

Our ref: OUT 26/1843

Your ref: SSI-50831979

4 Parramatta Square, 12 Darcy St, Parramatta NSW 2150

20 February 2026

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**Subject:** Changes to the approval timeframes for some Conditions of Approval – Billabong Creek

Dear Planning Secretary

DCCEEW Water is writing to seek changes to the approval timeframes for a number of Conditions of Approval (CoA) as permitted under Condition A8 which states:

*A8 - Any action required to be undertaken within a timeframe specified in or under the terms of this approval may be undertaken within a different timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.*

The CoAs for which we are requesting amended timeframes are presented in Appendix A.

### Justification

As you are aware, the Billabong Creek Regulators project is part of the Sustainable Diversion Limits Adjustment Mechanism (SDLAM) program which aims to improve water efficiencies and remove constraints to environmental flow releases, thereby reducing reliance on further water buybacks. All works under the program need to be delivered by December 2026 as legislated in the *Water Amendment (Restoring Our Rivers) Act 2023*.

The Billabong Creek Regulators project is the one of largest SDLAM projects being delivered by the NSW Government and is therefore critical to meeting commitments to the Australian Government under the Murray-Darling Basin Plan,

Unfortunately, there have been unforeseen delays in obtaining final approval for the project due to stakeholder matters outside DCCEEW Water's control. Under the current CoA timeframes, low-impact and site-establishment works cannot commence until at least one month after approval is granted. This poses a significant risk to meeting the legislated delivery deadline.

We are therefore seeking to amend the approval timeframes for a number of CoAs relating specifically to early, low-impact works and site establishment. These early submissions are limited in scope, and drafts of most have already been provided to DPHI.

We are happy to meet to discuss this request in more detail or provide any additional justification required.

Yours sincerely,

Jonas Ball

Senior Environment Manager  
Infrastructure Development & Delivery | Water Group  
Department of Climate Change, Energy, the Environment and Water



## Appendix A

Condition	Revised Timeframe	Additional Justification
<p>A21 - The Planning Secretary’s approval of an ER must be sought no later than one month before the commencement of Work</p>	<p>One week</p>	<p>The ERs are critical to the endorsement of management plans, approving low impact work and other functions delegated to them by DPHI. In having them approved as soon as possible it ensures that an approved on-ground regulatory presence is available at the project start up.</p> <p>The required information on the proposed ERs has already been provided to DPHI. DCCEEW believes the proposed ERs are appropriately qualified and experienced – and are located relatively close to the sites. The ERs have been working with the project team over the last month.</p>
<p>A25 - The Department must be notified in writing of the dates of commencement of Work, Construction and Operation at least one month before those dates</p>	<p>One week</p>	<p>There are a number of Low Impact activities that need to be commenced ASAP to inform management plans and site setup. Under the current condition these could not commence for at least a month after approval due to the notification requirements.</p> <p>Proposed Low Impact activities include:</p> <ul style="list-style-type: none"> <li>• Cadastre surveys</li> <li>• Additional biodiversity surveys as described in the EIS, Submissions Report, RFI and Biodiversity Management Plan</li> </ul>



Condition	Revised Timeframe	Additional Justification
		<ul style="list-style-type: none"> <li>• Digital recording and other of the scarred trees</li> <li>• Site delimitation and protection fencing around environmentally sensitive features such as heritage sites</li> <li>• Road Dilapidation Report</li> <li>• Salvage of the Hartwood Weir Hearth (AHIMS # 54-3-0061)</li> </ul>
<p>B3 - Work for the purposes of the SSI must not commence until the Community Communication Strategy has been approved by the Planning Secretary. The Planning Secretary’s approval of the Community Communication Strategy must be sought no later than one month before the commencement of Work.</p>	<p>One week</p>	<p>The Community Communication Strategy has already been provided to DPHI and the ER. DCCEEW (rather than the contractor) would be responsible for communications and engagement.</p>
<p>B6 - The following information must be available to facilitate community enquiries and manage complaints one month before the commencement of Work and for 12 months following the completion of construction: (a) a telephone number for the registration of complaints and enquiries about the SSI; (b) a postal address to which written complaints and enquires may be sent; (c) an email address to which electronic complaints and enquiries may be transmitted; and (d) a mediation system for complaints unable to be resolved.</p>	<p>One week</p>	<p>The initial Low Impact works are unlikely to generate any complaints as the proposed areas for activities are either on private property or are distant from sensitive receivers – and they have negligible noise, access or any other impacts that may result in complaints.</p> <p>All community members have had the ability to make enquiries about the project and raise complaints though the DCCEEW Water Enquiries hotline since the project commenced in 2021.</p>



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<p>This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level. Note: This information may be located on site hoardings and on the SSIs website page.</p>		<p>The project web page containing project contact details has been live since 24/02/2026.</p> <p>All subscribers (over 500) to the SDLAM update facility received a newsletter on 24/02/2026 which detailed the project approval and contained the project contact details.</p> <p>Community drop in sessions in Wanganella and Conargo are planned for mid March 2026 at which the project contact details would also be provided.</p>
<p>C1 - Before establishing an ancillary facility that is required prior to the approval of a CEMP (excluding minor ancillary facilities established under Condition Error! Reference source not found.), the Proponent must prepare an Ancillary Facility Site Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of the ancillary facility(ies). The Ancillary Facility Site Establishment Management Plan must be prepared in consultation with the relevant council and government agencies. The Plan must be endorsed by the ER and then</p>	<p>Two weeks</p>	<p>At this stage three <i>Ancillary Facility Site Establishment Management Plans</i> are proposed namely:</p> <ul style="list-style-type: none"> <li>• Site establishment and access road upgrades – works under this plan involve installing environmental controls relevant to the works being undertaken, establishment of two small site compounds at both Hartwood and Wanganella, minor works preparing the borrow pit at Hartwood and upgrades of access roads. Clearing would be limited to the areas directly impacted by works and no Aboriginal heritage sites would be impacted. Given the relatively minor nature of the works and their importance for</li> <li>• Installation of temporary coffer dams – this would involve the construction of earth and rock platforms for the sheet piling</li> </ul>



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<p>submitted to the Planning Secretary for approval one month before the establishment of any ancillary facility(ies).</p>		<p>rigs. installation of the sheet pile temporary coffer dam and dewatering the coffer dam area</p> <ul style="list-style-type: none"> <li>Removal and preservation of the scarred trees –this would involve the removal of the scarred trees and preservation of the scars in consultation with the RAPs. This is being undertaken separately by DCCEEW to ensure that the process is appropriately managed.</li> </ul> <p>The scope of works in three plans are relatively small in scale and would not require a month to assess. They also would be submitted progressively.</p>
<p>E7 An Unexpected Finds Protocol must be developed for threatened species and threatened ecological communities before the commencement of Work. The Unexpected Finds Protocol must be submitted to the Planning Secretary for approval at least one month before the commencement of Work. Work cannot commence until the unexpected finds protocol is approved by the Planning Secretary. The Unexpected Finds Protocol must be implemented throughout the duration of Work.</p>	<p>One week</p>	<p>The Unexpected Finds Protocol for Threatened Species has been provided to DPHI and the ER – noting it is a relatively short document.</p>



Condition	Revised Timeframe	Additional Justification
<p>E21 - An Unexpected Heritage Finds and Human Remains Procedure must be prepared: (Note: only the relevant section of this condition has been included)</p> <p>no later than one (1) month before the commencement of Work and submitted to the Planning Secretary submitted to the Planning Secretary and Heritage NSW for approval on request.</p>	<p>One week</p>	<p>Heritage NSW and the Heritage Council have already been consulted and approved the Unexpected Heritage Finds and Human Remains Procedure.</p> <p>The Unexpected Finds Procedure has already been provided to DPHI and the ER</p>
<p>E38 - Before any local road is used by a heavy vehicle for the purposes of the SSI, a Road Dilapidation Report must be prepared for the road, including any intersections with the Cobb Highway. A copy of the Road Dilapidation Report must be provided to the relevant road authority within three weeks of completion of the survey and no later than one month prior to the road being used by heavy vehicles associated with the SSI.</p>	<p>Two weeks for provision of report to relevant road authorities</p>	<p>This is a significant restriction on the use of heavy vehicles as it requires the preparation of the Road Dilapidation Report – and then a further month before heavy vehicles can use any local road. It should be recognised that only two local roads would be used (ie Conargo Road and a 600m section of Zara Rd) and there would be upgrade of the unsealed Zara Road to improve it’s safety which is planned as part of the site establishment.</p>