



EPBC 2019/8590 - Operation of Peel River
Drought Protection Works, Tamworth, NSW.
Chaffey to Dungowan Pipeline:
Annual Compliance Report 2025

Author	Jeremy Stacy, Environmental Adviser
Review	Mayank Thakre, Asset Delivery
Revision history	V1 – 11 August 2025

Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.


Signed	
Full Name	Mayank Thakre
Position	Project Manager, Operations
Organisation (including ABN)	WaterNSW ABN 21 147 934 787
Date:	11/08/2025

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1. Introduction

Chaffey Dam is located on the Peel River approximately 43 kilometres (km) south-east of Tamworth, between the towns of Nundle and Woolomin, NSW.

Water NSW obtained approval to operate a temporary drought mitigation pipeline to supply water directly from Chaffey Dam to the Tamworth water supply network via the Chaffey Dam to Dungowan Pipeline in June 2020. The pipeline extends underground approximately 18km from Chaffey Dam to Dungowan and connects with the existing Dungowan Dam to Calala water treatment plant pipeline operated by Tamworth Regional Council (TRC).

The pipeline was constructed to operate during severe drought to increase town water security for Tamworth when the Chaffey Dam storage fell below 20% capacity. During operation, water deliveries to TRC were made via the pipeline resulting in no water deliveries to TRC being made via releases to the Peel River.

On 3 June 2020, WaterNSW received authorisation by the NSW Minister for Water, Property and Housing under the *Water Supply (Critical Needs) Act 2019*, to operate the pipeline in accordance with the conditions of approval. Approval under NSW WSCN Act expired on 30 September 2021.

On 12 June 2020, WaterNSW received approval EPBC 2019/8590 with conditions, from the Commonwealth Minister for the Environment for the controlled activity to operate the pipeline during drought. The approval contained a number of conditions including, but not limited to; annual monitoring and compliance reporting; and the development and implementation of a Biodiversity Offset Plan (BOP, GHD 2022). The approval EPBC 2019/8590 to operate the temporary drought mitigation pipeline, has effect until 1 May 2030. The drought ceased September 2020 and the pipeline is not in operation.

WaterNSW (ABN: 21 147 934 787) is the approval holder for the Chaffey Dam to Dungowan Pipeline Drought Operation project (EPBC 2019/8590) approximately 43 km south-east of Tamworth. The construction was completed in March 2020. Operation of the pipeline to deliver water to Tamworth Regional Council's Calala water treatment plant commenced 17 June 2020 and continued to 29 July 2020. The delivery of water via the pipeline has not occurred since 29 July 2020.

This report has been prepared to fulfil the annual compliance reporting requirements of EPBC 2019/8590.

2. Description of Activities

This report relates to the activities undertaken during the reporting period from 17 June 2024 to 16 June 2025. Activities completed in response to EPBC2019/8590 approval include:

- Completion of snag installation works late June 2024
- Prepare tender, select and engage aquatic ecologist to undertake 5 year monitoring & field surveys and reporting program
- Prepare tender, select and engage construction partner to supply and install self-cleaning pump screens.
- Identification and assessment of candidate pump sites/owners within the Peel that meet available screening solutions.
- Commence installation of pump screens.
- Provide notification of delays experienced to the Department.
- Preparation of this annual compliance report.

3. Compliance Review – Conditions as per EPBC 2019/8590

The approval notice – to operate a temporary drought mitigation pipeline to supply water directly from Chaffey Dam to the Tamworth water supply network (EPBC 2019/8590) issued on 12 June 2020, requires annual reporting from the commencement of the action on 17 June 2020, against the conditions of consent. Table 2 below outlines these conditions and provides a statement of compliance for the reporting year to 16 June 2025. This report fulfils the requirements of EPBC 2019/8590 Condition 12.

Table 1: Compliance tracking 17 June 2024 to 16 June 2025

Condition	Source Section No.	Source Page No.	Condition	Action to achieve Compliance	Responsibility	Condition / Commitment Implemented?	Link to Evidence/Record	Status Review	
								June 2025	Evidence / Comments
n/a	EPBC 2019/8590 Notice of Approval letter.	1	EPBC notices to be available on WaterNSW website	Make EPBC approval available on WaterNSW website. Weblink to DCCEEW EPBC approval	WaterNSW	15/06/2020	EPBC 2019/8590 Approval	Compliant; complete	ARK reference D2020/58692 Approval link to DCCEEW EPBC website
1	Annexure A Part A	2	The approval holder must implement the Drought Operations - Delivery of Peel Environmental Water Plan for the life of the approval. In addition the approval holder must comply with NSW conditions of authorisation where those conditions relate to environmental water releases and operation of the technical advisory group.	Submission of Delivery plan - submitted with referral Pipeline operated in accordance with State and Commonwealth approval conditions. PEWTAG provided monitoring data as available	WaterNSW , Operations	12 June 2020 until cessation of drought	Peel Valley - WaterNSW website	Compliant; complete	Implemented; incorporated into WSCN authorisation conditions; ARK D2020/58721 EPBC Approval D2020/58692 Monitoring data collected as requirement of NSW authorisation F2019/5571 Drought ceased September 2020 WSCN Authorisation expired 30 September 2021 Operation of pipeline ceased August 2020
2	Annexure A Part A	2	The approval holder must notify the technical advisory group at least five business days prior to commencing the next phase of operation.	Notice to be sent within time frame required and posted on project website	WaterNSW , Operations	17/06/2020	Peel Valley - WaterNSW website	Compliant; complete	Drought ceased September 2020 WSCN Authorisation expired 30 September 2021 Operation of pipeline ceased August 2020 Notices posted to website 2020.
3	Annexure A Part A	2	The approval holder must invite the Commonwealth Environmental Water Holder to nominate a representative to become a member of the technical advisory group.	Email invitation	WaterNSW , Operations	12/06/2020	ARK D2021/120098	Compliant; complete	Drought ceased September 2020 WSCN Authorisation expired 30 September 2021 Operation of pipeline ceased August 2020 D2021/120098 CEWH members identified in PEWTAG terms of reference, page 6
4	Annexure A Part A	2	To compensate for impacts to Murray Cod and Silver Perch, the approval holder must, within 20 business days of commencement of the action, submit a Biodiversity Offset Management Plan (BOMP) for approval by the Minister. If the Minister approves the BOMP, then the BOMP must be implemented.	Draft Biodiversity Offset Management Plan	WaterNSW - EnvServ	submitted 15/07/2020	ARK# D2021/119441	Compliant; Complete	Draft submitted to department 15/07/2020 D2021/119441

Condition	Source Section No.	Source Page No.	Condition	Action to achieve Compliance	Responsibility	Condition / Commitment Implemented?	Link to Evidence/Record	Status Review	
								June 2025	Evidence / Comments
5	Annexure A Part A	2	The approval holder must make all reasonable efforts to ensure the BOMP (in full) meets the following requirements and promptly address any feedback from the Department on unapproved versions of the BOMP so that the BOMP is suitable for the Minister to approve within three months of the commencement of the action.	Biodiversity Offset Management Plan	WaterNSW - EnvServ JS	Plan approved 29 October 2020 and as amended 2022 & 2023	BOP ARK# D2020/101647 (superseded) BOP ARK# D2022/109857 (Rev 5)	Compliant	BOP D2020/101647 (superseded) Plan approval D2020/116788 Amended approval D2022/152810 Revision 5 Nov waiting on confirmation of Departmental approval: The BOP has been amended to revise delivery timeframes due to ongoing delays due floods and persistent elevated river levels. Rev. 5 of the Plan was re-sent January 2025 ARK# D2025/5506
6	Annexure A Part A	2	The BOMP must: a. be prepared by a suitably qualified ecologist, and be consistent with the Department's Environmental Management Plan Guidelines and the EPBC Act Environmental Offset Policy; b. propose an offset package, including direct habitat restoration works and conservation measures relevant to Murray Cod and Silver Perch c. include, but not be limited to: i. specific objectives to demonstrate improvements in habitat quality and conservation outcomes for Murray Cod and Silver Perch over the life of the approval; ii. specific management actions, and timeframes for implementation, to be carried out to meet the specific objectives to improve habitat quality and conservation outcomes for Murray Cod and Silver Perch; iii. key performance indicators to demonstrate the improvements in habitat quality and conservation outcomes for Murray Cod and Silver Perch; iv. the nature, timing and frequency of monitoring to determine the success of management actions against key performance indicators; v. indicative corrective actions that will be implemented in the event monitoring activities indicate key performance indicators are not or are unlikely to be achieved; vi. the roles and responsibilities for implementing the management actions; vii. evidence of consistency with relevant conservation advices, recovery plans and/or threat abatement plans; viii. commitments to maintain or improve the extent and quality of habitat and populations of other EPBC Act listed threatened species and ecological communities in the offset area; and a timeline and legal mechanism for implementing the offset(s).	Biodiversity Offset Management Plan Rev. 4 September 2022	WaterNSW - EnvServ JS	Biodiversity Offset Plan is being implemented	BOP ARK # D2022/109857 (Rev.5)	in progress, Compliant	BOP (Rev.5) D2022/152810 Variation request and amended plan sent to the Department November 2023, April 2024, January 2025 - ARK# D2023/158994 ARK# D2024/28912 ARK# D2025/5506 BOP requirement (c) ii - The BOP Rev 5 identifies revised delivery timeframes due to ongoing delays due to floods and persistent elevated river levels. The installation of the self-cleaning pumps screens will not be within revised timeframe and further amendment required. Refer to Cond.10, 13 & 14
7	Annexure A Part B	3	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action. The approval holder must notify the Department in writing of the date of commencement of each phase of operation within 10 business days after the date of commencement of each phase of operation.	Send advice via email at each change of operation phase.	WaterNSW , Operations - AS	Notice #1 - 17 June 2020 - Commencement of Action Notice #2 - 1 July 2020 Notice #3 - 29 July 2020	ARK D2021/120827 D2021/120845 D2021/120866	Compliant; Complete	Drought ceased September 2020 WSCN Authorisation expired 30 September 2021 Operation of pipeline ceased August 2020 Media Release - https://www.watarnsw.com.au/about/newsroom/2020/chaffey-to-tamworth-pipeline-operational
8	Annexure A Part B	3	The approval holder must maintain accurate and complete compliance records.	Maintain approval tracking spreadsheet and identified records within	WaterNSW - EnvServ	Implemented compliance tracking	ARK D2022/18480	Compliant	ARK D2022/18480 - tracking of ongoing commitments and relevant records are updated within spreadsheet
9	Annexure A Part B	3	If the Department makes a request for compliance records in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	Notice from Department to be received	WaterNSW PM EnvServ	No requests received	N/A	Compliant	No requests received

Condition	Source Section No.	Source Page No.	Condition	Action to achieve Compliance	Responsibility	Condition / Commitment Implemented?	Link to Evidence/Record	Status Review	
								June 2025	Evidence / Comments
10	Annexure A Part B	3	The approval holder must: a. submit plans electronically to the Department; b. publish each plan on the website within 20 business days of the date of this approval, or the date that the plan is approved by the Minister or of the date a revised action management plan is submitted to the Minister or the Department, unless otherwise agreed to in writing by the Minister; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval.	Submit plans via email to Department Post Approval PostApproval@dcceew.gov.au Approved plans to be published to WaterNSW website https://www.watersnsw.com.au/supply/drought-information/regional-nsw/peel-valley	WaterNSW - EnvServ JS	Approved BOP Rev. 4 published to WNSW project website	https://www.watersnsw.com.au/__data/assets/pdf_file/0016/161620/Chaffey-to-Dungowan-Pipeline-EPBC-2019_8590-BOMP-Rev-4-30-Sept-2022.PDF	Compliant	BOP D2020/101647 Rev 4 Approval D2020/116788 BOP Rev. 5 Pending confirmation of approval Refer email to Department January 2025 - D2025/5506 In accordance with condiotn 10b. has not been published to the website.
11	Annexure A Part B	3	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan, is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department in accordance with the requirements of the plan.	Submit with annual compliance report via email to Department epbcmmonitoring@dcceew.gov.au	WaterNSW Project Delivery PM; EnvServ	Baseline monitoring completed within 2023-2024 reporting period	ARK# D2024/44694	Compliant	Baseline monitoring report prepared 2023-2024, spatial data to be supplied as a package at completion of monitoring ARK# D2024/44694
12	Annexure A Part B	3	The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must: a. publish each compliance report on the website within 60 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. exclude or redact sensitive ecological data from compliance reports published on the website; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within five business days of publication.	Compliance report to be prepared and published to WaterNSW website Biodiversity monitoring report to be prepared as per BOP requirements; Email notification to DCCEEW epbcmmonitoring@dcceew.gov.au to advise of compliance report availability and link to publication on WaterNSW website	WaterNSW - EnvServ WQS	Annual compliance report to be prepared	2024-2025 Annual Compliance Report D2025/96109	Compliant	Annual Compliance Report
13	Annexure A Part B	4	The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: a. any condition which is or may be in breach; b. a short description of the incident and/or non-compliance; and c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.	Send advice via email to Department: epbcmmonitoring@dcceew.gov.au	WaterNSW	Notification made to the Department within the reporting period regarding ability to deliver offsets within the timeframe.	Notification by email June 2025 ARK# D2025/80040	Compliant	Notification sent to the Department advising of a potential to be non-compliant with offset installation timeframes. June 2025 ARK#D2025/80040 ARK# D2023/56383 - Potential Non-compliance ARK#D2024/55990 - Non compliance notification

Condition	Source Section No.	Source Page No.	Condition	Action to achieve Compliance	Responsibility	Condition / Commitment Implemented?	Link to Evidence/Record	Status Review	
								June 2025	Evidence / Comments
14	Annexure A Part B	4	The approval holder must provide to the Department the details of any incident or noncompliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.	Send advice via email to Department: epbcmonitoring@dcceew.gov.au	WaterNSW	Details provided within notification	ARK# D2025/80040	Compliant	Revised delivery timeframe identified June 2025 and advised as required
15	Annexure A Part B	4	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	N/A	WaterNSW	Nil to date	N/A	Not applicable	Nil requests to date
16	Annexure A Part B	4	For each independent audit, the approval holder must: a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.		WaterNSW	Nil to date	N/A	Not applicable	No audits undertaken to date
17	Annexure A Part B	4	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Nil to date	WaterNSW	Nil to date	N/A	Not applicable	No reports prepared to date
18	Annexure A Part B	4	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under condition 4, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.	Application to Minister to amend Biodiversity Offset Plan	WaterNSW	Request to amend Biodiversity Offset Plan made in accordance with approval condition requirements November 2023.	Variation request sent 21 November 2023 ARK# D2023/158994 ARK# D2024/28912 ARK# D2025/5506	Compliant	Variation to Biodiversity Offset Plan requested and followed up April 2024 and January 2025 ARK# D2023/158994 and D2024/28912 ARK# D2025/5506
19	Annexure A Part B	4	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	notification letter/email epbcmonitoring@dcceew.gov.au	WaterNSW - EnvServ	Nil to date	Department notified of completion of the action 30 July 2020 ARK# D2021/120866	Compliant; complete	Operation of the pipeline is not permitted outside of the drought which ceased September 2020 and the action is no longer occurring.

‘Compliance’ is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.

A designation of ‘non-compliance’ should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.

A designation of ‘not applicable’ should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which applies to an activity that has not yet commenced.

4. Implementation of Offset Plan

The revised Biodiversity Offset Plan (GHD 2022) outlines the key management actions required to achieve the objectives of improving habitat for Murray Cod and Silver Perch.

A baseline aquatic survey was undertaken prior to the installation of the offset measures and field surveys during Spring 2023 & Autumn 2024.

On ground re-snagging works commenced in March 2024. The installation of all 50 snags was completed by 24 June 2024. The installed snags have remained in situ despite repeated flooding river flows and Chaffey Dam spills experienced over the 12 months since installation.

Investigation of alternate screen manufacturers and selection of self-cleaning screens that are suited to the smaller licenced pumps found on the Peel River was completed during the reporting period.

The Peel River between Chaffey Dam and Tamworth was identified as the preferred location to install the screens. Seven suitable pump owners were identified and agreed to WaterNSW installing the screens on exiting licensed irrigation pumps.

On ground works to install the self-cleaning pump screens commenced in March 2025 following consultation with and identification of, pump owners and their interest in having the self-cleaning pumps screens fitted. WaterNSW has received the signed agreement of seven licensed irrigation pump owners on the Peel River who have agreed to have the screens and retrieval system installed.

Installation of the screens has experienced delays due to wet weather and elevated river flows leading to flooding and prolonged ground saturation limiting site access.

One screen with retrieval system has been completed. Site preparation works have commenced on a further four sites with concrete pads being completed on two sites. Fabrication of individual retrieval systems has progressed offset ready for site installation when conditions allow.

The following Table 2 summarises the actions that have been undertaken during the reporting period 17 June 2024 to 16 June 2025;

Table 2: Summary of actions 2024 - 2025.

Offset Measure	Actions Undertaken	Performance in accordance with BOMP
#1 – Re-snagging Develop and deliver plan to install up to 50 snags as habitat for Murray Cod and Silver Perch	Installation Completion of installation of all 50 snags by 24 June 2024.	Completed ahead of revised schedule of October 2024
#2 – Self-cleaning Pump Screens Install self-cleaning pumps screens on extraction points to seven licenced pumps downstream from Chaffey Dam	Installation <ul style="list-style-type: none"> - Engage contractor - secure screen recipient agreements - commence system site specific design and materials procurement - commence fabrication of site specific retrieval systems - commence self-cleaning pump screen installation 	Overall works have not been completed within the planned timeframe of 30 June 2025. 7 recipient agreements have been signed 1 of 7 screens have been installed Ongoing wet weather conditions within the region compounding delays to works along the river at remaining 6 sites.

Offset Measure	Actions Undertaken	Performance in accordance with BOMP
		4 further sites have undergone ground preparation works with 2 progressing with concrete pad installations
#3 – Five Year Monitoring Program	Monitor - Develop aquatic monitoring program and engage suitable aquatic ecologist to assess performance of offset measures against offset goals	On target <ul style="list-style-type: none"> - Baseline survey completed 2024 - to commence field survey data collection Spring 2025

4.1 Impacts to Offset Implementation

WaterNSW has continued to experience delays to the installation of the offset measures.

As reported in previous years, significant delays to undertaking the actions required to progress the implementation of the Biodiversity Offset Plan have continued over the reporting period and were significant.

Despite the delays in 2024-2025 period, the installation of 50 snags between Chaffey Dam and Tamworth was completed by 24 June 2024 which was ahead of schedule. However, ongoing wet weather during the first half of 2025 has led to flooding river flows along the Peel and ground saturation which has excluded vehicle access to installation sites. The effects of Cyclone Alfred in South-eastern Queensland, has also led to the disruption of supply of materials required to manufacture pump retrieval systems as well as bringing additional high rainfalls to the area.

WaterNSW submitted a variation request in November 2023 to the Department regarding offset delivery and requesting further revision to the implementation dates.

In June 2025, WaterNSW provided the Department with notification of WaterNSW inability to meet the revised installation timeframe of 30 June 2025 in relation to the self-cleaning pumps screens.

Confirmation from the Department of the acceptance of the 2023 revised implementation dates has not been received prior to preparation of this report¹.

Further revision of the implementation dates is required and a further variation request have been submitted. With the further revised installation date, WaterNSW is confident of being able to complete installation of the self-cleaning pumps screens by 30 December 2025.

4.2 Additional Activities

While not a required activity, WaterNSW collaborated with Tamworth Aboriginal Land Council's Walaaybaa Rangers to develop and deliver an education field day in November 2024. The co-designed

¹ Correspondence from the department during July has been received that indicates acceptance of proposed changes

environmental and cultural learning experience was attended by approximately 90 high school students from six schools within the Tamworth area.

Educational activities which tied into the school curriculum were led by WaterNSW scientists and Kamilaroi/Gamilaroi Elders and included:

- Sharing cultural knowledge and stories about the Peel River, fish species, cultural practices, and traditional fish trapping.
- Explaining the role of snags and the need for the project
- Exploring the science of ongoing monitoring of fish numbers and other populations
- Demonstrating electrofishing and aquatic trapping techniques for non-fish species
- Aquatic invertebrate capture techniques and identification
- Demonstrating how water quality and flows are measured and monitored

APPENDICES

Appendix 1 – EPBC 2019/8590 Notice of Approval



APPROVAL

Operation of Peel River Drought Protection Works, Tamworth, NSW (EPBC 2019/8590)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	WATER NSW
ACN or ABN of approval holder	ABN: 21 147 934 787
Action	To operate a temporary drought mitigation pipeline to supply water directly from Chaffey Dam to the Tamworth water supply network [See EPBC Act referral 2019/8590].

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 01 May 2030

Decision-maker

Name and position

The Hon Sussan Ley MP
Minister for the Environment

Signature

Date of decision

12 June 20

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The approval holder must implement the **Drought Operations – Delivery of Peel Environmental Water Plan** for the life of the approval. In addition the approval holder must comply with **NSW conditions of authorisation** where those conditions relate to environmental water releases and operation of the **technical advisory group**.
2. The approval holder must notify the **technical advisory group** at least five **business days** prior to commencing the next **phase of operation**.
3. The approval holder must invite the **Commonwealth Environmental Water Holder** to nominate a representative to become a member of the **technical advisory group**.
4. To compensate for impacts to **Murray Cod** and **Silver Perch**, the approval holder must, within 20 **business days** of **commencement of the action**, submit a Biodiversity Offset Management Plan (BOMP) for approval by the **Minister**. If the **Minister** approves the BOMP, then the BOMP must be implemented.
5. The approval holder must make all reasonable efforts to ensure the BOMP (in full) meets the following requirements and promptly address any feedback from the **Department** on unapproved versions of the BOMP so that the BOMP is suitable for the **Minister** to approve within three months of the **commencement of the action**.
6. The BOMP must:
 - a. be prepared by a **suitably qualified ecologist**, and be consistent with the **Department's Environmental Management Plan Guidelines** and the **EPBC Act Environmental Offset Policy**;
 - b. propose an offset package, including direct habitat restoration works and conservation measures relevant to **Murray Cod** and **Silver Perch**;
 - c. include, but not be limited to:
 - i. specific objectives to demonstrate improvements in habitat quality and conservation outcomes for **Murray Cod** and **Silver Perch** over the life of the approval;
 - ii. specific management actions, and timeframes for implementation, to be carried out to meet the specific objectives to improve habitat quality and conservation outcomes for **Murray Cod** and **Silver Perch**;
 - iii. key performance indicators to demonstrate the improvements in habitat quality and conservation outcomes for **Murray Cod** and **Silver Perch**;
 - iv. the nature, timing and frequency of monitoring to determine the success of management actions against key performance indicators;
 - v. indicative corrective actions that will be implemented in the event monitoring activities indicate key performance indicators are not or are unlikely to be achieved;
 - vi. the roles and responsibilities for implementing the management actions;
 - vii. evidence of consistency with relevant conservation advices, recovery plans and/or threat abatement plans;
 - viii. commitments to maintain or improve the extent and quality of habitat and populations of other **EPBC Act** listed threatened species and ecological communities in the offset area; and
 - ix. a timeline and legal mechanism for implementing the offset(s).

Notification of date of commencement of the action

7. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**. The approval holder must notify the **Department** in writing of the date of **commencement** of each **phase of operation** within 10 **business days** after the date of **commencement** of each **phase of operation**.

Compliance records

8. The approval holder must maintain accurate and complete **compliance records**.
9. If the **Department** makes a request for **compliance records** in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's website** or through the general media.

Preparation and publication of plans

10. The approval holder must:
 - a. submit **plans** electronically to the **Department**;
 - b. publish each **plan** on the **website** within 20 **business days** of the date of this approval, or the date that the **plan** is approved by the **Minister** or of the date a revised action management **plan** is submitted to the **Minister** or the **Department**, unless otherwise agreed to in writing by the **Minister**;
 - c. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public; and
 - d. keep **plans** published on the **website** until the end date of this approval.
11. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under a **plan**, is prepared in accordance with the **Department's Guidelines for biological survey and mapped data** (2018) and submitted electronically to the **Department** in accordance with the requirements of the **plan**.

Annual compliance reporting

12. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
 - a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
 - b. notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
 - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
 - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
 - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within five **business days** of publication.

Note: The first **compliance report** may report a period less than 12 months so that it and subsequent **compliance reports** align with the similar requirement under state approval. **Compliance reports** may be published on the **Department's website**.

Reporting non-compliance

13. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
 - a. any condition which is or may be in breach;
 - b. a short description of the **incident** and/or non-compliance; and
 - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
14. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
 - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - b. the potential impacts of the **incident** or non-compliance; and
 - c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

15. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
16. For each **independent audit**, the approval holder must:
 - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
 - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
17. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Revision of action management plans

18. The approval holder may, at any time, apply to the **Minister** for a variation to an action management **plan** approved by the **Minister** under condition 4, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management **plan** (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management **plan**.

Completion of the action

19. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Commencement / Commencement of the action means the first instance of any specified activity associated with the action.

Commonwealth Environmental Water Holder means as established under the *Water Act 2007* (Cth.) to manage water acquired by the Australian Government as part of a suite of national water reforms, including the Murray-Darling Basin Plan.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

Completion of the action means all specified activities associated with the action have permanently ceased.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance report(s) means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
- ii. consistent with the **Department's Annual Compliance Report Guidelines** (2014);
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Department's Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines, Commonwealth of Australia, 2014*.

Drought Operations – Delivery of Peel Environmental Water Plan means the environmental management plan submitted to the **Department** on 20 April 2020 as Appendix C to the finalised preliminary documentation.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Act Environmental Offset Policy means *EPBC Act Environmental Offsets Policy, Commonwealth of Australia, 2012*.

Incident means any event which has the potential to, or does, impact on one or more **protected matter(s)**.

Independent audit: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

Monitoring data means the data required to be recorded under the conditions of this approval.

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

Murray Cod means the Murray Cod (*Maccullochella peelii*), listed as a vulnerable species under the EPBC Act.

NSW conditions of authorisation means the conditions set out in the NSW authorisation under the NSW *Water Supply (Critical Needs) Act 2019*.

Phase of operation means each discrete phase of the action as specified in Table 1 in the **Drought Operations – Delivery of Peel Environmental Water Plan**.

Plan(s) means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Silver Perch means the Silver Perch (*Bidyanus bidyanus*), listed as a critically endangered species under the **EPBC Act**.

Suitably qualified ecologist means a person who has professional qualifications and at least three (3) years of work experience designing and implementing surveys and management plans for **Murray Cod** and **Silver Perch**, and can give an authoritative assessment and advice on the presence and environmental requirements of **Murray Cod** and **Silver Perch** applying relevant protocols, standards, methods and literature.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Technical advisory group means the Technical Advisory Group established as specified in the **Drought Operations – Delivery of Peel Environmental Water Plan** and is the same as the Peel Environmental Water Technical Advisory Group established under the **NSW conditions of authorisation**.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Appendix 2 – Photos



Photo of a typical installed snag and anchor pin logs



Photo of installed snag with additional installed snag downstream in the stretch of river



Photo of Installed Self-cleaning pump screen and pump intake and retrieval system on the Peel River



First Nations Education Program

**Co-designed environmental and cultural
learning experiences for students**



Peel River Snagging and Screening Project

Kamilaroi/Gamilaroi/Gomeroi Country

14 November 2024

Cover page of education booklet developed in collaboration with Walaaybaa Rangers, TLALC

Appendix 3 – Delay Notification

10 June 2025

EPBC Monitoring Section

Department of Climate Change, Energy, the Environment and Water

EPBCMonitoring@dcceew.gov.au

Re: WaterNSW Peel River Drought Protection Works Biodiversity Offsets - EPBC 2019/8590

WaterNSW wishes to advise that installation of the self-cleaning pumps screens offset measure as described within the amended Biodiversity Offset Management Plan and as required by condition 6 of EPBC 2019/8590, will not occur within the revised time of 30 June 2025.

As reported within the 2024 Annual compliance report, the offset measure of installing 50 habitat snags within the Peel River was successfully completed ahead of schedule in July 2024.

Being part of the offset package, WaterNSW also committed to installing seven (7) self-cleaning pumps screens on licensed water extraction pumps. Following seeking expressions of interest from pump owners, we have succeeded in gaining the acceptance from recipients to install all seven (7) self-cleaning pump screens with signed agreements. These pump screens will be located on the Peel River between Chaffey Dam and Tamworth. We have been able to purchase the required screens and materials and have commenced fabrication, where feasible, of components offsite.

Ongoing and significant delays to on-site installation activities have been experienced during the first half of 2025. Initially, the effects of Cyclone Alfred in south-eastern Queensland created delays in being able to obtain components required for system fabrication. The northern region and Peel River catchment has also experienced multiple significant rainfall events that have led to flooding along the Peel, resulting in Chaffey Dam spilling on a number of occasions with resultant elevated river flows and prevented access to private properties by our contractor to undertake on-site installation activities.

To date, we have installed and commissioned one of the seven self-cleaning pump screens and will progress with the remaining installations as weather and site conditions allow.

The monitoring program has been developed and aquatic ecologists engaged, with survey works to commence Spring 2025 and will continue for five years until 2030.

WaterNSW has kept the Department informed of installation progress and highlighted the issues as they have developed and their potential to cause delays and affect WaterNSW ability to remain compliant with the approvals & offset management plan. We will continue to provide updates as needed and within the annual compliance report to ensure that the Department is informed of our progress.

If you have any questions, please contact Jeremy Stacy by phone 0429 886 377 or via email , Jeremy.Stacy@waternsw.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mayank Thakre", with a horizontal line drawn underneath it.

Mayank Thakre

Project Manager, Operations