

Department of Water and Energy

Murray Region
P O Box 205
8-20 Edwardes Street
Deniliquin NSW 2710
Phone: (03) 58983900

License under Section 12 of the Water Act, 1912 50SL075704

License No: 50SL075704

Date Issued: 07-Jul-2008



Roads And Traffic Authority Of N S W
Senior Project Manager
P O Box 5126 M R M S C
Lavington NSW 2708

Details of Licensed Works

<u>Works</u>	<u>River or Lake</u>	<u>Portion or Lot/Section/DP</u>	<u>Parish</u>	<u>County</u>
1 x Diversion Channel	Mullengandra Creek	2//229665 123//753350	Mullengandra	Goulburn
1 x Diversion Channel	Mullengandra Creek	2//229665 123//753350	Mullengandra	Goulburn

Purpose

Temporary diversion Channel (Mullengandra Creek) and Permanent Realigned Channel (Mullengandra Creek) associated with duplication of Hume Highway.

Details of Land to be Irrigated

<u>Portion or Lot/Section/DP</u>	<u>Parish</u>	<u>County</u>
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Area to be irrigated: Hectares	Period for which License issued: 5 Years	Fee: \$117.00 PAID
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ABN 27380445450 GST NIL

The charge pursuant to section 22C of the Water Act as amended shall be on the basis of the quantity of water taken and used by means of the work during any year commencing 1st July and terminating the following 30th June.

The work described hereon, and referred to in the application and plans deposited by or on behalf of the abovenamed licensee, is hereby declared to be a licensed work under the Water Act, 1912.

This license is subject to the terms, limitations and conditions set out on the attached Condition Statement.

By direction of the Department Of Water And Energy

for
Regional Director

ORIGINAL

Department of Water and Energy
CONDITIONS STATEMENT REFERRED TO ON
50SL075704
ISSUED UNDER PART II OF THE WATER ACT, 1912
ON 07-Jul-2008

(1) THE LICENCE HOLDER MUST CARRY OUT ALL OF THE APPROVED ACTIVITIES IN ACCORDANCE WITH THE CONSTRUCTION RIPARIAN MANAGEMENT PLAN (IN90304-00-PL-EW-0018-C DATED NOVEMBER 2007) A COPY OF WHICH IS RETAINED ON FILE (LO 4801) IN THE ALBURY OFFICE OF THE DEPARTMENT OF WATER AND ENERGY.

(2) THE LICENCE HOLDER MUST CARRY OUT THE PERMANENT RE- ALIGNMENT OF THE CREEK CHANNEL IN ACCORDANCE WITH THE APPROVED DESIGN PLANS (RTA REG. NO 0002.186.RC.0509 DATED 14.05.08) A COPY OF WHICH IS RETAINED ON FILE (LO 4801) IN THE ALBURY OFFICE OF THE DEPARTMENT OF WATER AND ENERGY.

(3) THE LICENCE HOLDER MUST CARRY OUT THE TEMPORARY DIVERSION OF THE CREEK CHANNEL IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN (NO. 0054 DATED 25.06.08) A COPY OF WHICH IS RETAINED ON FILE (LO 4801) IN THE ALBURY OFFICE OF THE DEPARTMENT OF WATER AND ENERGY.

(4) THE LICENCE HOLDER MUST SUBMIT FOR THE DEPARTMENTS APPROVAL ANY AMENDMENTS TO THE APPROVED PLANS AS IDENTIFIED IN CONDITIONS 1, 2 AND 3 PRIOR TO CARRYING OUT ANY ACTIVITY THAT IS CONTRARY TO THOSE APPROVED PLANS.

(5) A COPY OF THE FOLLOWING MUST BE MUST BE KEPT ON SITE AT ALL TIMES AND MADE AVAILABLE TO NSW DEPARTMENTAL OFFICERS UPON REQUEST:

(A) LICENCE CERTIFICATE FOR THIS LICENCE (50SL75704) AND ITS ASSOCIATED STATEMENT OF CONDITIONS; AND

(B) THE CONSTRUCTION RIPARIAN MANAGEMENT PLAN (IN90304-00-PL-EW-0018-C DATED NOVEMBER 2007); AND

(C) THE DESIGN PLANS (RTA REG. NO 0002.186.RC.0509 DATED 14.05.08); AND

(D) THE EROSION AND SEDIMENT CONTROL PLAN (NO. 0054 DATED 25.06.08).

(6) THE LICENCE HOLDER MUST CLEARLY MARK ON THE GROUND THE EXTENT OF THE FOOTPRINT OF THE APPROVED ACTIVITIES PRIOR TO THE COMMENCEMENT OF ANY WORKS AND KEEP THOSE MARKINGS EASILY IDENTIFIABLE FOR A MINIMUM PERIOD OF FIVE YEARS FROM THE DATE OF THE ISSUE OF THE LICENCE.

(7) THE TEMPORARY DIVERSION CHANNEL SHALL BE COMPLETED WITHIN 60 DAYS OF THE ISSUE OF THIS LICENCE. APPROVAL FOR AN EXTENSION IN TIME TO COMPLETE THE TEMPORARY DIVERSION CHANNEL SHALL BE GRANTED IF WORK IS DELAYED DUE TO WET WEATHER CONDITIONS. BOTH THE APPLICATION AND APPROVAL FOR SUCH AN EXTENSION MUST BE IN WRITING

(8) THE PERMANENT REALIGNED CHANNEL SHALL BE COMPLETED WITHIN 180 DAYS OF THE ISSUE OF THIS LICENCE. APPROVAL FOR AN EXTENSION IN TIME TO COMPLETE THE PERMANENT REALIGNED CHANNEL SHALL BE GRANTED IF WORK IS DELAYED DUE TO WET WEATHER CONDITIONS. BOTH THE APPLICATION AND APPROVAL FOR SUCH AN EXTENSION MUST BE IN WRITING.

(9) WATER MUST NOT BE DIVERTED FROM THE TEMPORARY DIVERSION CHANNEL TO THE PERMANENT REALIGNED CHANNEL PRIOR TO:

(A) THE INSTALLATION OF INVERT AND RIPARIAN BENCH PLANT MATERIAL (BEING PLANT MIX 1, 2 AND 3) AS PER THE DESIGN PLANS; AND

(B) THE COMPLETED PERMANENT REALIGNED CHANNEL BEING INSPECTED BY THE DEPARTMENT OF WATER AND ENERGY AND THE DEPARTMENT OF PRIMARY INDUSTRIES AND DETERMINED TO BE CONSTRUCTED AND STABILISED TO THEIR SATISFACTION.

- (10) THE LICENCE HOLDER MUST ENSURE THE STABILITY OF THE BED AND BANKS OF THE NATURAL CREEK CHANNELS DOWNSTREAM OF BOTH THE TEMPORARY DIVERSION CHANNEL AND THE PERMANENT REALIGNED CHANNEL FOR A DISTANCE OF AT LEAST 50 METRES. IF THE NATURAL CREEK CHANNELS ARE LOCATED ON PRIVATELY OWNED LAND, ALL WORKS TO BE CARRIED OUT MUST BE DONE WITH THE AGREEMENT OF THE LAND OWNER AND TO THE SATISFACTION OF THE DEPARTMENT OF WATER AND ENERGY.
- (11) THE LICENCE HOLDER MUST ADVISE THE DEPARTMENT OF WATER AND ENERGY WITHIN 48 HOURS IF AT ANY TIME FLOW IN THE TEMPORARY DIVERSION CHANNEL OVERTOPS THE CHANNEL BANKS. ANY ISSUES ARISING FROM SUCH AN EVENT MUST BE ADDRESSED BY THE LICENCE HOLDER TO THE SATISFACTION OF THE DEPARTMENT OF WATER AND ENERGY.
- (12) THE LICENCE HOLDER MUST CARRY OUT THE APPROVED ACTIVITIES UNDER THE DIRECT SUPERVISION OF SUITABLY QUALIFIED PROFESSIONALS.
- (13) THE LICENCE HOLDER MUST ENSURE THAT ALL OPERATORS/CONTRACTORS ARE AWARE OF AND COMPLY WITH THE CONDITIONS OF THIS LICENCE RELEVANT TO THEIR RESPECTIVE ACTIVITIES.
- (14) THE WORK SHALL BE CONSTRUCTED AND MAINTAINED IN A SAFE AND PROPER MANNER THAT WILL MINIMISE THE POSSIBILITY OF DAMAGE BEING OCCASIONED BY IT, OR RESULTING FROM IT TO ANY PUBLIC OR PRIVATE INTEREST.
- (15) THE LICENCE HOLDER MUST ENSURE THAT DURING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE APPROVED WORKS, ANY ACTIVITY THAT RESULTS IN SOIL OR VEGETATION DISTURBANCE IS PERFORMED SO AS TO PREVENT SOIL EROSION AND THE ENTRY OF SEDIMENTS INTO ANY RIVER, LAKE, WATERBODY, WETLAND OR GROUNDWATER SYSTEM.
- (16) THE LICENCE HOLDER MUST REMOVE ALL UNUSED OR EXCESS MATERIALS FROM SITE AT THE COMPLETION OF THE APPROVED ACTIVITIES.
- (17) THE LICENCE HOLDER MUST ENSURE THAT ALL REVEGETATION AREAS ARE SECURELY FENCED TO PREVENT STOCK ACCESS FOR A MINIMUM PERIOD OF FIVE YEARS FROM THE DATE OF THE ISSUE OF THE LICENCE.
- (18) THE LICENCE HOLDER MUST PROVIDE FOR APPROVAL WITHIN 120 DAYS OF THE ISSUE OF THIS LICENCE AN ANNUAL MONITORING AND MAINTENANCE PLAN COVERING THE AREA WITHIN THE MARKED FOOTPRINT OF THE APPROVED ACTIVITIES AND THE CORE RIPARIAN ZONE (DEFINED AS 20 METRES EITHER SIDE OF THE HIGH BANK OF MULLENGANDRA CREEK) 50 METRES DOWNSTREAM OF THE EXTENT OF THAT FOOTPRINT THAT MUST ADDRESS THE FOLLOWING ISSUES:
(A) STRUCTURAL WORKS; AND
(B) VEGETATION AND WEEDS; AND
(C) FENCING.
- (19) THE LICENCE HOLDER MUST MONITOR AND MAINTAIN THE AREA WITHIN THE FOOTPRINT OF THE APPROVED ACTIVITY AND THE CORE RIPARIAN ZONE (DEFINED AS 20 METRES EITHER SIDE OF THE HIGH BANK OF MULLENGANDRA CREEK) 50 METRES DOWNSTREAM OF THE EXTENT OF THAT FOOTPRINT FOR A MINIMUM PERIOD OF 5 YEARS FROM THE DATE OF ISSUE OF THE LICENCE IN ACCORDANCE WITH THE MONITORING AND MAINTENANCE PLAN AS APPROVED BY THE DEPARTMENT OF WATER AND ENERGY.
- (20) THE APPROVAL HOLDER MUST NOTIFY THE DEPARTMENT OF WATER AND ENERGY IN WRITING WITHIN 7 CALENDAR DAYS OF ANY CHANGE IN SITE MANAGEMENT; LAND OWNERSHIP; OR LAND OCCUPATION.
- (21) THE LICENCE HOLDER MUST PROVIDE A PROGRESS REPORT TO THE DEPARTMENT EVERY 12 MONTHS FROM THE DATE OF THE ISSUE OF THE LICENCE THAT MUST INCLUDE:
9A) THE IDENTIFICATION OF ANY FAILURE OF STRUCTURAL WORKS (INCLUDING THOSE CONSTRUCTED WITH ROOT WADS OR BOULDERS), AND
(B) A REPORT ON AN REMEDIAL WORKS REQUIRED TO BE/HAVE BEEN UNDERTAKEN TO RECTIFY FAILED STRUCTURAL WORKS, AND
(C) DATE OF (PROPOSED) REMEDIAL WORKS TO BE UNDERTAKEN, AND
(D) A SCHEDULE AND MAP SHOWING THE VEGETATION SPECIES, NUMBER AND LOCATION OF INITIAL

AND ANY REPLACEMENT PLANTINGS, AND
(E) THE PERCENTAGE COVER OF GROUND COVER, SHRUBS, TREES AND WEEDS, AND
(F) ANY PROBLEMS THAT IMPACTED ON THE SURVIVAL RATES OF PLANTS INCLUDING CLIMATIC, FIRE,
FLOODING AND VANDALISM, AND
(G) PHOTOGRAPHS SHOWING THE WORKS DURING THE REPORTING PERIOD.

End Of Conditions

Please Note: You are advised that the right to take and use water granted by this entitlement may be varied once the Departments' Murray Darling Basin Water Management and River Flow Objectives Policy has been finalised