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Water Management Inquiry – Submission

Submission by: Gregory & Jenny McInnes

INTRODUCTION

Dear Commissioner,

I grew up on the edge of Lake Brewster at “Yarran Park” until I was 16. I then moved to my Grandfathers property “Strathaird” on Lake Curlew a part of the Lake Cargelligo Wetland & Lake System. Ten years of my adult life was spent living & working in Orange. I have seen great changes in the rural world of western NSW.

I returned to Lake Curlew to raise a family in the bush environment I grew up in. Horse riding, water sports, camping, rural sporting life and the much talked about close knit bush community values brought me back.

The criminal over allocation of a very limited Lachlan River resource has destroyed the environment that I moved back to the bush to be a part of. The small number of water traders, irrigators and mines have infiltrated every NSW Government Department and advisory body to achieve maximum water profits for themselves, while blatantly manipulating funding, legislation and community advisory bodies. The community of Lake Cargelligo is drying up with the water. None of our children finishing school have anything to stay for. The identity of the town has gone, evaporating into the past like the water and the birds.

The media have a lot to answer for, only presenting the well organized and funded propaganda of LCMA, LWV, State Waster and other complicit Ministers and Departments. The ABC in particular has no excuse for not doing the real story of water on the Lachlan and Lake Cargelligo as Paul Lockyer and Sarah Clarke have been given plenty of research materials and nothing has been done except Paul talked to irrigators on camera about water issues, after two trips in the ABC helicopter to Lake Cargelligo, one for 3 days! Even the local newspaper, The Lake News, would not print anything about water issues unless approved by Lachlan Shire Council. The 1000 strong petition against the bypassing of the Lake System by a pipeline and bore was sent to The Lake News but still has not been mentioned, a year later. The townspeople of Lake Cargelligo have been unable to react because they are unable to get the facts of the events unfolding around them.

This document represents 3 years of intense research and extensive Departmental communications, that included the NSW Ombudsman, Lachlan Shire Council, NSW State Water, NSW Office of State Water, DWE, DECCW, DPI Fisheries, Department of Lands and almost all Ministers, both State and Federal. Many un-thruths have been supplied to us.

This is not a funded work, but it has cost myself and my wife greatly. Not just thousands of hours, but friction with water traders, ridicule by media and loss of faith in the Australian system of Government. The water issues are turning neighbour against mate, and town against town. Forbes, Hillston and Orange are doubtless the greatest benefactors of the water trading disasters that have been forced down the Lachlan, but no-one has told the story of how other communities have been disadvantaged, ignored and in some cases destroyed.

If this blatant resource theft from the ordinary people of the bush, and the cities, is allowed to continue then the Australian ethos, and right to a fair go I grew up with, is gone forever like Lachlan River environment I have treasured.

Thank you.

Gregory McInnes

BACKGROUND

The Lake Cargelligo Wetland & Lake system on the Lachlan River in central NSW, is the only major water refuge and drought refuge on the Lachlan River. It is 1,500ha, holds 36,000ml, is home to 15 threatened species and 165 species of birds and receives *NO* environmental allocation.

Over the past 10 years we have watched the rapid decline in the Lake Cargelligo Wetland & Lake system. This started with the removal of large amounts of water from the system each summer irrigation season, a phenomenon that had not been experienced up until this point. The Mission Statement, as posted outside the Lake Cargelligo Office of NSW State Water stated that the Lake Cargelligo system was “not an irrigation storage”. This sign has now been removed, and yet the community was never made aware of any changes to this legislation.

The Lake Cargelligo Wetland & Lake system is fed by the Lachlan River and is a natural wetland & lake system. The lake was first discovered by Oxley in 1817. Oxley named it Regents Lake in honour of HRH Prince Regent, later George 1V, but Major Thomas Mitchell, the surveyor general of NSW during the 1830's while travelling through the Lachlan Valley in 1836 renamed it to Cudjallagong, which was the name given to the Lake by the Wiradjuri and Ngiyambaa, 'Cudjallagong' meaning 'large lake' or 'water container'. During its metamorphosis to the present day Lake Cargelligo, it has been called Lake Cudgellico and Lake Cargelligo. By 1850 a reservation for the future 'village' of Lake Cargelligo was made and in 1879 finally gazette.

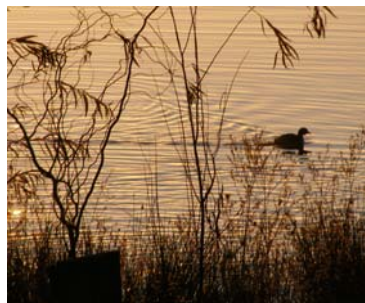
In 1902 the main Lake, which use to go some 24 miles to Naradhan, was shortened with a bank and channels were put between the three wetlands and lakes in the system to improve connection. A regulator was put at the inlet and outlet. This allowed for both the incoming water and the outgoing water to be regulated. For over 100 years the Lake Cargelligo Wetland & Lake system has filtered the water for the Lachlan, been a bird and fish breeding habitat and provided water for downstream, even during drought. During the 1983 drought the Lake Cargelligo Wetland & Lake system provided water for towns, and the environment, downstream for 2 years.

The system comprises three wetlands and Lakes each considered to be rich and diverse ecosystems and bird & fish breeding habitats. The first is Sheet of Water a significant wetland and lake, this system was bypassed first in 2005 and is currently dry. This fed into the second lake and wetland, Lake Curlew the deepest of the three lakes in the system and lastly was the largest of the three lakes, Lake Cargelligo which contains an Animal & Bird Sanctuary. Lake Cargelligo has also been bypassed and is now also dry.

The Lake Cargelligo Wetland & Lake System is home to 165 bird species. Amongst the listed bird species there are 14 threatened species and also 1 threatened fish species. No studies have been undertaken on this incredible natural wetland & lake environments.



Sheet of Water



Lake Curlew



Lake Cargelligo

1. WATER MANAGEMENT

1.1 Systems for Allocation

1.1.1 100 year Historical Data

Under the current Management System for the Lachlan River, 100 year Historical data is used by NSW State Water to assess allocations for any given period. The use of this 100 year historical data gives an inflated average and is resulting in over allocation of the water available. The available water over the past 10 years with the drought and resultant low inflows into the Lachlan River catchment area means that the use of historical data is allowing a much larger allocation of the limited water resources to be allocated. In effect, as stated by Professor Richard Kingsford, this means that NSW State Water are “selling water that has not even formed clouds over the Indian Ocean”. It is a faulty and dangerous system of allocation assessment and has contributed to the gross over allocation that has occurred on the Lachlan River.

1.1.2 2008 and 2009 Allocation History

Whether these low rain fall events, and drought, have been caused by Climate Change or a cyclical event, either way the management of the water, its allocation, trading & uses must be more strictly managed. The bush understanding of “never empty your rainwater tank”, is a lesson that should be learned by NSW State Water.

In November, 2008 NSW State Water increased allocations to irrigators on the Lachlan River by 20%, this was when the Wyangala Dam levels were at 12.6%. By the end of the “growing season” at the end of February, 2009, the Wyangala Dam levels had been reduced to 6%. NSW State Water reduced the levels in the Wyangala Dam by 50%.

From 2nd January, 2009 to 31st October, 2009 - the day the Lachlan River was closed, State Water website (www.waterinfo.nsw.gov.au) shows that 110283.216ml was released from Wyangala Dam. For the same period in 2008, when the Wyangala Dam levels were almost double that of 2009, 102158.893ml was released. 8124.323ml more was released in 2009 than in 2008, when the closure of the Lachlan River was imminent and the dam levels were half. (*Table 1.1.2(i)*)

According to the NSW State Water website (www.waterinfo.nsw.gov.au) from 3rd January, 2009 to 12th September, 2009 a total of 20945.869ml (*Table 1.1.2(ii)*) was put into the new Brewster Irrigation Dam. This project was undertaken by LVW, LCMA and DWE. Lake Brewster (Ballyrogan) was a man made wetland constructed in the 1940's upstream from the irrigation town of Hillston. The new, incomplete, \$15million project does not provide town water supplies, habitat or even irrigation water at this stage, as all the water put into the system would have been absorbed.

1.1.3 Allocation by Committee

Under the current system the allocation of water is decided not only by 100 year Historical Data, but also by advice and recommendations made by various Committees and Groups. The infiltration of these groups by those with a vested interest in water and water trading has resulted in groups that have a gross conflict of interest. These large and powerful groups have been a strong lobby group and their view outweighs the majority. It should be remembered that there are 91,000 people in the Lachlan Region. Of these 91,000 there are 520 water license holders, who use 88% of total water use in the Lachlan Valley, represented by Lachlan Valley Water, the other 90,000 people do not have a professional lobby group to make their opinions heard.

The majority of these committees and groups, while espousing that they reflect the views of the “community”, are loaded with water traders & irrigators. The general public find it all but impossible to gain a position within these groups and if they are successful, are out voted.

NSW State Water are of the opinion that “customers” are only water traders, irrigators & mines. The communities up and down the Lachlan Valley are not considered to be “customers” in spite of the fact that we all require and use water. The health of the river system and communities is of *NO* concern to NSW State Water. NSW State Water have not only allowed the water traders, irrigators and mines into these groups, but have actively encouraged them with the formation of the NSW State Water Customers Services Committee. The CSC advises NSW State Water and the NSW Government on water management. In the NSW State Water Newsletter – “Lachlan Valley Information Sheet – April, 2007” (*Appendix 1.1.3(i)*) it states: “The Lachlan Customer Service Committee (CSC) at its last meeting on 12 February 2007, reviewed the drought situation in the Lachlan Valley. As part of the review, the committee has considered the impacts of normal drought plan operations and also the operations under a worst case scenario.” This State Water document refers “customers” to Mary Ewing, of Lachlan Valley Water, for “further information”.

The Forbes Advocate, 25th June, 2009 (*Appendix 1.1.3(ii)*), reported : ““Mr Moxey said State Water and the Customer Service Committee had given calculations to the State Government on the likely availability of water in the valley. The committee forecasts use ‘worst case scenario’ inflow data from 2003, when just over 340mm of rainfall was recorded at Forbes Airport.”.

The NSW State Water Newsletter - “Lachlan Valley Information Sheet – January, 2008” (*Appendix 1.1.3(iii)*), reported that “George Warne took over as CEO on 6 December 2007. George was previously the CEO of Murray Irrigation Limited and comes from a construction background. George is also a member of the NSW Drought Response Group and also chairs the Association of Private Irrigation Providers.” It seems that yet another Water Trader / Irrigator has been put in a position of power.

It is impossible to get minutes for meetings from many of these committees, and it is understood that some do not keep minutes but rather have “informal meetings” and then the Chairman reports to the Departments. It is also difficult to find a current NSW Customer Services Committee membership list. However, as an indicator, the membership list provided on the NSW State Water Newsletter ‘ “Lachlan Valley Water – December, 2006” (*Appendix 1.1.3(iv)*) shows the following, right,

List of Lachlan CSC Members		
Member	Alternate member	Group represented
David Cullane	Mark Ward	Riparian irrigators and stock and domestic from regulated streams – Belubula
Gordon Turner		Riparian irrigators and stock and domestic from regulated streams – Lower Lachlan
John Ervin		Riparian irrigators from regulated streams – Lake Cargelligo
Dennis Moxey		Riparian irrigators from regulated streams – Upper Lachlan
Michael Storrier		Riparian irrigators from regulated streams – Hillston
John Sutherland	Paul McLaughlin	Riparian irrigators from regulated streams – Mid Lachlan
John Bruce	Edward Fagan	Riparian irrigators from reg and unreg streams – Upper Lachlan (S&D, GW)
Gary Johnston	Ted Morgan	Irrigators from irrigation schemes and corporations
Andrew Stalley	Allan L'Estrange	Stock and domestic water users
Alister Lockhart	Bill Lander	Local government
Ian McDonald	Gregory Morris	Industry
Robert Collins		Groundwater irrigators
Mary Ewing		Catchment Management Authority

Some of the groups currently advising NSW Government on water allocations and management are:

- Lachlan Customer Services Committee;
- Lachlan Catchment Management Authority;
- Lachlan Valley Water;
- The Bondi Group;
- Critical Water Advisory Group;
- Lachlan River Management Committee; and
- Lachlan Critical Needs Committee.

This blatant conflict of interest has been brought to the attention of Minister Costa, Nathan Rees, NSW Premier Keneally, Prime Minister Kevin Rudd, Federal Minister for the Environment Peter Garret, Federal Minister for Water & Climate Change Penny Wong and other NSW & Federal Government Departments & Ministers. No response to this corrupt practice has been forthcoming.



Lake Cargelligo, 28th December, 2009

NSW State Water maintain that they are “only the delivery men” and have no role in water allocation or water management. However, the NSW State Waters Customer Services Committee advise State Water and the NSW Government on water management and allocation. The role of NSW State Water now appears to be to appease the Water Traders and Irrigators and provide as much water as possible to these entities, with no regard to the sustainable management of the River system or the communities and ecosystems of the Lachlan River system.



Sheet of Water, 30th October, 2009

Day of Lachlan River Closure, bypass channel for town water supply for Lake Cargelligo, Tullibigeal and Murrin Bridge.

1.1.3a Lachlan Catchment Management Authority

The Lachlan Catchment Management Authority according to their CAP implementations are to:

- Protect and enhance the regions unique native vegetation and biodiversity
- Improve water quality and aquatic ecosystems
- Improve and protect the productive values of soil ecosystems
- Prevent, stabilise and reverse salinity impacts
- Identify and protect Aboriginal cultural heritage values
- Provide community well being.

The Lachlan CMA have failed the Lake Cargelligo Wetland & Lake System on all accounts. It has also failed the lower Lachlan River.

Correspondence from the Lachlan CMA (*Appendix 1.1.3a(i)*) received on 21st January, 2010, confirms:

“The CMAs role in water management, as currently agreed by the Minister, involves long term planning , particularly with relation to the sharing of consumptive water and the identification and management of environmental water;

1. Advise the Minister on the delivery of environmental water in valleys across NSW;
2. Assist with the coordination of catchment wide environmental water management via Environmental Water Management Plans;
3. Monitor, review and report progress against CAP targets and standards, including water sharing plan performance against CAP targets;
4. Provide recommendations to the NRC and Minister on water sharing plan objectives and provisions including issues relevant to catchment and river health;
5. Facilitate community participation in the Water Sharing Plan process;
6. Provide advice to the Minister on the use of water access licences including for temporary trade.
7. Participate in the State-wide Groundwater Assessment Panel and Surface Water Regional Panels;
8. Establish an Environmental Water Trust Fund for the purposes of its achieving its environmental water CAP targets, where appropriate;
9. Provide advice on the use and coordination of Adaptive Environmental Water;
10. Broker diverse investment for specific ecological outcomes based on environmental water application; and
11. Monitor and report progress to the NRC on achieving the Standard and Targets in CAPs relating to environmental water management, including the operation of WSPs.”

The Board of the Lachlan CMA (*Appendix 1.1.3a(ii)*) consists of:

- **Robert Gledhill** – Chairperson
 - Lifelong farmer in the Boorowa and Barmedman areas;
 - Boorowa Shire Council Councillor / Mayor;
 - NSW Rural Assistance Authority
 - Noxious Weeds Advisory Council
 - NSW Landcare Advisory Committee
 - NSW Pest Animal Council
- **Mary Ewing:**
 - Lachlan Valley Water, Executive Officer;
 - Lachlan River Management Committee;
 - Lachlan Catchment Management Authority;
 - NSW State Water, Lachlan Customer Service Committee; and
 - Lachlan Critical Needs Committee
- **Mary Goodacre**
 - Merino and trade cattle grazer from Eugowra / Canowindra;
 - Speaker at the Women’s Industry Network – Cotton (Wincott), Australian Women in Agriculture Conference (AWiA) at Orange September 2005;

- Former Regional Director of the Department of Primary Industries and Fisheries (DPIF) Northern Territory 1997;
- Former Standing Committee on Agriculture and Resource Management, Northern Territory, 1997.
- **David Marsh:**
 - Holistic grazier in the Boorowa area;
 - Conservation farmer of the year 2004.
- **Dennis Moxey:**
 - Irrigator;
 - Lachlan Valley Water;
 - NSW State Water, Lachlan Customer Service Committee;
 - Lachlan Catchment Management Authority;
 - Jemalong Irrigation Ltd;
 - The Bondi Group; and
 - Lachlan Critical Needs Committee.
- **Libby Skipworth:**
 - Irrigator; and
 - Husband: Peter Skipworth, Chair – Cargelligo Wetlands & Lakes Council, committee.
- **Phyllis Miller:**
 - Forbes Mayor;
 - North Parkes Mine (*Appendix 1.1.3a(iii)*), Community Consultative Committee member;
 - Links to the Murray Darling Basin Community Advisory Committee; and
 - Chairperson of National Resource Advisory Committee (NRAC).

The Lachlan CMA 2009 Annual Report outlines the mission statement and objectives and projects undertaken to meet these objectives. Together with Lachlan Valley Water, Lachlan CMA are responsible for the Brewster Irrigation Dam. This large man made wetland just upstream from the irrigation town of Hillston, downstream from Lake Cargelligo, was originally constructed in the 1940's and was then a bird and fish habitat during large flood events – every 10 years or so. This system was destroyed and turned into a 150,000ml irrigation dam, at a cost of \$15million, for the people of Hillston, an irrigation town using bores. Mr Dennis Moxey proudly discussed this “project” at the public meeting held in Lake Cargelligo on 24th November, 2009, stating that it was a wonderful project and that it “can be emptied completely”. Mr Moxey also suggested that the same thing might be done at Lake Cargelligo. The Lake Cargelligo Wetland & Lake system has been filtering the water for the Lachlan River for over 100 years, but this was not considered to be a viable alternative, as “every drop” could not be removed from the system for irrigators.

From 3rd January, 2009 to 12th September, 2009 a total of 20945.869ml (*Table 1.1.2(ii)*) was put into the Brewster Irrigation. To obtain funding under the NSW Government initiatives, a faux wetland was created as a part of the irrigation dam. It is my understanding that this water was put into the newly formed dam in an attempt to “start off” the wetlands so that the LCMA could draw down their funding. At this point in time the Lake Cargelligo Wetland & Lake system received no allocation even though it is the town water supply for Lake Cargelligo, Tullibigeal and Murrin Bridge, a drought refuge, the only major water refuge on the Lachlan, home to 15 threatened species and a significant part of the communities income and very identity.

The NSW Government continue to allow independent (private company) industry groups such as Lachlan Valley Water to pay for infrastructure and control the administration of the River and Aquifer systems. This has resulted in the failure to protect the Lake Cargelligo Wetland & Lake System, as it does not suit the purposes of irrigators – it cannot be “completely emptied”...

Lachlan CMA have failed to protect the existing Lake Cargelligo Wetland & Lake System and have chosen to destroy another system to put in a 150,000ml irrigation dam. This is not a part of their CAP. While the needs of irrigators should be taken into consideration, they are “over represented” and should not have a place on the board of the Lachlan CMA.



Lake Cargelligo Days before completely drying up, 6th January, 2010

This incredible natural wetland & lake ecosystem would have been full if the 20,000ml that was put into the Brewster Irrigation Dam during 2009 had been put into this existing wetland & lake habitat, drought refuge and water supply for three towns.

1.1.3b Lachlan Valley Water

Lachlan Valley Water is an independent industry group funded by water licence holders in the Lachlan Valley. Chief Executive Officer – Mary Ewing. Their motto is “One Voice for All Water Users” and, according to the LVW website:

“Lachlan Valley Water:

- is the peak body representing river water and groundwater users in the Lachlan Valley
- has 520 members, representing over 88% of total water use in the Lachlan Valley
- represents the interest of water users at all levels with government, other interest groups and the community
- obtains funding and delivers projects that support efficient, sustainable water use
- works in partnership with other organisations for the benefit of members
- develops policy on water related issues

An Executive Committee representing the local Water User Groups in the valley directs the operation of LVW.”

This “independent industry group” has infiltrated the Lachlan CMA, NSW State Waters Lachlan Customer Service Committee, the Lachlan Critical Needs Committee and the NSW State Water, Lachlan Customer Service Committee. This group advises NSW Government on water issues and management.

On 6th August, 2009, the Forbes Advocate ([Appendix 1.1.3b\(i\)](#)) reported “Extreme concern over the water crisis facing towns and primary producers in the region brought Federal Member for Calare John Cobb to Forbes last Friday, for a full briefing on the current water situation.” Photograph and tag right.

Mary Ewing, Lachlan Valley Water Chief Executive Officer, discussed the closure of the river, and the factors being considered regarding the imminent closure of the Lachlan River.

In this article, “Mary Ewing said the decision will factor in the pressure that is on the water supply”. Ms Ewing was also quoted as saying, “Even if the river stopped, there would be pools of water for a while” and “[It also] depends on how much stock people have – can they lighten off?”.



John Cobb, irrigation consultant Ian Smith, Lachlan Valley Irrigation Services’ Steve England and Mary Ewing review the water crisis facing towns and irrigators along the Lachlan River.

In a further article from the Forbes Advocate ([Appendix 1.1.3b\(ii\)](#)) on 30th October, 2009, the day of the Lachlan River closure, questions were being asked about the decisions that were being made by Lachlan Valley Water.

The Forbes Advocate quoted: “Ms Ewing also rejected criticism from some farmers at the lower end of the river who said Lachlan Valley Water, which made recommendations to the NSW Government about the river, was stacked with mainly Upper Lachlan users.”

LVW have actively eliminated the Lake Cargelligo Wetland & Lake System from any water allocations or recognition. In a LVW Members Newsletter the omission of Lake Cargelligo is abundantly clear. The small town of Booligal, population 20, rates a mention, but the township of Lake Cargelligo with 1300 rates not mention at all.

As an independent industry group, the concerns of Lachlan Valley Water are not for the farmers, communities and environment of the Lower Lachlan. While LVW have a vested interest in controlling the water of the Lachlan River and it's aquifers and represent 88% of the total water use, they do not represent 88% of the people in the Lachlan Valley. There are 91,000 people in the Lachlan Valley, LVW represent 520 of these, and yet they are being allowed, by the NSW Government, to make decisions with regard to the water management of the Lachlan River.

After the closure of the Lachlan River upstream from the Lake Cargelligo Wetland & Lake System, irrigation continued at Forbes (home of the LVW and LCMA) and downstream at Hillston.



Irrigation – Forbes, 12th December, 2009
After the closure of the Lachlan River at Condobolin...

This raises several critical and major concerns, regarding the control that this independent lobby group hold over the Lachlan River:

- Ministers taking advice from an “independent industry group”, rather than the appropriate NSW Government Departments;
- The NSW Government Departments allowing this “independent industry group” to be actively involved with the decision making processes regarding water management on the Lachlan River;
- The NSW Government allowing an “independent industry group”, who represent “88% of total water use in the Lachlan Valley” representing 520 people to override and ignore the opinion of the other 90,000 people in the Lachlan Valley;
- The NSW Government allowing 520 people to own and control 88% of the total water use on the Lachlan River; and
- The NSW Government allowing an “independent industry group” to invest in infrastructure, such as the Brewster Irrigation Dam, which has effectively replaced the existing natural Lake Cargelligo Wetland & Lake system.



Forbes - 12th December, 2009
Irrigation water spilling into table drains for 100's metres



Lake Cargelligo, 9th December, 2009.

While irrigation & mining continued both upstream at Forbes and downstream at Hillston the largest lake in the Lake Cargelligo Wetland & Lake system was being dried up, via the closure of the inlet pipe.

1.1.3c Critical Water Advisory Committee

The Critical Water Advisory Committee has been set up to advise and recommend actions to the NSW Government & Ministers under severe drought and emergency conditions. To obtain a list of members of the Critical Water Advisory Committee, Section 16 of the Freedom of Information Act 1989 (NSW) was required. The names of the members sitting on the Critical Water Advisory Committee for the Lachlan Regulated River Water Source, and associations, are as follows:

- **Dennis Moxey:**
 - Irrigator & largest dairy farmer in NSW;
 - Lachlan Valley Water;
 - NSW State Water, Lachlan Customer Service Committee;
 - Lachlan Catchment Management Authority;
 - Jemalong Irrigation Ltd;
 - The Bondi Group; and
 - Lachlan Critical Needs Committee.
- **Mary Ewing:**
 - Lachlan Valley Water, Executive Officer;
 - Lachlan River Management Committee;
 - Lachlan Catchment Management Authority
 - NSW State Water, Lachlan Customer Service Committee; and
 - Lachlan Critical Needs Committee
- **Jim Crossley** (new member - not attended any meetings; a landholder in lower Lachlan)
 - Irrigator;
 - Lachlan Valley Water; and
 - Former Lachlan Catchment Management Authority Board Member.
- **Alister Lockhart:**
 - Forbes Shire Council, Mayor; and
 - NSW State Water, Lachlan Customer Services Committee
- **Andrew Bywater:**
 - Barrick Gold Mine
- **Kent Boyd:**
 - Parkes Shire Council – Sell water to North Parkes Mine
- **John Sutherland:**
 - Irrigator; and
 - Lachlan Customer Service Committee
- **Paul Packard**
 - Department of Environment Climate Change and Water
- **Allan Lugg**
 - Industry and Investment NSW (Fisheries),
- **Sri Sritharan**
 - State Water
- **Peter Christmas**
 - NSW Office of Water
- **Steve Palmer**
 - NSW Office of Water
- **Anne Brook**
 - NSW Office of Water

Of the thirteen members of the Critical Water Advisory Committee, eight are NSW Government Departments or Local Government and seven have a vested interest in water trading, irrigation or mining. It should be noted that the two local government representatives – Forbes and Parkes have vested interests which impact on their decisions. There are *NO* independent community representatives on the Critical Water Advisory Committee.

As an advisory group which resolves emergency water issues, there should be *NO* members who have a fiscal interest in water. The Critical Water Advisory Committee must be overhauled and all Water Traders / Irrigators & Mines should be removed from this emergency advisory committee.



Lake Cargelligo, 6th January, 2010
Destruction of Lake Cargelligo Wetland & Lake System due to mis-management...

1.1.3d The Bondi Group

“The Bondi Group is an incorporated organisation which represents the interests of Australian locally owned, private irrigation water supply enterprises in the continuing public debate over water, and the policy setting which follows that debate. The Bondi Group comprises of a group of successful water managers operating under local ownership structures. “ It is this group of water traders, backed by John Anderson, that lobbied for the water trading legislation we are currently suffering. Within a week of securing buyback legislation John Anderson retired. John Anderson now is on the board of Clyde Agriculture and Tooralie Farms and CEO of Riviera Boats – owned by Wes Moxey, brother of Dennis Moxey.

Murray Smith, Bondi Group member and Chief Executive, Coleambally Irrigation Cooperative Ltd, stated in a 2007 publication that at the time of the formation of the Bondi Group, “the ongoing drought and climate change and variability has increased the pressure on water managers, which includes all locally owned irrigation entities.” Mr Smith went on to say “it is in the context of national change that the Bondi Group came about – specifically in response to pressure being exerted by the Australian Bankers Association (ABA) attempting to devolve bulk water licenses to individuals.”

The members of the Bondi Group include:

- Clyde Water Trust (Tasmania)
- Coleambally Irrigation Co-operative Ltd (NSW)
- Euston Co-operative (NSW)
- Gascoyne Water Co-operative Ltd (WA)
- Harvey Water (WA)
- Jemalong Irrigation Ltd (NSW)
- Jenni Mattila and Company (Honorary)
- Moira Private Irrigation District (NSW)
- Mourquong Private Irrigators (NSW)
- Murray Irrigation Ltd (NSW)
- Murrumbidgee Private Irrigators (NSW)
- North Burdekin Water Board (QLD) (Honorary)
- Pomona Irrigation Trust (NSW)
- Preston Vally Irrigation Co-operative (WA)
- South Burdekin Water Board (QLD) (Honorary)
- West Corrigan Private Irrigation District (NSW)
- Western Murray Irrigation Ltd (NSW)

The introduction of Water Trading some 10 years ago has seen a steep and rapid decline in the value and incomes of small rural holdings and license holders. This is exactly what the ABA had feared. Small license holders up and down the Lachlan River had small allocations and understood the sustainable use of these licenses on their farm and their impact on the environment.

The over allocation of high security licenses has impacted tremendously on these small land holders. Water Trading entities now hold the majority of the water. High security licenses are given priority. A cynic would say that these very water trading bodies have infiltrated the Government Departments and committees that set allocations and have overseen a system whereby the dam levels are kept at a low level to ensure a price premium. A realist would say that this is a fact.

Sustainable and responsible irrigation methods can *NEVER* be achieved as long as water trading is permitted. There is no control over who is buying water and what it is being used for. The current situation on the Lachlan River illustrates this point perfectly. The Lachlan River has been closed at Condobolin. Irrigation has continued both upstream and downstream, using both ground and surface water, and North Parkes, Cadia and Lake Cowal Gold Mines are still operating.

1.2 NSW Government Departments & Ministers

1.2.1 NSW State Water

NSW State Waters, located at Dubbo, is responsible for the Macquarie and Lachlan Rivers. According to Professor Richard Kingsford, these are the only two Rivers that are allocated using the 100 year Historical Data System. As discussed in 1.1.1, the assessment and calculations of allocations using 100 year historical data at the end of 10 years of minimal rain fall and minimal inflows into the dam catchment and river is fool hardy, negligent and criminal.

The decisions made by NSW State Water have included the release of 8000ml more in 2009, from January to October than in the same period in 2008. The Wyangala Dam levels were half that of 2008 when this decision was made. Furthermore, NSW State Water also made the decision to put 20,000ml into the newly formed Brewster Irrigation Dam. This water would have filled the Lake Cargelligo Wetland and Lake System at the time.

From 1st September, 2009, State Water increased the release from Wyangala Dam from an average of 250ml per day to 500ml per day (*Table 1.1.2(ii)*). [NSW State Water], when questioned about this increase in flows, when the Lachlan River closure was imminent, stated it was “to fill orders”. This type of decision making, to prioritise the needs of the water traders / irrigators and mines above those of the people, communities and environment flies in the face of the legislation as set out in the Water Management Act.

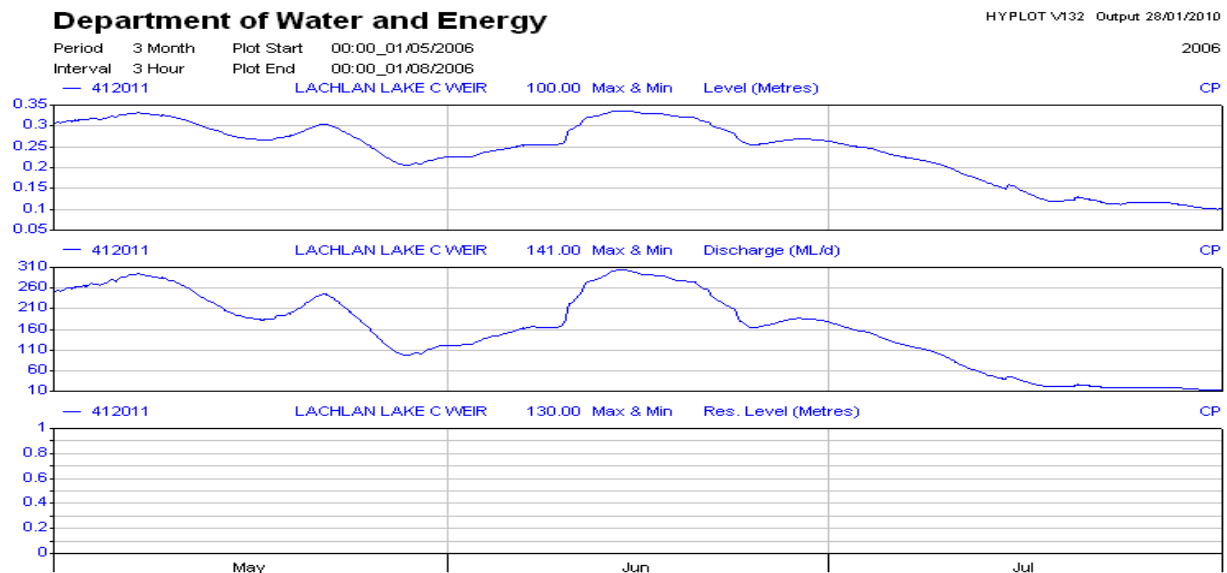
The Water Management Act 2000, Section 60 clearly states that the first priority is to be given to people, ie domestic and town water supplies. The second priority is to be given to the needs of the environment and the third priority is to be given to stock purposes, and high security licence holders – which includes mines & irrigators. My understanding of this legislation is that people and environment come first, irrigators and mines last.

The decision to dry up the Lake Cargelligo Wetland and Lake System has been made as far back as August, 2006, at least. In a State Water Newsletter from August, 2006 (*Appendix 1.2.1(iii)*), [NSW State Water] stated that “isolating Lake Cargelligo from the River is also an option to conserve water.” While in the same document [it] states that “There is no restriction to trading of high security account water in 2006/07”. Again this does not meet the legislation of the Water Management Act 2000. The isolating of the Lake Cargelligo Wetland & Lake System has been undertaken by NSW State Water without any Community or Environmental studies.

The Lake Cargelligo Wetland and Lake system is:

- The town water supply for Lake Cargelligo;
- The town water supply for Tullibigeal;
- The town water supply for Murrin Bridge;
- 118 Stock & Domestic license holders;
- A drought refuge;
- The only major water refuge on the Lachlan River; and
- Home to 15 threatened species.

Prior to this, in June 2006, NSW State Water offered 8000ml to Lachlan Shire Council for the Lake Cargelligo Wetland & Lake System. This offer was refused by Lachlan Shire Council, citing that it would “destroy infrastructure”, this is the same infrastructure referred to in letters to Minister Costa and in Council Minutes as “temporary”. In spite of this offer being general knowledge, State Waters refuses to confirm or deny the offer, but it was after this point that State Water actively and openly suggested that the Lake Cargelligo Wetland & Lake System could be “isolated”.



Lake Cargelligo Weir readings for May, June, July 2006 – www.waterinfo.nsw.gov.au

On 21st & 22nd December, 2007, there were flooding rains in the Lake Cargelligo region. State Water, Lachlan Valley Water Newsletter – January 2008, stated “The rain on 21/22 December 2007 significantly improved the water resource situation in the lower Lachlan Valley. About 12,000ML were diverted into Lake Cargelligo from tributaries downstream of the Wyangala Dam and local storm runoff round Condobolin. From local flooding, a further 4,000 to 5,000ML of water was diverted into the lake via a channel constructed through the lake banks. The lake has reached about 45% and is remaining steady, with the draining of the local floods.”

According to State Waters website a total of 15718.858ml was put into the Lake Cargelligo system via the Lake Cargelligo inlet, from 21st December, 2007 to 20th January, 2008. The flood waters did not come into the Lake Cargelligo system via the inlet, therefore are not included in this figure. (*Table 1.1.2(iii)*)

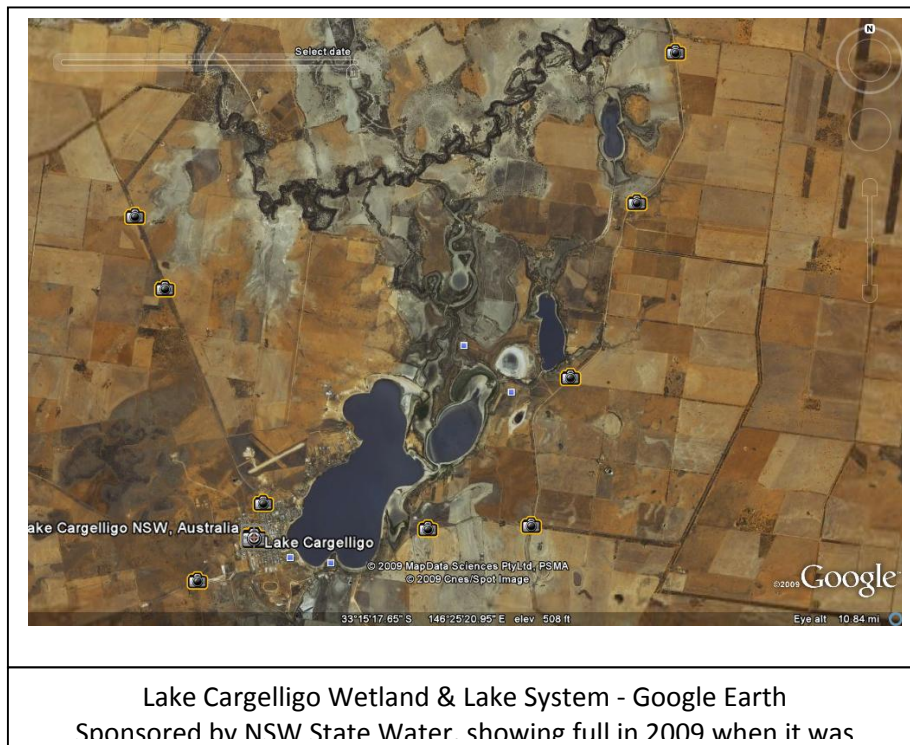
In January, 2008 the bank was broken to allow the flood waters into Lake Cargelligo. However, as State Water had let 15718.858ml into the system and the lake level was too high, water equalized by leaving the system into the flood water. The bank was then closed and not opened again until State Water reduced the level of Lake Cargelligo. This was some 3 months after State Water stated that they had put the flood waters into Lake Cargelligo. These works were undertaken by Lachlan Shire Council, not State Water as indicated by State Water The State (State Water) paid for the diversion works and rehabilitation”. There have been no “rehabilitation” works to date. There were no DPI Fisheries approvals.

NSW State Water increased allocations on the Lachlan River in November, 2008 by 20%. At this time the Wyangala Dam levels were at 12.6%. By the end of February, 2009 and the irrigation season, the dam levels had been reduced to 6%. The NSW State Waters, Customer Services Committee, as detailed in 1.1.3, had a major role in this decision.

NSW State Water have attributed 52,834ml to “delivery losses/ basic rights”. The basic landholder rights, even in NSW Government Reports are “negligible” and not worth reporting. [NSW State Water] would give no detail with regard to these “losses”. In 2003 Nathan Rees “cancelled” **all environmental flows**, therefore these flows did not go to the environment. NSW State Water “lost” 52,834ml in a three month period. 36,000ml fills Lake Cargelligo Wetland & Lake System.

NSW State Water are also providing water to North Parkes Mine. This water is being access from the aquifer via bores. Although these bores are supposed to be metered and audited by NSW State Water, neither the meters or checks are occurring. NSW State Water are allowing North Parkes Mine to access unknown quantities of

water, unregulated. NSW State Water are applying the 1912 Act on various parts of the River system, at will, to allow unregulated use of bores and the raping of the aquifers.



Sheet of Water, 15th December, 2009 – two (2) days prior to meeting with NSW State Water

1.2.2b Metering & Records

On the 23rd & 24th November, 2008, the Lake Creek Outlet (outlet from Lake Cargelligo into the Lachlan River) on the NSW State Water website (www.waterinfo.nsw.gov.au) read that 146.562ml & 140.954ml had been released from the system. At this time, there was *NO* water in Lake Creek, as the levels in Lake Cargelligo were too low to reach the outlet. Furthermore, a total of 424.128ml had been released from Lake Cargelligo from 18th September, 2008 to the 31st December, 2008, alone. Again this was impossible.

Photographed, right, is Lake Creek on 24th November, 2008, the day that according to NSW State Water, 140,954ml had been released via this outlet creek.



Lake Cargelligo Outlet
24th November. 2008

At the meeting held on 17th December, 2009, with NSW State Waters [they] advised that there are issues with the NSW State Water metering and recording instruments and database methods. At this meeting [NSW State Water] indicated that the information received with regard to the inlet of water into the Brewster Irrigation Dam was incorrect, although [they] could not advise as to the correct amount that had been put into the system. [NSW State Water] then went on to advise that the “meters get stuck”, “sometimes give the wrong readings”, that sometimes it is “raw data” that has to be “changed, but not much” and that the incorrect website had been used to access the information and that the correct site is www.waterinfo.nsw.gov.au, the same site that was being used. (*Appendix 1.2.2a(vii)*)

This brings into question the entire data and reporting system of NSW State Water. The anomalies of the outlet in Lake Cargelligo are apparently not isolated. A total of 424.128ml was reportedly let out of the Lake Cargelligo Wetland & Lake System, using an average for high security water in this time of drought of \$500 / ml this equates to \$212,064.00 in water fraud and gross mis-management.

As NSW State Water are aware that their systems for measuring are malfunctioning, then this is mis-management of the greatest scale. The figures used for reporting by NSW State Water are not to be trusted, they are inaccurate and altered from the “raw data” to suit their reporting requirements. Using the example of the 20945.869ml that, according to figures provided by the NSW State Waters official website, went into the Brewster Irrigation Dam during 2009, this would equate to \$10,472,934.00, using the same average \$500/ml price for water. If, as claimed by NSW State Water, the meters were malfunctioning, then it could be argued that these anomalies should have been discovered at some point in time. One could further surmise that at the very least it would be expected that this anomaly would be “picked up” at the end of the Financial / Water year. Of this 20945.869ml released into the Brewster Irrigation Dam, 17545.226ml was prior to 1st July, 2009. If, as stated by [NSW State Water], this 20945.869ml of water did not go into the Brewster Irrigation Dam, where did it go? And how did the Lachlan CMA get funding for completing the “wetland” with this water if it didn’t go in?

The Lake Cargelligo inlet does not have a meter, and yet NSW State Water still continue to post inlets into the Lake Cargelligo Wetland & Lake System on their official website. According to NSW State Water, there is 8ml per day coming into the system, both prior to and after the closure of the Lachlan River. However, at best this is a "guestimation". The regulator will not close completely, so NSW State Water have "guestimated" that 8ml "leak" into the system each day, the lowering of the Lake Cargelligo Weir Pool and the subsequent reduction in water pressure have not been taken into consideration. The question then comes to mind, how many other "guestimations" are being made and how many other systems are being fraudulently mis-managed.



Lake Cargelligo Inlet
Leaking, with NO meter

NSW State Water have repeatedly given figures and random percentages for "transmission losses" and "evaporation rates", for which they can provide NO science. It appears that these figures are being used to "fix" the books and account for missing water and false readings from faulty & inaccurate equipment.

NSW State Water must be fully audited and a system for allocation of water must be standardized across NSW, and the "100 year Historical Data" and infiltration of Water Traders / Irrigators & Mines into advisory groups must be stopped. There must be full accountability and transparency.



1.2.3 DWE – NSW Office of State Water

At the public meeting held by NSW State Water and DWE (NSW Office of State Water) held in Lake Cargelligo on 24th November, 2009, [NSW Office of Water] stated that the reason for the closure of the Lachlan River was to meet "critical human needs

[NSW Office of Water] was asked, at this public meeting, to explain why the DWE and NSW Office of State Water continued to allow water to be taken from the aquifers and as it seemed obvious that these systems were an integral part of the Lachlan River system, and asked how this affecting the Lachlan River. Further, [NSW Office of Water] explained how the upper Lachlan "use to be river positive, now it is river negative", explaining that this meant that the river is losing water into depleted aquifers, instead of gaining as it use to do. This is confirmed by a CSIRO report - Water Availability in the Lachlan - Summary of a report to the Australian Government from the CSIRO Murray-Darling Basin Sustainable Yields Project of March 2008 ([Appendix 2.5\(i\)](#)) which states that "Upper and Lower Lachlan alluvia is expected to eventually increase stream flow losses from

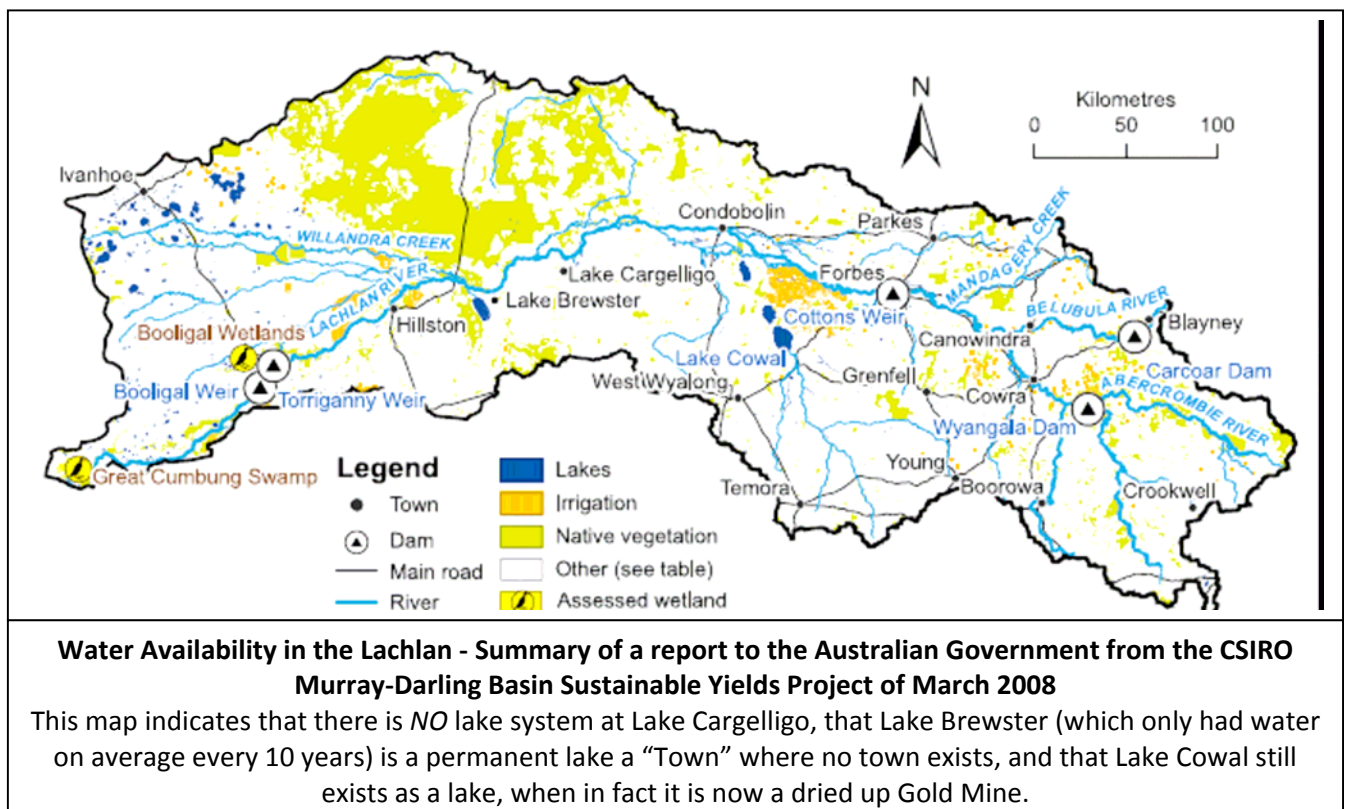
the Lachlan River by about 50 percent. According to DWE, it has not even been possible to maintain the Lake Cargelligo Wetland & Lake System at 20%. The suspension of the Water Sharing Plan by Nathan Rees and the “cancellation” of all environmental flows appears to be in direct contradiction to the Act. Under the Act there should be NO irrigation or mines receiving water, until the needs of the people and the environment are provided.

1.2.4 NSW Water Minister/s

In 2003, Nathan Rees, then NSW Minister for Water, suspended the Water Sharing Plan and “cancelled” all environmental flows. As stated previously, this is in direct contradiction to the Water Management Act 2000, Section 60. Nathan Reese provided significant funding to Lachlan Shire Council to bypass Sheet of Water and Lake Curlew. Lachlan Shire Council have no Environmental Impact Statements for these works and have undertaken other works without permits.

Current, NSW Minister for Water Philip Costa has continued this legacy and has prioritized the needs of Water Traders, the largest irrigators and Mines who are still receiving allocation while the people and communities of the lower Lachlan River are suffering with restricted flows and no water for stock. The environment of the lower Lachlan and in particular the Lake Cargelligo Wetland & Lake System are receiving no allocation. Minister Costa has also provided significant funding to Lachlan Shire Council to bypass the Lake Cargelligo Wetland & Lake system completely.

Minister Costa has mis-represented the Lake Cargelligo Wetland & Lake System and has stated that it is a “man-made off-river water storage”. This mis-representation has been spread throughout all Government Departments, including the DWE, MDBC, LCMA and CSIRO.



Minister Costa has been sent significant information ([Appendix 1.2.4\(i\)](#)) regarding the history of the Lake Cargelligo Wetland & Lake system, including its Wiradjuri owners. Minister Costa has also been provided with information regarding the threatened species which are a part of this incredible natural system.

1.2.4a Lake Cargelligo Wetland & Lake System not to receive any flows from 23000ml release

Minister Costa has made the decision to bypass the Lake Cargelligo Wetland & Lake System and has not allow any of the 23,000ml release from the Wyangala Dam in January & February 2010 to be diverted through this system. The water is to be sent “as far down the river as possible” or to the Brewster Weir Pool, which holds 7000ml. Lake Cargelligo, holds 36,000ml and is :

- The water supply for Lake Cargelligo;
- The water supply for Tullibigeal;
- The water supply for Murrin Bridge – the Wiradjuri Mission;
- The last major water refuge;
- The last drought refuge; and
- Home to 15 or so threatened species.

The water could be put into the Lake Cargelligo Wetland & Lake System, as it has been for over 100 years, and it pulsed downstream as required.

It should be noted that the Brewster Weir Pool is home to 1 threatened species, there is no township relying on this small 7000ml weir pool for their water supply.

It is commonly believed that the water is to be sent to the Brewster Weir Pool, as it can then be put into the Brewster Irrigation Dam. [NSW State Water] stated, when discussing the water inputs into the Brewster Irrigation Dam at the meeting of 17th December, 2009 that they “would be kicking ourselves if we had a flood and we weren’t ready for it”.

1.2.4b Lake Cargelligo proposed Pipeline and Bore

On 11th February, 2009, Lachlan Shire Council sought funding from Minister Costa (*Appendix 1.2.4b(i)*) for \$40,000 to investigate a pipeline to the Lake Cargelligo Weir Pool and various other options, to bypass the entire Lake Cargelligo Wetland & Lake System for the town water supply. On 6th April, 2009, Minister Costa responded to Council (*Appendix 1.2.4b(ii)*) that he would consider “emergency drought funding” for such an application. On 25th April, 2009, Minister Costa was sent correspondence *Appendix 1.2.4b(iii)* with regard to Lachlan Shire Council’s application and a Petition with regard to the proposed bore and pipeline for the Lake Cargelligo, Tullibigeal and Murrin Bridge water supply. Of a population of 1300 people in Lake Cargelligo, 1003 signatures were received and forwarded onto the Minister. This Petition stated that:

**S.O.S.
(Save Our Shores)
Help Keep the LAKE in
LAKE CARGELLIGO!**

We the undersigned are asking for your support to help keep Lake Cargelligo as a:

- Water supply for the town;
- Recreational Lake for Tourism;
- A Bird Sanctuary; and
- To help it become a Classified Wetlands

We are adamantly opposed to a pipeline drawing water directly from the Lachlan River weir pool, as it will result in the loss of our Lakes system including their natural wildlife and surrounding natural vegetation.

The pipeline will affect Lake Cargelligo and surrounding communities, within the Lachlan Shire (which advertises Lake Cargelligo as a tourist attraction).

The businesses and people who moved here (because the Lake is here) Including and maintaining the rights of private water users.

Your signature will help various groups to stop the destruction of our waterways and help to find another long term solution for supplying water to the town of Lake Cargelligo and saving our shores for future generations.

Both Lachlan Shire Council and the Minister for Water have ignored this Petition. A response was received by Minister Costa (*Appendix 1.2.4b(iv)*), outlining the funding received by Lachlan Shire Council for emergency works and the water filtration plant. It should be noted that there is a very small minority lobby group in Lake Cargelligo who have been lobbying Council and the Minister for a pipeline to a bore. This bore has now proven, after costs of some \$4million to have unsuitable levels of bauxite for town water supply. If the same amount of money had been spent on water over the last few years, Lake Cargelligo Wetland & Lake system would be full.

Lachlan Shire Council have used the drought as an excuse for the failures of the filtration plant and have been funded by Minister Costa to bypass this incredible Wetland & Lake System.

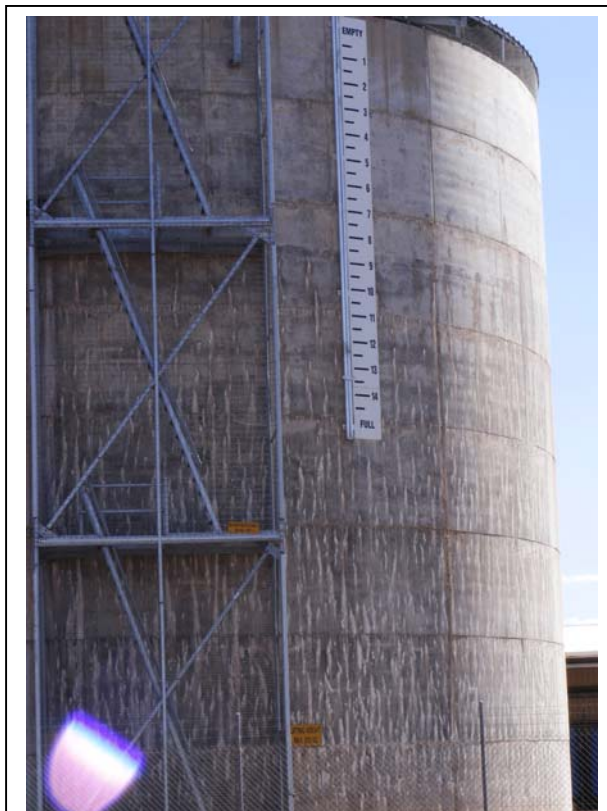
1.2.4c Lake Cargelligo Filtration Plant

Lachlan Shire Council have received large sums of money from the NSW Government and Minister Costa under “emergency drought funding” - \$3.07million. The filtration plant purchased by Lachlan Shire Council in 2003 does not filter inland water and has never worked. Lachlan Shire Council have been funded to bypass Sheet of Water (\$80,000), Lake Curlew (\$75,000) and Lake Cargelligo (\$1.2million) with bypass channels, dams and pipelines. It was cited by Council that these works were required due to the drought and the poor water quality in the Lake. On the few occasions since this time that there has been higher levels in the lake, the filtration system was still unable to filter the water efficiently and the bypassing of two of the three lakes has not improved the water quality or filtering capabilities of the system. The system has continued to fail.

NSW State Water have continued to supply water to Lake Cargelligo for the town water supply. It is not the drought that has caused the lack of water for the towns of Lake Cargelligo, Tullibigeal and Murrin Bridge, it is the failure of Lachlan Shire Council and the DWE to purchase the correct filtration system.

This Water Filtration Plant, which included the Water Tower which collapsed in 2003 killing two men, does not work and has resulted in considerable water wastage, unnecessary town water restrictions and considerable funding.

The Water Tower has leaked from the time it was completed and can only be filled half-way. Lachlan Shire Council will not answer concerns of the community regarding the safety and structural stability of this tower. It is understood that Nathan Rees provided funding for a “new” water tower, at the time Nathan Rees was Minister for Water and was ultimately responsible for the DWE, Department of Public Works overseeing of the structure. The Coronial Inquest found that this department was lacking in the skills required to undertake such a project and after the tower collapse and deaths three Lachlan Shire Council engineers resigned.



Lake Cargelligo Filtration Plant
Leaking Water Tower

The water filtration system will *NOT* filter inland water. The filtration system requires constant “back-flushing” for which filtered water must be used. Not only does this mean that the limited stores of filtered water are considerably reduced, but Lachlan Shire Council have not put in any recycling or water saving systems and the back-flush water is released on the open ground of the common.

Council have now put in several banks in an attempt to redirect some of the water and “spread” the flow so that it is not as obvious.

Lachlan Shire Council refuse to respond to questions regarding the filtration plant and in particular the funding and approvals. A response was only received after 12 months and the intervention of the NSW Ombudsman. The answers provided were incorrect and incomplete.



Lake Cargelligo Filtration Plant – Back-flushing
11th May, 2009

In December, 2008, Lachlan Shire Council had a meeting with Nathan Reese (NSW Premier).

Therefore, Lachlan Shire Council were receiving funding to

- bypass a wetland & lake system without any EIS;
- bypass the entire system with a pipeline to either the weir pool or a bore;
- purchase a new DAFF pre-filter; and
- construct a new water tower.

It should be stated at this stage that this system was only completed in 2003 and is only a relatively new system itself. Furthermore, the purchase of the pre-filter for \$2million and the purchase of a pipeline and bore for \$20million contradict one another. Either a pre-filter is required or a pipeline – one cancels out the other. It appears that Lachlan Shire Council are simply money-grabbing and obtaining grants for everything and anything.

In Lachlan Shire Council Minutes for September, 2009 it states that the “Lake Cargelligo Emergency Works – Channel Work – Remaining funds for emergency channel around Lake Curlew (only to be undertaken when required). REF for project has been completed along with application paperwork for dredging and reclamation permits - \$31,784” – Council was provided with funds for this project of \$75,000 – there appears to be \$43,216 missing. It should also be asked why no EIS has been undertaken on such a rich habitat, as the REF could not have failed to find that there would be a significant impact on the environment and threatened species.

Minister Costa is aware of all of these facts. Minister Costa has continued to maintain that this natural wetland & lake system is a “man-made off-river water storage” and has continued to ignore the plight of this system.

As the Minister is receiving advice from Groups, such as the Lachlan CMA, LVW, Critical Water Advisory Group, etc, it seems clear that the information being provided to the Minister is directly from the Water Trading / Irrigation / Mining groups and that the Lake Cargelligo Wetland & Lake system has been eliminated from all WSP, maps and considerations.

2. ENVIRONMENTAL ISSUES

The Lake Cargelligo Wetland & Lake System has been impacted heavily by the mis-management of the Lachlan River. The Lake Cargelligo Wetland & Lake System has missed out on a place in the WSP, the Murray Darling Basin Commission have down-graded the system, it does not appear on many maps currently being used for reports by NSW Government Departments and has been treated as a man-made off-river water storage.



Lake Curlew, 2009

The last of the three wetland and lakes not to be bypassed and dried.

The Lake Cargelligo Wetland and Lake system covers 1,500ha and holds at full capacity 36,000ml. It is the only major water refuge on the Lachlan River and acts as a drought refuge and breeding habitat for 165 bird species. The closure of the Lachlan River on 31st October, 2009, upstream at Condobolin, put enormous stress on the Lake Cargelligo Wetland & Lake system, but the remaining lake, Curlew, provided refuge to much of the wildlife.

The Lake Cargelligo Wetland & Lake System is a densely populated microcosm of biodiversity. The richness in bird life has been attracting bird watchers since the town began. Neville Cayley, renowned author of “What Bird is That?” spent many years visiting Lake Curlew, as it has such a rich and abundant bird life. The system provides an aquatic ecosystem which has provided a healthy breeding environment for other aquatic life, including native fish – perch – yellow belly – cod – eel tailed catfish etc, turtles and the mammals such as the Australian Beaver Rat pictured above.

The Lachlan CMA have undertaken and funded a study, which has been going for over 12 months. During this time the researcher, Lisa Thurtell, did not detect the threatened species, in spite of the information being freely available for the Lachlan Shire Council’s Lake Cargelligo Visitors Centre. It is believed that the Lachlan CMA undertook this study, so that it can say that they are “working with the community”.

2.1 Threatened Species

The Department of Environment Climate Change & Water (DECCW) have confirmed that of the 165 bird species in the Lake Cargelligo Wetland & Lake system area, there are:

CRITICALLY ENDANGERED

1. Red-fored Whistler – Critically Endangered

ENDANGERED

2. Australian Bustard – Endangered
3. Mallee Fowl – Endangered

VULNERABLE

4. Brolga – Vulnerable
5. Blue-Billed Duck – Vulnerable
6. Osprey – Vulnerable
7. Major Mitchell Cockatoo (Pink Cockatoo) – Vulnerable
8. Red-tailed Black Cockatoo – the coastal form ‘*Cacatua banksii banksii*’ - critically endangered. The inland form ‘*Cacatua banksii samueli*’ - Vulnerable
9. Superb Parrot – Vulnerable
10. Gilbert’s Whistler - Vulnerable
11. Grey-crowned Babbler – Eastern subspecies ‘*Pomatostomus temporalis temporalis*’ - Vulnerable
12. Brown Treecreeper – Eastern subspecies ‘*Climacteris picumnus victoriae*’ - Vulnerable
13. Diamond Firetail – Vulnerable
14. Hooded Robin – South eastern form ‘*Melanodryas cucullata cucullata*’ – Vulnerable

While not all of these birds are “water birds”, the Lake & wetland environment is still a part of their ecosystem, whether this provides suitable habitat, by way of flora or encourages the growth of food suitable for these species.

The Department of Primary Industries – Fisheries have confirmed that the “eel tailed catfish”, one of which was caught in Lake Curlew over Christmas is also a threatened species.

At no stage has the environment or threatened species of the Lake Cargelligo Wetland & Lake System been protected. The Lachlan Shire Council have not only not protected and improved this natural system, but have actively bypassed the system and dried up significant wetlands and habitats. No NSW Government Departments have, or are, taking responsibility for the Lake Cargelligo Wetland & Lake system or its threatened species.

The community elected to form a wetland and lake committee – the Cargelligo Wetland & Lakes Council. This Committee has been formed for almost 2 years and to date have only succeeded in getting the Lachlan CMA funded study by Lisa Thurtell.

Requests have gone out to the NSW Premier, DECCW and the Federal Department of Environment, Water Heritage and the Arts to assist in declaring this compact, diverse and unique wetland & lake system, major water refuge and drought refuge a Ramsar Wetland. The NSW Premier has not responded to this request.

The DECCW are now taking steps to apply to have the Lake Cargelligo Wetland & Lake System a Ramsar Wetland, however, as the other NSW Government Departments will ultimately be required to approve the listing it is felt that this will be unfairly blocked. There are a significant number of NSW Government Departments receiving recommendations through the LCMA, LVW and MDBC, which represent the water traders / irrigators / mines who do not want to see the Lake Cargelligo Wetland & Lake System Ramsar Listed as they see this as a “waste of water”. It is the very committees, groups and departments referred to earlier in this submission that will ultimately have a say over whether or not the Lake Cargelligo Wetland & Lake system receives Ramsar Listing.



White Bellied Sea Eagle Nest, Lake Cargelligo
Long time resident of the Lake Cargelligo Wetland & Lake System



Lake Curlew, Superb Parrot – Vulnerable Species
One of the Threatened Species being ignored by NSW Government

2.2 Drought or Famine?

The reason for the Lake Cargelligo Wetland & Lake System now being under such enormous stress is *NOT* due to the drought. While the drought has impacted heavily on the towns and people of Lake Cargelligo, Tullibigeal and Murrin Bridge, crops have failed and the feeding and watering of stock has been made an expensive and sometimes impossible task. This has put financial strain on an already struggling community. But the drought is not responsible, directly or indirectly, for the drying up of the Lake Cargelligo Wetland & Lake System...

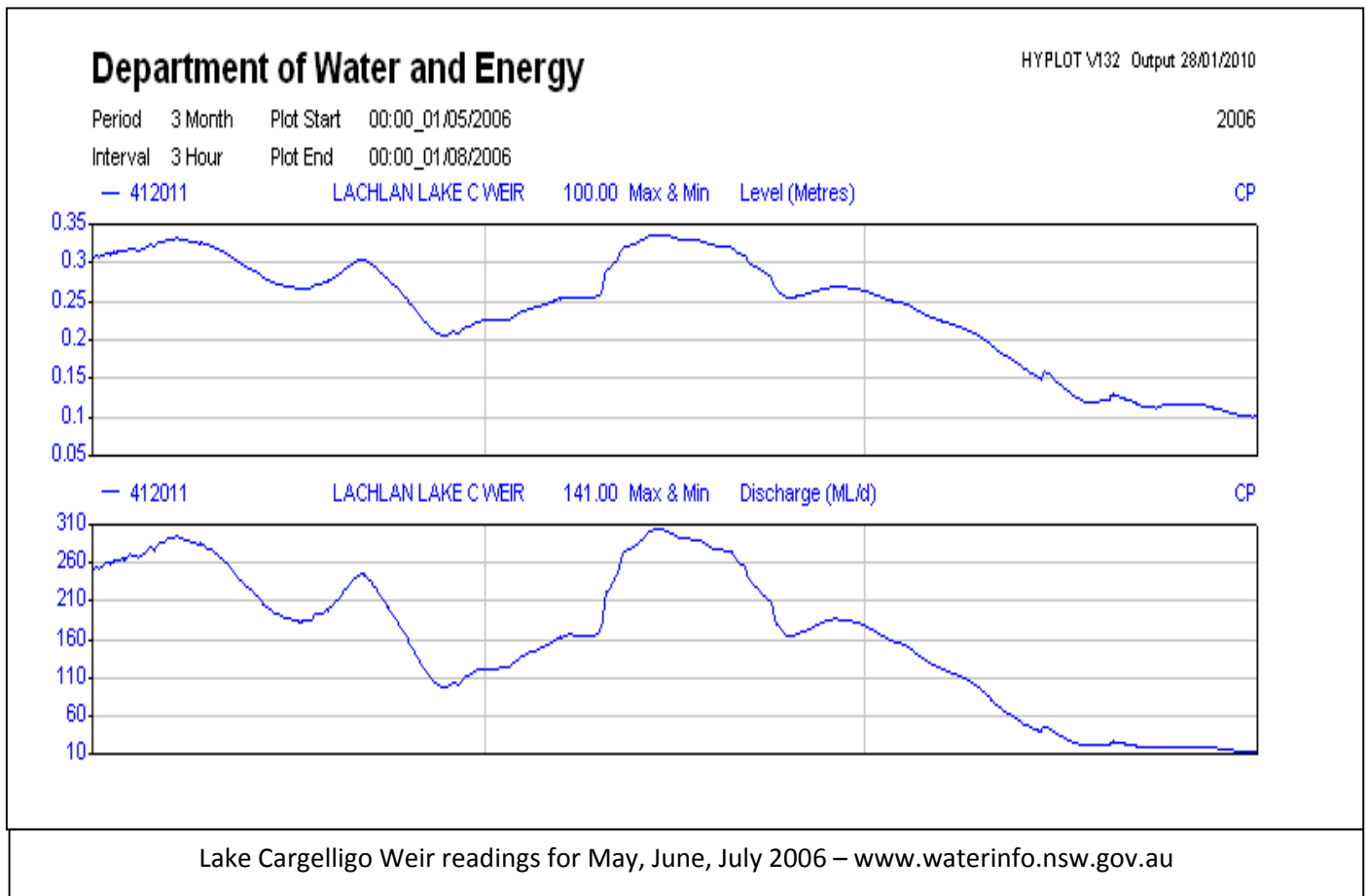


Lake Cargelligo Bird & Animal Sanctuary – November, 2007

Bypassed with channels by Lachlan Shire Council in 2005, funded by NSW Government - Frank Sartor.

Looking at the big picture...

In 2006, the Wyangala Dam levels were at 34%. In June 2006 NSW State Water offered Lachlan Shire Council 8000ml for the Lake Cargelligo Wetland & Lake System. Lachlan Shire Council refused this water, which would have brought the level of the system up to approximately 40%. Lachlan Shire Council had stated that the filtration system was unable to filter the water when it was at low levels, and the ideal level would be anywhere from 40% upwards. Lachlan Shire Council refused this water citing that it would “destroy the infrastructure”, this is the same infrastructure that is referred to in the Application to Minister Costa and in Council Minutes as “temporary emergency works”.



On 21st & 22nd December, 2007, there were flooding rains in the Lake Cargelligo for 100kms. Flood waters made roads impassable for many months and much damage was caused to roads, railway lines and private property. The flood water that lay in the original lake bed of Lake Cargelligo, which had been cut off with banks in 1902, sat outside the lake, covering the road into Lake Cargelligo from Condobolin for months. The last comparable flood event was in 1968.

It took some weeks before the bank was broken, and by this time the water that NSW State Water had started to put into the Lake Cargelligo system from the Lachlan River, made the levels too high. The water in Lake Cargelligo started to equalize and left the Lake Cargelligo system and added to the flood water. The bank was then closed and not reopened for some three months. This only occurred after months of complaints by the locals and landowners. The water was put into Lake Cargelligo and removed immediately by NSW State Water.

When questioned about this, NSW State Water stated “When any water that gets into the regulated system, it becomes part of the regulated resources available for deliveries as per the Lachlan WSP. This is as same as rain on someone's land turning into run-off and into a creek and then into the river or dam. All these waters are available and distribution as per Lachlan WSP. There are no private ownership to any water that gets into the regulated system.” [NSW State Water] was then questioned with regard to the suspension of the Water Sharing

Plan (WSP) and what regulations allowed the water to be removed from Lake Cargelligo, the response was because “The State (State Water) paid for the diversion works and rehabilitation.” State Water did not undertake these works, it was Lachlan Shire Council.

In 2009, NSW State Water put 20945.869ml into the Brewster Irrigation Dam. This water went straight past the Lake Cargelligo Wetland & Lake System inlet. Taking into account the transmission losses for this water to travel the additional 100km or so to the Brewster Irrigation Dam, and the water already in Lake Curlew, this amount of water would have almost filled the Lake Cargelligo Wetland & Lake System. This would have alleviated the need for the closure of the Lachlan River, as Lake Cargelligo could have supplied water downstream as it has done for over 100 years and kept the Lachlan River running. The gross mis-management of putting 20945.869ml of water into the incomplete Brewster Irrigation Dam, for it to soak into the newly formed banks and try to re-create a wetland that already existed in the Lake Cargelligo Wetland & Lake System is criminal.

In 2010, Minister Costa announced that there would be a release of 23,000ml from the Wyangala Dam into the Lachlan River. The Minister stated that ““The additional water is expected to replenish weir pools the length of the river to Lake Brewster Weir by mid February. “With the additional inflow, water from Lake Brewster Weir can be released at a rate sufficient to deliver water to the Corong and Oxley area by early March.” Lake Cargelligo Wetland & Lake System is the only water supply for Lake Cargelligo, Tullibigeal, and Murrin Bridge have a total population of 1600 people, not including the many farms in the district. The decision by the



Brewster (Ballyrogan) Weir Pool
7000ml capacity

Minister to NOT put any water into the Lake Cargelligo system was met with great anger and disbelief by the community. There is no available information on Oxley or Corong and no population listed. Booligal, which the Minister did not mention, have a population of 20 people in the town and 60 on surrounding farms.

If the 20945.869ml put into the Brewster Irrigation Dam during 2009 had been put into the Lake Cargelligo Wetland & Lake System, not only would the Lachlan River have remained open and provided water for the farmers and townships downstream, but the additional 23,000ml being diverted through the Lake Cargelligo System would have ensured an ongoing water supply for downstream over the next 12 months or more. By allowing this 23,000ml release from Wyangala to just travel the River, it will only be a stop gap and provide water for a very limited amount of time. The suggested storage for the water, the Brewster Weir pool, only holds 7000ml, which will not be sufficient to continue to feed down-stream.

2.3 Lachlan Shire Council's – Emergency Drought Works?

In 2004, Lachlan Shire Council undertook “emergency drought works” and bypassed the first wetland and lake in the Lake Cargelligo Wetland & Lake System, Sheet of Water. This system was bypassed with a channel around the outer eastern shore of the lake and no further water was diverted into the wetland and lake. This work was undertaken without permits or EIS.

The impact of these works on the environment and flora and fauna of Sheet of Water is significant. This area was known to be a major bird & fish breeding habitat, the Brolga being one of the most notable. No Environmental Impact Statement was undertaken.



Sheet of Water, Wetland & Lake
Bypass channel constructed by Lachlan Shire Council



Sheet of Water – Wetland & Lake
Bird & Fish breeding habitat and drought refuge

The bypassing of this Sheet of Water did not provide “cleaner water” to the Lachlan Shire Council’s filtration system. Lachlan Shire Council also failed to secure the town water supply from stock.



Sheet of Water Wetland & Lake – 7th May, 2009

Dead cow on bank of the bypass channel which provides water to Lake Cargelligo, Tullibigeal and Murrin Bridge.



Sheet of Water Wetland & Lake – 7th May, 2009

Stock drinking and urinating in the bypass channel , which delivers water to Lake Cargelligo, Tullibigeal and Murrin Bridge.

In 2005, Lachlan Shire Council undertook works to bypass Lake Cargelligo. This work was funded by Frank Sartor to the tune of \$1.2million. Barrick Gold contractors, from Lake Cowal were used to undertake the works which consisted of a bypass channel around the Bird & Animal Sanctuary to a dam and a pipeline and pump across the lake to the town filtration system.

As Lake Cargelligo has a gold mining history, it is considered no coincidence that Frank Sartor funded the drying of the Lake. The water was the only thing that stopped mining in Lake Cargelligo as in the past pumps could not keep the water out of the shafts. With new pumping systems, such as those at Lake Cowal, it would now be possible to keep the water out. Frank Sartor over-rode 13 years of objections to the Lake Cowal mine, which has now destroyed a wetland & lake. Reports of cyanide leaching into the Lachlan River after 5 years are also in the minds of locals. Did Frank Sartor fund the drying up of Lake Cargelligo in an effort to stop the pooling of the cyanide in the Lake Cargelligo Wetlands & Lakes System?

As a result of this bypass channel through the Animal & Bird Sanctuary and around the south eastern shore of Lake Cargelligo the sanctuary dried completely.



Lake Cargelligo, Animal & Bird Sanctuary, 18th November, 2007

While the Lake Cargelligo Wetland & Lake System was being bypassed, irrigation was still continuing at Forbes & Hillston and the Cadia, North Parkes and Lake Cowal mines were still operating.



Lake Cargelligo, 6th January, 2010
The bypass channel in the bed of Lake Cargelligo's Animal & Bird Sanctuary.

Initially, this bypass system still fed a small amount of water into Lake Cargelligo which did not keep up completely with water losses, but maintained the lake at a very low level. However, in spite of NSW State Waters commitment to continue to put 8ml per day into the Lake Cargelligo Wetland & Lake System, as they had prior to the Lachlan River closure, when the river did close Lachlan Shire Council closed the inlet pipe. The result of the closure of this inlet pipe was the destruction of Lake Cargelligo. The main lake dried up in a matter of weeks.

The closure of this pipeline, just coming into Summer was catastrophic for the people and environment of Lake Cargelligo.



Lake Cargelligo, Inlet pipe
Closed off by Lachlan Shire Council.

With the closure of the inlet pipe the system dried very quickly. Within a matter of weeks the entire lake was dry and the damage to the environment is all too clear...

The following Youtube videos provide further details of the impact on the environment that the mis-management of the Lachlan River has had on the Lake Cargelligo Wetland & Lake System:

<http://www.youtube.com/watch?v=PUHm7ZnSk1E>

<http://www.youtube.com/watch?v=-Cl6iXVoWCc>

<http://www.youtube.com/watch?v=sSlgGullITUs>

<http://www.youtube.com/watch?v=NSyco1tCqo8>

http://www.youtube.com/watch?v=4_hSYOZHAB



Lake Cargelligo Inlet Tap
Closed off by Lachlan Shire Council after the River Closure



Lake Cargelligo, January, 2010

100's thousands of dead fish, native and carp, left to die while the lake dried completely over Christmas.



Lake Cargelligo, 6th January, 2010

Last of the lake disappearing, and the bypass pipeline installed by Frank Sartor.

This pipeline is the one referred to in Lachlan Shire Councils application to Minister Costa to put in another pipeline either to the Lake Cargelligo Weir Pool or to a bore to completely bypass the entire Lake Cargelligo Wetland & Lake system. In their correspondence with Minister Costa they state that it had been vandalized and that was the reason for wanting another pipeline, which bypassed the entire system. This pipeline was not vandalized, it broke due to Councils failure to secure it during winds and protect boats from striking it.



Lake Cargelligos Turtles dying

Another casualty of the NSW Governments failure to recognize a significant wetland & lake system

The drying of the lake has not only killed 100's thousands of fish, and all the other aquatic flora and fauna in this diverse ecosystem, it has also forced thousands of turtles to leave the dry lake bed in an attempt to find water. These turtles have been found 3 to 4 km from the dry lake bed, some on roads and the lucky ones find themselves in peoples backyards.

The birdlife is also finding it difficult to find water. Many people are resorting to using some of their valuable water on filling containers to allow the thirsty animals to survive. The irrigation experts have been quoted as saying "birds can fly", but not all birds will leave their territory, not all are migatory! We are yet to see turtles, shrimp, frogs & fish fly either...

In 2007, Lachlan Shire Council commenced works to dry up the last of the lakes and wetland in the Lake Cargelligo Wetland & Lake System, Lake Curlew. Bunding was put at the Lake Curlew outlet and a large diesel pump was put into place to reduce the water levels in Lake Curlew enough so that a bypass channel could be built around the eastern shore.

This bunding has been put into Lake Curlew since, on another 3 occasions, each time no approval has been sought. It is symptomatic of the attitude of the NSW Government, Departments and Local Government and their cowboy attitude that has lead to the destruction of this incredible natural resource. Council have failed to protect this asset within their Shire.



Lake Curlew, 2007
Illegal Bunding & Pump, Lachlan Shire Council



Lake Curlew, 2008
Illegal Bunding & Pump, Lachlan Shire

Lachlan Shire Council's Minutes for September, 2009, indicate that they now have REF and permits to bypass Lake Curlew when they "need to". No EIS has been undertaken...

Lachlan Shire Council are now under investigation by the Federal Department of Environment, Water Heritage and the Arts for issues of Non Compliance and destruction of wildlife and habitat.

A case has also been opened by the E.D.O.



Lake Curlew,
on borrowed time...

2.4 Murray Darling Basin Commission - MDBC

The Murray Darling Basin Commission have actively mis-represented the Lake Cargelligo Wetland & Lake System. The MDBC has indicated in Reports that the Lake Cargelligo Wetland & Lake system's only purpose of use is Irrigation. The downgrading of this system has resulted in no allocation in the Water Sharing Plan and no recognition for the system as a significant wetland & lake system, worthy of any protection or consideration.

As the MDBC actively seek information, advice and recommendations from the committees and groups previously covered in this submission, it is little wonder that the results are pro water trading, irrigation & mining.

The Murray Darling Basin Commission— Major dams and reservoirs in the Murray-Darling Basin: defined as reservoirs with a gross capacity of 10,000 megalitres or more (source: ANCOLD 1990; various MDBC and other sources) lists the purpose of use of Lake Cargelligo as i and Lake Brewster as i,r:

Name of storage	Date of completion	Location	Gross capacity, in ML	Purpose of water storage*
New South Wales				
Eucumbene**	1958	Eucumbene River	4,798,000	i,h,u,r
Hume	1936-61	River Murray, nr Albury	3,038,000	i,h,u,r
Menindee Lakes	1960	Darling River, nr Menindee	2,285,000	i,u,r
Burrendong	1967	Macquarie R, nr Wellington	1,678,000	f,i,h,u,r
Blowering	1968	Tumut River	1,628,000	i,h,r
Copeton	1976	Gwydir River	1,364,000	i,h,u,r
Wyangala	1936-71	Lachlan River, nr Cowra	1,220,000	i,h,r
Burrinjuck	1927-95	Murrumbidgee River	1,026,000	i,h,u,r
Talbingo	1971	Tumut River	921,000	i,h,u,r
Jindabyne**	1967	Snowy River	688,000	i,h,u,r
Lake Victoria	1928	River Murray, nr SA border	680,000	i,u,r
Keepit	1960	Namoi River, nr Tamworth	423,000	f,i,h,u,r
Split Rock	1987	Manilla River, Namoi Valley	397,000	i,h,r
Windamere	1984	Cudgegong R, nr Mudgee	368,000	i,r
Pindari	1962-96	Severn River, nr Inverell	312,000	i,r
Tantangara	1960	Murrumbidgee River	254,000	i,h,u,r
Lake Brewster	1952	Lachlan River, nr Hillston	150,000	i,r
Googong	1978	Queanbeyan River	125,000	f,u
Chaffey	1979	Peel River, nr Tamworth	62,000	i,u

Barren Box	1988	nr Griffith	60,000	i
Tumut Pond	1958	Tumut River, nr Tumut	52,800	i,h
Lock 10	1929	River Murray, nr Wentworth	47,000	i,n
Oberon	1949	Fish River, nr Oberon	45,400	u
Jounama Pondage	1968	Tumut River, nr Tumut	43,500	i,h
Euston Lock 15	1937	River Murray, Euston	38,600	i,u,n
Lock 11	1927	River Murray, nr Mildura	37,000	i,n
Lake Cargelligo	1902	Lachlan River	36,000	i
Carcoar	1970	Bellubula River, nr Bathurst	35,800	i
Lock 9	1926	Murray R, nr Wentworth	32,000	i,n
Tooma	1961	Tooma River, nr Cooma	28,100	i,u
Khancoban	1965	Swampy Plains, nr Albury	26,600	i,h
Stephens Creek	1892	Stephens Cr, nr Broken Hill	24,300	u
Lock 8	1935	River Murray, nr Wentworth	24,000	i,n
Geehi	1966	Geehi Cr, nr Cooma	21,100	i,h
Suma Park	1962	Summerhill Cr, nr Orange	18,100	u
Ben Chiffley	1957	Campbell River, nr Bathurst	16,000	u
Umberumberka	1915	Umberumberka Cr, nr Broken Hill	13,200	u
Hay Weir	1983	Murrumbidgee River, nr Hay	13,000	i,u,r
Rufus River Lock 7	1934	River Murray, nr Wentworth	13,000	i,n
Tombullen	1980	nr Leeton	11,300	i
New South Wales total			22,053,800	

* f - flood control; h - hydro-electricity; i - irrigation; m - industrial and/or mining; r - recreation; u - urban supplies; f - flood mitigation; n - navigation.

It is abundantly clear that the purpose of use established by the MDBC is flawed. It seems obvious from this table that:

- The greater the gross storage capacity the more purposes of use have been established, with the exception of irrigation areas such as Hay Weir, Rufus River Lock 7;
- That Lake Brewster, now Brewster Irrigation Dam, could not have been for recreation, as it was inaccessible and only full every 10 years or so – it was a shallow swamp, fish / bird breeding habitat; and
- That Lake Cargelligo should have been f=flood control, i=irrigation, r=recreation, u=urban, n=navigation.

On 1st June, 2006, Jennifer Marohasy published:

“As Dr Brian Tunstall, formerly a CSIRO research scientist, explained, over much of the area marked red on the Queensland maps, there’s no groundwater for over a hundred metres down, and yet the rising groundwater model was used to produce the red splotches that are purported to indicate salinity hazard.

Dr Wendy Craik headed the NFF when it claimed dryland salinity was spreading.

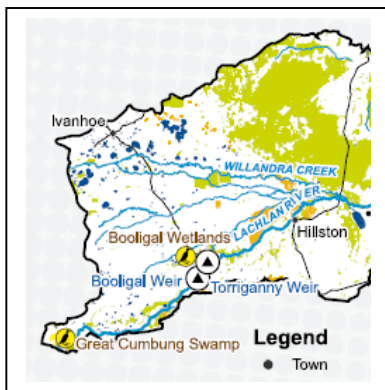
On Sunday, Dr Craik acknowledged that as a taxpayer, she is pleased all the money she asked for on behalf of the NFF was not provided, and that flawed models were used to talk up the salinity threat.

Dr Craik, now heads the Murray Darling Basin Commission (MDBC), and is still publishing reports based on the flawed rising groundwater model.

For example, just two weeks ago the MDBC published Risks to the Shared Water Resources of the Murray-Darling Basin which includes an assessment that in the lower Murray, salt loads from clearing for dryland agriculture 50-90 years ago are going to manifest as a worsening river salinity problem in 100 years time."

Dr Wendy Craik is now head of the MDBC. It appears that the Murray Darling Basin Commission are happy to use flawed information and provide incorrect advise to the NSW & Federal Governments.

The CSIRO Report - Water Availability in the Lachlan, Summary of a report to the Australian Government from the CSIRO Murray-Darling Basin Sustainable Yields Project from March 2008 (*Appendix 2.4(i)*) clearly indicates that Lake Cargelligo is only a town, not a wetland & lake system and secondly upgrade Lake Brewster to a town, which it is not – there are 4 farmers on the former shores of Lake Brewster – now an irrigation dam.



The same report refers to the needs of the Great Cumbung Swamp and the Booligal Wetlands. The Booligal Wetlands covers about 5000ha and is a habitat for water bird species, lignum and River Red Gum and is also used for grazing. The Great Cumbung Swamp is 16,000ha and is habitat for Cumbungi, River Red Gum, Black Box and water bird species, particularly after flooding, the Freckled & Blue-billed duck, which is vulnerable. The land use is grazing and until recently was owned by Irrigation mogul, John Karlbetzer. This means that with the destruction of Lake Brewster and its capacity to now be "emptied completely" the Lake Cargelligo Wetland & Lake system is the **only** drought & major water refuge on the entire Lachlan River.

The Lake Cargelligo Wetland & Lake System, which did not rate a mention in this document, covers 1,500ha with a total of 36,000ml and is the only major water refuge and drought refuge on the Lachlan River. It is home to 165 bird species, 14 of which are threatened species, including the blue-billed duck. The Lake Cargelligo Wetland & Lake System has significant areas of Black Box, Lignum, Combungi and River Red Gum.

Notification of these gross errors has been made to CSIRO and MDBC. The CSIRO have now removed the Summary Report from their website and have failed to further respond as promised. The MDBC has never responded to any correspondence with regard to any issues raised in the submission.

2.5 Lachlan Catchment Management Authority

The only assistance provided by the Lachlan CMA to date has been in the form of the Lake Cargelligo Environmental Management Project. It is described by the Lachlan CMA as:

"A LCMA/community partnership developing a land and water management plan to improve and protect the wetland assets associated with Lake Cargelligo"

This study was undertaken by Ms Lisa Thurtell and has been underway for over 12 months and is still incomplete. This study is being undertaken on a system that is under severe stress. Sheet of Water is dry, as is Lake Cargelligo. The threatened species were neither identified nor steps taken to protect the species or environment. The Lachlan CMA have ignored written & verbal requests for urgent action. It appears that this is

simply a delaying tactic by the Lachlan CMA and being used as confirmation that they are “working with the communities”.

2.6 Department of Environment, Climate Change and Water

The DECCW have confirmed that of the 165 Bird Species in the Lake Cargelligo Wetland & Lake system, 14 are threatened species, these include:

CRITICALLY ENDANGERED

1. Red-lored Whistler – Critically Endangered

ENDANGERED

2. Australian Bustard – Endangered
3. Mallee Fowl – Endangered

VULNERABLE

4. Brolga – Vulnerable
5. Blue-Billed Duck – Vulnerable
6. Osprey – Vulnerable
7. Major Mitchell Cockatoo (Pink Cockatoo) – Vulnerable
8. Red-tailed Black Cockatoo – the coastal form ‘*Cacatua banksii banksii*’ - critically endangered. The inland form ‘*Cacatua banksii samueli*’ - Vulnerable
9. Superb Parrot – Vulnerable
10. Gilbert’s Whistler - Vulnerable
11. Grey-crowned Babbler – Eastern subspecies ‘*Pomatostomus temporalis temporalis*’ - Vulnerable
12. Brown Treecreeper – Eastern subspecies ‘*Climacteris picumnus victoriae*’ - Vulnerable
13. Diamond Firetail – Vulnerable
14. Hooded Robin – South eastern form ‘*Melanodryas cucullata cucullata*’ - Vulnerable

While some of these species do not necessarily rely directly on the wetlands or lakes, the habitat in which they live does. Further to this, confirmation has also been received from DPI Fisheries that the Eel Tailed Catfish residing in the Lake Cargelligo Wetland & Lake System is an Endangered Species.

DECCW recommended that assistance be sought from Lachlan Shire Council and National Parks & Wildlife. Neither will take responsibility for this significant wetland & lake system. Assistance is now being provided by the DECCW to have the Lake Cargelligo Wetland & Lake system Ramsar Listed, as this is the only way of permanently protecting this area. DECCW have also confirmed that the Lake Cargelligo Wetland & Lake system is unique as it is the only drought refuge and major water refuge on the Lachlan River.

In the meantime, no department is willing to take responsibility for the destruction of the Lake Cargelligo Wetland & Lake System and the protection of its threatened species.

With the destruction of Lake Brewster (Ballyrogan) and the construction of a 150,000ml irrigation dam that can be “emptied completely”, this is no secure or safe habitat for any species which are able to miraculously enter the system. The means that the Lake Cargelligo Wetland & Lake System is the *only* major water and drought refuge on the Lachlan River.

The DECCW have also advised that the Animal & Bird Sanctuary, created in the 1970’s, which still appears in many documents and maps (*Attachment 2.6(i)*), no longer exists. Information is being sought from the Department of Lands to clarify the reason for its removal and when this occurred.

2.7 Department of Primary Industries, Fisheries

The inclusion of Fisheries into the Department of Primary Industries, has taken away the powers that once ensured the safety of the aquatic wildlife in our river systems. Fisheries are now under control of the people that are often responsible for the damage to the system – mines & agriculture.

There are now only two inspectors for all of NSW, this is despicable. There have been several “fish saves” in the Lake Cargelligo area over recent years, due to no environmental flows and over allocation of the system. These fish saves comprise of a tank of water on a trailer – the inspector is well aware that this will result in the death of up to 60% of the threatened species they have sought to save. The alternative is to let them all die in a creek, estuary or pool on the river. Fisheries used to have significant powers to protect the aquatic wildlife, they are now reduced to putting them in a tank, when they can.

The fish kill in the Lake Cargelligo Weir Pool in January, 2006, resulted in the death of 1000's fish. Large Cod, yellow belly and various other native fish died. Fisheries did not have the time or man-power to investigate this kill. Locals believe that this was the result of crop spraying upstream, but the report indicated that there was only a few hundred fish and that they were under the weir. The location for this kill was upstream above the weir at the weir pool. Unless dead fish can fly, this kill was not investigated and a gross error was made.

DPI Fisheries have now confirmed that the Eel-tailed Catfish caught in Lake Curlew over Christmas, 2009, is a threatened species. This now takes the count for threatened species in the Lake Cargelligo Wetland & Lake system up to 14. There is no staff, resources or water for DPI Fisheries to protect Lake Cargelligo.



Lake Cargelligo Weir Pool, 2006
One of the large native fish found dead



Lake Cargelligo Weir Pool, 2006
A cod head placed on roadside, showing locals disgust

3. CONCLUSION

The NSW Government have mis-managed the entire Lachlan River, its tributaries, aquifers and wetlands & Lakes, clearly prioritizing the interests of mining and irrigation over people and the environment.

Where the Water Management Act 2000 has been set out to protect the interests of water users, communities and the environment, the NSW Government has chosen to ignore the legislation and hand the entire system over to water traders, irrigators and mines. The Water Management Principles seem clear, it is to protect the ecosystem, habitats and water source, ensure that the cumulative effects of water licenses and other activities are minimized, features of indigenous significance should be protected and monitoring of conditions. None of these principles as set out in the Water Management Act 2000, Section 5 have been adhered to.

NSW State Water have allowed and encouraged the infiltration of parties with a fiscal interest in water into the NSW Government Department, advisory groups and committees. No one believes that irrigators should not be able to put forward their opinion and recommendations, but these should not be then made law. These views should be judged by those who only have an interest in maintaining a healthy and sustainable river system. Finding those in the community who do not have a fiscal interest in water would not be that difficult: there should certainly be representation of the Aboriginal Lands Council and elders on every one of these committees, groups and NSW Government departments, there should also be people from within the community who are in touch with all members of the community and have an interest in the common good of that community. Each Local Government Council should be represented, not by Councilors who are often irrigators, but by the Council staff who are trained and paid to undertake this position in the community.

The NSW Government have to make up their mind, do they wish to continue to destroy the entire river system and put all water into pipes, signing the death warrant for the communities, farmers and ecosystems on the river? OR Do the NSW Government want to support the communities, farmers, ecosystems and the irrigators and not only encourage but demand best practice.

Rice should not be grown in a desert & mines are thirsty, both have detrimental effects that far outweigh any positive side-effects. The last genius irrigator plan included growing cotton at Bourke. The Kalahari desert has 8 inches of rain per annum, Bourke has 11 inches. Twynams Forbes are flood irrigating oranges, when Griffith has been pulling out Orange groves for 25 years.

As far as the mining industry the big picture must be looked at. As an example:

Lake Cowal Gold Mine is owned by a Canadian Company, with all the profits going off shore. The 300 jobs that they provide are a drop in the ocean compared to the number of people that are experiencing hardship due to the mines over use of our valuable water. The cyanide ponds are leaching into our ground water and were due to hit the Lachlan River after 5 years, it is now over 10 years.

Cadia Mine has been adversely affecting the people of Orange for years. The strict water restrictions being experienced in Orange are due directly to the huge appetite of Cadia Mine. The Belabula River use to run 36,000ml, into the Lachlan. Now it does not. This water and the aquifers are being diverted to the Cadia Mine. Orange and district has a strong tourism, wine, food & manufacturing background. The mine, after the proposed expansion, will provide 800 jobs. There are more than 800 wineries, fruit growers and farmers that are suffering due to the lack of water.

North Parkes Mine is currently drawing water, unregulated, unmetered and unchecked by NSW State Water. The detrimental effect on the aquifer is being felt as far away as Forbes. The road between Forbes and Condobolin was a perfect example of a flood plain ecosystem, with large River Red Gums. These trees are now dying, trees hundreds of years old, that have survived flood and drought cannot live with the lowering of the aquifers.



Lake Curlew, 2009

Dawn at Lake Curlew. only remaining lake & wetland in the Lake Cargelligo Wetland & Lake System.