

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

Organisation: City of Wagga Wagga

Date Received: 14 April 2025

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Legislative Assembly Committee on Investment, Industry and Regional Development

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

Email: investmentindustry@parliament.nsw.gov.au

This submission is in relation to the impacts of the Water Amendment (Restoring Our Rivers) Act 2023 on NSW Regional Communities and the Legislative Assembly Committee on Investment Industry and Regional Development Inquiry.

Wagga Council has two interfaces with the Restoring Rivers initiative. The first interface is that Council owns assets which will be impacted by the high river flows.

Part A of this submission addresses these impacts and items of concern.

The second interface is that Council has been approached by members of the community aggrieved by the nature of the consultation which has occurred in relation to the Restoring Rivers initiative. Council has been requested to advocate on behalf of the community in an attempt to achieve a better engagement.

Part B of this submission addresses this issue including what Council has done so far and what it proposes to do.

Part A

Flow Rate with 5 GL/day buffer	37 GL/day	41 GL/Day	45 GL/day	Comment
River Guage Height (Wagga)	5.73m	6.14m	6.54m	
Shut Flood Gate 6 - Wiradjuri Reserve				No impact on Wiradjuri Reserve if Gate closed. River level needs to be 7.5m before it crosses the road and into the reserve
Wiradjuri Track south of the beach closed				Alternate path available
Wiradjuri Track between Murrumbadya Wetlands and the Gobbagombaling Bridge closed				Alternate path available

Remove lower BBQ's at Wagga Beach				BBQ area inundated
Shut Gate 18 - Mason Street				Flood pumps available for storms behind the levee - Pumps are inadequate for inflows
Mundowry Lane between Sturt Hwy & Beavers Creek starts to go under water				Funding provided for upgrade
Wiradjuri Track between Wiradjuri Reserve and the Murrumbadya Wetlands (approximately 145m along the trail from the end of the road within the Wiradjuri Reserve) closed				No alternate path available. Options to prevent this from occurring are to install a culvert and raise the trail or install a bridge at this location similar to that 330m further along the trail towards the wetlands
Water starts to flow into Park & Pregar Lagoon crossing ATP path				Alternate path over bridge available - albeit narrow
Shut Gate 15 - Tarcutta Street				Flood pumps available for storms behind the levee

Part B

Following demands to Council from impacted community members about their dissatisfaction with the consultation by the NSW Government – Council passed the following resolution:

That Council alter Resolution No. 24/304 from the 28 October 2024 Ordinary Council Meeting to the following:

That Council:

- a write to NSW Minister for Water, Housing and Homelessness the Hon Rose Jackson MLC, and to the Federal Minister for Environment and Water the Hon Tanya Plibersek MP, requesting:*
 - i. an immediate halt in the Reconnecting Rivers Country Program*
 - ii. a face-to-face meeting with each Minister and local Members Dr Joe McGirr MP and the Hon Michael McCormack MP*
 - iii. Stakeholders, such as landholder representative groups and Councils, are consulted at each stage of the Reconnecting Rivers Country business case and Landholder Negotiation Scheme development and are included in any review of the*

draft prior to submission to the Australian Government and adoption

- iv. Legal questions about easement proposals be clarified as a matter of urgency, particularly in relation to public access associated with easement title*
- v. Landholder property access be guaranteed in relation to any infrastructure changes associated with the Reconnecting Rivers Country program, especially road raising and bridge building*
- b write to all other RAMJO Councils and any other Councils located on the Murrumbidgee River, seeking feedback and support for our advocacy in this matter*
- c write to the NSW Shadow Minister for Water Steph Cooke MP, requesting an overview of her knowledge and position on this issue and seek her support in advocating for ongoing consultation for the remainder of the program*

Letters were duly sent to:

- The Hon Rose Jackson, Minister for Water, Housing, Homelessness, Mental Health and Youth
- The Hon Tanya Plibersek – Minister for the Environment and Water

The Honourable Rose Jackson Minister for Water, Housing, Homelessness, Mental Health and Youth responded almost immediately and offered a meeting. This meeting occurred on 13 November 2024.

The key issues raised by Council at this meeting are the same issues we put forward to this inquiry. They are as follows:

1. There has been a failure to ask property owners who will be impacted by Restoring our Rivers Program what they would refer to be the mechanism to reword the “right” for government to artificially raise river flows to cause a flood event.

The meeting with Council by Government officials solely focussed on the acquisition of easements. This acquisition was said to be achieved by agreement, or failing agreement, by compulsory process.

There are a number of mechanisms which might be used to record the “right” which is sought by Government. A positive covenant is another possible mechanism. When we raised this community grievance with the Minister it was acknowledged the Department staff were now investigating the use of positive covenants. Presumably this is because they were unaware of the different options available and were “learning as the went”.

The key point is that government should be going to impacted parties with a range of options and consulting on what those impacted parties would prefer. To not do this, and to threaten compulsory acquisition of easements as the approach has deprived both Government and impacted property owners with the forum to achieve the best outcome.

2. The NSW Government has proposed a business case for submission to the Commonwealth Government and we understand the easement acquisitions have been costed in that business case. The problem here is that no-one outside government has seen the terms of easement and no-one outside government have identified the impacts to be compensated.

Government officials were asked by Wagga Council how the costings could be undertaken when the easement terms had no input (or indeed knowledge of any kind) from the people who are to be impacted, and losses had not been identified by those same people. The answer given was that Government had engaged experts to provide the costings. This again demonstrates the inexperience and cavalier approach being taken to the issue. The Land and Environment Court continuously deals with matters where “experts” are in conflict on compensation calculations for compulsory acquisitions and these experts are fully informed about the losses identified by those impacted. Any cost of compensation developed with no transparency on the easement terms and no input from impacted parties must be regarded as speculative at best. How can you possibly cost the impact of an easement regime which has never been done before and without any input from those impacted on what they see as their losses?

The logical approach from a good government perspective would be:

- a. What is the mechanism and the terms of the right being acquired
- b. What do the people impacted by that right say will be the impact of that right.

Neither of these things was done and no-one in the community even had an opportunity to input into these two specific issues. Yet Government money was spent, and a compensation amount determined for the progress of the business case. This determination should be given little or no weight and the “silo” like approach condemned for the failure in good government it represents.

3. The people impacted by the “Restoring Rivers” Program have not been afforded with any opportunity to discuss mechanisms or terms. It would seem the Governments approach has been to draft these terms in isolation from the community.

A far better approach would have been to reach out to the impacted parties and build the terms of the instrument together. We still advocate for this approach.

Finally, and importantly, we acknowledge that when we met with the Minister we asked if we could work with representative groups of stakeholders on each of the issues numbered 1, 2 and 3 above. The aim being to provide her with a report on each of these issues. The Minister welcomed this approach. There is no suggestion that our work will lend to any particular outcome, but we appreciate the opportunity to give the impacted parties this engagement opportunity.

Yours sincerely



Peter Thompson
General Manager