

SECTION 4 ENVIRONMENTAL APPROVAL	
<b>Project Details</b>	
myWaterNSW Request #: RITM	RITM0631329 ARK Minor Works EIA Form # D2024/16845[v1]
WaterNSW Contact	Project Location lat -33.366285long 145.601106
Project Title	Merrowie Creek Regulator Rock protection
Approved Activity	Project to be completed when site is non operational and Creek is dry- Additional Rock beaching ( 65tn of 250mm to 500mm) on the down stream side of regulator. Rock will be placed over existing and extended approximately 6m down stream and extend up the banks to prevent further future erosion.- Replace road base (10 tn 20mm to 40mm b grade) capping to east& West abutments that was eroded/washed away during 2022 flood events. Capping to finish off WHS access upgrade.- Minor tree trimming to remove any immediate over hanging branches in work site -Image attached.- Cleanup and reshape bed in the immediate area upstream of regulator to remove build up of debris and silt.All equipment and material to be bought in by Small tipper as required and placed/shaped with an excavator and small loader/ Skid steerProject site 16km from Hillston along Roto Rd (bitumen) then 4.2km along existing dirt track - Image attached
<b>Project Manager Responsibilities</b>	
In carrying out the project or works, it is the Project Manager's responsibility to ensure that the works are carried out as described within this assessment and that all safeguards listed within this approval are complied with. The Project Manager must also ensure that all licences, permits and approvals are obtained and maintained as required and that all statutory and regulatory requirements are complied with throughout the project or works. The Project Manager is also to ensure compliance with the Building Code of Australia and other relevant technical, manufacturer or industry standards as may be required.	
<b>Environmental Safeguards</b>	
<b>General</b>	
G1	All WaterNSW Work Health and Safety requirements must be adhered to.
G2	All complaints and compliments shall be directed to - <a href="mailto:feedback@waterNSW.com.au">feedback@waterNSW.com.au</a> or 1300 662 077.
G3	All environment incidents shall be addressed in accordance with WaterNSW's Environmental Incident Management Procedure <b>CD2016/6*</b> .
G4	If works have not commenced within 2 years of this approval, the EIA form must be re-submitted prior to the commencement of works, to ensure the controls remain in line with current legislation and internal procedures including re-approval by the Environmental Services team.
G5	Site inductions shall include all aspects, impacts and controls identified in the EIA/REF and Environmental Approval.
G6	For any shutdown, completion of Site Shutdown (RACS requirement) shall be completed at least 24 hours prior to shutdown commencing.
G7	Approved Standard Hours are : Mon-Fri 7am-6pm, Sat 8am-1pm, No work Sunday or Public Holidays. For any proposed works outside approved standard construction hours, an Out of Hours Application <b>CD2015/210*</b> shall be submitted to the Environmental Services team, allowing 10 working days for approval.
G8	If any items which have the potential to be of heritage significance are encountered, works shall cease until the significance of the item can be established. The Water NSW Environmental Services Team should be contacted for advice on the appropriate course of action to take.
G9	If any Aboriginal cultural material (e.g. relics such as stone tools, worked bone or fire hearths) is encountered within or immediately adjacent to the work area, work shall stop immediately until the significance of the item can be established. Water NSW Procedure <b>CD2012/184*</b> - Unexpected Aboriginal Objects Procedure should be followed.
G10	All sediment and erosion controls shall be installed according to the requirements of <i>Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition 'Blue Book'</i> .
G11	WaterNSW Tree Clearing Permit CD2021/110* must be completed and authorised by the works supervisor before vegetation removal activities commence.
<b>Community</b>	
<b>Traffic and Utilities</b>	
<b>Special and Contolled Areas</b>	
<b>Soil and Water</b>	
SW1	All works shall be undertaken in a manner that will minimise site disturbance and avoids or minimise erosion and sedimentation.
SW2	All areas disturbed during the works shall be protected by installing appropriate erosion and sedimentation control measures so that sediment-laden runoff does not enter any drainage line or wetland. Measures may include: <ul style="list-style-type: none"> <li>o diverting any potential upslope runoff and stormwater away from the site;</li> <li>o installing temporary erosion control devices (eg sediment fencing, sand bags, sediment basins);</li> <li>o temporary surface protection (eg surface mulching, geotextile/erosion control matting).</li> </ul>

SW3	All erosion and sediment control measures shall be checked and maintained on a regular basis so that they work effectively at all times, including removing trapped sediment before or when 30% capacity is reached. Control measures shall not be removed before the ground surface is stabilised.
SW4	A maintenance checklist shall be prepared for sites. Records shall be kept of all checks and maintenance and shall be provide to Water NSW on request. As a minimum this shall include a regular check of: <ul style="list-style-type: none"> <li>o sediment fencing/bunding</li> <li>o any sign of erosion of the site or material</li> <li>o any impact on adjacent vegetation (material shall be kept outside the dripline of any tree)</li> <li>o the safe storage of any chemicals, fuels or lubricants</li> <li>o the height, gradient and stability of any stockpile (&lt;2m high and 2:1 slope)</li> </ul>
SW7	Plant and equipment shall not be refuelled within 20m of any natural or built drainage line or wetland. During any refuelling, spill containment material shall be on hand ready for immediate use.
SW8	Weather forecasts shall be regularly checked so that expected storm events can be taken into account in project planning and erosion and sediment management.
SW9	Temporary compounds and stockpiles shall be located: <ul style="list-style-type: none"> <li>o at least 40m from natural or built drainage lines or wetland;</li> <li>o on areas previously disturbed and that do not require the clearing of native vegetation;</li> <li>o on level, hard ground wherever possible, and shall not be located on slopes steeper than 1(V):10(H);</li> <li>o beyond tree drip lines;</li> <li>o where there is no risk of impact on any indigenous or non-indigenous heritage site.</li> </ul>
SW10	Topsoil shall be stockpiled separately from general spoil and reused wherever possible.

**Flora and Fauna**

**Pest and Weed Control**

**Air Quality**

**Noise and Vibration**

**Heritage**

H1	Site induction shall include awareness of the heritage significance of the site. This shall include the importance of preventing accidental damage to any structure or historical remnants such as roads, steps & stairs, curbing, footings & foundations and picnic area facilities or interfering with any material associated with the heritage item.
H2	All activities or work undertaken within the heritage precinct shall be carried out in a manner that will protect the fabric of the heritage item from damage or interference during the work.
H3	If problems are encountered that require a major change in the work method, works shall cease until the significance of the change can be assessed. The Water NSW Environmental Services Team shall be contacted for advice. Note: the works may require re-approval prior to recommencing, depending on the changes.

**Waste**

**Site Decommissioning and Restoration**

**Fencing**

**PROJECT SPECIFIC SAFEGUARDS**

PS4	As the proposed works involve dredging and reclamation activity DPI fisheries must be consulted to ensure obligations associated with S199, 218 and 219 of the Fisheries Management Act are appropriately addressed at Merrowie Creek Regulator. Refer attachment 1 for DPI Fisheries considerations for the works.
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**STAKEHOLDER REQUIREMENTS**

SR2	
SR3	
SR5	Refer DPI Fisheries matters for consideration as attached.
SR10	National Parks have requested no stockpiles on site. As such, material will be delivered from Hillston when required and placed directly.

**DECLARATION AND SIGN-OFF**

**Author Certification** - I certify that I have reviewed and endorse the contents of this EIA document and, to the best of my knowledge, it is in accordance with the EP&A Act 1979, the EP&A Regulation 2021 and the Guidelines approved under clause 170 of the EP&A Regulation 2021, and the information it contains is neither false nor misleading.

This REF has been prepared in accordance with Section 5.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Under Part 5 of the EP&A Act, WaterNSW is both the proponent and determining authority for the proposed activity. The State Environmental Planning Policy (Transport & Infrastructure) 2021 allows the proposal to be carried out without development consent. WaterNSW has prepared this REF in accordance with Clause 170 of the Environmental Planning and Assessment Regulation 2021.

On the basis of the assessment and having taken into account to the fullest extent possible all matters likely to affect the environment as a result of the proposed activity, it is concluded that, by adopting the measures identified in the REF, there is unlikely to be a significant environmental impact as a result of undertaking the proposed activity. Accordingly, an Environmental Impact Statement (EIS) is not required.

If the scope of work or work methods described in this report change either prior to or during works, additional Environmental Impact Assessment must be undertaken.

If this Minor Works EIA/REF is to be published in accordance with the NSW DPE *Guidelines for Division 5.1 assessments*, all relevant studies used to prepare the EIA are to be attached to the form & placed on the WaterNSW website prior to the commencement of works.

Approval ARK # ⓘ	D2024/16845[v2]
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<b>Environmental Adviser Approval</b> Environmental Impact Assessment for Minor Works was approved/endorsed by	[REDACTED]
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## Attachment 1

### MATTERS FOR CONSIDERATION UNDER s199 of the *Fisheries Management Act 1994*.

1. All relevant approval documentation, including authorities such as landowners consent should be maintained by the proponent or their contractor operating on site.

*Reason – A DPI Fisheries Compliance Officer may wish to check that the works are being undertaken in accordance with relevant approvals.*

2. The subject works, in construction methodology and final built design, must be consistent with the proposal outlined in the s199 referral to DPI Fisheries. Please closely consider whether proposed changes could create additional impacts on aquatic habitat and should be referred to DPI Fisheries for further s199 consultation.

*Reason – This s199 consultation has been prepared following an assessment of the potential impacts of the described works upon the aquatic and neighbouring environments. Other works, which were not described in the referral have not been assessed and may have significant adverse impacts.*

#### SEDIMENT AND EROSION CONTROL

3. Erosion and sediment mitigation devices are to be erected in a manner consistent with currently accepted Best Management Practice (i.e. Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition Landcom, 2004) to prevent the entry of sediment into the waterway prior to any earthworks being undertaken. These are to be maintained in good working order for the duration of the works and subsequently until the site has been stabilised and the risk of erosion and sediment movement from the site is minimal.

*Reason – To ensure that sediment generated by the exposure of soil is not transported into the aquatic environment.*

4. DPI Fisheries recommends stockpiles are located away from adjacent water land<sup>1</sup>, riparian and aquatic vegetation<sup>2</sup>.

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<sup>1</sup> “Water land” means land submerged by water:

- a) whether permanently or intermittently, or
- b) whether forming an artificial or natural body of water,

and includes *wetlands* and any other land prescribed by the regulations.

*Wetlands* include marshes, mangroves, swamps, or other areas that form a shallow body of water when inundated intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities.

<sup>2</sup> “Aquatic vegetation” is a term used to describe native vegetation that inhabits freshwater but does not include noxious weeds within the meaning of the *Noxious Weeds Act 1993*.

*Reason – To ensure that sediment generated by the exposure of soil is not transported into the aquatic environment.*

#### TIMING OF WORKS FOR LOW FLOWS

5. Works should be undertaken during periods of low or no flow in the waterway, and where possible when the Bureau of Metrological forecast for the Region indicates clear, dry weather.

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

#### INSTREAM WORKS

6. DPI Fisheries recommend that

- machinery should only enter or work from the waterway in accordance with best management practice and an agreed work method statement.
- machinery is appropriately cleaned, degreased and serviced prior to use at the site and entry into the waterway.
- Emergency Spill Kits appropriate for containing and cleaning up petroleum and solvent product spills within waterways are available on site at all times during works.

*Reason – To reduce the threat of an unintended pollution incident impacting upon the aquatic environment.*

7. Snags<sup>3</sup> are not to be realigned, relocated, or removed without prior consultation with and agreement from DPI Fisheries.

*Reason – “Removal of large woody debris from NSW rivers and streams” is listed as a Key Threatening Process under the provisions of the FM Act. This approval has been granted on the basis that snags are not to be removed.*

#### ARMOURING WORKS

8. Only clean rock (no fines) should be used at the site.
9. The rock forming the bank armoring should be placed into position using a rock grab or excavator.
10. Rock is to be of suitable size to not be displaced by high velocity flows.

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<sup>3</sup> “Snags” is a term used to describe **large woody debris** from trees and shrubs, including whole fallen trees, broken branches and exposed roots that have fallen or washed into a waterway and are now wholly or partially submerged by water. Snags also includes submerged large rocks (of greater than 500 mm in two dimensions).

## AVOIDING HARM TO RIPARIAN AND AQUATIC VEGETATION

11. To protect riparian and aquatic vegetation DPI Fisheries recommends identifying and appropriately delineating riparian and aquatic vegetation on water land as “No Go” areas (with the aim of avoiding harm to these areas).  
*Reason – To ensure that impacts on aquatic habitats and the riparian zone are minimised.*

## POST WORKS REHABILITATION OF SITE

12. On completion of the works, that the site is rehabilitated and stabilised including:
  - removal from the site of surplus construction materials and temporary structures (other than silt fences and other erosion and sediment control devices) installed during the course of the works.
  - Appropriate maintenance of erosion and sediment control devices undertaken until the vegetation has successfully established and the site has stabilised.  
*Reason – To ensure that habitats are restored as quickly as possible, public safety is not compromised, aesthetic values are not degraded and sediment inputs into the waterway are reduced.*

## FISH KILL CONTINGENCY

13. Observations of dead or distressed fish should be immediately reported to DPI Fisheries. If a fish kill occurs DPI Fisheries recommend works cease until the cause of the kill is identified and rectified.