

Submission
No 138

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

Name: Name suppressed
Date Received: 22 September 2020

Partially
Confidential

The Enlargement of the Wyangala Dam within the Lachlan River Catchment.

Submission to the NSW Legislative Council Inquiry

I am writing to express my concern that adequate consultation has not taken place with the necessary Ngiyampaa families and groups who are and will be impacted under the proposed enlargement of the Wyangala Dam. We are aware that not all clans along the Lachlan river have been consulted. We are the custodians of the lands at the bottom of this catchment around the World Heritage listed, Willandra Lakes system and Lake Mungo and must be the first people consulted with around any changes to the natural environment including but not limited to water and wetlands. Our Country is rich in birdlife and tourism potential and our small outback towns that are relying on this revenue stream as more and more Australian's decide to travel, eat, sleep and enjoy our beautiful but arid landscape.

We are particularly concerned about;

1. (c) Environmental, cultural, social and economic impact:

Environmental Impact Statement (EIS)

- We request the EIS be made public with full community consultation with all communities and environmental stakeholders in the entire Lachlan Valley.
- Why has the proposed EIS **only** been given scope for the areas of inundation by the enlarged dam and not all areas that will be affected by the project downstream of the dam?

Bird Breeding events in the Lower Lachlan Wetlands

- For major bird breeding events to take place in the Lower Lachlan Wetlands a number of environmental events are required including depth, duration and lateral spread of river flood water.
- Driver et al. (2005) and Brandis (2016) research concludes that the probability of breeding occurring were maximised when there was ~100 days of flows >2,500 ML (per day at Booligal) or when total flow volumes were 500 GL.
- Given that major dam spill flood events are the only way these types of flows can be delivered to this region, we believe the enlargement of Wyangala Dam will severely impact water bird breeding events in the Lower Lachlan wetlands.

Groundwater Recharge

- Sustainable groundwater recharge downstream of Wyangala Dam requires major flood events including depth, duration and lateral spread of river flood water.
- Reliable groundwater/aquifers are required by consumptive users including grazing, irrigation and critical needs (towns). Groundwater systems are relied

upon in times of drought and without adequate recharge these systems will not provide this critical service.

1. (d) Impact of Climate Change:

- Has the hydrological modelling been completed for the enlarged Wyangala Dam?
- If it has can this document be made public?
- Has the hydrological modelling factored in increased evaporation in a larger dam due to increased temperatures under climate change conditions?

1. (e) Water Infrastructure Technologies:

- Have water management technologies such as Total Channel Control (TCC) been considered to improve efficiencies in the Lachlan Valley.
- This technology has been successfully installed in the Coleambally Irrigation Area and could be used to improve efficiencies in the Jemalong Irrigation district and/or across the entire valley if adopted by Water NSW.
- We believe valley wide water efficiency projects like this would provide better environmental, economic and social outcomes for the Lachlan Valley. It would also be a more responsible use of public funds.

Cultural Context

Many of our cultural practices and stories such as ‘*Yamakarra!*’ are built on the memories of community leaders such as Aunty Liza Kennedy (1902-1996). The lack of water in this region meant that the grazing industry did not take hold until the second half of the 19th century. The level of independence that our Mob enjoyed makes our country special to future generations as they celebrate their relationship with the oldest continuing culture on earth, with one another, with their ancestral land and cultural heritage. They welcome non-Aboriginal friends into this rich landscape. We still visit and organise bush camps, many group events that expand understanding and promote reconciliation.

The poor health of country, which includes the natural environment. The poor health comes about as a direct result of the mismanagement and the exploitation of the natural environment. The enlargement of Wyangala Dam will only further harm our country and continue to create many problems. It will not address the issues of water shortage and drought. What is proposed is a short-term solution to a longer-term problem that has been created out of the actions that are now being proposed, thus leading to further problems. One of the major problems with the proposed enlargement of Wyangala Dam is that it will redirect water from major flooding events away from downstream river systems which will directly impact upon fish and other aquatic life, plants, trees, birds and animals. It will also impact upon the social and cultural life of our people. There are a number of articles both the World Heritage legislation and the United Nations Declaration on the Rights of Indigenous Peoples that we believe will be breached with the enlargement of Wyangala Dam:

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

We are very worried that the proposal for the enlargement of Wyangala Dam has not given due consideration to the rights of Ngiyampaa people or our cultural, social and economic well-being. Furthermore, we are concerned that widespread consultation has been lacking. There is an urgent need to increase the scope and timeline of this inquiry to allow for First Nations groups right along the system to have time to prepare submissions for the inquiry. Many of us have only found out today (and submissions close at 5pm) about the inquiry and thus many will not be able to organise a submission. If we are unable to provide a submission which outlines in-depth the impact of the enlargement of Wyangala Dam upon Ngiyampaa cultural, social and economic life and to fulfil our responsibilities to the generations yet to come.

Regards