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Planning and Assessment Division
Department of Planning, Housing and Infrastructure

Via: Major Projects Portal

EPA Advice on Submissions Report – Billabong Creek Environmental Water Regulators – SSI 50831979

Dear Mr Anderson,

I am writing in response to your request for the NSW Environment Protection Authority (EPA) to review the Submissions Report for the proposed Billabong Creek Environmental Water Regulators (Application SSI 50831979) at Lot 1 / DP707463; 28 / DP756330 and Lot 7005/ DP1024202; Lot 7004 /DP1024203 within the Yanco Creek system in south-west NSW.

The EPA has reviewed the following documents:

- *Billabong Creek Regulators – Response to Submissions – Main Report* (NSW Department of Climate Change, Energy, the Environment and Water, May 2025) (**RtS report**)
- *Billabong Creek Regulators – Landfill gas investigation* (GHD, 28 May 2025) (**targeted contamination investigation**)

The EPA understands the proposal is for the demolition and replacement of two existing weirs (Hartwood and Wanganella) with new water regulators, involving construction activities such as earthworks and excavation, as well as sheet piling.

Based on the information provided, the proposal does not appear to require an environment protection licence under the *Protection of the Environment Operations Act 1997*. The proposal is being undertaken on behalf of WaterNSW, a NSW public authority and therefore the EPA is the appropriate regulatory authority for the proposal.

The EPA has reviewed the Submissions Report and notes it has generally addressed the EPA's submission on this project from 27 November 2024 (DOC24/893233-2).

The EPA has the following recommendations, should the project be approved:

1. Matters to be addressed with conditions

a. Hartwood Regulator site

NSW Environment Protection Authority

As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

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The EPA recommends that a site-specific construction environmental management plan (CEMP) should be developed which includes considerations about contamination at the sites. The CEMP must:

- Consider all known and suspected contamination present in soils at the site and consider the potential for groundwater to also be contaminated.
- Outline clear measures to mitigate impacts to human health and the environment from the contamination and identify the parties responsible for implementing these measures.
- Include information on what actions must be undertaken if unexpected contamination is found as part of the development works; and
- Be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

b. Wanganella Regulator site

A CEMP should also be developed for the Wanganella Regulator site, which should consider the information outlined in targeted contamination investigation.

If you have any questions about this request, please contact Afnan Fazli via email at environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely



Christie Jackson
Unit Head – Environment Protection Planning
NSW Environment Protection Authority