



23<sup>rd</sup> November 2022

## RE: Objection to changes to Bathurst and Orange Regional Councils Licence Conditions.

NSW Farmers is Australia's largest state farming organisation, representing the majority of commercial farm businesses in New South Wales, ranging from broad-acre livestock, dairy, wool and grain producers, to more specialised producers in the horticulture, egg, pork, oyster and goat industries.

NSW Farmers Association would like to advise you that the Association and our local members from the Bathurst region are closely watching the application by Bathurst Regional Council (BRC) to amend their license conditions for the operation of Winburndale Dam.

BRC were found by the Natural Resources Access Regulator (NRAR) to have breached their licence conditions by not allowing the correct amount of water to pass through the Winburndale Dam (a secondary water supply to the City of Bathurst) to the Winburndale Rivulet below, resulting in BRC being issued a caution by the NRAR. This breach of licence conditions by BRC decimated the riverine ecosystem of the Winburndale Rivulet and caused extreme water shortage to the landholders below who rely upon stock and domestic water, some of whom were cut off from their water supply completely. This all occurred during what has been described as the most severe drought in living memory.

The Association has a number of policies which support the hierarchy of water use and that the basic water rights of farmers (including stock and domestic) should not be impinged upon or removed through the transfer of water to other users. In a circumstance where government attempts to alter the basic farm water rights, a consultation period with affected water users should be held, and it shall not do so in the midst of a severe drought where the farmers involved are left with no water and no time or funding to secure alternative supplies. With lessons from the most recent drought, government should undertake prior planning in localities with known water supply issues and allow for appropriate compensation to fully fund alternative water supplies to those whose water supply will likely be compromised.

NSW Farmers opposes any changes to the licence and operation conditions for Winburndale Dam that would result in decreased flows to the Winburndale Rivulet below and therefore downstream landholder who rely upon this water source for their stock and domestic water needs.

Of particular concern is the following:

### *Proposed action 1.3*

• *Operation of Suma Park and Winburndale dams – developing triggers and communication protocols for when environmental water releases may need to be suspended from council-owned dams and infrastructure during extreme droughts. To give certainty to both Council and the environment, there may need to be changes to operating licences and water sharing arrangements.*

This change is not acceptable and in the hands of some local Governments, has been proven to be misused and relied upon incorrectly. Landowners have repeatedly put to Bathurst Council and in recent weeks facing

the same issue in Orange Council areas, that arbitrary powers given to councils cause serious and often irreversible harm to agricultural business; many of which have been operating in those areas for 100 years or more.

As an association on behalf of our members, we have recently raised this issue with the Minister and will continue to do so until agricultural businesses can be afforded a sensible solution that properly balances risk to urban water and the environment, and agricultural business survival.

Water shortages are not new, especially in the most recent drought. Many rural centres are growing and the provision of infrastructure by the NSW State Government and Local Councils have not kept pace with the potential for extreme dry periods that have been experienced recently. The NSW State Government should not address a shortage of water from drought in a regional centre through the transference of water from local waterways to the urban centre at the expense of the rural farms businesses and enterprises that are totally dependent on this water themselves at a time of water shortage.

Please contact [REDACTED] for any further information.