

Hon P Koperberg MP
Minister for Climate Change Environment and Water
Parliament House
Macquarie St
Sydney 2000

Dear Minister

Subject: Proposal by Malcolm Turnbull MP to Dam the Oxley River

I represent the Save the Caldera Rivers Campaign Committee, a community representative group based in the Caldera vicinity of the Oxley and Tweed Rivers near Murwillumbah, Northern NSW.

Federal Water Minister Mr Turnbull issued a press release on 12 April 2007 stating that he considered a dam on the Oxley River at Rocky Cutting to be a "promising option" as a means to provide water to South East Queensland (SEQld). Mr Turnbull based his view on a Snowy Mountains Electricity Commission's (SMEC) Report, a project he had commissioned. You would be aware that the Senate Committee on Rural and Regional Affairs and Transport (RRAT) is currently holding hearings into the question of water shortages in SEQld. Apparently Mr Turnbull has broadened the terms of reference of that Committee to include damming the Oxley as a 'reasonable option'.

Our Committee has lodged the attached submission to that RRAT Committee Inquiry. However, it is our view that no submission was necessary because the damming of the Oxley does not meet the Inquiry's 'reasonable options' terms of reference.

Needless to say, all residents of this area and many other concerned citizens are extremely troubled and distressed by Mr Turnbull's ill-considered suggestion. Residents have no doubt that to achieve Mr Turnbull's objectives, virtually all homes and farms above the dam, up to and including the village of Tyalgum would have to be resumed by the Government. The immediate concern is the stress that has been inflicted on residents in this area. The uncertainty as to the future of the area is causing severe distress and already it has created hardship for some people. Property sales and purchases, home renovations, business developments, tourism investments and retirement plans have been thrown into turmoil by Mr Turnbull's suggestions. Banks are now questioning the viability of loans for anything in the area and insurance companies are already asking questions about new policies. These are the adverse personal, social and economic impacts to date.

However from a regional, state, national and international perspective there are other disturbing matters to be considered.

The Oxley River is a national and international treasure. It has been inscribed in the World Heritage list as having a biodiversity equal to Kakadu National Park. The praises of this unique area are found in volumes of documents both in Australia and internationally. Both the Federal and State Governments have extensive preservation orders/provisions relating to flora and fauna in the area. In particular there are some of Australia's rarest and most endangered stands of particular trees at the precise point at which the dam would be located. The adverse wildlife and nature issues that would arise from the building of such a dam are immeasurable.

It is a fact that a dam on the Oxley is not a logical, effective or efficient means to solve SEQld water shortage problem. There are a multitude of other effective and efficient short and long term solutions available. Damming the Oxley would simply never become a 'reasonable option'. If all the other options were applied but failed to provide water to SEQld and water was still needed from NSW, then a simple pipeline from the Tweed River at Brays Creek weir would be the best and most effective solution.

Though Mr Turnbull had raised this matter at a Federal level, the building of any such dam is a matter for the sole discretion of the NSW Government.

Therefore it is of mounting concern to the members and supporters of our Campaign that your Government has been completely silent on this issue. Electors in Northern NSW are suffering a severe and unnecessary disturbance, yet your Government has offered no reassurances that you will act in their interests. We believe you are beholden to provide the electors in this area with timely and pertinent advice in relation to this matter.

Therefore we request that you provide clear and unambiguous advice as to whether the NSW Government supports or opposes the proposal to dam the Oxley River at Rocky Cutting on the Murwillumbah to Tyalgum Road. It would also be helpful if you would also clearly state your views on damming other northern NSW rivers for the purpose of providing water to SEQld.

Our Committee requests that you provide advice as to whether your Department lodged a submission or made representations to the Senate Inquiry. If there was a written submission may we please have a copy of same? If no submission was made, we request advice as to why no submission was considered necessary.

To help us understand some related water management issues we request you provide advice on the following matters.

- a) Has the Federal Government requested the NSW Government cede all its powers over river water to the Federal Government? Alternatively, is the Federal Government only seeking the NSW State (water) powers relating to the Murray/Darling river system? Has the NSW Government formally agreed to any request to cede river water powers to the Federal Government and if so where may we obtain information about that agreement?
- b) If the NSW Government ceded river water powers to the Commonwealth, is or would that arrangement be temporary or permanent and is there or would there be an option to withdraw from that arrangement if the interests of NSW citizens were adversely affected?
- c) Does the NSW Government have constitutional powers to cede an asset of the State (i.e. river water) to the Commonwealth without a referendum on the subject?
- d) Since December 2006, has there been an application received by Government or is there an intention of Government to alter the existing land use zoning arrangements anywhere along the Oxley River? If there has been, or if there is an intention to change to any zoning arrangement in that area, please provide the details of those changes.

Though these issues and questions are fairly extensive and may be complex, they are vital to the people of this area. Had they been addressed by your Government in a timely fashion then our anxiety to receive a Government statement on the matter would not be so imperative. However given the absence of any Governmental advice we now request that you urgently address the above issues and provide answers to the questions raised above.

To avoid further harm and distress to the electors of this area we expect your department to provide a speedy response to this communication even if it is simply a preliminary statement setting out the general policy of your Government in relation to this issue.

Given the urgency of this matter we request that you confirm receipt of this letter by phone or email to the contact details provided below. A copy of this email will be sent as a letter shortly.

Yours sincerely

Peter Bennett

Chairman

Save the Caldera Rivers Campaign Committee

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The Hon M Turnbull MP
Minister for the Environment and Water Resources
Parliament House
Canberra ACT 2600

and

The Hon M Turnbull MP
PO Box 1840,
Bondi Junction NSW 1355

Dear Minister

Damming the Oxley River – an illogical, inefficient and ineffective plan.

I represent the Save the Caldera Rivers Campaign Committee, a community representative group based in the Caldera vicinity of the Oxley and Tweed Rivers near Murwillumbah, Northern NSW.

We are writing to you as the relevant representative of your Government to ask that you immediately and unreservedly revoke your proposition to dam the Oxley River. And furthermore, that the proposition should no longer be considered either “a promising” or “a reasonable option” to resolve water shortages in South East Queensland (SEQld).

In this letter I refer to your 12 April 2007 press release and parliamentary statements in which you expressed the view that a dam on the Oxley River was a “promising option”. I also refer to the superficial report you commissioned by the Snowy Mountains Electricity Commission (SMEC) in which it is suggested that a dam on the Oxley was a preferred option. Lastly I refer to the Senate Rural and Regional Affairs and Transport Committee Inquiry into Additional Water Supplies for South East Queensland - Traveston Crossing Dam which is considering ‘reasonable options’ to provide water to SEQld. As part of that inquiry, a dam on the Oxley River is being considered.

Your press release specifically raised the prospect of supplying water to SEQld from the Northern Rivers catchment. Before that release, the Senate Committee enquiries were focussing on resolving the water supply problems of SEQld within Queensland.

Your press release has caused severe distress to many people in this area not simply for the immediate threat it places on our lives, our community or the immediate environment but that you did so with no regard for those likely to be significantly harmed by such a proposal. The fact that they had no warning or opportunity to give advice as to the folly of such a proposal has only added to the bitterness and frustration your press release has generated.

The people of our Community are good Australian citizens. Our community does not oppose assisting other Australians who are in dire need of water. However before this community is destroyed and the nation loses its World Heritage Caldera asset we believe all other options and means to resolve SEQld’s water shortage must be tried. There are very many tried and tested alternative means to provide water to SEQld. Therefore until and unless those options are thoroughly exhausted, then any proposal to dam any north coast river and the Oxley in particular, remains neither “reasonable” nor “promising”.

Under these present circumstances, it is our widely held view that your proposition is completely illogical, ineffective and inefficient and it will never achieve your suggested water

supply goals. The flow and levels of water predicted from such a dam are totally unrealistic. If a dam became a reality, the harm that would ensue to the Oxley River environs would be immeasurable in terms of social impact and it would mean the destruction of extensive endangered natural treasures

In Parliament, you railed against Justine Elliot MP for the concerns she expressed about your "promising options". You stated that she "perfectly personifies the antiquated, selfish attitudes to water...". You are wrong. Ms Elliot expressed concern for the ill-considered way this matter was raised and the harm it has caused already. Presumably you consider the citizens in this electorate to be similarly antiquated and selfish for pointing out the foolishness of this proposal and for objecting to the frivolous and indifferent way they have been treated.

To achieve the water supply goals you have implied, virtually all homes and farms above the dam, up to and including the village of Tyalgum would have to be resumed by the Government. This explains our immediate concern for the stress that has been inflicted on residents in this area. The uncertainty as to the future of the area is causing severe distress and it has already created hardship for some people. Property sales and purchases, home renovations, business developments, tourism investments and retirement plans have been thrown into turmoil by your proposition. Banks are now questioning the viability of loans for anything in the area and insurance companies are already asking questions about new policies. These are some of the adverse personal, social and economic impacts to date.

The Oxley River is a national and international treasure. It has been inscribed in the World Heritage list as having a biodiversity equal to Kakadu National Park. The praises of this unique area are found in volumes of documents both in Australia and internationally. Both the Federal and State Governments have extensive preservation orders/provisions relating to flora and fauna in the area. In particular there are some of Australia's rarest and most endangered stands of particular trees at the precise point at which the dam would be located. The adverse wildlife and nature issues that would arise from the building of such a dam are immeasurable.

Your proposition to build a dam on the Oxley as a means to provide water to SEQId is ill-considered at best. The proposal shows ignorance of significant factors or indifference to the harm that such a dam would cause. The proposal is based on seriously flawed data and a completely deficient cost benefit analysis. To have floated your proposition on such a faulty basis, aimed at ends which are clearly unachievable, was inexcusable and completely irresponsible. Even the most cursory investigation of the broad damage your proposal would cause should have been sufficient grounds for you to discard an Oxley dam as a viable option particularly given the numerous alternative solutions available.

We have made a submission to the aforementioned Senate Committee. We note that the Committee's terms of reference refer to "reasonable options". It is our view that a dam on the Oxley is not a reasonable option and therefore it should not be considered to fall within the inquiry's terms of reference.

We know that the Federal Government has no constitutional powers to assume control of state rivers and waters (save some irrelevant provisions under the Constitution Act, s100). Nonetheless we accept that the Federal Parliament has a national responsibility to consider and advise on issues such as critical water shortages. However the fundamental problem that should be addressed by Governments is the unsustainable development of urban areas without any regard for the infrastructure necessary to sustain such unbridled developments.

Large dams on drying rivers are not an effective solution to the problem of drought prone growing urban areas. Dams are now being universally condemned for the eventual harm they cause to the environment. Other more effective and efficient and dare I say, more environmentally sustainable solutions are available and it is those issues into which the Federal Government should be inquiring.

We believe that the arguments expressed above are sufficient grounds for you to rescind your view that an Oxley dam is a promising option to solve the SEQld water shortage. We ask you to make a public statement that new Tweed catchment dams and the Oxley dam in particular are not viable options for consideration as a means to solve SEQld's water shortage.

We are planning the first in a series of anti dam rallies in August and rolling media blitzes from this point onward until we are advised by you or your Government that the Oxley dam is no longer a "promising option" or under consideration. Therefore we ask you to acknowledge this communication upon receipt and urge you to notify us on or before 5th July 2007 that a public statement will or has been issued advising that the Oxley dam proposal is dropped and is no longer under consideration.

In the absence of such advice we will assume that you continue to support and are seeking to dam the Oxley River by whatever means. We will then proceed on that understanding.

We thank you for your consideration of this matter and look forward to a speedy and unambiguous response.

Yours sincerely

Peter Bennett
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