



**Date:** Monday, 25 March 2024  
**Time:** 9.15am  
**Location:** Bourke Shire Council  
29 Mitchell Street Bourke NSW

# **BUSINESS PAPER**

## **Late Reports**

### **Ordinary Council Meeting**

**25 March 2024**

**Leonie Brown**  
**General Manager**

**Statement of ethical obligations**

In accordance with Councils adopted Code of Meeting Practice (Clause 3.23), Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

**Order Of Business**

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## 7 MAYORAL MINUTE

### 7.1 \*\*\* MAYORAL MINUTE - FISH PASSAGE - RECONNECTING THE NORTHERN BASIN

**File Number:** A3.8, W2.1, W3.1, W3.3

**Author:** Barry Hollman, Mayor

**Authoriser:** Barry Hollman, Mayor

**Attachments:** Nil

#### Background

Australian native fish migrate along inland rivers to spawn, find food and shelter, as well as to avoid threats such as drying habitats. The Barwon-Darling and Border Rivers are the main fish migration pathways in the Northern Basin of the wider Murray Darling Basin. As part of the Northern Basin Toolkit, and through the “Fish Passage: Reconnecting the Northern Basin Project,” the NSW Department of Climate Change, Energy, the Environment and Water (DCCEW) is seeking to improve connectivity across the northern basin and deliver ecological outcomes by reinstating the movement and abundance of migratory native species.

Funded to the amount of \$56.8m by the Australian Government under the Murray-Darling Basin Plan, DCCEW has developed a major infrastructure program to deliver the reconnection project in partnership with the NSW Department of Primary Industries – Fisheries. The project aims to address the barriers to fish passage at priority sites across the Northern Basin by providing a connected ‘highway’ for native fish to migrate. The infrastructure solutions to aid fish migration are to be primarily focused on the construction of fishways and the re-engineering of existing weirs along the river system.

The project uses a staged approach, with project development activities occurring in parallel with some early on ground work.

#### Current Situation

In respect of this infrastructure program, Councils General Manager has advised as follows:

*“Following a phone call from NSW Government Officers, where Council staff were advised that the Officers would be travelling to Louth on Thursday 21 March 2024 to meet with selected members of the Louth community regarding the removal of the Louth Weir and the installation of a fishway, arrangements were made to meet with such Officers in Bourke to ascertain what was actually proposed for Louth.*

*Accordingly, in the company of Council’s Manager Works, Peter Brown, and Manager Planning, Regulatory and Environmental Services, Dwayne Willoughby, we met with NSW Government Departmental Officers in respect of the “Fish Passage: Reconnecting the Northern Basin Project” on Wednesday, 20 March 2024. In attendance were the following departmental representatives:*

- *Scott Fletcher: Manager, Water Efficiency and Infrastructure (Project Manager) – NSW Water Group.*

- *Andrew Grocott: Senior Community and Stakeholder Engagement Advisor – NSW Water Group.*
- *Jake Gillies: Aboriginal Cultural Officer – NSW Water Group.*
- *Michael Slattery: Project Manager, Water Efficiency and Infrastructure – NSW Water Group.*
- *Matthew Yeo: A/Fisheries Manager Fish Passage - Department of Regional NSW.*

*Council staff were advised that, in 2017 an environmental review of the Northern Basin was undertaken with various submissions received that raised environmental concerns. Fish passage was identified as a focus with 108 projects identified for the Northern Basin from the review.*

*Such fish passage projects seek to reconnect the Northern Basin by creating a “super highway” of up and down stream access for fish throughout the basin which is seen as critical to the fish life cycle. There have been twenty (20) sites identified from Texas in QLD to Wilcannia in NSW, where work is planned to be undertaken with work to include the installation of fishways or the re-engineering of the weirs.*

*The project has been broken up into three (3) phases. Phase one (1) projects are fully funded and have been signed off by the Commonwealth and State Government. The Phase one (1) projects are expected to be delivered by June 2024.*

*The three (3) projects identified in phase one (1) are Banarway Weir No.4, Calmundi Weir (both above Walgett) and the Louth Weir – Down Stream. All projects are identified as having fishways installed and work to be undertaken on the existing weirs.*

*The impact from the first phase of work to Bourke Shire is the installation of a fishway at the Louth Weir and a corresponding reduction in the current height of the weir by 400mm. Such work will significantly reduce the storage of water in the Louth Weir Pool during dry periods when the river ceases to flow.*

*Council staff voiced concern that this is the first consultation that has taken place with Council and asked if the community of Louth had received any consultation. NSW Water advised that it had previously called a meeting at Louth with a number of members from the community attending. They also advised that they had consulted with two members of the community, one being from Bourke, in relation to cultural impacts.*

*Council officers raised the following concerns regarding the Louth proposal:*

- *There had been little to no consultation with either the community or Council.*
- *The impact of installing the fishway at Louth would reduce the current river water storage capacity for the village of Louth.*
- *The reduction in the height of the Louth Weir by 400mm at the fishway would have a bigger impact upstream due to the 1% fall of the river.*
- *People making decisions about the river do not live in the LGA, accordingly there is no lived experience.*
- *The unregulated river system below Walgett means that when the river stops flowing as a result of a reduced weir height, or weirs being removed totally, the result is that the river will dry up much faster, noting that the large water holes that once allowed fish to refuge in until there was rain, or until a flow event occurred, will not be there. At the current time, in circumstances where the Louth Weir Pool dries up and the Village runs*

*out of water, it takes 10,000 ML of water to run a fresh to the village. If the weirs at 19A and 20A are removed, and this is on the program, the riverbed will be much drier, and it is unknown how much water would be required to have water flow to Louth and beyond. The fish migration, or 'super highway', so to speak, would be closed!*

- *Carp are a pest that is killing the river and the natural environment for native fish, the removal of carp should be the first option.*
- *Further consultation is required with all parties before any works are to commence.*

*The NSW Water Group representatives made the following points:*

- *The weir will not drop a metre with the proposed installation of a fishway. The design has been modified to address land holders and stakeholder needs.*
- *The Environmental Team's suggestion for the Louth Weir was removal. The fishway project is a compromise based on feedback from the community. Community supported the outcome.*
- *The current structure leaks significantly. The works will rectify the leak by placing an impermeable layer to retain the water in the weir pool longer, thus improving water security. The structure would be expected to last another 100 years.*
- *Have addressed Cultural, Landholder and fish passage – this will address everyone's needs.*
- *There is no funding for raising the weir, this is not what the funding was provided for.*
- *There will be no impact on salinity levels.*
- *Phase two (2) is for removal of weirs. There is a growing sentiment amongst environmental scientists to "rip everything out". Fish migration is the priority.*

*The consensus of the meeting was that further consultation was required. In this regard it was agreed that a meeting would take place in Louth towards the end of April or early May 2024. It was also agreed that Council would engage with the Louth community with a view to maximising representation at the meeting by those who are impacted by the project.*

*In summary, and despite what I see as inadequate consultation, the projects included in phase one (1) would appear to be "signed and sealed" for delivery. In respect of the remaining phases, I have serious concerns for the retention of the remaining weirs along the Barwon-Darling system with proposed removal of up to 22 weirs. Following these discussions, I also have significant concerns as to Council achieving its goal to increase the height of the Weir at Bourke."*

Whilst I am supportive of the concept of fishways, I am concerned at proposals that impact existing weirs along the river system that appear to be at the expense to the quality of life of Bourke Shire residents. Following discussions with the General Manager it was considered appropriate to recommend that Council write to the Water Minister, the Hon. Rose Jackson MLC, regarding the inadequate consultation in respect of the Louth Weir Fishway and Weir Project and requesting a review of proposals for the removal of weirs along the Barwon Darling river system and the installation of fishways that result in reductions in the height of current weirs within the river system. It will be further recommended that Council take the necessary action to assist the NSW Water Group promote a consultation meeting with Louth District residents.

## **Financial Implications**

There are no direct financial implications arising from this report..

### **Recommendation**

- 1. That Council write to the Hon. Rose Jackson MLC, Minister Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health , Minister for Youth and Minister for North Coast, expressing its disappointment as to what it views as inadequate consultation in respect of the Louth Weir Fishway and Weir Project and further request a review of proposals for the removal of weirs along the Barwon Darling river system and the installation of fishways that result in reductions in the height of current weirs within the river system.**
- 2. That Council take the necessary action to assist the NSW Water Group promote a consultation meeting in respect of the Louth Weir with Louth District residents during either April or May 2024 with a view to maximising representation at the meeting by those who are impacted by the project.**