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Comment on Referral 2020/8653: WaterNSW/Water Management and Use/Near
Cowra/New South Wales/Wyangala Dam Wall Raising

Introduction

The Inland Rivers Network (“IRN”) is a coalition of environment groups and individuals that has been advocating for healthy rivers, wetlands and groundwater in the Murray-Darling Basin since 1991.

IRN has strongly objected to new dams in NSW because of their extreme impacts on natural flows and water quality in river systems and on dependent threatened species, wetlands and Matters of National Environmental Significance (MNES).

The proposed raising of Wyangala Dam Wall to capture an additional 650 GL, a 53% increase in the size of this major water impoundment on the Lachlan River, has not yet been adequately assessed and will have greater impacts than those identified in the referral document.

The main justification for the proposed action is to increase annual average water extraction through General Security access licences by 21.05 GL per year. This is contrary to the objects of the Water Act 2007 (C’wlth) and of the Murray-Darling Basin Plan.

While the referral recognises that the proposed action is in the Murray-Darling Basin it fails to discuss the purpose of the Basin Plan and the required Lachlan Surface Water Resource Plan.

The Basin Plan was established to address over-extraction of water and declining environmental health in the Murray-Darling Basin. The Lachlan River is a major tributary of the NSW Southern Basin and contains significant environmental assets recognised in the Basin Plan. These important wetland systems are also recognised within international agreements for the protection and management of migratory bird habitats.

The diversion of an additional 650 GL of water in the Lachlan Valley will compromise the NSW and Commonwealth Governments obligations under international treaties.

Alternatives to impounding more water from the Lachlan River have not been provided in the referral when there are many ways of improving water security, at less cost to the environment and the public purse.

IRN considers that the referral document and attachments submitted for the Wyangala Dam Wall Raising Project are very limited in information and demonstrate a poorly considered project in regard to environmental and social impact.

IRN supports that the proposed action is assessed as a controlled action. The controlled action must include the assessment of impacts on migratory birds, including downstream wetland habitats.

We do not support that the proposed action is assessed using an accredited process under section 87(4) of the EPBC Act, where the Commonwealth accredits the assessment process under Division 5.2 of Part 5 of the EP&A Act.

Comments on the Referral:

1. Justification for proposed action

The description and justification for this proposed action is very poor.

The project has been unnecessarily listed within the NSW Water Supply (Critical Needs) Act 2019 under Schedule 3. However, no towns in the Lachlan area have been listed under Schedule 2 that require critical human needs to be addressed in the form of critical town or locality water supply development.

The largest population in the Lachlan catchment is in Forbes, 150 km downstream of Wyangala Dam, and that town water supply receives inflows from tributaries.

The Lachlan did not enter level 4 drought measures like numerous other rivers did in summer 2019-2020.

There is also no justification for the project to be listed as Critical State Significant Infrastructure for the purpose of the NSW assessment and approvals process.

The referral states that the Lachlan Valley is believed to have some of the lowest levels of water security and reliability in NSW in terms of regulated/licensed irrigation and urban water supply. There is no evidence provided to support this position of the project proponent, WaterNSW. Wyangala Dam has had better water security in the most recent drought than any of the Northern Basin storages.

The project will have social and environmental impacts for downstream stock and domestic licence holders, basic rights users and important environmental assets along the length of the Lachlan River system while further eroding river health.

A new or extended dam does not make new water, it removes it from downstream users, including the environment. This changes the shares, as agreed to in water sharing plans.

The referral fails to describe the water sharing plan framework under the NSW Water Management Act 2000. While there is reference to the Regulated Lachlan water sharing plan the proposal to increase storage by 53% will have a major impact on the rules within the plan and will cause a significant decrease in availability of planned environmental water.

The proposed action is also likely to impact on the effectiveness of the held environmental water managed by the Commonwealth Environmental Water Holder.

The justification for the project ignores the impacts of climate change and predicted lower rainfall and inflow patterns. Recent reports released by the Murray-Darling Basin Authority and the Interim Inspector General have noted a significant decrease in rainfall and runoff in the last 20 years. This is the reason for more intense droughts and higher evaporation rates.

The building of a new dam will exacerbate downstream environmental, cultural and social impacts caused by lower inflows and is not the correct response to climate change problems.

Water Sharing Plan rules for the Regulated Lachlan River does not recognise the most recent drought of record when making available water determinations. Therefore, this project will not result in the proposed outcome of providing a more secure water supply for industry. It will only result in using more water faster.

A more conservative and efficient approach to water use is required.

There are very good reasons why no new dams have been built in NSW since 1987. Mainly because we are now aware that dams and over extraction have caused an environmental disaster for the rivers of the Murray-Darling Basin.

The referral does not assess the impacts of the operation of the increased dam capacity through the Wyangala Dam Wall Raising project. Nor does it refer to the impacts of increased water impoundment on the downstream environment and requirements of threatened species.

The referral fails to include impacts on the nine Lachlan wetlands that are considered of national significance, particularly as waterbird habitat, important through their inclusion in the Directory of Important Wetlands in Australia.

Booligal Wetlands, Great Cumbung Swamp and Lachlan Swamp have been listed amongst the 18 key environmental assets in the Murray-Darling Basin for meeting Basin Plan targets.

IRN does not support this project being listed as Critical State Significant Infrastructure or included in the NSW Water Supply (Critical Needs) Act 2019. These processes allow for fast-tracked, unsatisfactory assessment of unacceptable environmental impacts.

The Commonwealth should therefore not accept the NSW assessment process as an adequate basis for the making of decisions required under the EPBC Act in relation to the proposed action's impacts on threatened species. The NSW environmental assessment requirements are unlikely to properly cover all the matters that should be assessed. The Commonwealth should specify its own requirements including in relation to assessing operation of the dam.

Details about the impact on biodiversity, the environment and cultural heritage are currently lacking.

It is inappropriate for this proposed action to be referred at such an early stage of the project development. The possibility of ongoing requests for variation under EPBC Act provisions, as proposed, will make it very difficult for the community to follow the planning and approval process and result in adhoc consideration of the impacts that could result in poor protection for the environment.

2. Consultation

There has been no consultation or contact with IRN in regard to this project. We are a Peak state-wide group representing environmental and regional interests in regard to water management in NSW. IRN is not recognised as a stakeholder in the Scoping Report at 7.1.1.

We consider that community consultation on this project has been very poor to date. Including poor consultation with Aboriginal traditional owners in regard to the likely significant impact on cultural values, such as burial sites.

3. Matters of national environmental significance (MNES)

3.1 Threatened native fish populations

This proposed action will have a significant impact on the critically endangered Silver Perch, endangered Macquarie Perch and vulnerable Murray Cod through additional loss of natural flow regimes that facilitate fish breeding. The loss of recruitment opportunities for these MNES must be assessed in the environmental impact assessment.

The increased storage and subsequent increase in river regulation will have a significant impact on these threatened native fish populations through loss of peak flows to maintain stream structure and habitats, and the lower average flows that will be an additional barrier to fish passage downstream. There is no evidence that this impact will be mitigated.

River regulation in the Lachlan has already caused a less variable flow regime and longer periods between flow events. This impact will be exacerbated by the proposed action. It will also be compounded by climate change and predicted lower rainfall and inflow patterns.

The impacts of changed hydrology downstream of the proposed action has not been adequately identified or assessed, particularly in regard to impacts on threatened fish populations as MNES.

Wyangala Dam has a severe problem with cold water pollution that does not appear to be addressed as a mitigation measure in the project referral.

3.2 Migratory Birds

The referral has identified the potential of 11 migratory bird species with 8 species having a moderate to high likelihood of being present in the area of the proposed action.

None of these species have been listed. There has been no on ground assessment undertaken.

The proposed action is likely to have a significant impact on migratory bird species due to changes in hydrology and loss of flows to the important downstream wetlands. These include Great Cumbung Swamp and the Booligal wetlands in the lower Lachlan valley and Lachlan Swamp in mid-catchment, key environmental assets of the Murray-Darling Basin.

There are nine Lachlan wetlands that are considered of national significance, particularly as waterbird habitat, important through their inclusion in the Directory of Important Wetlands in Australia. These wetlands are included in international agreements for the protection of migratory bird habitat.

The increased loss of natural flood flows to these wetland systems is likely to have a significant impact on migratory birds listed as MNES.

These include Glossy ibis, Latham's snipe, Sharp-tailed sandpiper, Eastern great egret and Common greenshank

IRN does not agree with the referral document at 5.2. There is a likelihood of significant impact on migratory species.

IRN considers that the assessment of impacts on migratory bird species must be undertaken as a controlled action.

4. Description of project area

4.1 The description of the hydrology of the project area fails to identify the downstream impacts of the proposed action in the form of reduced natural flows and reduced flood flows.

The referral fails to identify the high conservation value wetlands associated with the Lachlan River system and connectivity to the Southern basin in times of high flows.

Changes in hydrology that already occur through river regulation will be greatly exacerbated by the proposed action. These impacts must be assessed in regard to their impacts on MNES through changes in downstream river flows.

4.2 The description of the current condition of environment relevant to the project area is very poor.

The proposed additional inundation area for the proposed action is significant and will have multiple impacts on MNES, both terrestrial and aquatic.

The referred description also fails to mention that the Lachlan River and the impacted tributaries above the dam provide habitat for the critically endangered Silver Perch, endangered Macquarie Perch and vulnerable Murray Cod. There is no reference to the current condition of these water sources or the downstream riverine environment that will be impacted by loss of flows.

There is no reference to the cold water pollution caused by Wyangala Dam.

Very limited environmental assessment has been done, including limited on ground assessment.

4.3 It is of great concern that the proposed action will impact highly significant cultural heritage values, including burial sites. The cultural heritage assessment and consultation with traditional owners of the project area and lands downstream of the project area, as referred, is very poor.

4.4 The description of existing or proposed uses relevant to project area makes reference to the Regulated Lachlan Water Sharing Plan. However, the referral document fails to refer to the current rules in the Plan that requires water allocations to be made on lowest record of inflows prior to 2004. This rule is the key source of lack of water security in the Lachlan Valley. This rule allows water allocations to be made that ignore the most recent drought of record. The raising of Wyangala Dam wall will not improve water security while ever the rules for water sharing allow for reckless annual water allocations.

The referral fails to mention the Lachlan Surface Water Resource Plan and NSW Government commitments to the Murray-Darling Basin Plan to manage water extractions to the agreed Sustainable Diversion Limit (SDL) for the Lachlan River. There is no discussion of how an increase in access to General Security licenses through the proposed action will continue to meet the Lachlan SDL.

This section of the referral also fails to mention the water licenses held for environmental use by NSW and the Commonwealth Environmental Water Holder or how the proposed action will affect the usefulness of this held environmental water. This is particularly in regard to maintaining or improving the health of the significant wetland and migratory bird habitats in the Lachlan.

The proposed action will cause a decreased in planned environmental water which is contrary to the requirements of the Basin Plan

The impacts of changes in shares to the environment and resulting loss of river health have not been assessed.

5. Measures to avoid or reduce impacts

This section of the referral is very poorly completed. The requirement to describe measures to mitigate environmental impact is not met.

No measures are outlined to avoid or reduce impacts, such as cold water pollution from Wyangala Dam.

No information is provided in regard to measures to avoid or reduce impacts on MNES.

6. Conclusion on likelihood of significant impacts

IRN does not agree with the conclusion that there are unlikely to be significant impacts on migratory species. There is no assessment of the impact of changes in hydrology to downstream flows and migratory bird habitat through the capture of 650 GL of additional low, medium and high flows in the Lachlan River.

There is likely to be significant impacts on the important Lachlan wetland systems.

The proposed action will substantially modify (by altering hydrological cycles) an area of important habitat for a migratory species and could seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

7. Environmental record of proponent

Water NSW has demonstrated poor environmental management of past projects.

A legal requirement under the NSW Fisheries Act to construct three fish ways on weirs in the Macquarie River system (at Gin Gin, Gunningbar and Marebone), to offset the impact of upgrades to Burrendong Dam, have not been met even though the upgrades were completed in 2011.

Many WaterNSW water storages, including Wyangala Dam, cause unmitigated severe cold water pollution problems.

As managers of water releases from NSW storages, including orders for environmental purposes, WaterNSW have made poor decisions that have impacted on environmental outcomes.

For example, in the Macquarie River system in 2019, a decision to provide flows to habitat of breeding vulnerable Murray Cod was interrupted by WaterNSW deciding to stop held environmental flow releases with no consultation.

We also note that a previously referred dam project, the Augmentation and Safety Upgrade of the Chaffey Dam on the Peel River, required an approved offset plan as a measure to mitigate impacts on the endangered Booroolong Frog. The biodiversity offset plan has not been implemented, meanwhile the Booroolong Frog has declined to the point of local extinction.

This is further evidence that WaterNSW does not carry out conditions of approval in regard to mitigating impacts on MNES and is therefore a poor environmental manager.

8. References

The documents provided as reference sources are very preliminary documents with no comprehensive information on which to make a decision.

It is critical that the Commonwealth require rigorous assessment of the environmental impacts of the proposed action and that these requirements are clearly outlined for the assessment process.

9. Proposed alternatives

IRN does not support the WaterNSW position that there are no alternatives to the proposed action. No alternatives have been provided in the referral document.

There is no justification to include this project in the NSW Water Supply (Critical Needs) Act 2019. It will not be providing critical human needs.

The key purpose appears to be to increase General Security access by an average of 21.05 GL per year. This is an increase in water extraction and will cause a loss of planned environmental water, which is counter to the requirements of the Basin Plan.

The proposed action will impact on the critical needs of downstream water users and the environment in the mid to lower Lachlan.

Changes to rules in the Regulated Lachlan River Water Sharing Plan that determine annual water allocations from Wyangala Dam would help to secure critical human needs.

Alternatives should also include improved efficiency in water use, improved management and design of on-farm storages, and diversification of industry and crops in the region so that regional economies are not so heavily water dependent.

The environmental and public cost of the project will vastly outweigh any perceived benefits to a small portion of the population.

Yours sincerely



Anne Reeves
Hon Secretary