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Monday 15 June, 2020

Comment on Referral 2020/8652: - Macquarie River Re-regulating Storage

Central West Environment Council (CWEC) is an umbrella organization representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

CWEC considers the construction of new dams and instream water storages to be extremely harmful to the rivers, floodplains, wetlands and aquifers of the Murray Darling Basin. We strongly support improved water management practices in NSW (over the construction of infrastructure projects) as being critical for a sustainable future, particularly in the context of climate change scenarios.

We welcome the opportunity to provide comment on Macquarie River re-regulating storage project 2020/8652.

Comments on the EPBC referral:

CWEC supports that this project is to be assessed as a controlled action, given the significant impacts to Matters of National Environmental Significance (MNES).

The controlled action must also be assessed for its significant impact on the Ramsar listed Macquarie Marshes and the 17 migratory bird species recorded in that habitat.

We support that the impact to listed species and threatened ecological communities will be significant.

Endangered Silver Perch, endangered Trout Cod and vulnerable Murray Cod will be significantly impacted by this project. Threatened ecological communities including red gums many hundreds of years old will be destroyed by the 30 km weir pool that would be created.

Changes to flow regimes and water quality would mean a loss of freshwater habitat. Murray Cod would lose spawning sites, recruitment areas would reduce, larval recruitment would be impacted as the eggs would sink in the large still weir pool.

While there is a fishway associated with the project, it is clear from the impacts listed in the referral that fish passage alone will not offset the impacts of this project to threatened populations of native fish.

There are also 9 species of birds, 5 species of mammals, and a reptile species listed for significant impact, although the species are not identified in the documents.

CWEC strongly disagrees with the statement that the impact on the ecological character of a Ramsar listed wetland and on migratory bird species will not be significant.

Wetlands – Australia has a legal obligation to protect the character of internationally significant Ramsar wetlands under the Commonwealth Water Act 2007, and the Murray Darling Basin Plan.

The deterioration of the internationally recognised Macquarie Marshes has been rapid over recent decades as extraction industries upstream have expanded and water management has become 'tighter'.

In 2013, the Wetlands and inner floodplains of the Macquarie Marshes were listed as an Endangered Ecological Community under the EPBC Act. While this listing was initially supported by government, subsequent political pressure saw the decision reversed.... In the early 1990s, an area of around 72,000 hectares of semi-permanent wetland vegetation was mapped in the Macquarie Marshes. More recent vegetation mapping indicates this area has declined since then, with a core of approximately 20,000 hectares present.¹

In 2009 the Commonwealth issued change of character notification Article 3.2 of the Ramsar convention. This change can best be described as a 'likely change' from a semi-permanent wetland system to an ephemeral wetland system in parts of the Ramsar site. From the report:

"The area receiving high inundation frequency in the Macquarie Marshes has declined during this time (1979 to 2006) by 57 per cent in the northern section of the

¹ <https://apo.org.au/sites/default/files/resource-files/2017/06/apo-nid92866-1235036.pdf>

Macquarie Marshes Nature Reserve and by 95per cent in the southern section of the Macquarie Marshes Nature Reserve".²

CWEC understands that since 2006, the reduction in flows has become greater.

Any further reduction in small flows and freshes in drier years would constitute a significant impact on the Ramsar wetland, and the assessment of impacts on Ramsar wetlands must be undertaken as a controlled action.

Migratory Birds – Any reduction or alteration to the flows into the Macquarie Marshes will have a significant impact on the vegetation communities that provide habitat for migratory birds, some of which are listed as threatened under the EPBC.

CWEC maintains that the assessment of impacts on migratory birds must be taken as a controlled action.

CWEC objects to the project being classified as a State Significant Project. "Projects can be classified as State significant infrastructure (SSI) if they are important to the State for economic, environmental or social reasons." This project will only be a financial benefit to a small section of the community; it will not be for the greater public good. This project will certainly be a detriment to the environment and the social amenity of the river.

The objectives of this project are to increase the volumes of water that can be made available to general security licence holders, thereby reducing the volumes that are currently available to the environment as Planned Environmental Water (PEW) as defined by the NSW Water Management Act 2000.

Although the referral document mentions that an objective of this project is to increase town water security, the project only affects general security water, not high security town water. We consider that removing more water from the river would actually put towns in the valley at higher risk of running out of water.

CWEC understands that some natural tributary flows that enter the Macquarie downstream of Burrendong dam are allocated and accounted for as dam releases by WaterNSW. We are concerned that, if this project goes ahead, unknown volumes of tributary inflows could be captured. Indeed, there is no other source for the 'extra' water that this project will provide for general security access.

There is a registered Aboriginal Heritage site 20 km from the proposed project that will be inundated by the weir pool. We are disturbed by a statement made by WaterNSW that 'similar sites are likely to exist at other locations along the river and across the landscape', as if that would excuse the destruction of this site.

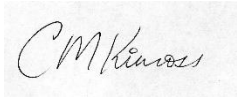
² <http://www.environment.gov.au/water/topics/wetlands/database/pubs/28-statement-of-reasons-3-2-notification-20100204.pdf>

WaterNSW has shown over the years that it does not prioritise environmental management. There has been a legal requirement for WaterNSW to construct fish passage at Gin Gin and two other sites on the Macquarie since 2011 – citing costs, it has failed to deliver, proving that providing fish passage is not its motivation.

Promises made at the time of the Macquarie to Orange pipeline that the cease to pump trigger would not fall below 108 megalitres a day were broken last year, pumping is now allowed when flows in the Macquarie are as low as 38 megalitres a day, when the river is all but a series of pools.

CWEC is supportive of the proposed alternative to the project provided in the referral, that the existing Gin Gin weir be replaced where it is, without a re-regulating structure. Although not mentioned in the referral, the rebuilt weir must have a fishway constructed, as has been the legal requirement for that site since 2011.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cilla Kinross', is placed on a light grey rectangular background.

Cilla Kinross
President