

INQUIRY INTO A SUSTAINABLE WATER SUPPLY FOR SYDNEY

Organisation: Combined Community Groups of Sutherland Shire
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Subject:

Summary

COMBINED COMMUNITY GROUPS OF SUTHERLAND SHIRE

Concerned with Water-saving in Greater Sydney

15 February 2006

Mr Ian Cohen MLC
Committee Chair
General Purpose Standing Committee No.5
Legislative Council
Parliament House
Macquarie Street, Sydney 2000

Legislative Council
GENERAL PURPOSE
STANDING COMMITTEES

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RECEIVED

Dear Mr Cohen

Submission explaining why all eleven of the community groups of Sutherland Shire involved in issues concerning historic Kurnell Peninsula are unanimously opposed to (a) construction in Sydney of "the largest desalination plant in the world", and (b) location on environmentally-fragile, heritage-significant Kurnell Peninsula.

Thank you for invitation to make this submission. Our general policy position is that: *We object strongly to "Sydney's desalination project"*. Our reasons are set out in the following pages. We are prepared, if you wish, to support these views orally. We have already held extensive discussions with a delegation from Sydney Water (ref. Ms Maree Anderson) on Monday 23 January and we have made a submission at length to the Department of Planning.

1. We condemn these decisions of the NSW Government: (1) to build this plant without consulting the Sydney community in general and the Sutherland Shire community in particular; (2) to locate the plant on historic Kurnell Peninsula despite the promise of Deputy Premier Dr Andrew Refshauge on 3 September 2002 to protect 'sensitive Kurnell' from damaging development; (3) to pass 'critical infrastructure' legislation which enables Government to proceed without an EIS; (4) to commit to huge expenditure – initially \$1.3 billion, proceeding to at least \$2.6 billion – without clear public notice of how the project shall be paid for; (5) to proceed to this expenditure whilst simultaneously notifying a looming large budget deficit; (6) to proceed, moreover, before offering comparable costings of alternatives such as stormwater harvesting and comprehensive recycling; and (7) to rush into this project quite abruptly before having pressed a serious, crisis-driven campaign for water-saving throughout Sydney (so far only an inadequate public campaign, permission to water gardens, etc.).

We wish with regret to express at the outset our lack of confidence that this 'consultation' gesture by the Government will have a result different from that associated with the Botany Bay Strategy Advisory Committee

Cronulla Dunes & Wetlands Protection Alliance – Cronulla-Sutherland Surf Life Saving Council – Dharawal Elders Group –
Friends of Towra – Kurnell Progress & Precinct Association – Kurnell Residents Against Cogeneration Establishment –
National Parks Association (Southern Sydney Branch) – North Cronulla Precinct Association –
Oyster Farmers Association of NSW (Georges River Branch) – Sutherland Shire Environment Centre –
Taren Point Wetland Group

2002-2005 (four Draft Reports, all now languishing uncompleted) and the Port Botany Expansion Proposal 2004-2005 (Inquiry Report by 'independent' Commissioner Kevin Cleland, recommending no need to go ahead, simply overridden by the Minister).

2. The Sydney Desalination Project is offensive to the heritage/indigenous interests of the Shire, Sydney and Australia.

From all three levels of government have come frequent expressions of respect – and at times even reverence – for the heritage and indigenous values of Kurnell Peninsula. For example,

- Prime Minister John Howard's 3 July 1987 statement of "clear obligation" to "heritage protection" of the Peninsula and his ranking of "environment and heritage" ahead of (polluting) "development". (Full statement available)
- Deputy Premier Andrew Refshauge's 3 September 2002 statement of "a comprehensive regional blueprint to guide all future land use on the Kurnell Peninsula [to] ensure – once and for all – that development is not allowed to harm the environmental and social values of this important area". (Full statement available)
- Successive Sutherland Shire Mayors have expressed intention to protect the Peninsula from development. Most recently, Mayor Kevin Schreiber called a "Kurnell Summit" on 29 June 2005 to implement this intention. Its second session, however, had to be postponed when news of the Desalination Project intervened and focused the Summit participants' attention on defeating the Project.

3. HERITAGE is a State as well as a Commonwealth responsibility.

Every year, State Government takes part in April 29th commemorative celebrations on Kurnell, often with a speech by the NSW Governor. For brevity we list 10 relevant reasons why the Peninsula should not have this huge desalination plant thrust upon it:

- ☐ Kurnell Peninsula is sacred ground to Australia's Aboriginal people;
- ☐ It is "first meeting place of Aboriginal and European cultures";
- ☐ It is "birthplace of modern Australia" (Phillip raised the flag here);
- ☐ It is dramatically historic as landfall for *Endeavour* and *First Fleet*;
- ☐ It was promised safeguards from development damage (3 Sep. 2002);
- ☐ It has major environmental assets – threatened by this 45 ha plant;
- ☐ Its rich marine life, from whales down, will suffer from briny effluent;
- ☐ Its steward, Sutherland Shire, is united in opposition to this project;
- ☐ Its Shire's 220,000 population is second largest LGA of 170 in NSW;
- ☐ The Shire already contributes greatly to Sydney's water-saving through the Woronora Dam and Cronulla Sewage Treatment Plant.

Not only Sutherland Shire and the Commonwealth have stewardship responsibilities for this most historic area; New South Wales, the first of the colonies/states, has a heavy responsibility too.

We therefore urge attention to what should not need to be demonstrated, namely that

(a) loss of 45 ha of scrub and forest land, with its ecological community,
(b) degradation of that land and surrounding lands during construction,
(c) continuing damage from industrial activities when operational,
will certainly inflict damage not only on the general and listed heritage values of Kurnell Peninsula but also on the areas for which the Commonwealth has responsibility under the Ramsar, CAMBA and JAMBA conventions... Need we add that here we are in the area of "cumulative impacts"? Or that these are many?

4. The Desalination Project is offensive to Indigenous Australians, for whom Kurnell Peninsula has iconic significance. Aboriginal occupation vastly predates European – by at least a thousand *generations*! And Kurnell Peninsula has always been for Aboriginals a special place: its sandy substrate, built up by the deposited sand/silt of ancient rivers, grew a fertile bush cover that abounded in plants and animals which, with Botany Bay's abundant fish, crabs, prawns and oysters, supported a relatively settled population of the Gweagal clan of the Dharawal tribe.

Which means that Aboriginal *heritage* is much more profound than that of the white occupants of relatively recent time. Today's Aboriginal people say unequivocally that the whole Peninsula is sacred to them, that not only already discovered middens should be preserved but that nearly all parts have been damaged by development and that these should be as far as possible rehabilitated. Their 'heritage' on the Peninsula cannot possibly be limited to sites where human bones and artefacts have been turned up.

The need for rehabilitation – and for no more major development – is starkly obvious. A Sutherland Shire Council report (EHC 124-98, 7/10/97) asserts that "Generally all land has previously been mined to some extent. The operators have moved backwards and forwards extracting the sand... Most of the areas now being mined have been worked previously, with or without approval..."

The Aboriginal people of the Peninsula have had to witness repeated "development" assaults on their sacred land: *first* came the timber-getters, John Connel in the 1820s, Thomas Holt in the 1860s, and later a lessee of Holt's; *second* came the firing and clearing of the native vegetation for sheep and cattle grazing (also by Holt); *third* came the sandminers, beginning in the 1940s, who have since trucked away over a hundred million tonnes of sand; *fourth* came major industrial developers, beginning with the Oil Refinery in 1953.

The development has been enormous and, by any meaning of the term, "unbalanced" – falling within the category of Prime Minister Howard's fiat that henceforth "our obligation is to our environment and heritage".

So it is perfectly understandable that all of today's Aboriginal leaders are flatly opposed to the desalination proposal. They – including elders Beryl Timbery-Beller, Shayne Williams and Mervyn Ryan (the latter being spokesperson on this issue for the Dharawal people) – require us to express their opposition in the strongest terms... Quintessentially on *heritage* grounds.

These elders, in short, have a whole-Peninsula perspective. The presence of the Desalination Plant – like that of the Refinery – would degrade the ambience of the Peninsula and that includes of course the officially recognised places, viz. Kurnell Headland, Botany Bay National Park and Cook's Landing Place. They look forward to the Refinery being closed down in a decade or so and they greatly fear that the huge investment in this Desalination Plant will install a much longer baleful presence.

5. The NSW Government must honour Deputy Premier Dr Andrew Refshauge's 2002 pledge to prevent any further industrial development that will damage the environmental and heritage values of what he termed "the fragile Kurnell Peninsula". On 3 September 2002, Deputy Premier Refshauge's media release (see also *Hansard*) announced:

"... a major environmental study into the entire Botany Bay catchment including the sensitive Kurnell Peninsula...

"... [it] would create a comprehensive regional blueprint to guide all future land use on the Kurnell Peninsula...

"This will ensure – once and for all – that development is not allowed to harm the environmental and social values of this important area...

"Any future proposal from any developer will now have to meet the strict requirements formulated by this new regional strategy – to be completed by late next year." [our emphasis]

This pledge plainly challenges the Government's intention to proceed with design and construction of the Desalination Project and challenges its listing under "critical infrastructure" legislation.

The Government cannot legitimately push ahead with the Desalination Plant UNTIL IT HAS DONE THE PROMISED STUDIES, which alone would enable it to make informed decision about the environmental impacts the Plant will have.

The Deputy Premier's commitment is on record. He set up the 18-member Botany Bay Strategy Advisory Committee to give effect to his promises, he allocated \$800,000, and he assigned 8 full-time staff to work on the planning job. For over 18 months everyone thus involved worked hard and enthusiastically.

But what has come of all that work and money? No substantial action, no changes, no "strict requirements" to control development. Four lengthy

reports were prepared – BUT all four are stamped “draft only”. Nothing has been finalised. The Committee was thanked for its efforts and abruptly terminated. The 8 staff were shifted to other duties. In short, no improvement for Kurnell or Botany Bay – just four shelved *draft* reports, many unfulfilled promises, and (recently) even the termination of the responsible Ministry (Department of Infrastructure, Planning and Natural Resources) and division of its powers among at least three Ministries.

We submit that the NSW Government’s 11 July 2005 decision to build a \$2.6 billion Desalination Plant on Kurnell Peninsula – a truly major industrial development – is totally opposed to its 3 September 2002 pledge to “create a comprehensive regional blueprint to guide all future land use on the Kurnell Peninsula [and so] ensure – once and for all – that development is not allowed to harm the environmental and social values of this important area”. Indeed, it is a clear negation of that pledge.

So we assert that the Government has no right to proceed before there is a “major environmental study” and formulation of “strict requirements” that would govern *any* development. Better still, of course, abandon the project altogether and pass the 45 ha to the public domain.

6. Baseline documents that Sydney Water and the Government should consult when forming judgements about impacts of the Desalination Project on the ecology of Kurnell Peninsula. The Peninsula should be conceived as a single ecological entity, complex as is every such entity, in which parts not only interact with but influence the health of the whole. Our member groups and their leaders encompass a knowledge of the Peninsula that has been extended beyond their local (observational) understandings by their study of a large number of official and scientific documents – what they term “baseline statements” – which we commend to the attention of your officers. Here is a minimum listing:

Healthy Rivers Commission (HRC) *Statement of Intent*. “3.5

Comprehensive assessment of the impact of specific proposals on the whole Botany Bay system, including assessment of cumulative impact, is to be a pre-condition for any approvals for significant activities within the bay and surrounds.”

HRC *To Strategy Advisory Committee*, 16.4.03 (Ms Paula Douglas). “The key factor in the biophysical health of the Bay is the mobility of its sandy substrate, which provides the foundation of the Bay’s ecosystem. The Bay is particularly sensitive to the placement of hard structures and to artificial changes of depth by dredging and/or reclamation.”

Botany Bay Integrated Conceptual Understanding of Environmental Patterns (Draft). This 250 page study commissioned by Planning NSW from WBM Oceanics Australia (16 May 2003) contains valuable “whole-of-bay” data on environmental patterns and processes in the context of the history of development. It makes many references to Kurnell Peninsula.

Sydney REP No.17: Kurnell Peninsula (1989). This remains the prevailing planning instrument though severely criticised in 2003-4 by the Botany Bay Strategy Advisory Committee for not delivering sound environmental outcomes and therefore being in urgent need of revision in order to provide "a greater level of certainty". Its 1989 intentions however were admirable and deserve attention, e.g.

Introduction. "... Captain Cook's landing place... contains the finest wetland system in the Sydney Region... [this Plan] places the emphasis for new development on tourist-related services and light industry but not at the expense of the fragile natural environment.

Preliminary. "... 2(1)(b) to apply environmental performance criteria which will ensure that the environment is not adversely affected by development... 2(2)(d) to identify and conserve areas, sites and features of natural, ecological, historic or cultural significance... 2(2)(h) to control and progressively phase out sand mining and to facilitate the rehabilitation of degraded lands." [Obviously, the magnitude of the proposed desalination contradicts this.]

Botany Bay Program. This is the initiative of the Southern Sydney Regional Organisation of Councils (SSROC), the dozen municipal Councils covering Botany Bay and Kurnell. Its document is a 180-page "final report", *The Tide Is Turning*, which has the full endorsement of our 11 community groups that are opposed to the Desalination Project.

Botany Bay Strategy: 4 Draft Documents. Although, as stated in 5. above, the NSW Government is reprehensible in not having completed and published the results of its Botany Bay Strategy study, its four draft documents should be prime source material for Sydney Water's study of possible impacts of the Desalination Project. The documents are:

Botany Bay Strategy, Final Draft, October 2003 (70pp)

Botany Bay Strategy Assessment Protocol, Final Draft, Oct. 2003 (56pp)

Botany Bay Strategy, Kurnell Land Management Framework, Edited Final Draft, November 2003 (54pp)

Towards a Strategy for Botany Bay, Discussion Paper for Public Comment, May 2004 (50pp).

We urge that, in examining the 230 pages of these documents, you keep firmly in mind the principle of primacy of environmental and heritage factors over others (cf. the 'triple bottom line'). This is the principle that *Sydney REP No. 17: Kurnell Peninsula* laid down in 1989; it is the principle underlying Deputy Premier Refshauge's 3 September 2002 pledge to protect from major development the "fragile Kurnell Peninsula"; and it is the principle that animated the Botany Bay Strategy Team – all these, the *REP*, the Pledge and the Team, sharing the intention to reduce or avoid further major development – yet this Desalination Plant will be among Australia's biggest developments, in the class of the Refinery next door.

In sum, the shared direction of all these documents is to warn against embarking on major industrial developments because they have potential to impact detrimentally on the ecology and heritage of the Peninsula: a warning, surely, against the predictably damaging effects of this Plant.

7. "Cudgery Hole", example of the local knowledge which is available to inform Government decision-making of the impacts of development on valued ecology and heritage. When our Combined Community Groups met a Sydney Water delegation at Kurnell on 23 January, our Mr Jim Towart of the Oyster Farmers Association gave a detailed account of likely impacts of the Desalination Plant on the Bay-side environment.

Mr Towart, having farmed an oyster lease on Quibray Bay, has intimate knowledge of "Cudgery Hole" as a key element of that Bay, being a relatively deep formation in an otherwise shallow bay, and he sees the "Hole's" health as a barometer of Quibray Bay's health.

He has told an inspection party from our eleven community organisations that the "Hole" is showing signs of pollution and consequent decline of the organisms within it because of its position which has been "vulnerable" since the location nearby of the Oil Refinery and that the "Hole" is now in sharply increased danger from the construction and operational impacts of the Desalination Plant.

The main impacts arise from (a) The sand/soil of the 50 year old Refinery site itself and of the land contiguous with it retain an impregnation of oils and chemicals whose potency/impacts will be increased by disturbance of the site when construction of the Desalination Plant begins; (b) A major drain from this area carries stormwater, groundwater and any surface pollution into Quibray Bay in the close vicinity of "Cudgery Hole", with already visible effects on the precious saltmarsh, the mangroves, the seagrasses, and their dependent fauna. "Cudgery Hole" is far from being the healthy, crystalline entity it once was.

This deteriorating littoral/marine condition is in turn affecting Towra Point's Ramsar-protected wetlands – an inescapable ecological "knock on" impact which can only worsen as construction of the Desalination Plant proceeds.

An ecology is always in a dynamic not a static state and Mr Towart is keenly aware of this. It is why he has consistently urged that nothing short of a full Environmental Impact Statement process can adequately assess the danger-potential of the Plant.

8. Our many detailed criticisms of the Desalination Project have been expressed to Sydney Water through several channels and so do not need to be repeated here. In addition to submissions from individual members of our 11 groups, (a) some of our Groups have made

submissions, (b) Sydney Water has recorded the contributions of persons speaking at its Consultation held in Cronulla Leagues Club on 19 January (these included at least a dozen of our members), (c) we had the opportunity of two and a half hours of discussion at Kurnell with officers of Sydney Water on 23 January (followed by two on-site inspections) where a host of concerns were notified.

Add to all that, very significantly, the issues raised by Sutherland Shire Council in its review of the Environmental Assessment. We have had the opportunity to scrutinise Council's document and we support it as a mature expression of Council's Science Unit, with which we have had the honour to collaborate over many years in studying Kurnell Peninsula's environment.

Not least, we support the contention that Sydney Water's Environmental Assessment contains insufficient information to reach the conclusion that the Desalination Project can proceed without any significant environmental impacts. In this, again, we are left deploring the absence of a responsible, precautionary Environmental Impact Statement.

We have summarised our responses to Sydney Water's seven "Key Issues" as follows:

Key Issue (1) – energy and greenhouse gas emissions. We are alarmed at the volume of energy consumption and its by-product the volume of greenhouse emissions. (We recall ex-Premier Bob Carr's 18 October 2004 statement: "The cost of the water is far more than the most expensive mineral water and it blows your greenhouse targets sky-high.")

Key Issue (2) – terrestrial ecology. While we appreciate the good intentions expressed by Sydney Water's "Commitments", our long collective knowledge of the fragile sand-based ecology (invisible organisms even more vulnerable than the visible) tells us that 45 ha gouged out of this area – the "conservation strip" notwithstanding – cannot but have deleterious and long-lasting consequences. That, after all, has been the sad result of every previous major "development" on the Peninsula. How can we possibly have faith when promises in the past have not been honoured (as we have intimated in 5. above) by Government instrumentalities. How we wish we could believe that even the Bradley method of bush regeneration would be installed!

Key Issue (3) – Indigenous heritage. Sydney Water's provisions regarding the "conservation area" are appreciated, but that is only one-third of the total site, whereas leaders of the Aboriginal people have a whole-Peninsula perspective and want no further development on the site and certainly not this Plant's extensive hard surfaces, its tunnelling, channelling and extensive soil ("spoil") removal.

Key Issue (4) – seawater quality and aquatic ecology. While, once again, the intentions of Sydney Water's Commitments Statement are good, it has not done the extensive testing that this complex issue needs. We know that the sea floor in this area has been profoundly polluted by decades of sewer outflows, by Refinery discharges, and by radioactive discharges (from Lucas Heights). We believe that this marine area, well-known for whale movements, cannot but be disrupted by outflow of saline concentrates, and that especially the movement of whales-with-calves will be retarded as these like to travel near-shore for protection from sharks. But our concerns are not only for the large creatures; we are even more concerned for the myriad aquatic organisms known to modern marine science. With Sydney reeling this January at the news of pollution effects on Sydney Harbour fishing – and with, we believe, the likelihood that Botany Bay will soon follow suit – we believe *every* effort should now be made to improve conditions for near-Sydney fisheries, and this Desalination input/output will, by the most optimistic assessment, certainly add a negative component.

Key Issue (5) – aquatic ecology affected by Botany Bay pipeline. Our members are able to speak with authority on the past fifty years of abuse of the Bay's ecology by the three major industrial developments: Refinery (on the south side and its Banksmeadow storages on the north side), Port Botany, and the Airport Runways. We know the damaging effects of changed wave movements and currents, the impacts on beaches and seagrass beds, the destruction of pristine Towra Lagoon, and more. Past efforts at *Zostera* rehabilitation have been patchy and never fully recuperative while efforts for *Posidonia* have been a downright failure. As yet there are only suggestions regarding possible forms and routes for the distribution pipe or tunnel. Nothing is more certain to us than that the struggling ecology of Botany Bay will suffer a heavy blow. Please note this would be an infliction at the same time as Port Botany (Sydney Ports Corporation) is about to widely excavate and expand into the Bay, and that Sydney Airport is about to hugely increase its buildings and passenger and freight handling, with predictable harmful consequences for the Bay's ecology.

Key Issue (6) – spoil management. This issue has highly technical/geophysical/transport features which have obliged us to consult Sutherland Shire Council. We echo its many concerns, including the observation that Sydney Water has presented a range of management intentions which "potentially cause other problems". Again we suffer from not being able to address an Environmental Impact Statement. While we, with Indigenous colleagues, are fundamentally opposed to *any* soil disturbance/removal, we would if obliged to do so urge extensive use of the soil (if uncontaminated) in spreading a 1 metre depth over stakeholders' lands that have been mined for sand and are legally required to be rehabilitated, a service for which the stakeholders should of course pay.

8. Summary of our submission. We trust the preceding pages have explained why we have concerns and objections which add up to our conviction that the Project must be opposed. We fully appreciate the need to safeguard Sydney's water future, but we have concluded that this can best be achieved by a mix of decentralised water-saving and water-recycling measures pursued much more energetically than such measures have been pursued up to now; and we are certain such measures would be cheaper to install and operate than the proposed single desalination megaplant. Moreover, they would lend themselves to inculcating a universal water-saving ethic, whereas the megaplant would have the opposite effect.

In adopting our position, we believe we have a democratic sanction that is attested by:

- Wide and immediate public revulsion to the 11 July announcement (without community consultation) of a Plant at Kurnell.
- Near unanimous protest by a meeting of about 1000 hastily called on 17 July at Cronulla.
- Swift opposition by Sydney water experts, especially from the respected Kensington Group (e.g. Professor Tony Fane).
- The Newspoll survey of 14 December which showed 70% of Sydney residents opposed to the proposal.
- The appeal by 30 of Sydney's councils to pursue water-saving options other than a desalination megaplant.
- Widely reported misgivings from within Sydney Water itself against desalination being made a high priority.
- Annual Conference of the Nature Conservation Council (over 100 affiliates) unanimously opposed to the Plant.
- The strong and well-informed submission of the National Parks Association of New South Wales, representing 6000 members.
- Near unanimous opposition by attendees at the three Sydney Water Consultations, 17, 18, 19 January.

We commend our concerns to you, and we reiterate our willingness to support our views directly if you so desire.

Yours sincerely



R.D. Walshe, OAM
Chairman.