

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant infrastructure
Application number and project name	SSI-50831979 Billabong Creek Environmental Water Regulators
Applicant	NSW DCCEEW Water Group
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under section 5.19 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the infrastructure application subject to conditions.

A copy of the infrastructure approval and conditions is available [here](#)

A copy of the Planning Secretary's assessment report is available [here](#).

Date of decision

19 February 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters listed in the statutory context section of the Planning Secretary's assessment report, which include the findings and recommendations in the Planning Secretary's assessment report;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the Department during the assessment of the application and any additional information considered in the Planning Secretary's assessment report;
- the findings and recommendations in the Planning Secretary's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Planning Secretary's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the application are as follows:

- the project would improve the efficiency of water management in Billabong Creek, assist in the delivery of improved environmental outcomes, improve fish passage, provide service for water users and modernise ageing infrastructure.
- the project has been endorsed by the NSW Government by being a key component of the Sustainable Diversion Limit Adjustment Mechanism as part of the *Murray Darling Basin Plan 2012* and is consistent with the *NSW Murrumbidgee Regional Water Strategy 2025*.
- key impacts of the project are changing or reducing hydrological flows under certain circumstances, removal of up to 16.29 hectares of native vegetation during construction, removal or alteration of approximately 44,688 square metres of Type 1 Key Fish Habitat and impacts to 5 Aboriginal heritage sites. These impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of approval. Engagement on the project is considered to be in line with the *Undertaking Engagement Guidelines for State Significant Projects*, including the participation objectives outlined in these guidelines
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The proponent engaged with the council, agencies and the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department, it was placed on exhibition from 1 November 2024 until 28 November 2024 (28 days). 3 submissions were received, with no objections. One submission was from Edward River Council and 2 were from residents living within 100 kilometres of the project site.

The Department also undertook the following consultation activities:

- 2 site visits
- held 1 meeting with Edward River Council

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's assessment report and by the decision maker include Travelling Stock Reserve impacts, traffic and transport, biodiversity and biosecurity, water impacts, cultural heritage, river operations, social impacts, power supply and the exhibition period.

<i>Issue</i>	<i>Consideration</i>
<p><i>Travelling Stock Reserves (TSRs)</i></p> <ul style="list-style-type: none"> • TSRs are used for moving sheep which will need to be considered during construction. • Stock grids could be impacted and may need to be replaced. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Proponent would seek agreements and permits for work that may impact TSR and has committed to carrying out consultation with local land services and stock managers during the construction period. • The Proponent would complete a dilapidation survey prior to commencing construction and make good any damage to stock grids <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department considers that Proponent commitments are adequate and no conditions are recommended.
<p><i>Traffic and Transport</i></p> <ul style="list-style-type: none"> • The intersection of the road to Wanganella weir and the Cobb highway requires particular safety considerations. • School bus routes in the area require consideration. • Dilapidation of roads should be assessed prior to works commencing to ensure that impacted roads are not left in a damaged condition. • Should upgrades to intersections on major roads be required, Council requests notification. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Proponent has committed to preparing a construction traffic management plan that would include a Traffic Guidance Scheme and strategies to facilitate the safe movement of road users in the vicinity of the proposal. • The Proponent would consult with Council to manage potential impacts to roads. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department has recommended a condition requiring the Proponent to prepare a Road Dilapidation Report to be provided to the relevant road authority, and to restore the road if any damage occurs. No conditions are recommended in relation to construction traffic management as the Department considers that Proponent commitments are adequate.
<p><i>Biodiversity and Biosecurity</i></p> <ul style="list-style-type: none"> • There is a risk of spreading weeds by vehicles during construction. • "Like for like" biodiversity offsets are more applicable than paying into the Biodiversity Conservation Fund. • Impacts to native flora and fauna, critical habitat and sensitive ecosystems should be negligible. • Measures should be taken to prevent water quality and erosion impacts. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Proponent has committed to preparing a CEMP that would detail weed and pathogen management measures including vehicle, personnel, material and equipment hygiene protocols. • Biodiversity offset requirements would be secured according to offset rules established by the Biodiversity Conservation Regulation 2017. • The Proponent has avoided impacts to biodiversity where possible and residual impacts can be mitigated and offset. • Aquatic ecology impacts have been minimised and managed where possible. The Proponent would offset impacts to Key Fish Habitat. • Water quality and erosion impacts can be managed through Proponent commitments and recommended conditions of approval. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department has recommended conditions requiring biodiversity offsets through the retirement of biodiversity credits. • The Department has recommended conditions requiring the Proponent to prepare a Key Fish Habitat offset strategy in consultation with DPIRD Fisheries. • The Department has recommended a condition requiring the Proponent to prepare a soil and water management plan for the construction period. • The Department has also required that the Proponent prepare a biodiversity management plan that includes management and mitigation measures including weed control.

<p><i>Operation</i></p> <ul style="list-style-type: none"> • Need for flexibility in the operating rules. • Questions around the ability of the river operator to manage the flow regime. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has considered the environmental, economic and social impacts of the project during construction and operation. • The Proponent advised that monitoring and review of operational rules would ensure the attainment of environmental performance. • The bulk delivery of irrigation and environmental water is core business for WaterNSW, the proposed operator of the project. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Operational rules would be formally implemented through the Yanco Creek Systems Operations Plan or amendments to the Murrumbidgee Water Sharing Plan. The Department has recommended conditions requiring that the Proponent demonstrate the formal implementation of these rules which secure the environmental performance of the infrastructure.
<p><i>Social</i></p> <ul style="list-style-type: none"> • Prioritisation of local contracts for construction. • Consideration of local accommodation availability for workers, noting an anticipated influx of workers in the area relating to other projects. • Support for employment of local tradespeople. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Proponent has indicated that part of the assessment criteria for the principal contractor will be the extent to which local contractors, suppliers, service providers and employees are engaged. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department has recommended a condition requiring the Proponent to prioritise the employment of local workers and to detail measures to ensure sufficient local accommodation as part of the Local Accommodation and Employment Plan.
<p><i>Cultural Heritage</i></p> <ul style="list-style-type: none"> • Work closely with Local Aboriginal Land Councils and Traditional Owners to manage impacts to Aboriginal Cultural Heritage. • Relocation and exhibition of any removed items is supported by Council. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Proponent has assessed impacts to Aboriginal heritage and avoided impacts where possible. The project would result in impacts to 5 sites, including the loss of 3 sites, <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department has recommended conditions including an Aboriginal Cultural Heritage Management Plan and an Aboriginal Cultural Heritage Salvage Report to manage impacts and minimise harm to Aboriginal heritage.
<p><i>Power supply</i></p> <ul style="list-style-type: none"> • Consideration of solar power for the regulators should be given. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Proponent advised that the feasibility of solar power was considered during the design development phase; however, mains power was preferred including by WaterNSW as intended operator. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • No conditions are recommended.
<p><i>Exhibition period</i></p> <ul style="list-style-type: none"> • The exhibition period for the EIS was considered too short particularly as it coincided with other government papers. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The exhibition period was in accordance with the requirements of the EP&A Act 1979. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • No conditions are recommended.
<p><i>Water</i></p> <ul style="list-style-type: none"> • Consistency and water availability should not be impacted as a result of the project and have minimal change to the existing hydrology including impacts to water users and the environment. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Proponent undertook an assessment of impacts to hydrology and water management and generally found that the project resulted in a low degree of impact and environmental benefits in some cases. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department has recommended conditions to ensure the environmental performance of the infrastructure in relation to hydrology and water management.