
Appendix E

Consultation report

Department of Climate Change, Energy, the Environment and Water

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Consultation report

Yanco Creek Modernisation Project

October 2024



Australian Government



Acknowledgement of Country

The Department of Climate Change, Energy, the Environment and Water acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Yanco Creek Modernisation Project

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YACTAC in Yanco Creek System – Community engagement plan

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Contents

| | |
|--|-----------|
| Contents | 3 |
| Introduction | 4 |
| Engagement approach | 7 |
| Community Sentiment on Yanco SDLAM Projects..... | 9 |
| Establishment of advisory groups | 9 |
| Partnering with First Nations | 10 |
| Engagement phases | 11 |
| Engagement outcomes summary..... | 15 |
| Summary of key engagement activities..... | 16 |
| Future Consultation and Engagement | 19 |
| Appendices | 20 |

Introduction

The purpose of this report is to detail the community and stakeholder engagement undertaken to support the development of the Yanco Creek Modernisation Project and its Environmental Impact Statement.

The Yanco Creek system links two of Australia's largest rivers – the Murray and Murrumbidgee – through over 800 km of interconnected waterways, including Yanco, Billabong, Colombo and Forest creeks.

It provides water for local towns, farming and recreation, as well as supporting biodiversity and conservation.

The system commences in the traditional lands of the Wiradjuri people and flows through Bangerang, Barrapa Barrapa, Yorta Yorta and Wemba Wemba traditional country. It has critically significant cultural and heritage values for First Nations peoples, providing opportunities for First Nations people to continue their spiritual, cultural and traditional Connection-to-Country.

The Yanco Creek Modernisation Project is part of the Sustainable Diversion Limit Adjustment Mechanism (SDLAM) program.

The project, initially known as the Murrumbidgee Effluent Creeks Project, aims to modernise the water infrastructure of the Yanco, Billabong, Colombo, and Forest Creeks to achieve smarter water use and improved environmental outcomes. It aims to save up to 16 GL of water annually by upgrading and modernising existing structures.

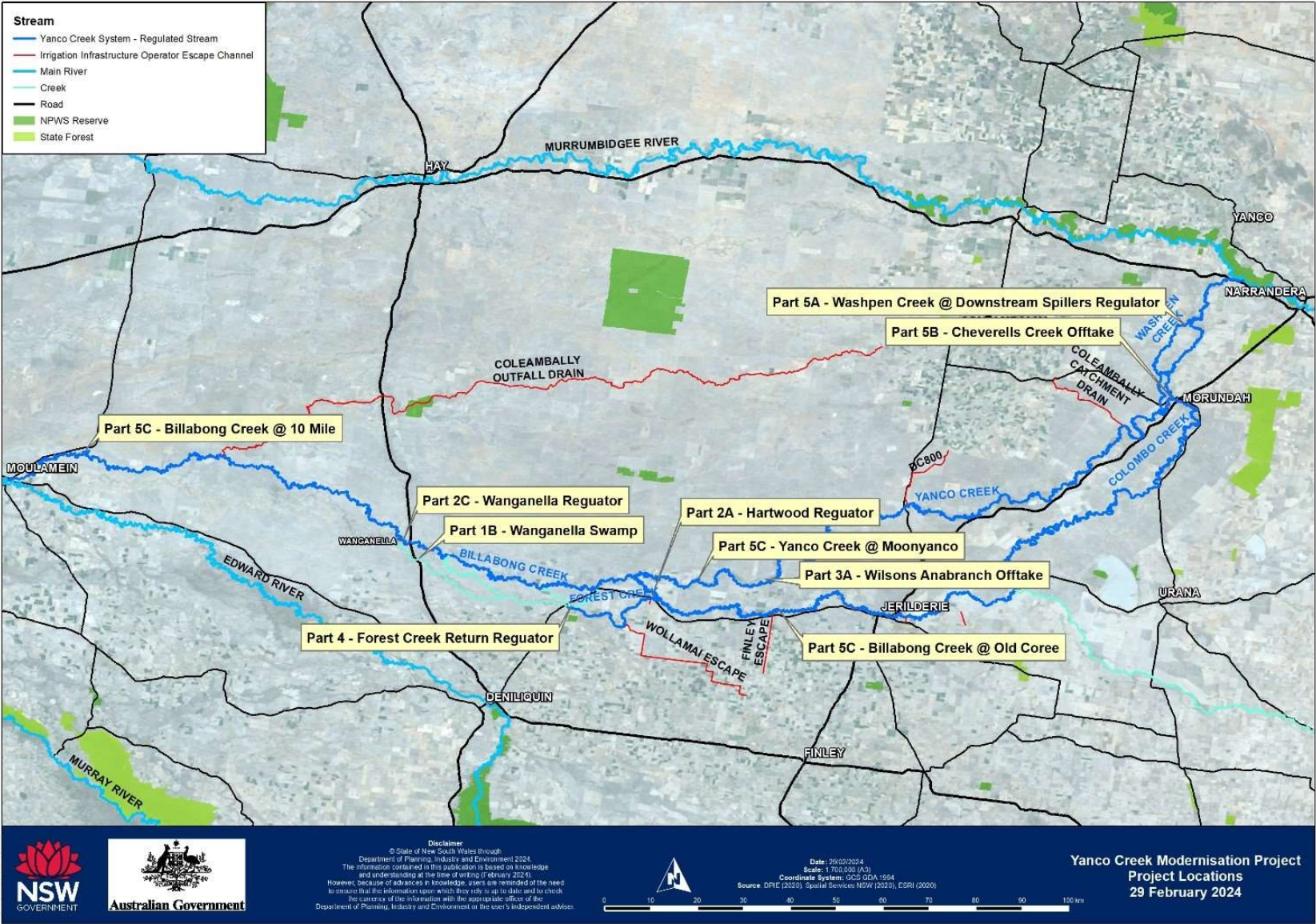
This includes constructing new water regulators, enhancing flow measurement and improving fish passage. These initiatives aim to deliver efficient water management and substantial environmental benefits.

The project has evolved through extensive community and stakeholder engagement and strategic assessment through the pre-construction phases.

The report addresses the relevant Secretary's Environmental Assessment Requirements in relation to community engagement for State Significant Projects within New South Wales.

| Engagement | |
|--|---------------|
| <p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular, you must consult with:</p> <ul style="list-style-type: none"> • Edward River Council • Department of Planning and Environment – Crown Lands • Transport for NSW • NSW State Emergency Service • WaterNSW, as proposed asset owners • DPE Water • DPE Biodiversity Conservation Division • Murray Darling Basin Authority • DPI Fisheries | This document |
| <p>The EIS must detail the engagement undertaken and demonstrate how it was consistent with the <i>Undertaking Engagement Guidelines for State Significant Projects (2022)</i>. The EIS must detail how issues raised and feedback provided have been considered and responded to in the project.</p> | This document |

Project location



Engagement approach

The engagement approach is built on the IAP2 framework and the 'Engagement Guidelines for State Significant Projects'.

Key objectives include:

- ensure key stakeholders are effectively engaged and enabled to provide meaningful feedback on the project using appropriate feedback channels
- ensure stakeholders are well informed of project activities and progress using accurate, appropriate, and easily accessible communications materials
- build, maintain, and strengthen the department's relationships with key stakeholders and community representatives as part of community and government partnership.
- Build community capacity and generate shared understandings.

Our goal is that activated stakeholders work collaboratively with the department's Water Group to advocate for and deliver smarter use of water across the Yanco Creek system that meet the requirements of the SDLAM program.

Key stakeholder groups

| | |
|-------------------|--|
| Government | <p>NSW Government Ministers</p> <p>NSW Government agencies and bodies including:</p> <ul style="list-style-type: none"> • DCCEEW • NSW DPI Fisheries • NSW Public Works Authority • WaterNSW • Water Administration Ministerial Corporation • Transport for NSW – in relation to highway access and protection for recreational water user • DPHI Crowns Lands – in relation to leases and acquisition of land • State Emergency Service <p>Australian Government Ministers</p> <p>Australian Government agencies including:</p> <ul style="list-style-type: none"> • DCCEEW • Murray Darling Basin Authority <p>Members of Parliament – state and federal for Murray and Farrer areas</p> |
|-------------------|--|

| | |
|------------------|--|
| | <p>Public landholders</p> <p>Public asset owners</p> <p>Local councils including Murrumbidgee Council, Edward River Council and Federation Council.</p> |
| Community | <p>Nations - Yorta Yorta, Wiradjuri, Wemba Wemba and Berapa Berapa</p> <p>Local Aboriginal Lands Council's – Deniliquin, Cummeragunja, and Narrandera.</p> <p>Registered Aboriginal Parties, including Bangerang</p> <p>5 townships including Morundah, Jerilderie, Conargo, Wanganella and Moulamein</p> <p>Community and interest groups including environmental groups, advocacy groups, fishing groups, farming groups, recreational groups and water user groups.</p> <p>Industry and local business</p> <p>Media</p> |

Community Sentiment on Yanco SDLAM Projects



Establishment of advisory groups

Stakeholder Advisory Group

A Community Advisory Group (CAG) was established in 2019 to represent the Yanco Creek system. In 2020, this group was converted into a Stakeholder Advisory Group (SAG) to align with department policy, allowing sitting fees for members. The group has also served as a key conduit for relaying broader community feedback.

The group has representation from the following community groups/organisations:

- Yanco Creek and Tributaries Advisory Council (YACTAC)

- Creek Country Alliance
- Murrumbidgee Field Naturalists
- NSW Farmers Association
- Recreational Fishing Clubs
- First Nations
- Federation Council
- Edward River Council
- Murrumbidgee Council
- WaterNSW
- DPI Fisheries
- Environment and Heritage Group
- Commonwealth Environmental Water Office

Technical Advisory Group

The Technical Advisory Group (TAG) was established to provide technical input on the project's options and design. It consists of representatives from both private and public organisations, including:

- DPI Fisheries
- Murray Irrigation Limited
- Commonwealth Environmental Water Office
- Coleambally Irrigation
- Murray Darling Basin Authority (MDBA)
- YACTAC
- 3Rivers

Partnering with First Nations

The Yanco Creek system traverses the ancestral lands of the Wiradjuri, Bangerang, Yorta Yorta, Barapa Barapa, and Wamba Wamba peoples. The project's boundaries intersect with the jurisdictions of the Local Aboriginal Land Councils of Leeton, Narrandera, Cumberagunja, and Deniliquin.

A comprehensive Aboriginal Community Engagement Strategy was developed to identify and engage appropriate Aboriginal stakeholders. Additionally, an Aboriginal Cultural Strategy was formulated to ensure active participation of First Nations people in project matters affecting their cultural heritage. This strategy has been pivotal in safeguarding cultural practices, language, knowledge, and identity throughout the project's assessment phase.

Five Registered Aboriginal Parties (RAPs) have been key to developing the Aboriginal Cultural Heritage Assessment (ACHA), which involved over 100 interactions and 45 days of on-site engagement. Details of the communication log are provided in Annexure B and the ACHA.

Engagement phases

Inviting feedback on potential benefits and possible options

The strategic assessment phase focused on broad community consultation to identify potential environmental benefits and water savings. During this phase, 52 options were identified for consideration.

Key activities included:

- Hosting 6 community information sessions, which included one with over 200 concerned residents attending a session in Jerilderie.
- Conducting a survey in September 2019, which received feedback from over 130 individuals through written submissions and community drop-in sessions.
- Establishing the Community Advisory Group (CAG) in 2019, which later evolved into the Stakeholder Advisory Group (SAG) to align with government policy.

Key feedback received and how we responded during this consultation phase:

| Issue raised | Our response / outcome |
|--|--|
| Operating rules need to be developed/amended to ensure avoidance of cease to flow events | Operational Guidelines have been developed in partnership with relevant stakeholders so that a clear framework exists for the ongoing operations of the Yanco Creek systems. |
| Advisory groups need to be established and include participation from local government and local industry. | A Stakeholder Advisory Group was formed in 2019 and included 3 local councils, Recreation and Tourism, Yanco Creek and Tributaries Advisory Council (YACTAC), First Nations, and Murrumbidgee Field Naturalists and Irrigation Representative . This was complemented by a Technical Advisory Group which consisted of Biodiversity Conservation and Science, DPI Fisheries, Murrumbidgee Environmental Water Holder, Commonwealth Environmental Water Holder (CEWO), YACTAC, WaterNSW, Murray Irrigation, Coleambaly Irrigation and DCCEW Water Policy. |
| Cultural and environmental Impacts need to be assessed | Engagement with Local Aboriginal Land Councils informed Heritage Investigations and an EIS was determined as the appropriate planning instrument to address project impacts. They will be placed on public exhibition. |
| A strategic engagement and communications plan needs to be developed to outline future engagement opportunities | An engagement plan was developed in consultation with the key stakeholders and shared with the public. The core activities defined in the engagement plan have been implemented and agreed with the SAG |

| Issue raised | Our response / outcome |
|--|---|
| How will you ensure meetings are inclusive and transparent? | An independent Chair was appointed to the SAG with summaries of meeting minutes published on the website after each meeting. |
| How will project alternatives be considered? | An option evaluation framework was used to shortlist the project options involving advisory groups and key stakeholders from the broader community. . Regular updates were provided through our regular communication channels. |

Inviting feedback to refine options

The concept design phase involved in-depth consultation with the SAG and the Technical Advisory Group (TAG). This phase aimed to refine the project options based on local knowledge and technical expertise that informed best for project outcomes.

Activities included:

- Engaging directly affected landholders identified during the strategic assessment phase.
- Consulting First Nation and Traditional Owner groups through targeted engagement and in-field assessments at a range of locations across the geographic footprint of the project.
- Conducting value management workshop to finalise the scope of works, which included environmental water efficiency measures at Wanganella Swamp and improved flow measurements.
- Drop-in sessions throughout the communities along the Yanco Creek System, occurring every 6 months up until September 2022.
- During the COVID-19 pandemic in 2021, we temporarily shifted to online consultation sessions, to ensure continuity of engagement
- During the October and November 2022 floods, key engagement and fieldwork was respectfully suspended to allow landowners and community to focus on recovery. Fieldwork and engagement recommenced in February 2023. The project scope was defined by this point enabling the project team to provide updates to community on project development.

Key feedback received and how we responded during this consultation phase:

| Issue raised | Our response / outcome |
|--|---|
| Concern was raised over the end of system target being met more accurately through operationally holding water in larger downstream weir pools such as Caroonboon and Wanganella. | A minimum end-of-system flow target for Billabong Creek at Darlot of 50 ML/day, plus downstream water orders, is a legal requirement for WaterNSW river operators under the Murrumbidgee Water Sharing Plan. Local community concerns about low flows between Wanganella and Caroonboon Regulators are no longer an issue, as the Caroonboon Regulator was removed from the Yanco Creek Modernisation Project scope of works. |

| Issue raised | Our response / outcome |
|--|--|
| <p>Landholders to be engaged and kept informed regarding projects that directly impact them.</p> | <p>We will ensure they receive regular updates, have feedback, and are included in the decision-making process, particularly regarding new infrastructure on their land.</p> |
| <p>Concerns that water quality issues such as quality of inflows from irrigation corporations or issues of maintaining suitable levels of electrical conductivity (EC) and oxygenation to maintain water quality within the system.</p> | <p>The Draft Yanco Creek System Operations Plan slightly reduces annual average inflows to the Yanco and Billabong Creeks from the Murray Irrigation and Coleambally Irrigation owned and operated escapes.</p> <p>Additional hydrometric flow measurement stations and/or water quality monitoring stations across the Yanco Creek System will provide river operators and environmental water managers with additional information to assist responding to any water quality concerns on case-by-case basis.</p> |
| <p>Environmental scoring of options, particularly escape options relating to fish passage, was too positive.</p> | <p>The Draft Yanco Creek System Operations Plan slightly reduces annual average inflows to the Yanco and Billabong Creeks from the Murray Irrigation and Coleambally Irrigation owned and operated escapes.</p> <p>Fish passage within Billabong Creek is being improved with the construction of two new vertical slot fishways at the new Hartwood and Wanganella regulators.</p> |
| <p>Minimum flow targets for reaches within each creek should be identified and specified as a priority in the next stage of project assessment.</p> | <p>The draft Yanco Creek System Operations Plan establishes new environmental baseflow requirements on a reach-by-reach basis.</p> |

Inviting feedback during detailed investigations

The project has progressed into detailed design and constructability planning. The project is now finalising the technical investigation reports to ensure the Environmental Impact Statement (EIS) can be finalised and submitted to DPE Planning. The Technical Advisory Group (TAG) evolved into a Design Focus Group to assist with finalising and approving detailed design and operations.

Key engagement activities included:

- Continuing regular SAG meetings and direct engagement with landholders.
- Informing stakeholders and the broader community through community information sessions and project updates.

- Ensuring First Nations' active participation in the Aboriginal Cultural Heritage Assessment (ACHA), which involved over 100 interactions and 45 days of on-site engagement.
- Fortnightly meetings with Fisheries progressing design and operational issues
- Monthly meetings with Water Managers to ensure Operations plan is focussed and in line with Water Sharing Plan commitments
- Weekly meetings with WaterNSW as owner/operator of the assets to progress design solutions, operations and handover requirements

Key feedback received and how we responded during this consultation phase:

| Issue raised | Our response / outcome |
|---|--|
| <p>We should not progress the options that clearly don't stack up, such as the escapes.</p> | <p>Increasing the flow capacity of existing Murray Irrigation Limited (MIL) and/or Coleambally Irrigation Co-operative Limited (CICL) that deliver water into the Yanco Creek System were removed from the scope of works. New base flow targets have been set in the operations plan that address mid system use requirements.</p> |
| <p>Supported the Upper Yanco Wetlands and Wanganella Swamp options for further investigation</p> | <p>Part 1A - Upper Yanco Wetlands options were further investigated but removed from Yanco Creek Modernisation Project scope of works following a lack of key landholder support.</p> <p>Part 1B – Wanganella Swamp options were investigated further and remain part of Yanco Creek Modernisation Project scope of works.</p> |
| <p>Concerns raised about paper water savings versus real water savings (e.g. reduced flows in the top part of the Yanco Creek System).</p> | <p>The shortlisting of Yanco Creek Modernisation Project options for further investigation was done with the endorsement of both the Yanco Technical Advisory Group and Yanco Stakeholder Advisory Group. This process included consideration of if shortlisted projects contributed to providing “real world” water savings or not.</p> |
| <p>Does not feel the cultural scoring has been done properly. Would expect a closer alignment between cultural and environmental scores.</p> | <p>. Shortlisted options were endorsed by both the Yanco Technical Advisory Group and Yanco Stakeholder Advisory Group.</p> |
| <p>Who will manage the new assets?</p> | <p>WaterNSW will own and operate all new Yanco Creek Modernisation Project assets except two access culverts that are a component of Part 1B – Wanganella Swamp that will be owned by the landholder.</p> |

Engagement outcomes summary

Early engagement for this project began with strong community opposition, culminating in a hostile meeting at Jerilderie Hall in 2018 where over 200 angry residents expressed strong opposition to the project. In response, DEECWA formed advisory groups composed of local industry, councils, and other peak bodies. We worked closely with them and the wider community to better inform them about the project and its potential impacts and benefits, while also relying on their input to help steer the rescoping of the project.

Using the Options Evaluation Framework (OEF), we collaboratively worked with the community to workshop and shortlist options. This framework balanced social, environmental, and economic outcomes, employing a Multi-Criteria Analysis (MCA) approach to combine both quantitative and qualitative data.

Initially, 52 options were identified and assessed with local communities and stakeholders. These were reviewed with the Yanco Stakeholder Advisory Group and the Yanco Technical Advisory Group. Each option was evaluated against criteria in five main categories: Project Objectives, Social, Cultural, Environmental, and Economic. Through the engagement process, these key advisory groups and stakeholders were pivotal in reducing the initial 52 options down to 6 final key parts:

- Part 1. Environmental Water Efficiency Works and Measures
- Part 2. Billabong Creek Regulators – Hartwood and Wanganella
- Part 3. Yanco Creek / Mundoora Anabranch & Wilsons Anabranch Improvements
- Part 4. Forest Creek Return Flows
- Part 5. Improved Flow Measurement (Chevrells Offtake)
- Part 6. Review of Irrigation Escape Flows

Summary of key engagement activities

| Engagement/communication channel | Purpose | Target audience | Timing | Output summary |
|---|--|---|------------------------------|---|
| Stakeholder Advisory Group (formerly Community Advisory Group) | To be a key communication channel for the proposed project, particularly when COVID-19 restrictions limited face-to-face engagements. The group allows members and their community groups to share information and discuss concerns. | Advisory group members, their community groups, government bodies | Every 3 months, or as needed | 26 meetings held |
| Community information sessions | To provide key details of the proposed project, benefits, needs, timings and contact details. | Wider community and key stakeholders | As required | 5 online sessions, plus 10 in person sessions |
| Fact sheets | To provide key details of the proposed project, benefits, needs, timings and contact details | Wider community | To support key milestones | 360 downloads of project overview fact sheet from the project webpage since February 2023 |
| Phone calls, emails and short message service (SMS) | To contact community members and stakeholders directly and advise of timely information | Community members, stakeholders, government bodies | To support key milestones | Over 203 phone calls and text messages and over 2,273 emails. |

| Engagement/communication channel | Purpose | Target audience | Timing | Output summary |
|---|---|--|---|--|
| Meetings | To discuss details and concerns about the proposed project, held in person or online | Community members, stakeholders, government bodies | As required | 14 Technical Advisory Group meetings and 7 Design Focus Group meetings held |
| Project webpage https://dpi.e.nsw.gov.au/yanco-creek-modernisation-project | To provide key details of the proposed project, benefits, needs, timings and contact details | Wider community | Regularly updated | 1,800+ webpage visitors since February 2023 |
| Advertisements – print, radio, online | To inform the community about information sessions – these channels are trusted sources of information in the community | Wider community | To support community information sessions | Ad campaigns run in: <ul style="list-style-type: none"> September 2021 March 2022 September 2022 |
| Electronic direct mail | To share updates and engagement opportunities as the proposed project progressed through planning stages. | Subscribers | To support key milestones | Electronic direct mails sent to 100+ subscribers: <ul style="list-style-type: none"> September 2021 March 2022 August 2022 November 2022 September 2023 March 2024 May 2024 |
| Maps / diagrams | A visual way of communicating about the proposed project and its benefits Published on project webpage | Wider community | To support key milestones | 600 interactive map users on project webpage since February 2023 |

| Engagement/communication channel | Purpose | Target audience | Timing | Output summary |
|----------------------------------|---|---------------------------------|-------------|---|
| Surveys | An accessible platform for stakeholders and the broader community to provide feedback and input on the project. | Community members, stakeholders | As required | Field Surveys Aquatic Surveys Fauna Surveys Flora Surveys Cultural Heritage Surveys Geotechnical Surveys Ecological Surveys |

Future Consultation and Engagement

The consultation process will continue to follow the IAP2 framework and is based on the 'Engagement Guidelines for State Significant Projects'.

The communication and engagement approach for this next phase of the project will focus on creating multiple opportunities for raising stakeholder awareness of the upcoming EIS and encouraging stakeholders to have a say as part of the public exhibition process.

The overall engagement approach will include continuing the close working relationship with the Stakeholder Advisory Group members as champions of the project and advocates for the Yanco Creek system. Regular key stakeholder meetings and directly affected landholder engagement will continue.

There will also be continuing information and engagement around the project including its aims, revised scope and the reasoning for the change with the broader community.

There will be a focus on industry engagement as we aim to further economic opportunities for the region.

Appendices

Register of key stakeholders

| <u>Category</u> | <u>Stakeholder</u> |
|--|---|
| NSW Minister for Water | <ul style="list-style-type: none"> NSW Minister for Water, Rose Jackson, MP |
| Australian Government Minister for Water | <ul style="list-style-type: none"> Federal Minister for Water, Tanya Plibersek, MP |
| Local MP's | <ul style="list-style-type: none"> State Member for Murray, Helen Dalton MP Federal Member for Farrer, Sussan Ley MP Federal Member for Riverina, Hon Michael McCormack MP State Member for Cootamundra, Steph Cooke MP State Member for Wagga, Joe McGirr MP State Member for Albury, Justin Clancy MP |
| Government agencies | <ul style="list-style-type: none"> WaterNSW- owner of the completed infrastructure and river operator Murray Darling Basin Authority Department of Climate Change, Energy, the Environment and Water (DCCEEW) NSW Fisheries NSW Environment and Heritage Group Transport NSW |
| Project Advisory Groups | <ul style="list-style-type: none"> Yanco Stakeholder Advisory Group Yanco Design Focus Group |
| Landholders | Directly affected landowners/ leaseholders across the project area |

| <u>Category</u> | <u>Stakeholder</u> |
|---|--|
| First Nations community representatives | First Nations communities, Traditional Owners, and Local Aboriginal Land Council (LALCs) including: <ul style="list-style-type: none"> • Wiradjuri, Bangerang, Barapa Barapa and Wemba Wemba peoples • Deniliquin LALC • Cumeragunja LALC • Narrandera LALC • Yarkuwa Indigenous Knowledge Centre • NSW Aboriginal Land Council |
| Registered Aboriginal Parties | <ul style="list-style-type: none"> • Cumeragunja Local Aboriginal Land Council • Deniliquin Local Aboriginal Land Council • Yarkuwa Indigenous Knowledge Centre, • Leeton and District Local Aboriginal Land Council • Bundyi Aboriginal Cultural Knowledge • Bangerang Aboriginal Corporation • Yalmambirra - Wiradjuri Council of Elders • Sandhills Artefacts • Bangarang Aboriginal Corporation • Roley Williams – Independent • Maydina Penrith - Independent. • Additionally, two organisations, not listed, registered as RAPs but requested that their details not be forwarded to Heritage NSW nor the relevant Local Aboriginal Land Councils (LALCs). |
| Local Government | <ul style="list-style-type: none"> • Edward River Council • Murrumbidgee Council • Federation Council • Riverina and Murray Joint Organisation, comprising 11 councils |

| <u>Category</u> | <u>Stakeholder</u> |
|---------------------------------------|---|
| Local communities | Communities across the Yanco Creek system, including: <ul style="list-style-type: none"> • Morundah • Jerilderie • Conargo • Wanganella • Moulamien |
| Agriculture and industry associations | <ul style="list-style-type: none"> • NSW Irrigators Council • NSW Farmers Federation • Australian Food and Agriculture • Tourism bodies • Local business chambers |
| Local media | <ul style="list-style-type: none"> • ABC Riverina • Finley Southern Riverina News • Deniliquin Pastoral Times • Swan Hill Guardian • The Land • ABC radio |
| Community groups and their networks | <ul style="list-style-type: none"> • Yanco Creek and Tributaries Advisory Council (YACTAC) • Creek Country Alliance • Murrumbidgee Field Naturalists • Local recreational fishing clubs |