

Your ref: SSI-50831979

NSW Department of Planning, Housing & Infrastructure

5 June 2026

Subject: Billabong Creek Environmental Water Regulators - SSI-50831979 – Application for Extended Working Hours

Dear Planning Secretary

Introduction

In accordance with Condition of Approval (CoA) E30 of SSI 50831979 Billabong Creek Environmental Water Regulators, NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) would like to extend the approved construction hours to include all of the weekend.

NSW DCCEEW has undertaken a comprehensive consultation campaign in accordance with Appendix B of the CoA and is seeking approval for the extended working hours under CoA E30(c).

Presented in the following sections a description of the extension of working hours being sought, background information on expected noise levels and a summary of the consultation undertaken to obtain negotiated agreements. Although not required by the CoA, a Construction Noise and Vibration Management Plan (CNVMP) was prepared and this document contains updated modelling and assessment from that presented in the EIS. This document is attached as Attachment A,

The overall project includes two separate locations (ie Hartwood and Wanganella) and different approaches to obtaining agreements for the works was undertaken.

Statutory context

The relevant CoA to vary in working hours is E30 and relevant section of the CoA is presented below.

Variation to Work Hours

*E30 Notwithstanding **Condition E29**, Work may be undertaken outside the hours specified in any of the following circumstances (a, b, or c below):*

(c) **By Approval**

(i) *negotiated agreement with the substantial majority of affected residents and sensitive land use(s) for Work which is not subject to an EPL.*

Working Hours

Condition CoA E29 states:

*Except as permitted by **Condition E30**, Work must be undertaken during the following hours:*

(a) 7:00am to 6:00pm Mondays to Fridays, inclusive;

(b) 8:00am to 1:00pm Saturdays; and

(c) at no time on Sundays or public holidays.

NSW DCEEEW is seeking an extension to the approved working hours to include between 7am and 6pm on Saturday and on Sunday. However no works on public holidays are still proposed.

Works to be undertaken in the extended working hours

The potential works that would be undertaken during the extended working hours would be:

- Regulator construction works – these works would largely consist of fabrication and installation of steel formwork, base slab preparation, small concrete pours, earthworks and construction of ancillary facilities such as control sheds and access infrastructure
- Power supply works – these works consist of either installation of new power poles and overhead lines or upgrading existing power infrastructure
- Construction of the flood bypass channel – noting that this is likely to be completed before extended hours have been approved

Nosier activities associated with site establishment would have been completed before extended hours have been approved and sheet piling is no longer proposed for the coffer dams.

Justification for the extended working hours

There are two significant justifications for the extended working hours which are:

- Shortening the duration of the works – particularly the amount of time construction is occurring in the creek. Works within the creek have a higher environmental risk and can be significantly impacted by flooding. Reducing the construction duration reduces the period of higher environmental risk and reduces the risk of flooding impacts.
- The NSW Government has made a legislated commitment to the Australian Government to complete the project by 31 December 2026. To ensure that this date is achieved and there is sufficient contingency for wet weather, the extended working hours are required.

Sensitive Receivers

Hartwood

The Hartwood regulator site is surrounded by land used for crop cultivation and consequently there are a low number of sensitive receivers.

Four sensitive receivers were identified as potentially impacted by the works (p16 Figure 5.1 CNVMP). Three of those sensitive receivers (H02, H03 and H04) are houses owned by a single landowner and are predominately impacted by the Forest Creek Block Bank works. The Forest Creek Block Bank works are relatively minor works and of short duration. NSW DCCEEW has other contractual interfaces with this landowner for access and land acquisition.

The other sensitive receiver (H01) is only impacted by the power supply works – and construction activities at the main regulator site would be largely inaudible. The power supply works would consist of installing new power poles and new overhead lines and would be of very short duration.

Wanganella

Wanganella is a small rural village with the closest sensitive receivers about 600m away from construction activities associated with the flood bypass channel and 800m away from the main regulator site (p17 Figure 5.2 CNVMP).

Up to 24 potential receivers were identified as potentially being impacted by noise from construction activities, however there is some uncertainty around the actual number of sensitive receivers. Three residences identified as potential sensitive receivers did not exist – and at other residences it was unclear whether they were occupied on a full time basis (ie overgrown gardens, drawn curtains, no vehicles etc).

Overall 20 sensitive receivers were identified as potentially impacted with 18 of those residential houses, one shop/residence (noting the shop is closed) and the Wanganella Community Hall.

Noise environment and impacts

As both the Hartwood and Wanganella locations are rural environments the background noise level is very low.

Noise monitoring was not undertaken to determine RBLs as part of the EIS. It is expected that the existing background noise levels would be below the threshold detailed in the NPfI. Therefore, the NPfI base line RBLs were adopted (refer to Table 1 below).

Due to the rural nature of the study area at each site, it is anticipated that the acoustical environment is dominated by natural sounds, as there would be little to no road traffic noise and no significant noise emissions due to no commerce or industry in the vicinity.

Table 1: Minimum assumed rating background noise levels (RBL), dB(A)

EIS REF.	LOCATION	RBL DAY	RBL EVENING	RBL NIGHT
Table 3.4	All locations	LA _{eq} (15min) 35	LA _{eq} (15min) 30	LA _{eq} (15min) 30

As Noise Management Levels (NMLs) are based on the background noise levels and background noise levels at Hartwood and Wanganella are very low, relatively low levels of construction noise result in exceedance of NMLs.

The NML for work during the day would be LA_{eq}(15min) 40 dB(A). To provide context noise levels for typical activities or locations are:

- 30 -40 dB(A): Quiet bedroom at night, or a library
- 50 dB(A): Refrigerator hum, rainfall, or a quiet office
- 60 dB(A): Normal conversational speech or light TV

Wanganella

Predicted typical and high noise levels for different construction scenarios are presented in Table 2. The regulator works (non-piling) would be the dominant activity and would occur continuously over the next 6-8 months. Typical noise levels would be below the NML of 40 dB(A), however there may be short periods when the maximum noise level exceeds the NML.

The power supply activities would result in higher typical and maximum noise levels, however the impacts of power supply works on individual sensitive receivers would be short in duration (ie less than a week).

The construction of the flood bypass channel has similar impacts to the regulator works, however its duration is short (2 weeks) and is likely to be completed by the time extended working hours are approved.

Overall the noise levels at sensitive receivers from construction are low and would not be intrusive.

Table 2: Predicted LAeq(15min) construction noise levels for the Wanganella regulator construction works, dB(A)

RECEIVER NUMBER	RECEIVER TYPE	TYPICAL/ HIGH NOISE	REGULATOR WORKS (NON PILING)	POWER SUPPLY WORKS	FLOOD BYPASS EARTH WORKS
W01	Residential	Typical High noise	<30-39 31-47	<30-33 <30-41	<30-36 31-44
W02	Residential	Typical High noise	<30-40 32-48	<30-43 34-51	<30-37 32-45
W03	Community	Typical High noise	<30-40 33-49	<30-40 31-48	<30-37 32-45
W04	Residential	Typical High noise	<30-40 32-48	<30-43 34-51	<30-36 31-44
W05	Residential	Typical High noise	<30-38 30-46	40-54 45-62	<30-34 <30-42
W06	Residential	Typical High noise	<30-39 31-47	<30-39 <30-47	<30-36 31-44
W07	Residential	Typical High noise	<30-37 <30-45	<30-43 34-51	<30-34 <30-42
W08	Residential	Typical High noise	<30-37 <30-45	<30-42 33-50	<30-34 <30-42
W09	Residential	Typical High noise	<30-37 <30-45	<30-42 33-50	<30-34 <30-42
W10	Residential	Typical High noise	<30-37 <30-45	<30-42 33-50	<30-33 <30-41
W11	Residential	Typical High noise	<30-38 30-46	<30-43 34-51	<30-35 <30-43
W12	Residential	Typical High noise	<30-37 <30-45	33-47 38-55	<30 <30-38
W13	Residential	Typical High noise	<30-36 <30-44	<30-42 33-50	<30-33 <30-41
W14	Residential	Typical High noise	<30-35 <30-43	31-45 36-53	<30 <30-37
W15	Residential	Typical	<30-36	<30-42	<30

RECEIVER NUMBER	RECEIVER TYPE	TYPICAL/ HIGH NOISE	REGULATOR WORKS (NON PILING)	POWER SUPPLY WORKS	FLOOD BYPASS EARTH WORKS
		High noise	<30-44	33-50	<30-39
W16	Residential	Typical High noise	<30-36 <30-44	<30-40 31-48	<30-33 <30-41
W17	Residential	Typical High noise	<30-35 <30-43	<30-41 32-49	<30-32 <30-40
W18	Residential	Typical High noise	<30-34 <30-42	<30-43 34-51	<30 <30-36
W19	Residential	Typical High noise	<30-35 <30-43	<30-42 33-50	<30-32 <30-40
W20	Residential	Typical High noise	<30-34 <30-42	<30-41 32-49	<30-31 <30-39
W21	Residential	Typical High noise	<30-34 <30-42	<30-40 31-48	<30-31 <30-39
W22	Residential	Typical High noise	<30 <30-38	<30-34 <30-42	<30 <30-34
W23	Residential	Typical High noise	<30-37 <30-45	<30-43 34-51	<30-34 <30-42
W24	Residential	Typical High noise	<30-36 <30-44	<30-42 33-50	<30-33 <30-41

Hartwood

Predicted typical and high noise levels for different construction scenarios are presented in Table 3. The regulator works (non-piling) would be the dominant activity and would occur continuously over the next 2-3 months – noting that these residences are impacted by the Forest Creek Block Bank works rather than the main regulator site works. Typical noise levels would be below the NML of 40 dB(A), however there may be short periods when the maximum noise level exceeds the NML.

The power supply activities would result in higher typical and maximum noise levels, however the impacts of power supply works on individual sensitive receivers would be short in duration (ie less than a week).

Table 3: Predicted LAeq(15min) construction noise levels for the Hartwood regulator construction works, dB(A)

RECEIVER NUMBER	RECEIVER TYPE	TYPICAL/ HIGH NOISE	REGULATOR WORKS (NON PILING) HS2	POWER SUPPLY WORKS HS4
H01	Residential	Typical High noise	≤ 30 $\leq 30-36$	$< 30-68$ $< 30-76$
H02	Residential	Typical High noise	$< 30-43$ $< 30-51$	$< 30-37$ $< 30-45$
H03	Residential	Typical High noise	$< 30-38$ $< 30-46$	< 30 < 30
H04	Residential	Typical High noise	$< 30-35$ $< 30-43$	< 30 < 30

Current works and complaints

There have been no complaints about noise (or any other matter) to date. This included during the site establishment works - which have been largely completed and were predicted to have the highest noise impact on many sensitive receivers particularly in Wanganella.

Negotiated Agreements

Wanganella

The community at Wanganella was consulted and asked to provide formal agreement on the proposed extension of working hours. The process to obtain agreement was undertaken in compliance with Appendix B of the CoA and a summary of the activities undertaken and outcomes is presented in Attachment B.

Twenty sensitive receivers were identified in Wanganella of which eight gave verbal agreement and two written agreement to the extension of working hours including the committee that manages the community hall. The remaining ten sensitive receivers were unable to be contacted and/or did not respond. There were no objections to the extended working hours.

The general community sentiment was:

- They were happy that the project was progressing
- Why are they being consulted as farmers work seven days a week?
- They were happy to give verbal approval however did not want to sign an agreement especially with a NSW Government logo on it

Ten negotiated agreements out of the 20 affected receivers is not strictly “*the substantial majority of affected residents and sensitive land uses*” as required by the CoA, however it is a substantial majority of affected receivers able to be contacted. As noted previously, some residences may be

vacant or not have full-time occupants – and no objections to the extended working hours were raised.

Hartwood

Written agreement to extended working hours has been obtained for the three properties owned by a single landowner. The residents and owners of the fourth sensitive receiver (HS01) are not impacted by the regulator works but are impacted by the power supply works. They have indicated that they have no issue with weekend works and will provide a written agreement at a later date.

Ongoing consultation with sensitive receivers

Appendix B CoA 1(e) notes that:

for longer term community agreements (those predicted to go on longer than 28 calendar days), re-engage the impacted community to ensure consent is maintained and continuing.

There is some ambiguity around whether the 28 calendar days are consecutive calendar days or calendar days on which the extended works occurs. For consecutive days consultation would potentially be required every four weeks whereas in the other interpretation consultation would potentially be required every 14 weeks (2 days a week for 14 weeks).

Given the relatively low noise levels generated by construction, the unanimous agreement of all sensitive receivers that could be contacted and the general community sentiment it is proposed that:

- A month trial would be undertaken. If there are no complaints about noise in the extended working hours period, no further consultation would be undertaken and the trial would be extended to three months. If there are any noise complaints in the extended working hour period within the month, the community would be re-engaged on the extended working hours. This would probably be via door-knocking.
- The three month trial would have similar conditions to the one month trial in that if there are any noise complaints in the extended working hour period, the community would be re-engaged on the extended working hours. This would probably be via door-knocking. After every three months the trial would be restarted.

Should you require any further information please contact me.

Yours sincerely,

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Attachment A: Construction Noise and Vibration Management Plan

Attachment B: Extended Working Hours Consultation Report