

From: [Charles Dutton](#)
To: [DPIE W Regional Water Strategies Mailbox](#)
Subject: Charlie Dutton submission to 2nd draft of Macquarie Castlereagh water sharing strategy
Date: Friday, 25 November 2022 3:38:22 PM
Attachments: [2nd draft water plan strategy review - Charles Dutton response.pdf](#)
[Charles Dutton 1st Submission to Macquarie-Castlereagh Draft Regional Water Sharing Strategy.pdf](#)

To whom it may concern,

Please find attached my submission to the draft water sharing strategy for the Macquarie Castlereagh catchment. I have also included my original submission from the first draft in 2020 as im not sure if they are re visited and what I submitted then is still applicable to the 2nd draft.

Could you please confirm that this application was received.

Many Thanks

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Sent from [Mail](#) for Windows

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To Whom it may concern,

Please find the following submission to the 2nd draft of the Macquarie Castlereagh Water Sharing Strategy.

I am the 6th generation to grow up, live and work on the Winburndale Rivulet. My submission is written mainly about the water sharing around Bathurst and in particular the Winburndale Rivulet.

I have also attached my original submission to the 1st draft as I'm not sure if this is looked at again and a lot of my original points still are very relevant to the 2nd draft.

Charlie Dutton

Suspension of environmental flows and stock and domestic water under basic landholder rights. (Proposed action 1.3)

The water sharing priorities set out in the Part 1, 5 (3) of the Water Management Act 2000 must be upheld. This being 1st priority environmental water 2nd priority basic landholder's rights to stock and domestic water then thirdly all other water access licences (WAL).

Town Water is a WAL so must be prioritised below environment and stock and domestic under basic landholders' rights.

If the Basic landholder rights are to be removed except under the exceptional circumstance of the enactment of the Critical Water Act, financial compensation will be sought from landholders to recoup the value lost from their assets.

During a drought it is essential to maintain the water for stock and domestic rights, it is during this period that the water to keep stock alive is essential and to be denied this water will create animal welfare issues as animals can't survive without water.

A lot of the landholders and businesses along the Winburndale have breeding stock, which has had large amounts of time and money invested into the stock over many generations. To be denied the right of basic landholder water in a drought will mean a lot of these stock will have to be sold and in some cases, will make even the retention of core breeding stock impossible. This will cause large financial losses and mental stress as these genetics will be lost.

The minimum water requirement to meet the needs of the environment and basic landholder rights must be accurately assessed and guaranteed into the future. Any further developments, or WAL must be assessed on the ability to be supplied with water in the worst drought without requiring this guaranteed base amount be affected.

The case study used in the draft water sharing strategy about the modelled economic cost to Bathurst in the last drought. Where it stated that if water restrictions above level 4 were introduced it would have serious economic consequences to local businesses, is a completely city centric view and takes in no consideration of costs to other water users within the region. There is no acknowledgment of the cost to the agricultural industry being cut off from water in this same period to keep Bathurst's 'in town' industry going. The mental health cost to the residents and landholders down stream of the Winburndale dam was huge due to BRC denying the access to basic stock and domestic water all just to keep in town industry going.

Definition of critical human water

It is mentioned numerous times through the draft strategy about the importance of being able to guarantee the supply of critical human water. I agree that this is essential there must be very clear definitions around what critical human water is.

The definition of critical human water should be one which focuses on the key survival of the people and excludes the use of this water for industry, parks and gardens and other non-life threatening uses.

During the last drought we witnessed Bathurst Regional Council running low on available water and seeking to gain more access to water under the Critical Water Act. BRC had not and did not place their residents and businesses on the highest water restrictions and were still selling water to local industry in town and along the Winburndale pipeline. At this stage they had already cut off the environmental and basic landholder water to all residents on the Winburndale Rivulet downstream of the dam (even though as previously mentioned we sat above any Town WAL in the order of priority, and this was never reversed by the water minister).

If there is ever a time that the order of water sharing priorities must be reversed under the Critical Water Act, I suggest the following measures and procedures must have been met.

- Town water restrictions are on the highest level possible for a defined period i.e., 6 months.
- All other WAL on the entire water supply of that town other than town water for critical human water must be on zero allocation (for Bathurst this means all WAL on the Macquarie, Campbells, Fish rivers and the Winburndale Rivulet must already be at 0 % allocation)
- Critical water must not be used for any other purpose than the uses previously defined as critical human water. (Industry in town must not be favoured over environmental and basic landholder rights, even under the critical water act these two are still prioritised over other WAL)
- All critical human water needed (*same definition as any critical water for towns*) for the residents and landholders must be supplied by the council at the council's or relevant authorities' expense.

Other Points

- In working out any water sharing strategy it must be remembered that if secondary industry is favoured over the primary industries in a region this will have long term negative effect on the regions prosperity, as without the primary industries a lot of the secondary ones will not survive.
- I believe that the overall water storage in the region will need to be increased to meet the regions growing needs. This may be in the form of just being able to capture extreme high flow catchment like we are seeing currently through the valley, so as to not put any extra burden on the environment.
- It is my belief that when the Winburndale Dam was initially built it was designed to add more height onto the wall, it even had the keyway provisions built into it. Now that the dam wall has been strengthened is this an option? as it would allow an increased storage as long as the downstream environmental and basic landholder rights were met.
- Recycling effluent water must be discussed in depth with the community. Whilst I think that whilst it may not be a politically popular idea it is one that would be readily accepted once it is made. There are many case studies around the world where this is done very well, Singapore is one.

Charles Dutton - Submission to the Macquarie – Castlereagh Draft Water Strategy September 2020

Below is my submission to the above-mentioned draft water strategy.

My Name is Charles Dutton I live on an agricultural grazing property just North of Bathurst on the Winburndale Rivulet. We use the water from the Winburndale Rivulet for stock and domestic purposes.

I have written this submission in regards to my observations on what has been happening to water in our area mainly in relation to the Winburndale Rivulet and less directly the Macquarie River systems.

The main points of my submission are:

- Why is the Winburndale Rivulet system not included in draft strategy?
- The need for clear definition of critical human water.
- The need for councils to be able separate their water requirements into the various categories of critical human needs, industrial and irrigation needs.
- Sustainable regional growth without harming environment and existing primary industries.
- The need for accurate and transparent water use modelling for towns.
- Long term view with the big picture of whole region growth focused on not short-term economic views.

Winburndale Rivulet System

The Winburndale Dam on the Winburndale Rivulet is listed as Bathurst's secondary water supply and the dam and pipeline has received significant NSW Government funding over the last 12 months. Why is the Winburndale Rivulet system not included in the Draft Regional water Strategy?

Defining Critical Human Needs Water

In the draft regional water strategy, there are multiple mentions of the very high importance of critical human needs water for towns.

I agree totally that critical human needs water is of highest priority especially in periods where our available water resources are stressed. The issue I wish to raise is that there needs to be a clear definition of what constitutes critical human needs. This has to be

separated out from the other town water uses of industrial and irrigation of parks, gardens and sporting fields.

This issue was clearly highlighted in Bathurst in 2019 and into early 2020. Bathurst Regional Council (BRC) was able to gain support under the critical water Act and as a result NRAR gave BRC permission to withhold more water in the Winburndale Dam to the detriment of the down stream ecosystem and the basic water rights of the landholders on the Winburndale Rivulet.

When this was granted the water that BRC was taking from the Winburndale dam was unable to be used for potable water and was being used for industry and watering of parks gardens and sporting fields. This is not critical human water.

In times of critical water needs if the order of priority in water allocation is changed from the normal hierarchy under the Water Management Act 2000, councils must be able to clearly dissect their water requirements into the critical human needs, industrial and irrigation needs to ensure that the water that is being taken from the environment and basic landholder rights is only being used for critical human needs and not irrigation of council assets and industrial use. I understand that there will be varying levels of industrial and some will come under critical whilst others will be less critical.

The industrial water use also needs to be assessed as to its importance as a lot of industrial water requirements I believe fall well below the needs of the environment and stock water along the existing river ecosystems. Whilst understandably there would be economic loss to shut down some industries they can be started again once water supply is less critical. On the other hand, the living natural ecosystems and the stock that rely on the water do not have the luxury of just being turned off and turned back on when there is water.

In the Draft water strategy, the need to have green liveable towns and spaces for the community to enjoy especially in times of drought. Whilst I totally agree with this and believe that green spaces are very important for everyone's mental health especially in times of drought. This can not be achieved at the cost of the natural ecosystems and livestock that rely on the water in the river systems.

Sustainable Regional Development and Growth

In view of the idea that sustainable development is a priority in the draft water strategy. I believe that development of rural and regional towns and communities has a lot of positive benefits and outcomes for the whole region. This idea though must focus on the sustainable part of this statement. You cannot sustainably develop an area if there is not enough water to support the growth.

The water required to support this growth cannot just be taken from existing ecosystems and primary production as this will not be sustainable for the longer term.

In the following I talk of Bathurst Regional Council, I believe it may be the same for the other larger regional towns in the area.

Bathurst Regional Council has for years now been pushing the development and population increase of the Bathurst Region. They themselves BRC directly profit from this development as they own and are developing a lot the land around Bathurst. I believe that they have become blinded to the greater good of the entire region as they are heavily focused on development as this has become a business for them. They were even promoting Bathurst as having safe water, to encourage people and businesses to relocate to Bathurst.

As with all business there has to be measured growth and due diligence done to ensure that the appropriate resources are either there in the first place or put in to facilitate the growth. I do not believe that BRC have done this, they have continued to drive the population growth without ensuring that their existing water resources can cope or spend the money on capital development to put the infrastructure in place to fill the shortfall.

I believe that regional development is good for the entire area and needs to be encouraged where it is appropriate and sustainable. The active push for increased populations and industry needs to be looked upon as any other business to ensure that it is appropriate and sustainable. The water requirements for this can not just be taken from the existing needs of the environment and current industries it has to be provisioned for through new measures.

Further to the point on sustainable development in retrospect to the last 12 months, BRC was able to gain state government support through the critical water act. Whilst I understand that this was needed. If councils know that in a dry time they can turn to the state government to give them water security by taking water from the environment and basic land holder rights, it is not creating an environment for sustainable growth and development as there is no incentive for councils to ensure they have adequate water security as they always have a get out of jail free card.

Water Allocation

In the draft water strategy on page 90 table 2.3.3 it states;

“The three industries in the Macquarie-Castlereagh region with the greatest value added are rental, hiring and real estate services, healthcare and social assistance, and construction. Securing town water supplies is vital for the continuation and growth of these industries and regional economies more broadly.”

These above industries are all secondary industries so if the primary industries are negatively impacted to favour the above industries this will in turn have a direct effect on the above-mentioned industries. There needs to be careful calculations done to determine the appropriate water allocation to ensure that both the primary and secondary industries

are both able to thrive as in the situation where either one of these are not performing to their optimum it will eventually have a direct negative effect on the other.

Accurate and Transparent Town Water Use Modelling

There must be accurate and transparent modelling conducted for town water use.

From my understanding the water use modelling that BRC based there claims on that they would run out of water in 100 days, where calculated using water use for a forty plus degree day with 100% irrigation allocation. This is not accurate as Bathurst does not see those temperatures for extended periods and the irrigators had already had their water entitlements reduced.

If the above is 100% correct or not, the main point is that if its not accurate and transparent so everyone in the community can see the modelling and have faith in its accuracy, there will always be trouble getting people to buy into and understand the need for the hard decisions in regards to water allocation.

Big Picture Idea

The following is an idea re increasing water storage I acknowledge I do not have the appropriate training and knowledge to substantiate it.

I understand that the modelling that has been carried out by NSW government points to lower inflows into the major storages it also indicates there will be large one-off flow events due to storms and drought effected land.

If there was to be a new dam or a significant increase to the size of a dam in the headwaters of the catchment eg. Ben Chifley Dam. This could be used to catch some of these one-off events before they are lost in the greater river system and used to build a reserve for human critical needs in the whole catchment.

In the report it is stated that critical town water only accounts for 2% of the water used. If the total storage could be increased by 10% and kept in reserve for critical human water this would give the entire catchment 5 extra years of water security without having to draw from the environment in dry periods. (I understand that these are very basic calculations and do not account for evaporation and delivery losses).

If a high security water reserve could be created in the headwaters then in the future this has the potential to be piped to all the major regional centres.

I understand that this is a very expensive capital cost, but in order to keep our region growing and at its maximum productivity I believe that options need to be put in place for long term prosperity not short-term economics.