



V20/13055#32

30 November 2020

Ms Cate Faerhmann
Chair
Portfolio Committee No. 7 – Planning and Environment
Parliament House, Macquarie Street
SYDNEY NSW 2000

Attn: Ms Madeleine Dowd
Principal Council Officer, Upper House Committees
Email:
Cc: PortfolioCommittee7@parliament.nsw.gov.au

Dear Ms Faerhmann

Inquiry into the rationale for, and impacts of, new dams and other water infrastructure in NSW

Thank you for the opportunity for Anissa Levy, CEO Water Infrastructure NSW, Andrew George, A/CEO WaterNSW and myself to appear before the Committee's hearing on the inquiry into the rationale for, and impacts of, new dams and other water infrastructure in NSW on 29 October 2020.

Please find attached answers to the questions we took on notice during the hearing. I can confirm there are no corrections required to the transcript.

Yours sincerely

Jim Bentley
Deputy Secretary, Water, NSW Department of Planning, Industry and Environment

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RATIONALE FOR, AND IMPACTS OF, NEW DAMS AND OTHER WATER INFRASTRUCTURE IN NSW

Questions on Notice

Page	Topic	Question	Response
Q1(p8)	Fixed Crested Weirs in NSW MDB	<p>The Hon. BEN FRANKLIN: How many of them are gated structures that can regulate the flows?</p> <p>Mr GEORGE: I do not have that number.</p> <p>The Hon. BEN FRANKLIN: Can you take that on notice?</p> <p>Mr GEORGE: I can certainly take that on notice.</p>	<p>There are currently 2,491 structures listed as a barrier to fish passage in the NSW section of the Murray-Darling basin – including not just main rivers, but also tributaries and smaller streams.</p> <p>284 of these structures are WaterNSW dams/weirs/regulators, of which:</p> <ul style="list-style-type: none"> • 113 are WaterNSW fixed crest weirs; • 171 are WaterNSW dams and regulators that have gates/ valves that can regulate flows (excluding drop board structures). <p>There are 31 weir/regulator sites with working fishways within the NSW portion of the MDB.</p>

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Q2(p9)	New weir in the Toorale National Park	<p>The Hon. BEN FRANKLIN: Could you say whether it could be used to maintain connectivity between new weirs at Toorale and the Warrego River?</p> <p>Mr GEORGE: I would have to take that on notice.</p>	<p>The structures on the Warrego River within Toorale National Park are currently being upgraded to improve the ability to pass flows downstream and will also include new fish passage structures. Specifically, two new fishways (one each on Boera and Homestead Dams) and improved fish passage on the remaining structure (Booka Dam bywash). It is anticipated that the new structures will be operational by late 2021.</p> <p>The structures will be operated by the NSW National Parks and Wildlife Service, not WaterNSW.</p> <p>DPIE-EES is currently developing an operational strategy which will consider how the Warrego and Barwon-Darling Rivers can operate together to improve native fish health. The strategy is likely to be finished around mid-2021 but won't come into effect until the works are complete.</p>

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Q3(p9)	Regional water strategy for the Lachlan	<p>The Hon. BEN FRANKLIN: Will that be released publicly?</p> <p>Mr BENTLEY: Yes.</p> <p>The Hon. BEN FRANKLIN: When will that be?</p> <p>Mr BENTLEY: I would have to take on notice the exact dates around that, but we are in the exhibition phase at the moment on those particular strategies. Mr George will speak to the detailed consultation that we have been doing.</p>	<p>The draft Lachlan Regional Water Strategy was publicly released on 25 September 2020 and was on exhibition until 13 November 2020, giving the community a chance to have their say on the long list of options to best manage the water needs of the Lachlan region over the next 20 to 40 years. Public information sessions were held in October both in person and online. The public submission period has been reopened and extended to 13 December 2020 to accommodate requests for additional time received from regional stakeholders who are busy with harvest.</p> <p>The next steps are for the Government to use the feedback provided to analyse, screen and assess the long list of options, put together a portfolio of options to be progressed and develop a final strategy for release in 2021. A "What we Heard" report will be prepared and released in early 2021.</p>

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Q4(p12)	Wilcannia Weir project.	<p>The Hon. PENNY SHARPE: What is the time frame for completion of stage two?</p> <p>Mr GEORGE: I should take that on notice to confirm, but I believe it is the middle of next year.</p> <p>The Hon. PENNY SHARPE: First of all, is the funding there for the actual construction of the project, and what is the time frame for final completion?</p> <p>Mr GEORGE: I have to take that on notice.</p>	<p>In November 2018 there was a joint announcement by the Commonwealth and NSW Governments of \$30 million in combined funding to replace the weir at Wilcannia. The announcement stated both the Commonwealth and NSW Governments contribution was \$15 million each for a new weir. This includes funding for construction of the new weir.</p> <p>The timeline for the project completion is as follows:</p> <ul style="list-style-type: none">• Design and environmental planning approval - mid 2021• Site mobilisation (early works) – September 2021• Construction starts – October 2021• Construction complete – February 2022

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<p>Q5(p13)</p>	<p>Interaction between the Commonwealth and NSW legislation and Ministers in determination of Macquarie Re-regulating storage project and how it will be overseen.</p>	<p>The Hon. PENNY SHARPE: Sure. So what is the role of the New South Wales environment Minister in relation to that?</p> <p>Ms LEVY: I believe that the New South Wales environment Minister provides input into the SEARS— the Environment department, I should say, provides input into the assessment of the project. I do not believe he has concurrence, but I might take that on notice, Ms Sharpe. I do not think there is any concurrence activity there.</p> <p>The Hon. PENNY SHARPE: If you could. I am particularly interested in the New South Wales wetlands policy and what sort of level of oversight and sign-off is required. Given the Ramsar and very important status of the Macquarie Marshes, I am very keen to understand what sort of environmental oversight there is in protection of that.</p> <p>Ms LEVY: Mr George may be able to answer that, but if not we will take it on notice.</p> <p>Mr GEORGE: Yes, we will take it on notice.</p>	<p>As with all State Significant Infrastructure (SSI) applications, the Macquarie Re-regulating Storage project goes through a comprehensive assessment process. The first step is for the proponent, in this case WaterNSW, to prepare a scoping report and apply for the Secretary’s Environmental Assessment Requirements (SEARs). The SEARs covers a range of environmental issues including biodiversity, flooding and hydrology matters that must be assessed as part of the Environmental Impact Statement (EIS). The Minister for the Environment has no concurrence role in the issuing of SEARs.</p> <p>In the case where a project is referred to the Commonwealth Government as it also requires assessment against the Commonwealth’s <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), the SEARs will cover all matters that the Commonwealth requires to be assessed under the EPBC Act. In the case of the Macquarie River Reregulating Storage project, the SEARs requires that the impacts of the project on Ramsar wetlands be assessed as part of the EIS.</p> <p>There is a bilateral agreement between NSW and the Commonwealth which allows the Commonwealth Minister for the Environment to rely on specified environmental impact assessment processes of NSW in assessing actions under the EPBC Act. The bilateral agreement promotes efficient, thorough and transparent environmental regulation while minimising duplication.</p>
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			<p>After SEARs are issued, the proponent, in this case WaterNSW, prepares an EIS. The SEARs for this project require detailed ecological assessments, including the project's potential impacts on the entirety of the Macquarie Marshes. The EIS pathway is a hugely important process that requires WaterNSW to understand any environmental issues that could arise, and subsequently propose solutions to effectively mitigate those issues, including maintaining the health of the system's ecology.</p> <p>WaterNSW will submit the EIS to the NSW Department of Planning, Industry and Environment (DPIE) for assessment. DPIE will assess the application against the requirements under both NSW and Commonwealth legislation. DPIE will make a recommendation to the NSW Minister for Planning and Public Spaces.</p> <p>If approved, the conditions of consent for the project will involve inputs from numerous State Government agencies such as DPIE Fisheries, DPIE Water and DPIE EES Biodiversity and Conservation Division, as well as the Commonwealth Department of Agriculture, Water and Environment (DAWE)</p> <p>If approved, DPIE will submit its review and recommendation to the DAWE which will undertake a streamlined review of the EIS and make a recommendation to the Commonwealth Minister for the Environment as to whether to approve the project under the EPBC Act.</p>
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			Note the NSW Minister for the Environment does not have a role in approving SSI projects. However, if the EIS indicates amendments need to be made to other instruments as a result of the project, for example to Water Sharing Plans, the Minister for the Environment has a concurrence role for changes in the other instruments. These changes would take place after approval of the project.