

BELLO BIO BLOG

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ADVICE FOR LANDHOLDERS WISHING TO DO WORK ON RIVERBANKS AND WATERCOURSES

Design of in-stream remediation works is a highly specialised field. Works must be designed specifically for each site, taking into account water velocity and behaviour in low and high flows and river bank and bed materials present. Inappropriately designed or installed works may result in more damage to property and add to the impact on our aquatic systems.

It is a landholder's responsibility to determine what approvals are required and obtain permission from the relevant authorities for any proposed works before any structural riverbank work or controlled activities commences. If you think you need to use an earthworks machine or any structural material in the riparian zone - work through the steps below. Un-permitted or unlicensed works are illegal under several pieces of legislation discussed below and attract hefty fines.

1. Get expert advice for management and design

For advice and costings on appropriate remediation works suitable for the site call a consultant. Designs for in stream remediation are constantly being revised and improved. An expert will be able to advise on the best practice solution for your site. You may be advised that vegetation management solutions rather than hard structural works are most appropriate, which will be less costly and easier to implement. Consultants may also assist you with the complex permitting and licensing process.

State Government based organisations that may help with this are:

- Soil Conservation Service 6650 3143
- North Coast Local Land Services 6659 9400

There are a number of private consultants working in the area also.



Image: Driving pins for rock fillet works at Mylestom

2. Land Ownership

Determine the ownership of the land on which the works are proposed and the adjoining properties. Written consent or approvals will be required from the landholder (remember that riverbeds are often owned by the Crown). The NSW Governments ePlanning Spatial Viewer may be used to assist in land ownership details. Use the following link: www.planningportal.nsw.gov.au/spatialviewer



Working on Riverbanks and Watercourses (cont)

3. Licencing and Permits

There will be NSW government permits/licences required for works on or adjacent to watercourses. Government legislation, policy and guidance regarding environmental assessment, approvals and permits can change frequently. Consultation with relevant government authorities and consideration of up to date advice is required for each site.

Application fees will be associated with all permits/licences. You may also be required to have a survey completed to clarify land ownership. Remember to factor these in to your total project cost.



Image: Rock revetment at Newry Island

Impact Upon Mapped Coastal Wetland or Littoral Rainforest

Coastal wetland and littoral rainforest are regulated under the Coastal Management Act 2016 and Resilience and Hazards SEPP. You can view coastal wetland and littoral rainforest mapping on the NSW Governments ePlanning Spatial Viewer: <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>.

If the works will impact on these mapped communities, The works are classified as 'Designated Development'. An Environmental Impact Assessment will be required.

Council Planning - Development Application (DA)

If the works are in the estuary (where it is tidal) there will be a DA required by Bellingen Council. Landholders will need to talk to a planner. Call 6655 7300 for an appointment.

Council approval is not needed if your project meets specific development standards (exempt developments) . More information on exempt development can be found at: www.pp.planningportal.nsw.gov.au/development-assessment/planning-approval-pathways/exempt-development

Impact Upon Important Fisheries Habitat and Fish Passage

All dredging or reclamation work on areas mapped as Key Fish Habitat require a Part 7 permit under the Fisheries Management Act 1994.

See maps at: <https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/key-fish-habitat-maps> to see if your site is Key Fish Habitat.

Information on applying for a fisheries permit can be found here: www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats/activities-requiring-a-permit

Working on Riverbanks and Watercourses (cont)

NSW Water Management Act - Controlled activity approval

Any works within 40m of a watercourse require a controlled activity permit, as defined in the Water Management Act 2000.

<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>

Examples of controlled activities include:

- Modifications to a watercourse, such as erosion control works and channel realignment,
- Construction of bed control measures,
- Construction of watercourse crossings such as bridges, causeways and bed level crossings, and ancillary works, such as roads,
- Construction of stormwater outlets and spillways,
- Construction of boat ramps and sea walls,
- Laying pipes and cables; and
- Sand and gravel extraction.

For more information refer to the following fact sheet:

www.industry.nsw.gov.au/___data/assets/pdf_file/0004/172093/Controlled-activity-approval-exemptions-fact-sheet.pdf

NSW Water Management Act - Harvestable Right

Harvestable Right applies to construction of dams.

Provided the proposed structures are on a 1st or 2nd order stream (i.e. minor depression, intermittent flow line) the total allowable storage will be based on the harvestable right. (<https://www.waternsw.com.au/customer-service/water-licensing/blr/harvestable-rights-dams>)

Fact sheets:

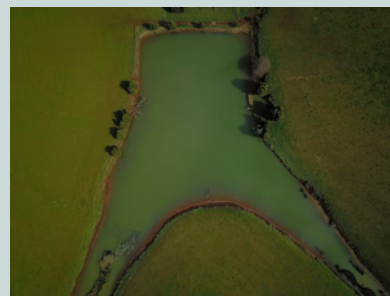
[Water NSW - Do I need a License?](#)

[Water NSW - Where can I build a dam?](#)

Note:

Dams built on watercourses that are for soil erosion control purposes do not contribute to the harvestable right.

A minor depression or flowline that carries flow from a higher order stream during a flood event (eg. a floodplain channel, chute etc) is not considered a 1st or 2nd order stream. Structures on these watercourses would therefore require a licence.



Working on Riverbanks and Watercourses (cont)

Impact Upon Aboriginal Object(s) or Declared Aboriginal Place(s)

You may need to seek approval under the National Parks and Wildlife Act 1974.

To understand if your project may impact upon Aboriginal object(s) or declared Aboriginal Place(s) refer to the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales at:

www.environment.nsw.gov.au/research-and-publications/publications-search/due-diligence-code-of-practice-for-the-protection-of-aboriginal-objects-in-new-south-wales

Impact Upon Non-Aboriginal Heritage

You may need to seek approval under the Heritage Act 1977 if the proposed works are:

- On or within the curtilage of an item listed on the State Heritage Register or
- On or within the curtilage of a place with an Interim Heritage Order

Check the State Heritage Inventory to confirm the item is listed on the State Heritage Register or has an Interim Heritage Order. If it is, usually you will submit an application for approval with Heritage NSW.

Impact to Native Vegetation and/or Endangered, Threatened, Vulnerable or Protected Species, Populations, Ecological Communities or Critical Habitat?

You may need to seek approval under the Local Land Services Act 2013, the Biodiversity Conservation Act 2016, the NSW Vegetation SEPP and/or the Fisheries Management Act 1994 as applicable if you are clearing any vegetation during your project.

3. Funding

Still with us??? After all that checking and permitting, funding for these works is usually at the landholders expense unless they fall under an eligible grant program.

To find out if there are any current funding opportunities contact:

- North Coast Local Land Services 1300 795 299
- Bellinger Landcare Inc 0490 857 879, office@bellingerlandcare.org.au
- Bellingen Shire Council 6655 7300
- DPI Fisheries : [Habitat Action Grants](#)

Working on Riverbanks and Watercourses (cont)

4. Further Reading

[2022 Floods Riverbank Erosion Support](#) - Local Land Services

[Managing Erosion before and after floods](#) - Local Land Services

[How Should I undertake erosion work following floods?](#) - Local Land Services

[What can I do to address riverbank erosion on my property?](#) - Local Land Services

[Bellinger River Estuary Revegetation Guide](#)

[Managing Erosion in the Bellinger and Kalang river system](#)

[Managing River Oaks and other in-stream Vegetation](#)

[Managing Stock on Waterways and in Wetlands](#)

[Revegetating Streams in the Bellinger and Coffs Harbour Catchments](#)



Image: Rock Groynes Never Never River.