

Submission
No 173

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

Organisation: Broken Hill City Council

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

Introduction

On behalf of the Broken Hill and Far West NSW Regional community I present the following submission and recommendations to the inquiry into the rationale for, and impacts of, new dams and other water infrastructure in NSW.

Recommendations

1. That new or increased capacity dam infrastructure such as the Wyangala Dam or off site storage infrastructure is not built that directly or inadvertently impacts the Murray Darling Basin or its catchments to ensure downstream flows are preserved for water security and ecological and environmental purposes of the lower darling river communities and ecosystem.
2. That Local Government plays a key role in providing local knowledge to inform the development of NSW Water sharing plans, and the Commonwealth Water Resource Plans and should be included in all stakeholder engagement.
3. That it is unacceptable to destroy the Menindee Lakes environment, effectively reducing a storage and ecosystem that can hold up to 200GL under the guise of environmental savings to be used to improve the environment.
4. That the reconfiguration of the Menindee Lakes System is indefinitely delayed until all key stakeholders have been given the opportunity to have input into a Menindee Lakes reconfiguration that benefits all stakeholders involved.
5. That a community-based approach to water saving within the Menindee Lakes that has the support of the community and protects the interests of NSW and an important environmental asset.
6. That the NSW Government recognise concerns from Indigenous groups, traditional owners and custodians that:
 - i. they are unable to continue cultural practices, due to lack of cultural flows;
 - ii. there is an increased financial impost on high Indigenous population towns for drinking water, where same is unavailable, or of poor quality;
 - iii. a lack of genuine, integrated and informed consultation has been the norm in matters of water management and projects which directly affect native title holders, traditional custodians and Land Council groups and individuals, combined with lack of feedback or Minutes from meetings with Government representatives and agencies; and
 - iv. local First Nations people hold knowledge from greater timelines than current records about flows, floods, movement and interplay of the entire riverine ecology, yet there is a resistance to engaging with that knowledge, utilising the skills and management practices used for many centuries (45,000 years in our region), despite clear desire from most groups to assist and play a more active role in water and land management.

7. That NSW Water Sharing Plans and Resource Management Plans for the Barwon-Darling, Murray-Lower Darling and Northern Basin Rivers must include minimum river flow and storage levels that will protect the health of the Barwon-Darling and Lower Darling River from the Queensland border to the Murray River.
8. That minimum flows at sites along the Barwon-Darling and Lower Darling River, in particular at Wilcannia, and water storage volumes in the Menindee Lakes must be reached before extraction of water for irrigation is allowed.
9. That support is given to the Menindee Lakes System to be listed as a RAMSAR Site.
10. That a NSW Natural Resources Access Regulator is established, which would operate at arm's length from the department and make decisions on the handling of alleged serious offences occurs to ensure that communities reliant on the Murray Darling Basin have confidence in the management of the system

Background

Broken Hill is one of Australia's iconic cities, in fact we hold the significant honour of being named Australia's First Heritage Listed City.

Broken Hill and the Far West NSW region has provided significant wealth to both NSW and the Commonwealth through 130 years of mining. As an isolated community we are resilient, innovative and face the many challenges you would expect in this area head-on.

Water Security

One of our greatest challenges during our proud history has been that of water. The Menindee Lakes scheme is of vital importance to our economic, social and cultural fabric as a city and a region. The Darling River is an icon of Australian culture, for both indigenous and non-indigenous people. It has huge importance environmentally and economically. Its environmental importance stems from its role as the connection between the rivers of the northern and southern basins, the only route for aquatic species migration. And that can only occur when there is water in the river, which is much less frequent now than before.

Since the inception of the Menindee Lakes Scheme, we have seen the highs and lows during times of severe drought through to major floods. However, during these peaks and troughs we have had water security to allow for our social, recreational, cultural and environmental needs, which is now under threat as a result of the alleged mismanagement reported on the 4 Corners program, ABC Television, 30 July 2017. Until recently, Broken Hill also relied on the Menindee Lakes for a safe drinking and City water supply, however the construction of a 270km pipeline from the Murray River has guaranteed water security for City use for the long term.

New Water Infrastructure

Broken Hill City Council has previously endorsed the following recommendation at the 26 July 2017 Ordinary Council Meeting:

1. That the Broken Hill City Council expresses its disgust at the betrayal of the people of western NSW and the reckless disregard for the Murray Darling Basin Plan which has been revealed by the Four Corners program.
2. That this Council supports the establishment of a Royal Commission or high-level judicial inquiry of equal status into the abuse of water sharing plans and the theft of water intended for environmental use as revealed by the Four Corners report.
3. That the Broken Hill City Council calls on the NSW government as a matter of urgency to reinstate the Compliance Unit which was investigating water extraction in NSW and to report publicly on its findings as a matter of urgency as soon as they become available.

4. That the Council calls on the NSW Government to place an immediate moratorium on the construction of the Wentworth to Broken Hill water pipeline and, further, calls for the immediate release of the Business Plan that led to the decision to construct this pipeline.

The consequences and subsequent fall out of the 4 Corners investigation confirms Council's commitment to demanding answers to the questions:

- Was the decision to build the pipeline based on accurate data?
- Would other solutions have been more appropriate if the alleged over-harvesting of water in the Northern Basin not taken place?
- What will be the resulting user cost to the community?
- Without the enforcement of regulatory controls and appropriate governance structures to protect the integrity of the system - how can the people of NSW have faith that the data that informed the decision was robust and correct?
- How does this confirm any future management decisions regarding the future of Menindee Lakes?
- Again, if the water allegedly over-harvested in the Northern Basin and the water had run through the system - would the evaporation at Menindee Lakes be such a significant issue?

This call to action by Council was in direct response to the allegations raised in the 4 Corners program but Council also notes that these concerns have been raised in previous inquiries and submissions. In 2012, the Darling River Action Group in its response submission to the Murray Darling Basin Authority's Draft Murray Darling Basin Plan wrote:

"For the Basin Plan to function, there must be adequate monitoring of extractions and sufficient compliance officers to ensure that large-scale water theft no longer occurs. It is essential that all large and medium-scale extractors of water be properly metered. It is also very desirable that environmental water be measured, and its effectiveness monitored. Arrangements for this should be included in the Basin Plan or in an associated publication." (p8).

Following, the release of the Wentworth to Broken Hill Pipeline Business Case, it is clear that it focusses specifically on the economic benefits of both the pipeline and the associated water saving scheme for Menindee as opposed to the environmental impacts of the entire scheme would have on the lower darling.

Broken Hill City Council is also opposed to the construction or increase in size of any new dams (such as the Wyangala Dam wall increase) or offsite storage sites that will either directly or inadvertently impact the Murray Darling Basin and its Catchments due to the economic but more importantly environmental and social impacts that it will have on downstream communities and ecosystems.

It has been well documented through numerous government documents and scientific journals that regulations of rivers in the Murray Darling Basin has caused long-term changes in the ecological processes downstream of dams. This includes: Erosion, changing water temperatures, removal of habitat for fish breeding, reduced supply of organic material and nutrients, a reduced water quality and build-up of salt.

An example of these impacts was evidenced in 2019 when the river's water level was very low and there was no environmental flows available upstream due to flush the system, enabling ideal conditions for blue green algae to bloom resulting in the death of over a million fish due to, what were avoidable changes, in the natural ecosystem.

In addition to the construction or increase of new dam capacity upstream of the Darling River being responsible for the reducing downstream flows it will also result in less flood downstream, impacting the floodplain ecosystems and wetlands but more importantly it will not recharge the groundwater aquifers that many communities rely upon for water security.

Furthermore, any reduction in river flows will have a detrimental effect on waterbird populations due to the fact that environmental flows are physical habitats, determines the physiochemical properties and regulates a range of environmental processes. Any change to these systems will ultimately restructure the food supply, therefore either resulting in the death of water birds or migration leading to further changes to the natural ecological systems, as evidenced throughout the entire Murray Darling Basin during the Millennial Drought.

It is also well documented that low river flows due to the construction of upstream dams and storages, impact the social and cultural fabric of Australia's First Nations People, as they lose their lifeblood and culture that has been a part of their lives for thousands of years. When there is water in the rivers the community spirit of Indigenous Communities is uplifted.

Menindee Lakes & RAMSAR Listing

As demonstrated in the above paragraphs without the appropriate recognition of the importance of the Menindee Lakes System and Lower Darling, there will be dire consequences for the communities and natural environment of these areas. One way of demonstrating commitment to this important ecological wetland is to list it as a RAMSAR Site.

The designation of the Menindee Lakes as a Wetlands of International Importance would bring various environmental, economic, and social benefits to the region. In particular the management plan should provide strategies for protecting and enhancing the ecological diversity inclusive of migratory birds of national importance, of the lake system. This in turn should attract further tourism particularly in the area of ecotourism which is a rapidly growing component. Many studies have shown that more jobs and economic growth can be generated through ecotourism and environmental enhancement than what can be achieved through irrigation.

The Menindee Lakes area also has a highly significant indigenous and non-indigenous cultural heritage as well as a highly significant geological heritage and these features should be identified in the management plan thereby providing an opportunity to protect and promote these values. Social benefits flow from the recognition of the site as being of international importance including enhanced work opportunities particularly for indigenous people.

In June 2019, all Far West Joint Organisation Councils which includes: Broken Hill City Council, Central Darling Shire, Council Wentworth Shire Council and Balranald Shire Council resolved to support the proposal for Menindee Lakes to become a RAMSAR Site.

Darling River

The Darling River and its vast inland catchment has a long evolutionary history. The catchment has areas of the longest human habitation in Australia by Indigenous Nations which has been followed by a short but intense period of European occupation which has been characterized by rapid change in water, land use and existing flora and fauna.

The Darling river is important for fish, yabbies, aquatic invertebrates, water birds, mammals. Its ecological and economic importance through tourism is much greater than just as a source for irrigation water. However, when water is low or the lakes are dry, the impacts are tremendous as witnessed by the devastating fish kills at Menindee in 2019.

The value of the river and lakes for recreation is huge. For the City of Broken Hill, the river and lakes are important attractions for potential workers and for maintaining the size of the population. Having the water bodies within reach, for fishing, swimming, water skiing, camping can make all the difference between a pleasant place to live and living in a community with no natural water recreational facility.

For too long the Darling River has been taken for granted and it is time we, as a nation, stepped back and looked at the long term survival of the Darling River, its catchment area, its flora and fauna, and its people.

In recent years, given high growth in agricultural production and the intensifying of production of crops that in past decades could not be supported by natural water cycles in the Basin (hence the emergence of the mega storages), the people in Far West NSW question how much storage should be allowed and at what cost to the environment? There is a clear view in Far West NSW that the Darling River and the Menindee Lakes System have been let down by the general poor past practices of water management across the Basin. Decisions in both the North Basin and South Basin impact on the Lower Darling System.

The Western Division of Councils is a united voice of Councils representing more than 40 per cent of NSW and includes: Balranald Shire Council, Walgett Shire Council, Moree Plains Shire Council, Lachlan Shire Council, Cobar Shire Council, Central Darling Shire Council, Carrathool Shire Council, Broken Hill City Council, Brewarrina Shire Council, Bourke Shire Council and Wentworth Shire Council. As the third tier of government in Australia and the one most directly connected to the people, Local Government has a direct contribution to make in the processes, community consultation and the formulation of decisions made and taken in the continuing implementation of the management of the Murray Darling Basin. This is enhanced beyond measure when Local Government is working together Basin wide.

A motion presented to the Western Division of Councils in February 2017 stated the below:

"Even though the region is no longer experiencing drought conditions and the NSW Government's pipeline from the Murray River will secure Broken Hill's water supply into the future; extreme concern still exists that a return to the previous water release practices will again be at the detriment of our community's well-being."

It is important that rigorous checks and balances are in place and that effective compliance and enforcement activities enable the community to have faith in the Basin Plan and in the State-run water sharing plans that support its implementation.

The management of the Darling River must be view in conjunction with the entire catchment, as managing areas in isolation will not succeed in providing a flowing river system providing connectivity and a reliable water supply for community, social, environmental, cultural and economic needs.

Menindee Lakes Water Savings Project

At the August 2020 Ordinary Council Meeting, Council unanimously resolved the below motion in regards to the Menindee Lakes Water Savings Projects.

1. That Motions of Which Notice has been Given No. 12/20 dated August 14, 2020, be received.
2. That Broken Hill City Council supports those that were in attendance at a public meeting held in Menindee on 18 July 2020 and attended by 85 people. At that public meeting it was unanimously voted to oppose the 12 Menindee Lake water saving proposals that have been pushed by NSW bureaucracy to save/return 106GL to the environment.
3. That Broken Hill City Council oppose all of the 12 proposals within the Menindee Lakes Water Saving Project that are part of the agenda that is being pushed on key stakeholders by NSW Water and other bureaucratic departments.

4. (i) That Broken Hill City Council write to the Local Member Roy Butler and the Minister for NSW Water Melinda Pavey explaining that the 12 proposals that have been highlighted and pushed at all Menindee Lake Stakeholder Advisory Group (SAG) Meetings are not supported within the community, the Broken Hill City Council or by a majority of members of organisation represented by stakeholders.
- (ii) That Broken Hill City Council does not believe that the SAG process has been at all transparent and the vast majority of the community and the Broken Hill City Council have not been part of the development of a plan. Input from stakeholders has been limited to proposals already chosen from Water NSW.
- (iii) The proposed 106GL of savings from the Menindee Lakes for the environment relies on reducing water kept in the Menindee Lakes to an unsustainable level (as low as 80GL) and if implemented will have significant effects on the Menindee Lakes environment and also the communities that rely on it.
- (iv) It is unacceptable to destroy the Menindee Lakes environment, effectively reducing a storage and ecosystem that can hold up to 200GL under the guise of environmental savings to be used to improve the environment.
5. (i) That Broken Hill City Council asks that the Minister indefinitely delay the October date for reconfiguration of the Menindee Lakes System and that key stakeholders be given the opportunity to have input into a Menindee Lakes reconfiguration that benefits all.
- (ii) The proposed 106GL savings target needs to be withdrawn and replaced with a water savings figure that is identified by key stakeholders after accurate data is provided and community input engaged. The group needs to be supplied with up-to-date data that reflects current situations so any plan and savings identified are based on fact not political spin.
- (iii) This is an opportunity for you as the NSW Minister for Water to lead and create a truly community based approach to water saving within the Menindee Lakes that has the support of the community and protects the interests of NSW and an important environmental asset.
- (iv) Ensure the critical supply of water for the environment, cultural and human needs along the Darling at Menindee and within the Lower Darling/Anabranch system in dry or low flow years.
- (v) Provide for the critical human needs for towns cultural stock and domestic users and the needs of riparian land owners to be met before access to irrigation is allowed in the Barwon Darling and Northern tributaries.
- (vi) Determine critical flow triggers in the Barwon Darling and Lower Darling and storage volumes in the Menindee Lakes (minimum 2 years) that will ensure that the protection of the health of the river is made a priority before access to water for irrigation is allowed.

Climate Change

Climate change is already beginning to have an adverse impact on precipitation and the variability of rainfall in Australia, which was already subject to a high degree of uncertainty. Detailed analysis of climate predictions needs to be taken into consideration when construction new infrastructure. This is of greater importance during times of low rainfall, and climate change variability, as construction of larger dams will not solve supply longer term, however more importantly it can have even further devastating effects on water supply and flow on downstream communities and ecological systems as less water makes it down stream due to increased upstream storage systems.

Investing in rain independent water supplies as a primary water source as well as recharging natural aquifers and dams will help alleviate this challenge.

This submission also endorses Council's commitment to the people of Broken Hill who have stated that water security is a number one priority in the Broken Hill Community Strategic Plan 2033 (CSP). The Key Directions outlined in the CSP of Our Economy and Our Environment state that the community will advocate for secure a permanent clean, reliable and sustainable water supply for the area. It also endorses that action will be to secure the water supply in the Menindee Lakes system to provide protection to cultural and ecological interests and social and recreational opportunities for the City's residents and visitors to our region

The integrity of the water management in the Murray-Darling Basin is essential to the economic, social, cultural and spiritual health, wellbeing of our communities and to the ecological health of the nation and look forward to working collaboratively with all stakeholders to ensure the development of an effective fair policy framework.

Yours faithfully

DARRIEA TURLEY AM
MAYOR