



Department of
Primary Industries

DPI FISHERIES

Permit Application Parts 2 & 7 of the Fisheries Management Act 1994

Permit Application Part 1 of the Marine Estate Management (Management Rules) Regulation 1999

Permit Application Marine Estate Management (Aquatic Reserve) Notification 2020

April 2023

SUBMIT APPLICATIONS TO:

ahp.central@dpi.nsw.gov.au

For updates go to www.dpi.nsw.gov.au/fishing/habitat/help/permit

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (April 2023). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

Published by the Department of Primary Industries

Application form for a PERMIT to dredge, reclaim, obstructing fish passage, harm marine vegetation, use explosives or electrical devices in a waterway in accordance with PARTS 2 & 7 of the *Fisheries Management Act 1994*

Application form to harm animals or plants or take or interfere with habitat in a marine park in accordance with Part 1 of the Marine Estate Management (Management Rules) Regulation 1999

Application form to undertake an activity that is prohibited in an aquatic reserve in accordance with the Marine Estate Management (Aquatic Reserve) Notification 2020.

1. Before proceeding, please check the Policy Definition of Key Fish Habitat and the relevant Key Fish Habitat maps available at:

<http://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/key-fish-habitat-maps>

If your proposed work site is not within or adjacent to a waterway that fits the definition of Key Fish Habitat and/or is not mapped as Key Fish Habitat, you do not need a permit for dredging, reclamation, obstructing fish passage under the *Fisheries Management Act 1994*. You may still need a permit to harm marine vegetation (such as saltmarsh or mangroves) if such vegetation occurs on an unmapped waterway on public water land (please check with your local Fisheries Manager). You may still need a permit to use explosives or electrical devices as well as an approval under other legislation (such as the *Water Management Act*, *Crown Lands Management Act* or *Environmental Planning and Assessment Act*).

2. **Please check the location and details of marine parks and aquatic reserves available at:**

<http://www.dpi.nsw.gov.au/fishing/marine-protected-areas>

If your proposed work site is within a marine park or aquatic reserve you will need a permit to harm animals or plants or damage, take or interfere with habitat (including soil, sand, shells or other natural materials) or conduct an activity that is prohibited under the Marine Estate Management Regulation 2017. Please complete all relevant sections, including Appendix 2.

3. **When completed, email your application to: ahp.central@dpi.nsw.gov.au**

Use the following format in the Subject Line:

Fisheries Permit Application - (Name of organisation or individual) - (Name of waterway) - (Type of Works)
e.g. Fisheries Permit Application - Black Hills Council - Smiths Creek - Causeway Replacement

Do not send payment. The Department will invoice you for the permit based on the fee structure on the following page (as per Schedule 6 of the *Fisheries Management (General) Regulation 2019*). A Departmental Officer will contact you if the Assessment Fee is expected to exceed the "Moderate" category. **In most cases the total permit fee consists of an Application Fee plus an Assessment Fee.** Please include your ABN#

4. Permits are issued with an expiry date (generally 12 months). Requests to renew a permit before the expiry date will not incur a fee. Requests to renew a permit that has expired within the last 3 months will incur a \$179 fee. Permits that have expired more than 3 months will need to be reapplied for.
5. **Other approvals may be required. A permit issued under the provisions of the *Fisheries Management Act 1994* may not cover all aspects of the proposed works/activity. Other licences, permits or authorisations may be required. It is the applicant's responsibility to check with Department of Planning, Industry, Environment (DPIE) – Crown Lands, Water, Environment and Heritage, Roads and Maritime Services, Local Council etc. as to what other approvals may be required.**
6. Warning. Provision of inaccurate or misleading information may result in suspension or cancellation of any permit issued on the basis of that information.

Application Fees Please tick the permit(s) you are applying for and if the works/activity is in a marine park or aquatic reserve

Activity	Fees	Are works in a marine park or aquatic reserve?
<p>Dredging and/or reclamation (Part 7) Fisheries Management Act Any person, business, company or local government authority proposing to dredge, excavate, move or remove material (including sand, mud, large woody debris, aquatic vegetation, boulders, gravel etc.) from a waterway, or reclaim or place fill within a waterway requires a permit from the Department of Primary Industries (DPI Fisheries) unless the work has been authorised under the <i>Crown Lands Act 1989</i> or <i>Crown Lands Management Act 2016</i> or by a relevant public authority (not a local government authority).</p> <p>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 Department of Planning, Industry, Environment -Water, you do not need to obtain a second approval from NSW DPI Fisheries. However, that public authority is required to consult with NSW DPI Fisheries before issuing their approval</p>	\$179	
<p>Obstruct fish passage (Part 7) Fisheries Management Act Any temporary or permanent structures (such as a weir, causeway, dam, coffer dam etc.) that may inhibit, obstruct or block the movement of fish within a waterway either temporarily or permanently.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Harm marine vegetation (Part 7) Fisheries Management Act Any damage to, or destruction of, saltmarsh, mangroves or seagrasses growing on public water land or the foreshore of public water land up to Highest Astronomical Tide level (approximately 1.0 m AHD). Includes cutting, poisoning, removing, trimming, pulling up, gathering or shading. Includes both live and dead or detached material (e.g. shoreline wrack).</p>	\$179	<input type="checkbox"/>
<p>Use explosives or electrical devices in a waterway (Part 2) Fisheries Management Act</p>	\$359	<input type="checkbox"/>
<p>OTHER WORKS - Marine Estate Management (Management Rules) Regulation 1999 or Marine Estate Management (Aquatic Reserve) Notification 2020 Any damage to, destruction of, or interference with animals, plants or any part of the habitat (including soil, sand, shells or other naturally occurring material) associated with works including, but not limited to: Jetties, boat ramps, seawalls, beach-scraping, maintenance of existence infrastructure, dredging, installation of navigational aids, artificial reefs, marinas, submarine cables, pipelines, road infrastructure, pylons, walkways, bridges.</p>		<input type="checkbox"/>

Assessment Fees for Fisheries Management Act Permits

Minor assessments – takes up to 3 hours to complete	\$179.00
Moderate assessments – takes between 3 to 7 hours to complete	\$418.00
Major assessments – takes between 7 to 21 hours to complete	\$1,497.00
Complex assessments – takes more than 21 hours to complete	\$3,891.00
The Department may charge an additional fee of \$73/hour (or part of) for work performed by a departmental officer in assessing the application beyond the time of the original assessment.	\$74/hour

In most cases the total permit fee consists of an Application Fee plus an Assessment Fee

Notes

1. Most permits incur the "Minor Assessment" fee. However, if Departmental officers need to spend time seeking additional information you may be charged the higher rate. To avoid higher charges, ensure you answer all questions comprehensively and provide all requested plans, maps and photos.
2. The assessment hours include the time taken by the Department to undertake an environmental assessment of the permit, conduct site inspections or consultations with stakeholders where necessary, and process the permit and related correspondence. Assessment hours do not include travel time to site inspections or meetings.
3. There is no Assessment Fee for permits that have been previously assessed by the Department as Integrated Development Applications in accordance with s4.46 (previously s.91) of the *Environmental Planning & Assessment Act 1979*. The Permit Application Fee(s) is still applicable.
4. Applicants for permits to harm marine vegetation may also be charged for compensation and/or an environmental bond, as outlined in s.3.3.3 of the department's "*Policy and Guidelines for Fish Habitat Conservation and Management (2013 update)*" which is available from the DPI Fisheries website at: <http://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation>

Applicant Details

(Note: this is the person or authority proposing to do the works not their contractor or consultant)

- A1 Name _____
- A2 Organisation _____

- A3 ABN No. / Trading Name _____
- A4 Address (street and postal) _____

- A5 Contact person (if different from above) _____
- A6 Phone/mobile _____
- A7 Email _____
- A8 Subcontractor name and contact details _____
- A9 Have you previously held a permit for this location or similar works? Yes No
- If yes, previous permit number : _____

Site Identification

- A10 Name of river, creek, lake, waterway: _____
- A11 Locality name/description: _____

Important: Attach an up-to-date, topographic map or aerial photo image (e.g. Google Earth, Six Maps, NearMap) with the location & extent of proposed works and nearby towns, roads etc. clearly marked.

- A12 Lot & DP (Work site within or adjacent to): _____

Important: Attach an up-to-date, cadastral plan with the location & extent of proposed works in relation to allotments clearly marked.

- A13 Land status (e.g. freehold, Crown reserve): _____
- A14 Who is the owner (not lessee or trustee) of the land? _____

If you are **not** the owner, you must attach documentary evidence that the landowner consents to the proposed activity being carried out on their land.

Description of Works

Describe the works you wish to undertake as a complete scope of works. Itemise major components in sequence with a timeline. Attach copies of engineering drawings or plans if available. If not available, include a sketch diagram of proposed works including temporary structures (such as coffer dams, in-stream work platforms) that may be needed to undertake the works.

Application assessments will be delayed if plans are not provided. Plans should clearly show the relationship between the works and the waterway including tidal levels if appropriate.

If you have prepared a separate Review of Environmental Factors or similar environmental assessment of your proposed works, then for the remainder of this application you can simply refer to the **specific section and page** of your assessment. In the event of omissions or uncertainties, you should complete this application.

Planning Controls

A15 What planning instruments (e.g. SEPPs, REPs, LEPs, DCPs) apply? Do any of these require special consideration for this proposal? _____

A16 What is the land use zoning? (number & name) _____

A17 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.

A18 Is development consent required? Yes No

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 Fisheries.

A19 Has development consent already been granted by Council or RMS? N/A Yes No

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

A20 Have you applied for any other permits, licenses etc. which are related to the proposed development (e.g. from DPIE – Lands or Water)? Yes No

A21 Have such permits, licences etc. been issued? N/A Yes No

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

If No, please provide details of why they were not issued

Description of Site and Environs

Important: Include several colour photographs of the site from various directions (e.g. from the land looking towards the waterway, from the waterway looking towards the land, looking upstream, looking downstream, close-ups of the substrate etc.).

A1 General site description

A2 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.) - note the risk of potential acid sulfate soil or other classifications (e.g Coastal SEPP):

A3 What are the adjoining land uses?

A4 What are the adjoining vegetation types and what is its condition?

Project Details

A5 Provide additional details of the works to be undertaken.

Note: In the questions below, an asterisk* marks a compulsory field

a. Dredging (any excavation of material from the bed or banks of a waterway)

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

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

* Volume to be dredged (m³) _____

b. Reclamation (placement of any material into a waterway, either temporarily or permanently)

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

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

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

c. Fish passage obstruction (placement of any material into a waterway that could obstruct fish movement)

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

d. Harm marine vegetation (includes mangroves, seagrasses, Marine macro-algae seaweeds and saltmarsh growing on public water land or the foreshore of such land up to the Highest Astronomical Tide level)

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.

A6 Are the works in a marine park or aquatic reserve? Yes No

Important: If yes, please provide details listed in Appendix 2. Attach extra sheets if required or provide details in EIS, REF or SEE and include a copy with this application.

A7 What are the objectives/purpose of the works?

A8 Expected commencement date: _____

A9 Expected completion date: _____

A10 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.

A11 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 – including site plans and maps) 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 which requires 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.** Equipment/Machinery refuelling and maintenance and fuel/hydraulic oil spill prevention
- 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).
- g.** The CEMP should also include a Potential Acid Sulfate Soil Management Plan (if applicable) and a water quality/dewatering monitoring plan.

B Evaluation of risk of environmental impacts

Note: The following points (G1 to G15) are paraphrased from c.228 of the *Environmental Planning and Assessment Regulation 2000*.

Important: Risks need to be assessed in 4 ways - (1) direct/on-site, (2) indirect/off-site (i.e. downstream), (3) during construction and (4) 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
B1 an environmental impact on a community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consequences if risk is high–moderate:

.....

B2 a transformation of a locality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Consequences if risk is high–moderate:

.....

B3 an environmental impact on the ecosystems of a locality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Consequences if risk is high–moderate:

.....

B4 a reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-----------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Consequences if risk is high–moderate:

.....

B5 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"/>
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Consequences if risk is high–moderate:

.....

B6 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:

.....

B7 an endangering of any species of animal or plant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Consequences if risk is high–moderate:

.....

What is the risk that there will be:	High	Moderate	Low	Nil
B8 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:				
B9 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:				
B10 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:				
B11 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:				
B12 pollution of the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:				
B13 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:				
B14 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:				
B15 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:				
B16 any impact on coastal processes and coastal hazards, including those under projected climate change conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consequences if risk is high–moderate:				

C Evaluation of Potential Impacts upon Threatened Species and Their Habitats

- C1 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?

Important: Each of the following websites should be checked for species, populations or communities that may occupy or utilise the habitats that your project will affect.

- for fish and marine vegetation ¹ (NSW DPI Fisheries)
- for plants, mammals, birds, reptiles and amphibians ² (NSW Office of Environment and Heritage)
- for all species listed at the Federal level ³(Federal Department of Environment and Energy)

Please list those that could realistically be expected to occur at the site:

- C2 Is the work site within an area of **critical habitat** for a threatened species or population?

Yes No

If yes please list as an SIS will be required _____

- C3 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: _____

- C4 Is the proposal likely to affect these species/populations/communities?

Yes No

If no, explain why not: _____

If yes, you will need to assess the potential significance of the impacts by completing an Assessment of Significance (Appendix 3) for each species/population/community. If the Assessment 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. Modifications to the original proposal require re-application of the 'Assessment of Significance'. If the modified project still may cause a significant impact, then a Species Impact Statement (SIS) must be prepared for the project.

¹ <https://www.dpi.nsw.gov.au/fishing/species-protection/what-current/threatened-species-distributions-in-nsw/freshwater-threatened-species-distribution-maps>

² <http://www.environment.nsw.gov.au/biodiversitylegislation/>

³ <http://www.environment.gov.au/epbc/about/epbc-act-lists#species>

2. Prepare a Species Impact Statement (SIS) and submit it with the application. Requirements for the SIS must be obtained from NSW DPI Fisheries or OEH, 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 [4] is available from the Commonwealth Government's website.

The Bilateral Agreement [5] only covers matters that are determined to be 'controlled actions' by the Commonwealth Government. The Bilateral Agreement also extends to applications made under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as development applications on key sites of State significance where the Minister for Planning is the consent authority.

In accordance with the NSW Assessments Bilateral Agreement, please advise NSW DPI Fisheries 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 'Matters of National Environmental Significance' [6] for more information.

If you believe your project will have an impact upon a Matter of National Environmental Significance, 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.

- C5 Has the proposal been referred to the Commonwealth Environment Minister? Yes No
- C6 If yes, what was the Commonwealth Environment Minister's determination?
- Not a controlled action: no assessment required
- A controlled action: assessment required

⁴ <http://www.environment.gov.au/epbc/index.html>

⁵ <http://www.planning.nsw.gov.au/Policy-and-Legislation/Government-Agreements-and-Forums>

⁶ <http://www.environment.gov.au/epbc/publications/nes-guidelines.html>

D Consultation

What consultation, if any, has occurred with the following agencies and/or stakeholders, and any other relevant groups or agencies? The outcomes or results of any such consultation should be appended to this application?

D1 Local Council

D2 Department of Planning, Industry, Environment – Water or Natural Resources Access Regulator (NRAR)

D3 Adjoining landholders (e.g DPIE Lands, NPWS)

D4 Other (e.g. RMS, EPA excluding Commonwealth Department responsible for environment and water resources as per section G above, where relevant)

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/our knowledge, belief and information.

Applicant/s signature/s _____

Date _____

When completed, email your application to: ahp.central@dpi.nsw.gov.au

Use the following format in the Subject Line:

Fisheries Permit Application - (Name of organisation or individual) - (Name of waterway) - (Type of Works)

e.g. Fisheries Permit Application - Black Hills Council - Smiths Creek - Causeway Replacement

APPENDIX 1 Additional details of proposed works

Appendix 1 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?⁷

⁷ Note: Environmental safeguards should include applicable provisions of "The Blue Book" Managing Urban Stormwater: Soils and Construction, 4th Edition Landcom, 2004.

Appendix 1 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?⁸

⁸ Note: Environmental safeguards should include applicable provisions of "The Blue Book" Managing Urban Stormwater: Soils and Construction, 4th Edition Landcom, 2004.

Appendix 1 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):

Appendix 1 Part D: Harm MARINE VEGETATION proposals

1. Type of marine vegetation to be harmed

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

- a) Saltmarsh species (e.g. *Sporobolus virginicus*, *Juncus kraussii*, *Sarcocornis quinqueflora*) and/or species identified in Fisheries Management (General) Regulation 2019
- b) Mangroves species (e.g. *Avicennia marina*, *Aegiceras corniculatum*, *Excoecaria agallocha*, *Rhizophora stylosa*, *Bruguiera gymnorhiza*)
- c) Seagrasses genera (e.g. *Zostera*, *Posidonia*, *Ruppia*, *Halophila*)
- d) Marine macroalgae species/groups (e.g. kelp, coralline algae, *Ecklonia*)

2. Amount of marine vegetation to be harmed

- a) Area of saltmarsh

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

- c) Area of seagrass

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

Appendix 1 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 Additional details of proposed works in a marine park or aquatic reserve

The information provided will be used to make a full assessment against the 'assessment criteria' listed in cl.9 of the Marine Estate Management Regulation 2017. Further information may be requested in order to complete the assessment.

1. Marine park, aquatic reserve and consistency with zoning and/or management rules

- a) What is the name of the marine park or aquatic reserve where the works are proposed?

- b) What is the zoning and/or management rules where the works are proposed? For each aquatic reserve, what are the activities prohibited under the Marine Estate Management (Aquatic Reserve) Notification 2020 in the particular part of the reserve?

- c) Is the proposal a form of development that is prohibited in that zone or by the management rules or that cannot be given consent under the Marine Estate Management (Aquatic Reserve) Notification 2020?

Yes No *If your development is prohibited, your application will not be processed*

2. Animals, plants and habitat to be harmed or interfered with

- (a) What animals, plants and habitat are present at the location? Provide species names

- (b) How will or might they be harmed or interfered with by the proposed works?

3. Additional details of proposed works

- (a) How long will the works take?

- (b) When will the works be undertaken?

- (c) What materials will be used in the works?

- (d) Will any paints, preservatives or antifouling treatments be used?

- (e) What equipment and machinery will be used in undertaking the works?

- (f) If installing or replacing pylons what methods will be used?

- (g) If beach-scraping or otherwise operating vehicles/machinery below Mean High Water Mark, how is the area of works/activities to be marked?

- (h) Will vessels or barges be used to access the area or carry equipment, materials etc.?

- (i) What environmental safeguards will be used during and after the proposed works?

APPENDIX 3 Determination of whether proposed development or activity likely to significantly affect threatened species, population or ecological community (Assessment of Significance)

The *Biodiversity Conservation Act 2016* (BC Act) was enacted on 25 August 2017, replacing the *Threatened Species Conservation Act 1995* (repealed).

As a consequential amendment to the *Fisheries Management Act* (FM Act), a new **Division 12 – Application of Planning Act** has now been inserted into Part 7A of the FM Act. This has moved the planning provisions (for assessments, consents and approvals under of *Environmental Planning & Assessment Act 1979* (EP&A Act)) related to impacts on FM Act threatened species (including the Assessment of Significance) from the EP&A Act into the FM Act (for Part 4 and Part 5 matters).

Any impacts on FM Act threatened species, populations or ecological communities now need to be assessed in accordance with s1.7 of the EP&A Act and Division 12 Part 7A of the FM Act.

Where a proposal has the potential to impact BC Act listed threatened species or ecological communities, or their habitats, the matters listed under s.7.3 of the BC Act should be addressed. This information should accompany this permit application form.

The following is to be taken into account for the purposes of determining under Division 12 Sect 221ZV of the FM Act, whether a proposed development or activity is likely to significantly affect threatened species, populations or ecological communities listed under the FM Act (unless it is carried out in critical habitat in which case an SIS is required):

Factor	Yes	No
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:	<input type="checkbox"/>	<input type="checkbox"/>
Comment:		
2 In the case of an endangered population, whether the proposed development or activity 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:	<input type="checkbox"/>	<input type="checkbox"/>
Comment:		
3 In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:		
(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	<input type="checkbox"/>	<input type="checkbox"/>
(ii) 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		
Comment:		

In relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

- 4 (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the threatened species, population or ecological community in the locality

Comment:

- 5 Whether the proposed development or activity is likely to have an adverse effect on any critical habitat (either directly or indirectly),

Comment:

- 6 Whether the proposed development or activity is consistent with a Priorities Action Statement:

Comment:

- 7 Whether the proposed development constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process

Comment:

The indicative (or known and expected) distributions for a number of NSW freshwater threatened species listed under the Fisheries Management Act 1994 have been mapped and can be viewed and downloaded from the Department of Primary Industries website. See dpi.nsw.gov.au/about-us/science-and-research/spatial-data-portal.

Guidelines for conducting the above Assessment of Significance can be found on: <https://www.dpi.nsw.gov.au/fishing/threatened-species/legislation-and-approvals/impact-assessment/info-sheet>