

## Responses to Questions on Notice

*Legislative Council Inquiry into the Rationale for, and Impacts of, New Dams and Other Water Infrastructure Hearing 3 May 2021 – questions taken by Ms Anissa Levy and Mr Ronan Magaharan*

### QUESTION

**The Hon. PENNY SHARPE:** Can I stop you there and ask you about that? We had some pretty disturbing evidence this morning from Aboriginal and traditional owners about the way in which this investigation, particularly around Aboriginal heritage, has been conducted. There were two particular things. One is a relatively new thing. It appears that one part of where the dam is going to be is a very significant site in terms of being both a burial and a massacre site. It has not been listed; that is new. But the thing I am more concerned about is that allegations were made that important artefacts and objects were, basically, destroyed or thrown away as part of the investigation of some of the sites by the consultants. What oversight do you provide to consultants in relation to Aboriginal heritage?

**MR MAGAHARAN:** Firstly, I would have to take on notice the first item that you mentioned.

### ANSWER

To date WaterNSW has engaged with 85 different Indigenous groups from Mole River, 45 are registered as official Registered Aboriginal Parties [RAPs] and another 40 that are not considered official RAPs. The Project team were happy for RAPs to continue to register outside the formal registration period to ensure all Aboriginal parties were included.

WaterNSW's consultant EMM is managing cultural heritage investigations as part of the development of the business case. EMM meets regularly with Registered Aboriginal Parties – and in multiple locations when requested. WaterNSW has representatives at every RAP meeting.

The draft Mole River Aboriginal Cultural Heritage Report will soon be provided to the RAPs for their feedback and input. Once WaterNSW has taken on board the feedback from RAPs, the Mole River Aboriginal Cultural Heritage Report will outline the ongoing relationship of any culturally significant site to the proposed inundation zone.

There is a commitment from Water Infrastructure NSW and WaterNSW to understand the cultural heritage concerns raised at the parliamentary hearing. Two sessions were held on 31 May 2021 and 1 June 2021 in Tenterfield and Inverell respectively to meet with the Mole River RAPs and other Aboriginal parties involved in the project to better understand the allegations and discuss how their concerns can be addressed. Water Infrastructure NSW is now taking the lead to directly engage with the RAPs going forward. The Water Infrastructure NSW First Nations Engagement Manager is now in regular contact with these mobs and is looking to meet them on country later in June 2021.

## QUESTION

**The Hon. MARK BUTTIGIEG:** It is a similar line of questioning. I just want to get my head around the process. I may have read too much into it. So, you have the high-level strategic assessment. Can I ask how much does that part of it cost? Does that come out of the \$24 million?

**MS LEVY:** It does come out of the \$24 million. I have not got the breakdown of how much was budgeted for the strategic business case stage versus the final. We would be happy to take that on notice in terms of the split between that, but the \$24 million was to get us all the way through this strategic stage and to the final business case stage.

## ANSWER

The Government did not specify how the \$24 million in funding would be split between the Strategic and Final Business Cases. The \$24 million in funding to date is to cover both the Strategic Business Case and the Final Business Case.

## QUESTION

**THE CHAIR:** When you say options, what do you mean by options? We have got a 100 gigalitre dam here. There are no other options, I understand, for the Mole River dam. Do you mean options in terms of construction or options in terms of where the actual dam's footprint is going to be? What options are you considering as the strategic business case?

**MS LEVY:** There were options on the size of the dam. One hundred gigalitres was a nominal size, so there were options around the size, around the specific location, around the design of the dam and around other options that might augment the dam. Mr Magaharan, I do not know if you might be able to add to that one?

**MR MAGAHARAN:** I would have to take it on notice for what other options are being considered, but they may include other infrastructure options which may deliver similar benefits.

## ANSWER

A range of feasibility studies and options analyses were undertaken prior to the announcement in October 2019 by the Premier of NSW and the Prime Minister that NSW and the Commonwealth were jointly investing in the Wyangala, Dungowan and Mole River Dam projects.

The Mole River Dam Preliminary Business Case, which was completed in 2017 and is available on the WaterNSW website, considered a long list of options including:

- dams on the upper and lower Mole River, on the Severn River and on the Dumaresq River at Mingoola
- a lower Mole River Dam with a Tenterfield Creek diversion and
- enlargement of the Glenlyon Dam with and without a diversion from Severn River.

The shortlisted options considered in this Preliminary Business Case included four different sized dams on the Upper Mole River – 100GL, 200GL, 300GL and 500GL. Additionally, in the Strategic Business Case a broader range of infrastructure and non-infrastructure options from the Draft Border Rivers Region Water Strategy are also being considered.

## QUESTION

**The Hon. CATHERINE CUSACK:** There is something in between the feasibility studies and the announcements and that is what I am trying to identify because that is, I think will explain it and answer a lot of questions. I think you would agree that somebody did not dump three feasibility studies on the Prime Minister's desk who said, "Oh, that looks like a billion dollars. I might announce that next week." I mean, that is not how this works. We all understand that.

**The Hon. MARK PEARSON:** Don't be too sure.

**The Hon. CATHERINE CUSACK:** What has happened? We do not know what has happened. This is a genuine question.

**MS LEVY:** Ms Cusack, I was not here at the time leading up to that announcement or in this role so I cannot talk to what informed Governments, Ministers, to take the decisions that they did. I am only aware of those pre-feasibility studies. I do not know if anyone else on the Committee here is aware of any other further work that had been produced to inform that, but I am not aware of any. I can take that on notice and find out if there was any additional work being done.

## ANSWER

The Direction to WaterNSW is available on the NSW Parliament website at – <https://www.parliament.nsw.gov.au/tp/files/78061/Direction%20to%20the%20Board%20of%20Water%20NSW%20%20Wyangala,%20Dungowan%20and%20Mole%20River%20Dam%20Projects%202020.pdf>

A range of feasibility studies and options analysis were undertaken prior to the announcement in October 2019 by the Premier of NSW and the Prime Minister that NSW and the Commonwealth were jointly investing in the Wyangala, Dungowan and Mole River Dam projects. Many of these studies are publicly available on the WaterNSW website including:

- Dungowan Dam and Peel Valley Feasibility Study
- Mole River Dam Feasibility Study
- Water Security for Regions: Belubula and Lachlan River Dam Investigation Report

Other investigations that have not been publicly released as they include commercial and cabinet sensitive material.

## QUESTION

**THE CHAIR:** We have had quite a few witnesses talk about the potential for deep off-river storages. We heard about one today from one of our earlier witnesses—which I am trying to find and I cannot, but I will get to in a minute—of an off-river storage, very deep, for the town of Nyngan, actually. Yes. It is situated off Nyngan. It has been very good and it is very deep and does not evaporate as much as dams, and there was a suggestion for that.

**MS LEVY:** I do not know whether that specific option has been part of the options that we have considered, but I could take that on notice, Ms Faehrmann.

## ANSWER

Off river storage is not one of the options being investigated as part of the Mole River Dam business case. To build an off-river storage would require a significant underground mine to be constructed to achieve the same water security and resilience as a 100GL Mole River Dam. It

would also need to be to be very deep to combat the evaporation losses. Off river storage is feasible on a small scale to increase water security but at the scale that is required for the Borders Rivers Region this would not be feasible, plausible or cost effective.

None of the submissions or responses to the consultation on the Draft Regional Water Strategy for the Border Rivers Region suggested off river storage as a potential solution to long term water security and reliability in the region. Additionally, all the previous studies on the requirements in the Borders Rivers have not considered off river storage to be feasible at the scale required to improve water security for the region.

## QUESTION

**The Hon. MARK BUTTIGIEG:** On that point, we heard evidence this morning that there were access agreements signed by those landholders. The message we got was that they did not much choice in that. Could you articulate and tease out how that works? Do they have to sign those agreements? Is it a sort of a—

**MS LEVY:** I could not answer that; I do not know whether Mr Magaharan can. If not, we would very happy to take that on notice. But I do not know that we ever force access for investigations.

**MR MAGAHARAN:** I would have to take that on notice.

## ANSWER

As the initial investigations are primarily for flora and fauna surveys, Aboriginal artefact excavations and geotechnical surveys/test holes which are all short-term activities, compensation is not usually paid in these situations.

Regardless, the Land Access Agreements place an obligation on the project to make good any damage to the land caused by the investigations. When the project requires access to land for any extended periods of time or for more invasive works, the project will pay the landowner market rent for the period of access and any additional compensation as negotiated with the landowner for disturbance.

If the project requires access for any works, then the project will negotiate a lease with the landowner which includes the payment of rent at market rates.

## QUESTION

**The Hon. PENNY SHARPE:** There is no water from that dam going to Tenterfield town water supplies. Is that correct?

**MR MAGAHARAN:** I would have to confirm that and take that on notice.

## ANSWER

As confirmed at the public hearing by Mr Magaharan, “no water will go to Tenterfield. The dam does provide increased water security for the valley.”