



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Notification of referral decision – not controlled action if taken in a particular manner

Wattle Hill Creek, Bridge Replacement Project, Henty Highway, Portland, Victoria (EPBC 2024/09958)

This decision is made under sections 75 and 77A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed Action

person proposing to take the Action	Department of Transport and Planning ABN: 69 981 208 782
proposed Action	To replace the existing bridge at Wattle Hill Creek on the Henty Highway near Portland, Victoria, Victoria (see EPBC Act referral 2024/09958).

Referral decision: not a controlled action if taken in a particular manner

status of proposed Action	The proposed Action is not a controlled action provided it is taken in the manner set out in <u>Annexure A</u> .
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Person authorised to make decision

name and position	Rachel Short Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch Nature Positive Regulation Division
signature	
date of decision	13 May 2025



Annexure A

Note: Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part B - Definitions**.

Part A – Particular manners specific to the Action

The following measures must be taken to avoid significant impacts on:

- Listed threatened species and communities (sections 18 and 18A)
 - Listed migratory species (sections 20 and 20A)
- 1) To avoid impacts to **protected matters**, the person taking the Action must:
 - a) Take actions to ensure unimpeded passage for **Yarra Pygmy Perch** where the work site bisects Wattle Hill Creek when the creek is flowing. Any bypass structure must not be enclosed.
 - b) Ensure a **suitably qualified ecologist** is present to conduct any required pre-clearance of **Yarra Pygmy Perch** from aquatic habitat.
 - c) If any **Yarra Pygmy Perch** require relocation, a **suitably qualified ecologist** must undertake that relocation, and **Yarra Pygmy Perch** must be relocated to known suitable habitat on Wattle Hill Creek unless otherwise agreed to by the department.
 - d) Ensure work areas are protected from fauna ingress (including **Yarra Pygmy Perch** and **Growling Grass Frog**).
 - e) Use **precast driven piles**.
 - f) Reinstatement areas of riparian vegetation to equal or better than the original condition, providing a range of riparian plant species indigenous to the local area that are beneficial to habitat for the **Yarra Pygmy Perch** and **Growling Grass Frog**.
 - 2) The Action must be undertaken in a manner consistent with the **Coastal Acid Sulfate Management Plan**.
 - 3) Sediment and erosion controls must be endorsed by a **Certified Professional in Erosion and Sediment Control**.
 - 4) The Action must be undertaken consistently with the following **Environment Protection Authority (Victoria) Guidelines**:
 - a) Sediment and erosion controls contained within Chapter 5 **Guideline 1834.1 (2023)**.
 - b) Acid Sulphate Soils management measures contained within **Guideline 655.1 (2009)**.
 - c) Managing soil disturbance by implementing controls contained within **Guidance sheet 1894 (2020)**.
 - d) Managing stockpiles by implementing controls contained within **Guidance sheet 1895 (2020)**.

- e) Working within or adjacent to waterways by implementing controls contained within **Guidance sheet 1896 (2020)**.

Part B – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Certified Professional in Erosion and Sediment Control or **CPESC** means a person who has relevant professional qualifications and at least three (3) years of work experience designing and implementing management plans for erosion and sediment control, and who is experienced with implementing **Guideline 1834.1 (2023)** and who can give an authoritative assessment and advice on river and creek wall erosion and sediment control.

Coastal Acid Sulfate Management Plan means the Wattle Hill Creek Bridge Replacement, Portland, Victoria Coastal Acid Sulfate Management Plan, 26 February 2025 (Senversa 2025), or a later subsequent plan approved by relevant authorities.

Environment Protection Authority (Victoria) (EPA) Guidelines means the environmental guidelines developed by the Victorian EPA designed to prevent harm to ecosystems caused by construction and upgrade work to roads and bridges adjacent to waterways, as available at the date of this decision. This includes:

- **Guideline 655.1 (2009)** means 655.1: Acid sulfate soil and rock published by the Environment Protection Authority Victoria at: [655.1: Acid sulfate soil and rock | Environment Protection Authority Victoria](#) or any later document that supersedes this guideline.
- **Guideline 1834.1 (2023)** means 1834.1: Civil construction, building and demolition guide published by the Environment Protection Authority Victoria at: [1834.1: Civil construction, building and demolition guide | Environment Protection Authority Victoria](#) or any later document that supersedes this guideline.
- **Guideline 1894 (2020)** means 1894: Managing soil disturbance published by the Environment Protection Authority Victoria at: [1894: Managing soil disturbance | Environment Protection Authority Victoria](#) or any later document that supersedes this guideline.
- **Guideline 1895 (2020)** means 1895: Managing stockpiles published by the Environment Protection Authority Victoria at: [1895: Managing stockpiles | Environment Protection Authority Victoria](#) or any later document that supersedes this guideline.
- **Guideline 1896 (2020)** means 1896: Working within or adjacent to waterways published by the Environment Protection Authority Victoria at: [1896: Working within or adjacent to waterways | Environment Protection Authority Victoria](#) or any later document that supersedes this guideline.

Growing Grass Frog means the **EPBC Act** listed threatened species *Litoria raniformis*.

Precast driven piles mean precast concrete piles installed in the ground using pile driving equipment.

Protected matters mean a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this decision notice has effect including **Yarra Pygmy Perch, Growling Grass Frog** and listed migratory species.

Suitably qualified ecologist means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing surveys for native fish or native frogs (as relevant), and can give an authoritative assessment and advice on the presence of native fish or native frogs (as relevant) using relevant protocols, standards, methods and literature.

Yarra Pygmy Perch means the **EPBC Act** listed threatened species *Nannoperca obscura*.