



I N L A N D
R I V E R S
N E T W O R K

PO Box 528, PYRMONT NSW 2009
ph 0428 817 282
email inlandriversnetwork@gmail.com
web inlandriversnetwork.org
ABN 34 373 750 383

Referrals Gateway
Department of the Environment and Energy
GPO Box 787
CANBERRA ACT 2601
epbc.comments@environment.gov.au

Tuesday 2 June, 2020

Comment on Referral 2020/8655: Water NSW/Water Management and Use/3.5 km downstream of the existing Dungowan Dam/New South Wales/Dungowan Dam Project

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 new 22.5 GL dam on Dungowan Creek, a tributary of the Peel River in the Namoi catchment has not yet been adequately assessed and is likely to have greater impacts than those identified in the referral document.

WaterNSW, the proponent, fails to identify that the Chaffey Dam on the Peel River was augmented in 2016 to hold 100 GL. The purpose of this additional water storage was to secure water supply for the Peel Valley and the City of Tamworth.

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 Namoi 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 Namoi is a highly connected tributary of the Barwon-Darling River and a major source of water connecting the Northern and Southern Basins through flows to Menindee Lakes.

The Namoi Surface Water Resource Plan has a requirement to meet a Sustainable Diversion Limit under the Basin Plan. This responsibility is not recognised in the referral document.

The proponent also fails to report that the Namoi Sustainable Diversion Limit has not yet been fully met, as was required by 30 June 2019. There is still 9.5 GL outstanding. The capture of 22.5 GL in the proposed Dungowan Dam will further erode the sustainable flows within and out of the Namoi.

Alternatives to impounding more water from the Peel 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 Dungowan Dam 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.

We do not support that the proposed action be 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 Dungowan Dam Project is specifically to provide Town Water Supply to Tamworth City when there are alternative means of achieving improved water security for critical human needs.

The project will impact access for downstream irrigators on Dungowan Creek and the Peel River while further eroding river health. A new dam does not make new water, it removes it from downstream users, including the environment. There is no new water to capture that is not already allocated to meet the needs of the irrigation industry in the valley.

The justification for the project ignores the fact that the newly augmented Chaffey Dam was full in 2016. Current rules in the Peel River Water Sharing Plan allocated all the water for irrigation use over a 2 year period. A more conservative approach to water management, including the use of the most recent lowest inflow records when making available water determinations, would improve water security for Tamworth City and all water users.

The referral fails to describe the water sharing plan framework under the NSW Water Management Act 2000.

The referral fails to mention that the increase in capacity of Chaffey Dam was in response to the drought conditions experienced between 2003 and 2008 and the flood events during 2010 and 2011. These same reasons are now being used to justify the Dungowan Dam Project.

The referral also fails to recognise the impacts of climate change.

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.

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

The capture of additional water in the Peel River catchment will result in reduced average flows that will increase the impacts of river regulation on downstream connected rivers.

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 a new dam and increased water impoundment on the downstream environment and requirements of threatened species.

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 environmental impact that are unacceptable.

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.

We also note, with concern, that the proponent has undertaken a number of self-assessed actions in the project area and that the EPBC approval for the proposed Chaffey Dam pipeline is still outstanding.

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.

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 and vulnerable Murray Cod through an additional major barrier to fish passage in the Northern Basin. There is no evidence in the referral document that this impact will be mitigated.

The increased storage and subsequent increase of river regulation will have a significant impact on the critically endangered Silver Perch and vulnerable Murray Cod 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. There is no evidence that this impact will be mitigated.

Reduced flows downstream of the proposed dam, and reduced water available for the connection to downstream rivers will significantly impact these threatened native fish. The impact of this changed hydrology has not been identified. No environmental offset would be able to compensate the loss of natural flows and no environmental offset is offered in this referral.

3.2 Migratory Birds

The referral has identified the potential of 11 migratory bird species with 2 species having a moderate 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 may have a significant impact on some migratory bird species due to changes in hydrology and capture of minor floods that may replenish billabongs and drought refugia downstream.

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 high level of connectivity of the Namoi River to the Barwon-Darling. Flows from the Namoi, particularly low flows during dry times, are important inflows into the Barwon-Darling to replenish water holes and drought refugia. The further impoundment 22.5 GL of water in Dungowan Creek will increase pressure on the entire water source and water sharing arrangements at the local, regional and Basin-wide levels.

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

The referral fails to describe that Dungowan Creek has a small forested catchment. Pine plantations and hardwood timber logging are the main land use. It was the clearing of the eucalypt forests for the pine plantations over 30 years ago that resulted in the erosion that compromised the current Dungowan Dam storage capacity. Logging of the pine plantation has just begun, there will likely be another erosion event that coincides with the logging and ploughing to plant the new plantation trees. These impacts have not been described or assessed.

The referred description also fails to mention that Dungowan Creek provides habitat for the critically endangered Silver Perch and vulnerable Murray Cod. There is no reference to the condition of Dungowan Creek and the downstream riverine environment that will be impacted by loss of flows.

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

4.3 The description of Indigenous heritage values is very limited because no on ground surveys have been conducted to verify the level of impact on cultural heritage.

4.4 The description of existing or proposed uses relevant to project area makes reference to the Namoi Water Sharing Plans. However, the referral document fails to refer to the current rules in the Regulated Peel River Water Sharing Plan that requires water allocations to be made on lowest record of inflows prior to 2010. This rule is the key source of lack of water security for Tamworth Town Water Supply from the augmented Chaffey Dam.

The referral fails to mention the Namoi Surface Water Resource Plan and NSW Government commitments to the Murray-Darling Basin Plan to manage water extractions to the agreed Sustainable Diversion Limit for the Namoi River.

This section of the referral also fails to mention that the NSW Natural Resources Commission has recently conducted a review of the Peel River Regulated Water Sharing Plan. Findings include that environmental flows are not protected by rules in the plan. There loss of additional water from Dungowan Creek will further decrease flows into the Peel River and downstream to the Namoi River.

These impacts 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.

While there is mention of the possibility of fish passage being included in the project design, no commitment is made and no description of the measure is provided.

No other measures are outlined to avoid or reduce impacts.

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 birds. There is no assessment of the impact of changes in hydrology to downstream flows and migratory bird habitat through the capture of 22.5 GL of low, medium and high flows in Dungowan Creek and loss of flows in connected downstream water sources.

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 after 9 years.

There is no certainty that impacts on the critically endangered Silver Perch and vulnerable Murray Cod will be mitigated through this project even if the construction of fish passage is a condition of approval.

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.

Tamworth City Council could consider effluent recycling as a cheaper and more efficient way of securing critical human needs than the cost of building a new dam. Also, the encouragement of household and industry rain water capture through local planning provisions would improve water security.

The public funding allocated to the proposed action would be better invested in providing rainwater tanks for households and developing best practice effluent recycling for domestic use in Tamworth.

Changes to rules in the Regulated Peel River Water Sharing Plan that determine annual water allocations from Chaffey Dam would also help to secure Tamworth critical human needs. The augmentation of Chaffey Dam to 100GL water supply should be sufficient to provide all water demand if shared more conservatively.

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.

Yours sincerely



Anne Reeves
Hon Secretary