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Senders ref: DA101-4-2004-I-Mod-1

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Via email: [mark.wisely@planning.nsw.gov.au](mailto:mark.wisely@planning.nsw.gov.au)

22 December 2021

Dear Mr Wisley

**Subject: Barren Box Swamp - Modification 1 (DA101-4-2004-I-Mod-1)**

Thank you for the notification dated 3 December 2021 about the proposed modification to DA101-4-2004 for Barren Box Swamp, seeking input from the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (the Department).

BCD has reviewed the Modification Application. We consider that the health of the Lower Mirrool Creek is affected by the management of the Barren Box Swamp project, and we object to any modification that removes the requirement to monitor and report on the health of the Lower Mirrool Creek.

BCD considers that:

- removing the need for assessing water requirements of the Lower Mirrool Creek Floodway (LMCF) will have a net change on surface hydrology, flooding, and land use. The management of surface hydrology, flooding and land use should be informed by the water requirements of the LMCF
- removing the need to provide detail of the health of the LMCF may lead to a net change on water quality, flora, and fauna
- the cost of works required by the Wetland Rehabilitation and Management Plan has a net change to the economics of the Project operation
- the proposed modifications have a net change on the landscape
- the proposed modification has potential for cumulative impacts
- that assimilating the Operational Environmental Management Plan (OEMP) into the wider Murrumbidgee Irrigation Environmental Management System is not beneficial to all stakeholders.

We highlight the importance of maintaining open dialogue and transparency with downstream stakeholders, especially relating to flood operating protocols.

If you have any questions regarding this matter, please contact Marcus Wright, Senior Conservation Planning Officer on 02 6983 4917 or email [rog.southwest@environment.nsw.gov.au](mailto:rog.southwest@environment.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Wright'.

Adam Vey  
**Director South West**  
**Biodiversity and Conservation Division**  
**Department of Planning, Industry and Environment**

ATTACHMENT A      Detailed comments on Barren Box Swamp - Modification 1 (DA101-4-2004-I-Mod-1)

## **ATTACHMENT A Detailed comments on Barren Box Swamp - Modification 1 (DA101-4-2004-I-Mod-1)**

Despite the comments provided in Table 4.2.2 of the Modification Application, BCD does not support the amendments proposed.

BCD requires evidence that the OEMP has been reviewed every three years and that those reviews demonstrate that the OEMP is redundant. We recommend an independent assessment of the OEMP to demonstrate:

- whether it has been effective
- how its effect might be improved
- resources and information that have become available since consent to make the OEMP more effective
- evidence that assimilating the OEMP into the wider Murrumbidgee Irrigation Environmental Management System is beneficial to all stakeholders.

BCD requires evidence that:

- there has been an ecological response to the implementation of the Barren Box Swamp Wetland Rehabilitation Plan 2009-14 in the third cell
- the biodiversity works proposed including works ancillary to the OEMP and the Barren Box Swamp Wetland Rehabilitation Plan, are approved, including any ancillary clearing of native vegetation consistent with Part 7 of the *Biodiversity Conservation Act 2016*.

BCD objects to removing the requirement to provide detail of procedures to manage salt and nutrient accretion. We consider that proponent should be required to disclose the observed events and associated data. This should include any data that demonstrates the reduced use of the wetland and the attribution of this to a drying climate or the operation of the facility. This may include, but not be limited to, the interaction of inflows, irrigation allocations and delivery to customers, any changes to wetland operation and evaporative losses.

BCD objects to removing the requirement to monitor and report on the health of the Lower Mirrool Creek.

BCD agrees that the performance indicators of the OEMP need to be updated. We note that the Annual Environmental Management Report (AEMR) is retained.

While we agree that floodplain management is primarily the responsibility of Council, all stakeholders have a role to play. Murrumbidgee Irrigation own and operate most of the infrastructure, and that involves an obligation to be transparent and collaborative with other stakeholders.

BCD recommend that any future review of the OEMP includes consideration of the operation of Barren Box Wetland and Storage during major floods in Mirrool Creek to minimise impacts such as those that occurred in March 2012. Such a Flood Operating Protocol should be developed in consultation with Griffith City Council, Carrathool Shire Council, and the NSW State Emergency Services.