



Drew Anderson
Senior Planning Officer
Department of Planning, Housing, and Infrastructure

By email: drew.anderson@dpie.nsw.gov.au

Dear Mr Anderson

Thank you for the referral of the Environmental Impact Statement (EIS) for the Billabong Creek Environmental Regulators State Significant Infrastructure (SSI) 50831979 via the NSW Planning Major Projects Portal.

The SSI as submitted under Part 5, Division 5.2 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) accords with the Secretary's Environmental Assessment Requirements (SEARs) as issued by the NSW Department of Planning, Housing and Infrastructure (DPHI) on 17 October 2024. NSW National Parks and Wildlife Service (NPWS) recognises that this SSI forms part of the greater Sustainable Diversion Limits and the Adjustment Mechanism (SDLAM) Program delivered under the Murray-Darling Basin Plan by the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) in south-western NSW.

NPWS appreciates the opportunity to provide comment on the proposed replacement of the Hartwood (Lot 1/DP707463 and Lot 28/DP756330) and Wanganella (Lot 7005/DP1024202 and Lot 7004/DP1024203) Weirs on Billabong Creek. The Weirs will be replaced by two new automated water regulators with the intent to improve water efficiencies in the Yanco Creek System. We highlight that the nearest land reserved or acquired under the NSW *National Parks and Wildlife Act 1974*, land for which NPWS is the declared land manager, or one in which we have a legal interest is about 14 kilometres away.

Overall, the SDLAM program delivery affects more than just the Yanco Creek System, with recognised program application affecting the Millewa System as extensive areas of the Murray Valley National Park and the Yanga System affecting the Yanga National Park. So, NPWS retains a vested interest in understanding cumulative impacts of water regulator replacements, and changes to environmental water delivery at a landscape level over multiple catchments. NPWS understands that the SDLAM overall aims to positively influence environmental water delivery however due to the scope of the program's delivery and the hydrological links cumulative impacts need to be recognised as part of the EIS. Another matter raised is around cumulative loss of local heritage items of significance with the number of regulators being removed across the SDLAM program.

Cumulative impact assessment for SSI must accord with *Cumulative Impact Assessment Guidelines for State Significant Projects guidelines (DPIE, 2021a)*. Any assessment undertaken must look at the predictive results associated with impacts over multiple developments and activities as a collective. In that singularly impacts may be of minor impact but together they can represent a significant and potentially adverse impact either immediately or over time.

NPWS recommendations for DPIE

Ensure NSW DCCEEW considers in more detail as part of the EIS the [Cumulative Impact Assessment Guidelines for State Significant Projects – October 2022](#) in the context of:

1. regional environmental water supply and delivery at a multiple system level under the Sustainable Diversion Limits and the Adjustment Mechanism (SDLAM) Program – considering the Issues-specific cumulative impacts in more detail at a connected water catchment level, inclusive of interconnecting wetlands.
2. effects on ecological communities, plant community type resilience with the variation of environmental water delivery considering both intended positive outcomes but addressing unintentional negative implications of that change. In the understanding that environmental water delivery will be modified at a multiple system level, with variation to water delivery, timing, intensity and duration, affect ecological systems, will likely occur what will this look like for the greater SDLAM program.
3. loss of water regulation infrastructure of local heritage significance, as recognised by NSW DCCEEW, Water NSW and NPWS (in the context of loss on NPWS managed lands) across the SDLAM Program area.
4. establishing a monitoring framework across the SDLAM program which collects suitable baseline data on ecological systems to consider effects of the program, and variations to environmental water delivery as both a positive, and potential negative context. Consider:
 - a. loss of, or changes to plant community types in areas where the SDLAM program will result in variations to water delivery in floodplain or wetland dependant plant communities to inform the consideration, monitoring and reporting on cumulative impacts,
 - b. loss of, or displacement of, cultural heritage values as Aboriginal cultural heritage, shared and historic heritage values over the greater SDLAM program in considering cumulative impact of the program, monitoring and reporting on impacts and enable the management of loss overall under the program.

If you have any further questions about this response, please contact Tim O'Kelly, Riverina Area Manager, on 03 54839100 or at tim.okelly@environment.nsw.gov.au.

Yours sincerely



Darren Pitt
A/Director, West Branch
NSW National Parks and Wildlife Service

24 November 2024