

PROOF VERSION ONLY

CLOSED PROCEEDINGS

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the management, governance and use of environmental water

Kerang — 13 October 2017

Members

Mr Josh Bull — Chair

Mr Simon Ramsay — Deputy Chair

Ms Bronwyn Halfpenny

Mr Luke O’Sullivan

Mr Tim Richardson

Mr Richard Riordan

Mr Daniel Young

Witnesses

Mr Norman Condely,

Mr Peter Condely,

Mr Stephen English,

Mr John Pike, and

Ms Shelley Ritchie.

**Necessary corrections to be notified to
executive officer of committee**

The CHAIR — Welcome to the closed hearing of the Environment, Natural Resources and Regional Development Committee’s public hearing in relation to the inquiry into the management, governance and use of environmental water. The committee is hearing evidence today in relation to the inquiry into the management, governance and use of environmental water, and evidence is being recorded. Although this hearing is closed to the public, a transcript of today’s hearing will be made public and published on the committee’s website after the event. You will be provided with a proof version of the transcript before publication. All evidence taken today is protected by parliamentary privilege. Therefore you are protected for what you say here today. However, if you go outside and repeat the same things, those comments may not be protected by this privilege.

I will invite one of you to make a brief opening statement, which will be followed by questions from committee members. What we will do first is go down the line — Stephen, starting with you — to introduce yourself and your role.

Mr ENGLISH — Steve English from Lake Meran.

Mr PIKE — John Pike. I also reside at Lake Meran. I am a farmer.

Ms RITCHIE — Shelley Ritchie. I am a farmer and live on Lake Meran.

Mr P. CONDELY — Peter Condely, property owner on the west side of Lake Meran.

Mr N. CONDELY — Norman Condely, farmer, Lake Meran.

The CHAIR — I now hand over to you to make an opening statement.

Mr PIKE — Thank you for the opportunity to present evidence of our area to this committee today. My tenancy in the area has only been since 2003. We bought the farm, and we were made quite welcome by the lake community, if I can refer to it as that. We soon became aware of the high value that this lake community held their Lake Meran in. If you compare Lake Meran to a lot of other lakes around the area, it has a very picturesque advantage, you would say. There are big red gums all around it and a lot of other natural bushland as well. As concerns for the lake became more acute after the filling — when the 2011 flood filled it — a Lake Meran irrigators group was formed, more for the purpose of talking to public authorities relating to issues about it. My observation then was most of these families have been here — around the lake — over 100 years and the land that we bought was basically the only land that changed tenancy in that time. I found, as I got educated by the local families, that their knowledge and their appreciation of what has worked well with Lake Meran historically has got very high credibility, and I would encourage you to take that into account in the things that are said.

Historically, blackwater events of the magnitude of the January 2017 event at Lake Meran were not known under previous management practices. We believe that mismanagement of water levels under new practices has allowed excessive vegetation growth which, when inundated with floodwater, subsequently decomposed over the following months causing major deoxygenation during hotter weather. Refusal to respond to repeated requests for findings of the investigations into the events seems to show a total lack of accountability of authorities involved. This would appear as a defence of a highly flawed plan and questionable management practices.

We ask that an immediate review of the current environmental board of management plan for the Meran Lakes complex be undertaken; that, as per the current plan, adaptive management practices be applied, with greater consideration being given to historic local knowledge and management; and also that a renewed focus on those great environmental outcomes that can be achieved with higher lake levels in the southern basin be implemented. That is the result of us putting things together at meetings.

Mr ENGLISH — If I could just say something. The nature of our presentation, and one of the reasons why we have asked for a closed hearing today, requires perhaps you guys to come and actually observe some plans and photographs. If that is possible, it would be very much appreciated.

The CHAIR — So you have brought the plans in with you.

Mr ENGLISH — Yes. To explain our concern in relation to the North Central Catchment Management Authority’s future plan for Lake Meran, and something that is already in current practice because they are

already aiming at these very low lake levels which allow this vegetation to grow, we would like the ability to show you on a plan what we are talking about and how that allows this vegetation to grow.

The CHAIR — Are the committee members happy, if Stephen wants to come forward with the maps and the plans, to have a look at what is before us?

Mr RAMSAY — Yes.

Mr ENGLISH — In relation to the ask and what we are trying to achieve here today, there are really three components. We want an immediate review of the plan, and the reasons are that in this red area here are the new proposed target levels by the North Central Catchment Management Authority. That is what they proposed for the lake into the future. These target levels are already in place. So what happened was the lake was getting drawn down very low, which allowed this stuff to grow. This is called knotweed. There are also other types of vegetation that grew in the bed of the lake, but the dominant species was this stuff, knotweed, which grows in this area here and in this area here. If the lake was not allowed to get so low, then obviously that would not have grown. In the event of a flood, which happened in the spring of 2016, floodwater moved into the southern end of the lake, inundated all this vegetation and it became submerged and then several months later — what is it, guys, about two or three months later?

Mr N. CONDELY — Three months roughly.

Mr ENGLISH — All the fish floated to the top. Now the catchment management authority would have you believe that the blackwater event was due to the floodwater that entered the lake in the spring, but one observation that the local people made was that areas in the southern basins had a much more Coca-Cola-looking colour in the water, whereas the northern basin here had more like a tea colour, and it stood out. We are very confident that this difference in the shade and the colour of the water relates to that volume of vegetation that was growing in these southern basins.

Mr O'SULLIVAN — Where were the majority of the fish when they came to the surface? Some of the photos show thousands of fish. Where were they? Were they mainly in that southern part?

Mr ENGLISH — Mainly in this southern area, and we could also see them floating up and around here. They eventually did mix right through the whole lake. But there was a lot of wind, and I imagine the fish that floated to the top would have got dispersed around the lake.

The CHAIR — What time frame was that over?

Mr ENGLISH — When was the finish of the flood?

Mr N. CONDELY — There were two floods — the end of September and the start of October. That is when the flood occurred. It was three months after that that this record event took place.

Mr ENGLISH — So the fish kill itself happened on 8 January. There is a big window of time between the flood event itself and the fish kill. That in itself is solid evidence that they are on the wrong track with this theory. With the Wakool River and the Edward River, the flood events coincided with the fish kill. They were much more interrelated, whereas here we have a delayed period where the fish died on the first warm weekend. We understand that to have a blackwater event you need vegetation and warm conditions, and shallow water in the southern basins is perfect for triggering a blackwater event.

Mr RIORDAN — What is the rationale when you lower the level? What is the rationale?

Mr ENGLISH — Well, we think it has got a lot to do with water politics and the desire to achieve local management rules on irrigation diversion licences. I know that there is reference of barriers to environmental water. We think this is a classic example of a barrier. This has been a seven-year saga for us in relation to the irrigation diversion licences. I will just show you. In this plan here — this is the 2010 plan — this target level is 79.5 and filled wetland is 82. It says it allowed water levels to recede to approximately 79.5 and maintain inundation at least nine years in 10. Since this plan the irrigators around Lake Meran have dug their heels in, and we have said no to their attempts to impose restrictions on our access to irrigate. That has resulted in the new Lake Meran environmental water plan 2016.

Mr RIORDAN — So less water in this means less water available for nearby irrigation?

Mr ENGLISH — Basically they use this document as a mechanism or a component to apply restrictions to our diversion licences, but because we successfully opposed these restrictions — which was by the way a 1 metre below full trigger level. So once the lake dropped below 1 metre from full, we would have ceased to irrigate. It totally rendered the irrigation licences worthless. So we dug in our heels. We were successful with that fight. Gavin Hanlon, who at the time was the managing director, contacted me and said, ‘Steve, the trigger level has been removed and we are going to go through a process to revise the plan’. That is the new 2016 plan. What happened was they brought out this document, which we were supposedly part of the process to create it. There was a committee formed, a group called CAG, the community advisory group. We were taken through a process. It was like we were sitting on a bus and the catchment management authority were reaching over and holding the steering wheel, which resulted in this document, which stripped the water which was under the old 2010 plan away from the lake, to now the new 2016 plan.

There is such a big difference in the ecological components between two plans. How can ecologists have such varied thinking that they go from that old plan to this new one? We think it is quite obvious that it is just totally in relation to a bunch of farmers who have dug in their heels and said, ‘No, you are not going to do this to our irrigation licences’. I know that the focus of today is to talk about environmental water and environmental issues, but we think that that is one barrier.

The CHAIR — We might stop there. Take a seat, and we will hit you with a few more questions.

Mr ENGLISH — Can I just quickly say that the other part of our ask is for a renewed focus on the greater environmental outcomes. What this plan here does not acknowledge is this southern basin area. This is a pelican refuge, not to mention all the other species. Shellie has put together a terrific amount of photos that display the environmental benefits in this area and the great potential environmental outcomes that have just been totally ignored with the catchment management authority’s current plan. We have drawn this green line on this bathymetric plan where we think the target levels should be maintained, which will then have that flow-on effect into these environmental areas.

The CHAIR — That is fine. Thank you for that. I will ask the first question. I am just going to ask the one, given that you have just presented a very detailed brief for committee members. You mentioned the community action group — the CAG?

Mr ENGLISH — The community advisory group.

The CHAIR — The community advisory group — my apologies. Can you indicate to me where that is at, how often you get together and how you then feed into the CMA in terms of some of these proposals that you are putting up?

Mr ENGLISH — I would like to invite Norm Condely to help me out here a bit, but basically the process to develop this document is finished. It was signed off.

Mr YOUNG — Could you just read the name of the document so we have got it on the record?

Mr ENGLISH — The *Meran Lakes Complex Environmental Watering Management Plan*. In the front of it it says the date accepted was 26 July 2016. On 26 July 2016 we hand-delivered a letter of rejection of the document. Perhaps if I hand it over to Norm, he can fill you in a bit more about it, but that letter of rejection, I think, was signed by 13 community members of Lake Meran — basically the people who live around the lake.

The CHAIR — Norm, do you want to make any comment?

Mr N. CONDELY — Yes. We rejected it. One major part of why it was rejected was they did a review of that 2010 plan because it did not address salinity. They had the GHD company do this Meran Lakes complex salt and water balance investigation report. They did this report. We were given this one week before the final meeting with the catchment management authority in making that EWMP — the determination of that plan. In this they did a flood study — what is the word?

Mr PIKE — Flood record, flood report.

Mr N. CONDELY — Model floods, we will say. The model floods they did were completely different to the actual floods that we had told them about. In one space over 23 years they claimed there were 18 spills from the lake when in actual fact there were only seven. How they did this? They took measurements of floodwater coming through the Loddon Weir at Fernyhurst, which is 30 miles away as the crow flies from Lake Meran. In one particular year, 1974, they claimed that of the 114 000 megalitres of floodwater that left the Loddon Weir — and understand that the Loddon Weir is on the Loddon; between the Loddon Weir and Lake Meran there is not only the Loddon River going along but different tributaries — 113 000 megalitres went into Lake Meran, which has got a storage capacity of 6700 megalitres. They then claimed that 114 000 megalitres of water spilled from Lake Meran through the floodway structure. The floodway structure has a capacity of 370 megalitres a day. It would take 300 days, in a controlled fashion, for 114 000 megalitres of water to go through that structure. This was then scrapped.

By the way, 35 experts and scientists did not recognise that that was completely flawed, the way they had done it — modelling floods. They scrapped this. This was supposed to be the salt and water balance for Lake Meran. We had the last meeting. That was scrapped. We did not have any more meetings with them; we had a bit of correspondence. They just went ahead with that low level. This was designed — the model floods — to show that the lake would flood and spill to lower lakes from any level of the lake. It turned out there were two floods back in September–October 2016. Only 700 megalitres went into two small lakes with the spill. There are another two lakes which hold 3700 megalitres, roughly. This is about this Lake Meran complex, which includes not only Lake Meran but the lower lakes too. They finished up making that environmental water management plan with no salt balance and with no water balance. They just went ahead and did it, without any further consultation with the community advisory group.

Mr O’SULLIVAN — Thank you for your presentation. It has been quite interesting, and there are 1000 questions. We have not got a chance to get across them all today, but one of the questions that I want to ask is just following up from having a look at the map with the plan in terms of where the North Central Catchment Management Authority wants to go. What is their thinking between having the lower level in the lake, which obviously has a lower environmental benefit, against having a higher level, which takes in that southern part of the lake which would give a lot more environmental benefits?

Mr ENGLISH — Great question. We just do not understand it, other than trying to strip water away from, possibly, irrigation access. Environmentally it is terrible, it is appalling. In the plan it clearly states that what they are trying to achieve is red gums growing around the verge, so that is a band of red gums that grow around that red area on the bathymetric plan. We call this mini Kakadu down here, but that has been totally ignored, and the rookery that exists for these birds has just been totally left out. There is a short period of time where water would be in that area from when they fill it, but the water soon will draw down. Their intention is that for over half of the watering regime period the lake would be at this level — in this red zone.

My property is to the north of Lake Meran, and on my property we have got Tobacco Lake, Round Lake and Spectacle Lakes. It is just one of the most incredible spectacles to witness the thermalling pelicans that go back and forth between this southern basin and Round Lake and Tobacco Lake. That was happening just recently, earlier this year, after the lake had filled from the spring of 2016. Once that southern basin disappears, so will the pelicans. Perhaps you will see a few pelicans cruising around, but when that rookery is available to them they are there.

Mr O’SULLIVAN — What is the amount of water that it would take to have it at the higher level?

Mr ENGLISH — I am not too sure.

Mr N. CONDELY — Six thousand?

Mr ENGLISH — It is possibly about 5000 or 6000 megalitres, but what we would like the CMA to consider is rather than have a lake fluctuating down here, have it fluctuating up here. It is a little bit like the fuel tank on your car: you are either between a quarter and a half or you could be a half to three-quarters, but it is still the same amount of fuel. A lake is a bit different, because it is tapering up like this.

This has been another problem right through this whole saga with our diversion licences. We have always pointed out a better environmental argument than what they have, and that is totally relevant to what Norm was talking about in relation to salinity. When we pointed out the absolutely flawed data that is in that document and

we showed them that we do have a serious point and concern in relation to salinity, and we were able to back it up with good data and good figures, it seems that in their wisdom they have just decided, 'Oh well, we'll just kind of push this document over to the side and we'll ignore that'. So now they are not really very focused on applying salinity as a major concern. Right through this whole process, over a period of about six years, we continually pointed out shortfalls, for example, in salinity and environmental outcomes, as I have pointed out, on this plan, and yet they just keep pressing ahead with a highly unattractive plan. We are at a point where we really just do not know where to go any more other than stuff like this. It is great that we have got an opportunity to speak.

Mr YOUNG — Thank you very much for coming in. It has been pretty informative on that specific issue. I guess you have identified all of the problems and things that you think are issues. Where do we go from here? What would you see us actually doing about this? What are we going to fix?

Mr ENGLISH — What we would like is an immediate review of the current environmental watering management plan for the Meran Lakes Complex to be undertaken and, as for the current plan, for adaptive management practices to be applied with greater consideration given to historic local knowledge and management and also for a renewed focus on those great environmental outcomes that can be achieved with higher lake levels in the southern basin to be implemented. Really the crux of it is: we want to see some water for the lake, because since this plan came out — the 2010 environmental watering plan — the water has been just totally stripped away from the lake and it is going to turn it into high-sided swamp. It is really bad. Getting back onto the black water issue, we find it quite remarkable that we see the catchment management authority and we even see the water minister, Lisa Neville — I would challenge them: how can they say that the dead fish have nothing to do with the knotweed? — saying, or they will try to say, that decomposing submerged vegetation that went underwater had absolutely zero effect on the lake and its oxygen levels and the resulting dying fish. It is blatant.

Mr YOUNG — Do you want that review to be done by the CMA again, or do you want to see someone independent of them reviewing it?

Mr ENGLISH — I am almost wondering whether we need an independent inquiry into that black water event, but that is something that is outside the group as far as our group goes here. Yes, we would like the CMA to review the plan, because the evidence is compelling — the evidence is there. The time frame between when the flood took place and when the fish died was quite large, so we have some serious doubts about the connection. Put it this way: the fish were quite happily swimming in the floodwater a couple weeks after the flood event — quite happily swimming in that water. It was only when the first hot weekend came along that it was triggered. I am not saying that organic matter in the floodwater had no contributing effect, but what I am saying is: how can they say that the knotweed being submerged under the water had zero contributing effect? It is just a nonsense.

Mr PIKE — This was three months later — the fish dying.

Mr ENGLISH — And again that black Coca-Cola-looking water, where this stuff was growing, was in these southern basins. It was a different colour to the water in the northern basin.

Mr RIORDAN — My concern in a lot of this is that in the shift towards a greater focus on environmental water the promise of tourism and other opportunities is often touted, and my concern is how well that is backed up. Reading your local tourism brochure here, the Kerang, Cohuna, Koondrook tourist guide, it proudly states about Lake Meran that:

Lake Meran is a popular place over summer for camping, swimming, water skiing or simply relaxing in the lovely natural surrounds —

which sounds very enticing. As a guy who grew up on a lake, I am a great lover of lakes. So my question is: would that statement with this new, changed water plan still hold true and, with the promise of greater tourism and visitor numbers in this area, would the current CMA plan destroy that and force Lake Meran out of a wonderful little brochure?

Mr PIKE — To answer that, historically people came to Lake Meran from all around the district before the millennium drought. It was a good place for fishing and a good place for recreation. Then the millennium drought came along, it dried out and there were no tourists. It filled again in 2011. There were something like

70 campsites — the person who knows the numbers is not here. It was very popular over Christmas. Even lately when the water level receded before the 2016 fill, there were many less campers.

Mr RIORDAN — But the question is the new heights.

Mr ENGLISH — No, the proposed levels do absolutely nothing to acknowledge that recreational value — that social and economic value that Lake Meran can bring to the community. With the proposed target lake levels, basically the diving tower that people use would be out of the water about three years in five. It is only usable one year in five. Actually it would only briefly be usable. It would get dangerous to use it. I do not know how well you guys can see this — it is an NCCMA watering regime hydrograph. By the way, it is taken out of their plan. These are the target levels that they are aiming at, but the tower is out of the water at 79.3 and for the overwhelming majority of time, much greater. This is a five-year period. You can see that for perhaps three years the tower would be out of the water and for probably four years that the tower would be unsafe to use. So getting back to your point, it is just quite obvious that with higher lake levels you are going to also acknowledge that social and economic community.

Mr RIORDAN — So the diving platform might join some of the dairy farms as being relics of the past under this watering system.

Mr ENGLISH — Yes.

The CHAIR — You can take that more as a comment than a question. I thank you all for your time today, for your detailed presentation and for answering questions from committee members.

Witnesses withdrew.