

**Submission
No 40**

**IMPACTS OF THE WATER AMENDMENT (RESTORING OUR RIVERS) ACT
2023 ON NSW REGIONAL COMMUNITIES**

Name: Miss Maddison O'Brien

Date Received: 12 April 2025

Submission to the Inquiry into the Impacts of the Water Amendment (Restoring Our Rivers) Act 2023 on NSW Regional Communities

Submitted by: Maddison O'Brien, Kandos, Concerned Resident.

RE: Concerns regarding unlicensed water take under the Excluded Works Exemption and its impact on the Murray-Darling Basin

I am writing to express my strong opposition to the use of unlicensed, contaminated water under the Excluded Works Exemption by large-scale developments, particularly the Bowdens Silver Mine project near Lue.

This project proposes to meet up to 50% of its water needs—approximately 924 megalitres per year—through the capture of contaminated surface water on-site using unregulated dams. This poses extreme and unacceptable risks to the health of our waterways, communities, and ecosystems.

My key concerns are as follows:

1. Threat to Agriculture and Downstream Water Users

Allowing unlicensed water capture undermines the integrity of the licensing system. It risks depriving downstream users—including farmers and communities—of the clean, reliable water they depend on. Reduced flows in Lawsons Creek and other connected systems will compromise irrigation, livestock health, and sustainable food production in the region.

2. Dangerous Precedent and Unknown Cumulative Impact

Permitting this exemption opens the door for other developments across NSW to exploit the same loophole. There is no publicly available data on the cumulative volume of water being captured under these exemptions, and therefore no way to accurately assess the long-term impacts on the Murray-Darling Basin or the Sustainable Diversion Limits mandated under the Basin Plan.

3. Groundwater Risks and Lack of Oversight

Mining activities often have complex interactions with groundwater systems. The unmonitored take of water on contaminated mine sites could affect groundwater recharge zones, contaminate aquifers, and reduce availability of safe water for human and agricultural use. The lack of regulation around this take is deeply concerning.

4. Biodiversity Impacts

Reduced water availability and increased pollution place native species and ecosystems at risk. Healthy waterways are essential for sustaining aquatic life, riparian vegetation, and the broader

food web. The contamination of Lawsons Creek, a key tributary in the region, threatens regional biodiversity and ecological resilience—particularly during droughts and climate extremes.

5. Severe Risk to Human Health

The use and storage of contaminated water from silver, lead, and zinc mining poses serious health risks, especially in the event of floods or dam overflows. Toxic heavy metals can be mobilised and enter waterways used by rural communities for domestic use, recreation, and stock watering. The risk of long-term contamination is too great to ignore.

6. Failure of Planning and Oversight

The NSW Department of Planning, Housing and Infrastructure's acceptance of unlicensed water under the condition that "developments must ensure sufficient water" effectively absolves projects from ensuring a sustainable and licenced supply. This approach lacks accountability, transparency, and puts all the risk on communities, the environment, and future generations.

Requested Actions:

Close the Excluded Works Exemption loophole to prevent large-scale developments from taking unlicensed, contaminated water.

Include all unlicensed water take in Sustainable Diversion Limits under the Murray-Darling Basin Plan.

Ensure rigorous assessment of cumulative impacts on water security, biodiversity, and public health.

Mandate licenced, metered, and regulated water for all State Significant Developments.

Protect clean water as a shared public resource, not an unregulated input for extractive industry.

Water is life. The ongoing health of our rivers, land, and communities depends on a fair and well-regulated water system. I urge the Committee to act decisively to protect our shared future.

Sincerely,
Maddison O'Brien