

Our ref: OUT25/7837

Drew Anderson
Planning Group
NSW Department of Planning, Housing and Infrastructure

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23 June 2025

Subject: Billabong Creek Environmental Waters Regulators - SSI-50831979 – RTS

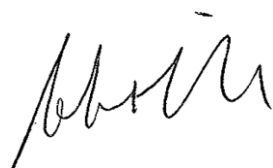
Dear Drew,

I refer to your request for advice sent on 10 June 2025 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

NSW DCCEEW Water Group has reviewed the Response to Submissions and notes the provision of information regarding water take and mitigation measures. Further information however is requested to address some of the other recommendations regarding water supply, licensing, and water impact assessments. Please see **Attachment A** for more detail.

Should you have any further queries in relation to this submission please do not hesitate to contact the Water Assessments team at water.assessments@dpie.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Brownbill".

Rob Brownbill,
Manager, Water Assessments, Knowledge Division
NSW Department of Climate Change, Energy, the Environment and Water

Attachment A

Detailed advice to DPHI Planning & Assessment regarding the Billabong Creek Environmental Waters Regulators - SSI-50831979 – RTS

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure requests the proponent to identify the proposed water extraction points on Billabong Creek and provide an impact assessment on the water users and water source of extraction from each point to meet the projects water demands.

Explanation

The proponent has stated a proposal to extract water from Billabong Creek to supply water for the project. DCCEE Water advises the proponent must identify the number of water supply works, their approximate location and provide an impact assessment of their construction and operation to meet the exclusion from the requirement for a water supply work approval in section 5.23 of the *EP&A Act 1979*. Should this information not be provided, a water supply work approval may need to be applied for and the outcome of which cannot be guaranteed, which may pose a risk to the project.

1.2 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure requests the proponent to demonstrate the viability and reliability of sourcing water from Council and nearby dams as potential water supply options.

Explanation

The proponent has identified Council and nearby dams as potential water supply options, however no supporting information to confirm water availability or evidence of consultation has been provided. DCCEE Water requests the proponent consult with the relevant third parties to ensure these are feasible options. With regard to the use of dams, the proponent must also consider the current licensing arrangements to ensure they are appropriate for the intended use, including if they are harvestable rights dams for which the water is limited to use within the same landholding.

1.3 Recommendation – post determination

The Department of Planning, Housing and Infrastructure requests the proponent to ensure sufficient entitlement is held in a water access licence (WAL) to account for the maximum predicted water take for each water source prior to take occurring unless an exemption applies under the *Water Management (General) Regulation 2018*.

Explanation

The proponent has provided reference to multiple possible exemptions from the requirement to hold a WAL which may apply to water take for various parts of the project. In considering the use of these exemptions the proponent needs to be aware that some have a reporting requirement to be eligible for use.

The proponent may also consider the exemption in Schedule 4 Clause 3 of the *Water Management (General) Regulation 2018* which is for the construction of essential infrastructure by public authorities to determine if this may apply to the project.

Any water take that does not meet an exemption must be accounted for with a WAL with sufficient entitlement.

2.0 Water impact assessment and management

2.1 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure requests the proponent to provide a water related impact assessment of the proposed borrow pit expansion during construction and ongoing. This assessment needs to include quantifying water take, assessing impacts on water users and the water source and relevant licensing requirements. The impact assessment would need to include a review against the requirements of the NSW Aquifer Interference Policy (DPE 2022).

Explanation

The RTS refers to the Borrow Pit being assessed for terrestrial biodiversity, aboriginal cultural heritage, land use and traffic, however an assessment against water issues could not be identified. Of note is that it is unclear if the expansion of the borrow pit will cause groundwater inflows or if it would capture clean surface water. The proponent should quantify any potential water take, assess the impacts on other users and identify licensing arrangements including potential exemptions.

It is also noted there appears to be an error in the RTS in the Lot/DP details for the borrow pit. The provided location is over 10km from the Hartwood Regulator which is inconsistent with the included description of 200m west of the regulator.

2.2 Recommendation – post determination

The proponent should prepare a Construction Environmental Management Plan that includes:

- energy dissipation and stabilisation measures in areas of disturbance and increased flow velocity and/or shear stress,
- geomorphic monitoring of channel form and erosion, and suitable response measures.