

Your reference : IR24950938  
Our reference : DOC17/474551-5 / A17609-2017  
Licence no. : C0003194  
Contact : Robert Gibson, [REDACTED]

Chris Coombs  
Central Coast Council  
49 Mann Street  
GOSFORD, NSW 2250

Dear Chris

**RE: Threatened Species Licence to clear the end of a drain on Lot 7A Sher Close, Empire Bay**

I refer to your application to the Office of Environment and Heritage (OEH) dated 23 August 2017, for a Threatened Species Licence to clear soil and vegetation at the end of a drain at Lot 7A Sher Close, Empire Bay. The works would clear approximately 5 square metres of Coastal Saltmarsh vegetation, which meets the definition of Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions endangered ecological community and two Swamp Oak trees, that meet the definition of Swamp Oak Floodplain Forest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions EEC. Your application was received on 18 September 2017, after commencement of the *Biodiversity Conservation Act 2016* (BC Act), and it has therefore been assessed under the BC Act.

I have considered the application and supporting information provided and I have determined that the proposed action can be undertaken under a BC Act Threatened Species Licence (No. C0003194). An extract of the proposed draft consent conditions and a description of the proposed action are provided in **Attachment 1** for your review and comment.

Please provide any comments on these draft consent conditions by Thursday 21 December 2017. Also, please provide a copy of the current Licence for Access from National Parks and Wildlife Service as the site occurs on part of the Cockle Bay Nature Reserve. Once these have been received the Threatened Species Licence can be finalised and issued.

If you have any further questions regarding this matter, please contact Robert Gibson on [REDACTED].

Yours sincerely



**STEVEN COX**  
**Senior Team Leader Planning,**  
**Hunter Central Coast Branch**  
**Regional Operations Division**

(by Delegation)

Dated: 06 December 2017

# Threatened Species Licence

*Biodiversity Conservation Act 2016*



## **ATTACHMENT 1: EXTRACT OF DRAFT THREATENED SPECIES LICENCE** **NO. C0003194**

Threatened species licence, a class of biodiversity conservation licence  
under Part 2 of the *Biodiversity Conservation Act 2016*, to:

- harm or pick a threatened species, threatened ecological community or protected plant or animal
- damage habitat of a threatened species or threatened ecological community

**Licence No.:** C0003194

**Date Granted:** XX December 2017

**Date of Expiry:** 30 June 2018

### **Granted To:**

Central Coast Council  
49 Mann Street  
GOSFORD, NSW 2250

### **Description of proposed works:**

The proposed works will be undertaken at 7A Sher Close, Empire Bay, otherwise known as Lot 7 in Deposited Plan (DP) 263439 (**Figure 1**). The proposed work is drainage maintenance to reinstate an existing drainage outlet that has become blocked by sediment and vegetation. An excavation approximately 15 metres long by 0.5 metres wide, by up to 1 metre deep would be dug by a mini excavator to reinstate a drain and reduce the risk of flooding to nearby residential properties. The excavation will clear approximately five square metres of Coastal Saltmarsh Endangered Ecological Community (EEC), and two Swamp Oak (*Casuarina glauca*) trees that form part of the Swamp Oak Floodplain Forest EEC. Soil from the excavation may be placed on a separate area on Lot 7, for temporary storage, or will be taken directly off site (**Figure 2**).

# Threatened Species Licence

Biodiversity Conservation Act 2016



**Figure 1.** Location map of 7A Sher Close, Empire Bay (lot 7 DP 263439).



**Figure 2.** Map of the impact area on Lot 7.

# Threatened Species Licence

Biodiversity Conservation Act 2016



## Under the following licence conditions:

- The proposed works (described below) may be carried out in the impact area:
  1. Reinstating an existing drainage outlet that has become blocked by sediment and vegetation. Works will involve using a mini excavator to remove a strip of material and vegetation from the outlet to the foreshore to allow stormwater to drain away. The area to be dredged is approximately 15 metres long, approximately 0.5 metres wide and 0.5 metres average depth (1 metres to 0 metres range) and will remove about 7.5 cubic metres of soil.
  2. The area of disturbance comprises the dredging works and bunded area for temporary storage of dredged material (if used), and has a total area of approximately 0.04 ha (**Figure 2**).
  3. Avoidance and mitigation measures to be implemented to reduce the impact of the works on threatened biodiversity comprise the following:
    1. Sediment controls are to be implemented prior to the works, and include setting up an exclusion zone
    2. Removal of mangroves is to be undertaken using hand tools and/ or a chainsaw
    3. No machinery can be placed within the exclusion zone
    4. The excavator must access site via public pathway for Sher Close (**Figure 1**)
    5. Works must only be conducted at low tide
    6. The stormwater outlet is to be cleared using a mini-track excavator with a narrow bucket attachment
    7. Dredged material is to be loaded into plastic lined or sealed trucks and taken off-site or it is to be stockpiled on plastic sheeting and bundled with plastic wrapped hay bales – covered with plastic if rain is predicted
    8. The excavated channel must be lined with geofabric (bidum) and natural sandstone to prevent erosion
    9. Dredge spoil to be disposed of at the Woy Woy landfill
    10. The impacted area must be replanted with 3 trays of Samphire (*Sarcocornia quinqueflora*)
    11. Council vehicles will park on Sher Close and workers will access the site via the pedestrian accessway alongside 15A Sher Close
    12. A floating sediment curtain is to be erected in a semi-circular arrangement with ends against the bank so as to enclose all drainage waste that may wash towards water land from the worksite, and
    13. Machinery is to be appropriately cleaned, degreased and serviced prior to use at the site and/or entry into the waterway. Spill kits are to be available on site at all times.
  4. A small area of Coastal Saltmarsh vegetation will be impacted by the dredging operations and movement of machinery. The footprint of the works is approximately 15 square metres and includes approximately 6 juvenile Grey Mangroves (7.5 square metres), 6 Swamp Oak shoots, and 5 square metres of saltmarsh vegetation comprising mainly of Samphire and *Sporobolus virginicus*.

# Threatened Species Licence

*Biodiversity Conservation Act 2016*



- All works must be restricted to the impact area.
- The proponent must notify the Senior Team Leader Planning, Hunter Central Coast, OEH, that the proposed works have been completed, within ten (10) working days of works having been completed.
- The impact area must be inspected 6 months after works have been undertaken. During this inspection details of any soil erosion, native plant recruitment, and exotic species recruitment must be documented, and photographs taken. The information collected during these site inspections must be provided as a report to the Senior Team Leader Planning, Hunter Central Coast within nine months of completing the works.

This correspondence is to be submitted to:

Senior Team Leader Planning, Hunter Central Coast  
Office of Environment and Heritage  
Locked Bag 1002  
DANGAR NSW 2309

Note it is an offence under section 2.14(4) of the *Biodiversity Conservation Act 2016* to breach a condition of a licence.

**STEVEN COX**

**Senior Team Leader Planning**

**Hunter Central Coast Branch**

**Regional Operations Division**

(by Delegation)

Dated: XX December 2017

(by Delegation)