) What environmental safeguards will be used during and after reclamation

Part C: Obstruct FISH PASSAGE proposals

1. Aquatic environment

- a) How often does the waterbody contain water? (If intermittent, estimate average annual frequency)

- b) Are there permanent waterholes upstream or downstream? Give details:

- c) Are there any natural or human-made obstructions to fish passage nearby (give details)? If so, how often are these obstructions 'drowned out'?

- d) Are fish migrations known to occur in the area? Give details of fish species and the time(s) of migrations:

2. Reason for obstructing or blocking fish passage

- (a) Why is it necessary to obstruct or block fish passage?

3. Characteristics of obstruction or blockage

- a) For how long do you propose to obstruct or block fish passage:

3 months or less 3-6 months 7-12 months

If longer, please specify number of months or years: _____

- b) By how much will the proposed obstruction or blockage to fish passage reduce the cross-sectional area of the water course (tick appropriate box):

5% or less

5-10%

10-20%

20-50%

or more than 50%

- c) If the proposed obstruction or blockage to fish passage contains openable 'gates' or other structures (e.g. a regulator), how often and when will it be open and enable fish passage? Give details:

- d) What 'headloss' or 'afflux' is expected across the obstruction or blockage to fish passage under the following flow conditions:

Flow	Headloss/afflux (mm)	Water velocity (cm/s)
Average flow		
1:2 year flood		
1:5 year flood		
1:10 year flood		
1:20 year flood		

4. Restoring fish passage

- a) Describe measures proposed for maintaining fish passage during the proposed works/activities (e.g. fishways, bypass channels, trapping and manual relocation):
-
- b) If works will be removed after a time, how will fish passage be restored?
-
- c) Will restoration of fish passage restore similar conditions to the waterbody as existed before the blocking of fish passage: yes or no ?
- d) If not, please clearly describe any changes:
-

5. Environmental compensation

- a) Describe environmental compensation measures for unavoidable and permanent blockage of fish passage (e.g. other improvement projects for the aquatic environment):
-

Part D: Harm MARINE VEGETATION proposals

1. Type of marine vegetation to be harmed

Please tick relevant box(es) and insert species names:

- a) Mangroves species (e.g. *Avicennia marina*, *Aegiceras corniculatum*)
- b) Seagrasses species (e.g. *Zostera*, *Posidonia*, *Ruppia*, *Halophila*)
- c) Marine macroalgae species/groups (e.g. kelp, coralline algae, *Ecklonia*)

2. Amount of marine vegetation to be harmed

- a) Area of mangroves and/or number of trees

- b) Area of seagrass

- c) Area of macroalgae and/or number of plants

Part E: Use of EXPLOSIVES OR ELECTRICAL DEVICES proposals

Electrical device

- a) Why is the electrical device being used? _____
- b) What type of electrical device will be used? _____
- c) How large is the area to be affected by the electrical device? _____

Explosives

- a) Why are explosives being used? _____
- b) What type of explosives will be used? _____
- c) How large is the area of waterway to be affected by the explosion? _____
- d) What precautions will be employed to minimise the area affected e.g. bubble curtains, multiple small charges etc. _____

APPENDIX 2 TEST OF SIGNIFICANCE (7 PART TEST)

Factor	Yes	No
<p>1 In the case of a threatened species, whether the action proposed 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:</p> <p><i>Comment:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2 In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction:</p> <p><i>Comment:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3 In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</p> <p>i) 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</p> <p>ii) is likely to substantially and adversely modify the composition of the ecological community such that its occurrence is likely to be placed at risk of extinction:</p> <p><i>Comment:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4 In relation to the habitat of a threatened species, population or ecological community:</p> <p>i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and</p> <p>ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality:</p> <p><i>Comment:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5 Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly):</p> <p><i>Comment:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6 Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan:</p> <p><i>Comment:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>7 Whether the action proposed constitutes or is of a Key Threatening Process or is likely to result in the operation of, or increase the impact of, a Key Threatening Process:</p> <p><i>Comment:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

The remainder of this form is for *office use only*

CONCLUSION

Strike out two (2) of A, B or C.

A. The described activity

1. **is not** likely to have a significant effect on the environment, threatened species, populations or ecological communities, or their habitats, and
2. No assessment under the EPBC Act is required and
3. A permit can be issued with standard conditions.

B. The described activity

1. **is not** likely to have a significant effect on the environment, threatened species, populations or ecological communities, or their habitats if certain modifications, additional safeguards and ameliorative measures are implemented, and
2. No assessment under the EPBC Act is required and
3. A permit can be issued with special conditions.

Recommended modifications/conditions: _____

C. The described activity

1. **is** likely to have a significant effect on the environment, threatened species, populations or ecological communities, or their habitats, or
2. **A referral to the Commonwealth Minister for the Environment has been made** and
3. A permit should **not** be issued at this stage.

An Environmental Impact Statement is required. Yes/No

A Species Impact Statement is required. Yes/No

A determination by the Commonwealth Environment Minister is required Yes/No

CERTIFICATION

I certify that:

- a) the Department's responsibilities in terms of the *Environmental Planning and Assessment Act 1979* have been fulfilled (including responsibilities in relation to the NSW Assessments Bilateral Agreement between the NSW and Commonwealth Governments)
- b) all matters affecting or likely to affect the environment by reason of the activity proposed have been examined and taken into account to the fullest extent possible.

Name of Action Officer

Position

Signed: _____ **Date:** _____

Supported/Not Supported

Name and position of Grade 9/10 Manager

Signed: _____ **Date:** _____