From: Chayna Moldrich
Sent: Thursday, 13 July 2017 10:26 AM
To: Sydney Office
Subject: Incoming : WATER/FISH (co-ord) : IM17/15339 : Paul Toole MP obo [redacted] re compliance issues concerning the Orange pipeline and Orange City Council
Attachments: Paul Toole MP obo [redacted] re compliance issues concerning the Orange pipeline and Orange City Council.PDF; Paul Toole MP obo [redacted] re compliance issues concerning the Orange pipeline and Orange City Council.tr5

Out of Scope

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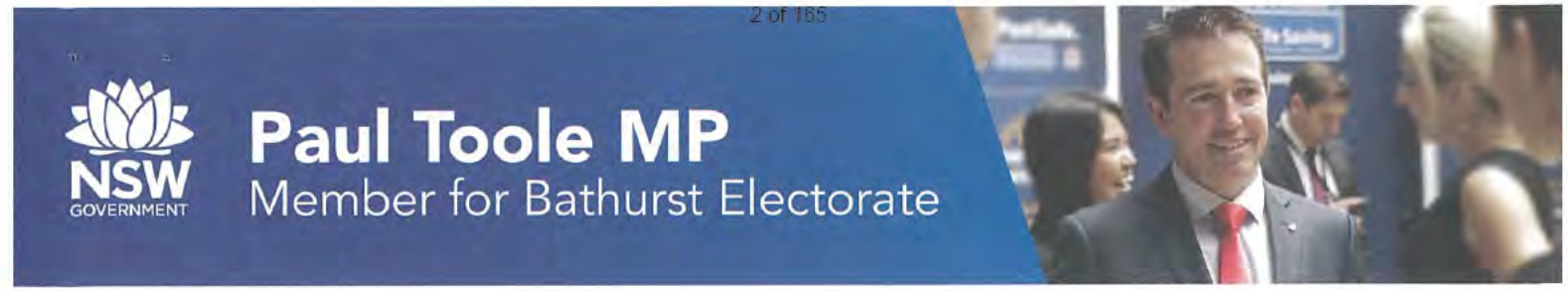

Paul Toole MP
Member for Bathurst Electorate

SCANNED
Minister's Office
06 JUL 2017
GA36

28 June 2017

The Hon Niall Blair
Minister for Primary Industries, Minister for Regional Water, and
Minister for Trade and Industry
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

In October 2016 I wrote to you on behalf of the 3(a)(b) in relation to compliance issues concerning the Orange pipeline and Orange City Council (attachment A).

I was then advised in late December 2016 that the matter had been referred to the Minister for Local Government as the issue fell under her jurisdiction.

Some 8 months later I was provided with the attached response (attachment B) for my constituent where it was stated that the matters raised were the responsibility of the Minister for Regional Water and the Minister for Energy and Utilities and not the Minister for Local Government.

I have now received further correspondence from Mr 3(a)(b) who has expressed his disappointment and frustration in the unsatisfactory response that did not address any of the issues that he originally raised.

I would appreciate if the matter could again be investigated and a timely and detailed response be provided for my constituent.

Yours faithfully

Paul Toole

Paul Toole MP
Member for Bathurst Electorate

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

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(A)

Paul Toole MP

MEMBER FOR BATHURST ELECTORATE

COPY

19 October 2016

The Hon. N Blair MLC
Minister for Lands and Water
GPO Box 5341
SYDNEY NSW 2001

Dear Minister,

Please find attached correspondence from Mr 3(a)(b) of the 3(a)(b) 3(a)(b) in relation to the compliance and conditions applied to the Orange Pipeline.

Mr 3(a)(b) stated that the areas highlighted in the attachment are not being complied with and that Orange City Council do not have this information on their website as per the requirements which have been set down and access to same information by the general public .

Further, Mr 3(a)(b) contacted Orange City Council in relation to this matter and was informed that 'as the pipeline is not being used they do not have to provide this information to the public.' It was further stated that there are no native fish in the area and this is not the case.

These issues have also been raised through their representative on the Pipeline Advisory Committee.

On behalf of the 3(a)(b) also mentioned that there are two more pipelines under consideration feeding into Orange and has sought to be provided with information as to where the water for these lines is to be sourced from? Will it be (a) from the Macquarie Pipeline and (b) if the water is only to be used in emergency Situations?

Finally, why has no consideration been given to raising the wall at Suma Park Dam as with recent rains some 35,000 Mgs. has gone over the wall and this is water that could well have been stored?

I would appreciate if these requests could be considered and I look forward to receiving a response that I can pass onto my constituent.

Yours faithfully

Paul Toole

Paul Toole MP
Member for Bathurst Electorate

bathurst@parliament.nsw.gov.au
Unit 1, 229 Howick Street
(PO Box 2237)
Bathurst NSW 2795
ph 02 6332 1300
fax 02 6332 1900

THE NATIONALS for Regional NSW

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Landscape Plan in condition C3(a) to the satisfaction of Environmental Representative or as otherwise agreed with the relevant landowner or agency.

Annual Review

C5. To compare the actual performance of the Project against that predicted in documents in condition A2, annually from date of this approval (or other timing as may be agreed by the Director-General), the Proponent shall prepare a summary of the environmental performance of the Project during construction and operation to the satisfaction of the Director-General. This summary must:

(a) describe the activities that were carried out in the previous year, and the activities that are proposed to be carried out over the next year including:

(i) monitoring of the extraction process, quantity of water extracted, flow in river during extraction, duration of extraction and flow in Summer Hill Creek;

(ii) raw water quality in the Macquarie River and Suma Park Dam during extraction; and

(iii) quantities and quality of scour water to be released during maintenance or emergency activities.

(b) include a summary of the monitoring results and complaints records of the development over the previous year, including a comparison of these results against the

(i) the conditions, relevant statutory requirements, limits or performance measures/criteria;

(ii) requirements of any plan or program required under this approval;

(iii) the monitoring results of previous years; and

(iv) the relevant predictions in the documents identified in conditions A2(a)and A2(c);

(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;

(d) identify any trends in the monitoring data over the life of the development;

(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

(f) identify measures that could be implemented to improve the environmental performance of the development and justification for any decision to not implement those measures.

Note: it is not intended for this annual review to result in any additional review of plans, programs and strategies, where those plans, programs and strategies also have a review component that addresses this condition.

Revision of Strategies, Plans and Programs

C6 Within 3 months of the submission of an:

(a) annual review under condition C5 above;

(b) incident report under condition C8 below;

(c) audit report under condition C10 below; or

(d) any modification to the conditions of this approval,

the Proponent shall review, and if necessary revise, strategies, plans and programs required by this approval to the satisfaction of the Director-General.

Note: This is to ensure the plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Project.

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14/6/17 (B)

NSW GOVERNMENT | Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A548068
Your Reference:
Contact: Grant Gleeson
Phone: 02 4428 4136

The Hon. P Toole MP
Minister for Lands and Forestry
Minister for Racing
Member for Bathurst
PO Box 2237
BATHURST NSW 2795

Dear Minister

I refer to your representations to the former Minister for Lands and Water, the Hon. Niall Blair MLC, on behalf of Mr 3(a)(b) of the 3(a)(b) 3(a)(b), in relation to Orange City Council and compliance with a water pipeline licence. Your response has been referred to the Minister for Local Government, the Hon. Gabrielle Upton MP, who has asked me to respond on her behalf, and I apologise for the delay in responding.

The concerns Mr 3(a)(b) has raised are the responsibility of the Minister for Regional Water, for regional water issues, and the Minister for Energy and Utilities, for issues relating to the *Pipelines Act 1967*. However, I do appreciate that Mr 3(a)(b) has also raised concerns about how Council has responded to this matter.

All councils are expected to develop clear procedures for handling complaints so they are able to identify and rectify any problems in their performance. I suggest that Mr 3(a)(b) write to Council's General Manager and ask that the matter be investigated. In doing so, he may also wish to ask his questions about future plans for water management in the area.

If Mr 3(a)(b) remains dissatisfied with Council's response, he may wish to raise his concerns directly with his local councillors, or contact the NSW Ombudsman's Office on 1800 451 524.

It may also assist Mr 3(a)(b) to contact WaterNSW for advice as to how he may pursue his concerns about water management. WaterNSW can be contacted on 1800 353 104 or water.enquiries@dpi.nsw.gov.au.

I trust this information is of assistance to your constituent.

Yours sincerely

Tim Hurst
Acting Chief Executive
Office of Local Government
7/6/17

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046

Strengthening local government

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3(a)(b)

Contact: 3(a)(b)

Phone:

26/4/17

The Hon. Paul Toole
Minister for Lands and Forestry
Minister for Racing
Member for Bathurst
PO Box 2237
BATHURST NSW 2795

Dear Paul,

Thank you for forwarding the response received on the 14th June 2017 about the concerns I asked you to refer to the Hon. Niall Blair MLC on the 16th October 2016.

I am dissatisfied and consider the inadequate response received and also the length of time taken to obtain the reply to my concerns well below an acceptable level of competence.

I attended your office in October 2016 to raise my concerns, which I conveyed verbally and did not see a copy of the letter you sent to the minister. May I ask to receive a copy of your correspondence for my reference to the matter as the time elapsed since then has led to uncertainty of all of my concerns raised at the meeting in relation to what was written down as a draft for your letter.

I have just looked at the OCC website and the latest annual review was posted 31st December 2014

Condition C5 states the annual summary must describe activities carried out in the previous year, activities proposed to be carried out in the next year including: monitoring of the extraction process, quantity of water extracted, flow in the river during extraction, duration of extraction, raw water quality in the Macquarie River & Suma Park during extraction .....

How difficult would it be for The Department of Planning & Infrastructure to investigate whether conditions of approval are being complied with by OCC during audits or upon receiving information of non-compliance by simply looking at the OCC website and why were the questions raised in my concerns not referred to the relevant departments to supply an acceptable response to the letter you drafted on my behalf?

I believe that OCC operated the pipeline for a 2 week period in September2016, for the first time after an initial trial was suspended in February 2016. Why has the information relating to condition C5 not been updated on the OCC website as required? Previous correspondence with the Department relating to the project, indicated that they take non-compliance with the Ministers conditions of approval seriously.

I have previously contacted OCC and in my opinion have found it difficult to obtain a transparent response to questions and therefor chose to raise my concerns directly with the Department. During the controversial proposal to construct a pipeline from the Macquarie River, OCC stated that the catchment around Orange was insufficient to supply water to fill Suma Park Dam yet last winter from June until September 2016, over 30,000ML of water, almost twice the capacity of the storage, spilled over the wall of Suma Park. After the pipeline was constructed Mayor of OCC, John Davis commented that the Macquarie Pipeline would not have been needed if a licence to operate their stormwater harvesting project which was constructed in 2009 was obtained.

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The proponent, OCC, and the consultants employed for the EA stated that the low flow (80th Percentile flow) in the Macquarie River was 22ML/day with a cease to pump (CTP) trigger of 38ML/day. The independent reviewer Bewsher Consulting Pty Ltd ,dismissed these figures saying there was no validation of information to support the low flow level of 22ML/day and after reviewing the hydrology information available determined the low flow to be 92ML/day with a CTP trigger of 108ML/day. This was accepted by DPI Fisheries, NSW Office of Water (NOW) and also by OCC as appropriate, to protect the aquatic ecological communities during low flows in the Macquarie River.

The consultants that supplied the EA for OCC stated there were no native fish populations in the geographical area of the pipeline extraction site of the Macquarie River. The consultants & OCC dismissed recreational angler's evidence & advice that populations of native fish assemblages existed in the area as being anecdotal.

Surveys by Dr. Nathan Miles during the period after the EA was released and subsequent systematic surveys by NSW DPI Fisheries to obtain baseline information recorded the occurrence of Trout Cod, (listed as Endangered under both the FM Act 1994 and the EPBC Act 1999), Silver Perch, (listed as Vulnerable under FM Act 1994 & Critically Endangered under EPBC Act 1999), Murray Cod , (listed as Vulnerable under the EPBC Act 1999) and Freshwater Eel-tailed Catfish (listed as Endangered under the FM Act 1994) along with Golden Perch along with other non-angling targeted native species.
It is considered that riverine waterways in moderate condition demonstrate great potential for recovery if appropriate management actions are developed & implemented.
The Publication titled Fish and Flows in the Northern Basin responses of fish to changes in flow in the Northern Murray-Darling Basin Reach Scale Report prepared for the Murray -Darling Basin Authority August 2015, "identified significant stretches in the Northern Basin of rivers and creeks have native fish communities in a poor to very poor status reflecting impacts to environmental conditions. It identified that refuge pools are critical to survival of riverine fish species when other channel habitats dry & leave only deeper retentive pools during droughts & periods of low & no flows." These conditions are experienced locally in the Macquarie River.
The Native Fish Strategy for the Murray-Darling Basin in 2002 described the status of native fish in the MDB as "alarming with populations estimated to be about 10% of their pre European settlement levels & still declining. Without intervention native fish populations are likely to fall to 5%. Inaction now will make rehabilitation efforts more costly. Current efforts by government & community groups at rehabilitating native fish in the MDB are significant but more coordination & focussed effort is needed." The 3(a)(b) 3(a)(b) have been stocking the Macquarie River with Murray Cod and Golden Perch since 1987 in an effort to promote native fish recovery in the Macquarie River above Burrendong Dam and the NSW DPI assisted by CAS members have stocked over 150,000 Endangered Trout Cod into the river since 2009 in an effort to reintroduce the Trout Cod into an area of their former range & establish a population as part of the National Trout Cod Recovery Program.

A report by Ernest Young estimated the direct expenditure attributable to recreational fishing in the MDB in NSW to be around 530 Million Dollars in the 2010-11 financial year.

The information above is intended to validate why I display little faith in obtaining an acceptable response from OCC and to highlight the contributions of volunteer community groups in addressing the rehabilitation of the Macquarie River above Burrendong Dam to maintain & improve the overall health and natural ecological functioning of the river & tributary's. In summary, given that I had to wait 8 months for a response to my concerns, I expected a comprehensive reply from the appropriate departments instead of being given the run-around & advice to simply contact the departments myself. In fact after 8 months I have not received an answer to any of my concerns and the information provided in the reply is of no assistance.

Respectfully I ask whether you consider the response to your representations would be adequate to you?

Yours sincerely,

3(a)(b)

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The Hon Niall Blair MLC
Minister for Primary Industries
Minister for Regional Water
Minister for Trade and Industry

IM17/15339

The Hon Paul Toole MP
Minister for Lands and Forestry
Minister for Racing
Member for Bathurst
PO Box 2237
BATHURST NSW 2795

Dear Minister Paul

Thank you for your letter of 28 June 2017 on behalf of 3(a)(b) 3(a)(b) regarding water management in Orange.

I apologise that your letter of 19 October 2016 was handled inadequately the first time it was received. I can understand Mr 3(a)(b) frustration in not receiving a suitable response to his concerns. In relation to the matters raised regarding Orange City County Council's compliance with the conditions of approvals, this matter has been referred to the Minister for Planning, the Hon Anthony Roberts MP for response. In relation to the matters that fall within my portfolio responsibilities, I have sought advice from both the Department of Industry (DoI) – Crown Lands and Water and Department of Primary Industries (DPI) - Fisheries and I trust that this response will adequately address Mr 3(a)(b) concerns.

There are two potential pipelines under consideration for Orange, including the Orange – Molong – Cumnock – Yeoval pipeline project and the Orange Water Treatment Plant (WTP) to Carcoar WTP pipeline project. Water from the various sources would be treated at the water filtration plant in Orange. These two schemes to improve water access and water security to the region are jointly referred to as the Central Tablelands Regional Water Security Projects.

Upon completion of these projects, treated water can be transferred in and out of Orange, utilising the available raw water sources. Water transfers using the new pipelines would generally occur during drought or emergency situations, as part of the Central Tablelands Regional Water Security project. Significant water transfers are not expected as part of normal operations.

Regarding concerns about Suma Park Dam, I can advise Mr 3(a)(b) that the dam height was raised in 2016 by one metre, which increased the dam's capacity by 10 per cent. The possibility of raising Suma Park Dam was considered in previous studies. However, it did not provide sufficient water security and there were limitations in raising the wall higher. Information about the Suma Park Dam raising is available on the Orange City Council website at http://www.orange.nsw.gov.au/site/index.cfm?display=548912.

DPI Fisheries advises that the Macquarie River adjacent to the offtake works contains a diverse population of native fish. DPI Fisheries required a Condition of Consent during planning approval relating to the screening of the offtake to protect the native fish populations within the Macquarie River.

.../2

GPO Box 5341, Sydney NSW 2001
Phone: (61 2) 8574 7190 Fax: (61 2) 9339 5560 www.nsw.gov.au/ministerblair

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The Macquarie River to Suma Park Dam pipeline is yet to be operated outside of a commissioning period due to extended periods of high rainfall and elevated storage levels in Suma Park Dam. As part of the Conditions of Consent, a monitoring and evaluation program is being funded by the Council to assess any impacts on native fish that may occur through the operation of the pipeline. DPI Fisheries is undertaking this assessment and has collected multiple years of baseline data. However, the assessment of the impact of the pipeline on native fish cannot be made until it commences operation.

The establishment of the commence-to-pump (CTP) trigger at the 80th percentile flow received broad agreement amongst agencies and stakeholders. However, the corresponding flow rate in megalitres per day (ML/day) has been disputed. The hydrograph used by Orange City Council's consultants suggested the 80th percentile correlated to a 38ML/day flow in the river, however a subsequent review of the available hydrology suggests the 80th percentile and associated CTP threshold to be at 108ML/day. This is the current CTP threshold and Fisheries NSW understands this will only be altered if improved hydrology data leads to the development of a new hydrograph.

DPI Fisheries welcomes the ongoing support of the 3(a)(b) and recreational fishers across NSW in their efforts to enhance the abundance and diversity of native fish species within our rivers. They understand the critical role fishers play in both the NSW economy and the long-term health of our rivers.

To discuss any water matters further, Mr 3(a)(b) can contact Mr Matt Parmeter, Senior Urban Water Manager, DoI Crown Lands and Water (Dubbo) on (02) 6841 7410 or 0427 015 744. For any DPI Fisheries inquiries, Mr Cameron Lay, Regional Manager (Murray Darling) may be contacted on (02) 6770 3132.

Thank you for raising this matter with me. I trust the information is of assistance to you in responding to Mr 3(a)(b).

Yours sincerely

13 OCT 2017

The Hon Niall Blair MLC
Minister for Primary Industries
Minister for Regional Water
Minister for Trade and Industry

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NSW GOVERNMENT | Department of Industry

Minister Blair

Correspondence – Member of Parliament

Analysis | Reply to the Hon Paul Toole MP, who further wrote to the Minister on behalf of Mr 3(a)(b) regarding concerns about the existing and proposed Orange pipelines and native fish in the area.

Recommendation

That the Minister sign the attached letter to the Hon Paul Toole MP.

Comments:

Checked by DLO: CM 6/9/17 **POLICY:** DM 27/9

➡ **Minister:** **Date:** 11/10/17.

Key reasons

Mr 3(a)(b) is concerned about lack of compliance for the running of the Orange pipeline, as well as reporting of non-compliance on the Orange City Council's website. He also disputes the Council's view that there are no native fish in the area to protect.

Mr 3(a)(b) has questions about a proposal for two new proposed pipelines in the area. He would like to know where the water will be sourced from for the proposed pipelines and whether it will only be used in emergency situations or not.

Mr 3(a)(b) is further concerned that the wall at Suma Park Dam should be raised given large rainfall amounts.

The draft response advises of Orange City Council's compliance activities, and provides information on the two proposed pipelines planned for the Orange area, Orange – Molong – Cumnock – Yeoval pipeline project and the Orange Water Treatment Plant (WTP) to Carcoar WTP pipeline project.

The draft response explains the raising of Suma Park Dam in 2016 and provides an overview of DPI Fisheries' view on levels of native fish in the area.

Departmental approvals

Comments: Contributing content taken from INT17/d149895 (DPI Water) and INT17/149894 (DPI Fisheries).

Position	Signature	Date
Approving officer: Approving officer: Frank Garofalow, Group Director Water Regulation, ph: 0447 002 605	Approved DPI Water advice	8/08/2017
Endorsing officer: Charlie Dowsett, Acting DDG DPI Water	Electronically endorsed	21/08/2017

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Background

The Hon Paul Toole MP wrote on 19 October 2016 on Mr 3(a)(b) behalf with these concerns. The letter was referred to the Minister for Local Government. Eight months passed until the Hon Paul Toole MP received a letter from the Minister for Local Government indicating that these matters were for the Minister for Energy and Utilities and the Minister for Regional Water.

DPI Water background

Water Sources for the Orange pipelines

The Macquarie River to Orange pipeline (37km long) was completed in 2015. The pipeline supplements catchment inflows into Suma Park dam. In 2010, Orange's declining dam levels reached 23 percent of capacity and the NSW and federal governments provided $18.2 million and $20 million, respectively, towards the pipeline project to provide water security for Orange.

Water for the Orange water supply system comes from various sources including dam catchment runoff, stormwater harvesting and groundwater which is supplemented by raw water from the Macquarie River under project approval conditions issued by the Minister for Planning on 18 June 2013. These conditions include that pumping from the Macquarie River should not occur during low flows in the river, when flows are below the 80th percentile (108 ML/day).

Water from the various sources is treated at the Icely Road water filtration plant in Orange. Treated water is being interconnected with two schemes to improve water access and water security to the region.

There are two pipeline projects currently underway, jointly referred to as the Central Tablelands Regional Water Security (http://yoursay.orange.nsw.gov.au/pipelines?page=1).

1. The Orange – Molong – Cumnock – Yeoval pipeline project

   Cabonne Council received $16.66M for this project from the ReStart NSW Water Security for Regions Program. Tenders for construction have been advertised and the project is expected to be completed in about 12 months.

   The project involves a 9.8km 200mm pipeline to transfer drinking water (potable) from Orange to Molong Creek Dam, where it connects to the existing transfer mains. This will be extended from Molong Reservoir to Cumnock (26.2km), and Cumnock to Yeoval (21.7km) via a 150mm drinking (potable) water pipeline.

   When completed, the Molong – Cumnock – Yeoval pipeline could transfer about 10L/s (or less than one megalitre/day) of water.

2. The Orange Water Treatment Plant (WTP) to Carcoar WTP pipeline project

   Construction of this pipeline commenced in April 2017, and is expected to be completed by the end of this year. Orange City Council (with Central Tablelands Water) received $21.2M for this project from the ReStart NSW Water Security for Regions Program.

   It is a 61km long pipeline, which will be able to transfer up to 9 ML/day of drinking (potable) water in either direction between the Orange WTP and Carcoar WTP.

   The Orange to Carcoar pipeline is bi-directional. When completed, water from Orange WTP will be able to be transferred to Blayney, Carcoar, and through the Central Tablelands water supply system (~ 5,500 connections) to Grenfell. And water from the Carcoar WTP will be able to be transferred to Orange (~ 18,000 connections).

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Upon completion of these projects, water will be able to be transferred in and out of Orange. The transfer pipelines form part of a network. The strength of a network is that it can draw from numerous sources and transfer water to a number of places.

Both pipelines will transfer treated water from any of the raw water sources available to the water treatment plants.

The water being transferred into Orange would come from the Central Tablelands water supply - Lake Rowlands via Carcoar WTP. It could potentially also come from CTW's bores, and in the future, from the Cowra water supply (the Lachlan River).

The water being transferred out of Orange would come from the Orange water supply, namely from:

- the Spring Creek dam
- the Suma Park dam (including water supplied by the Orange-Macquarie pipeline to this dam)
- the Orange stormwater harvesting schemes
- some bores (small amount).

The Molong – Cumnock – Yeoval pipeline will transfer potable water from Molong WTP to Cumnock and Yeoval. Molong WTP sources its water from the Molong Creek dam (and Borenore Creek dam). In emergencies or during drought times, additional water could now be sourced from Orange water supply.

Water security / Emergency Situations
Water transfers using the new pipelines would generally occur during drought or emergency situations, as part of the Central Tablelands Regional Water Security project.

Significant water transfers are not expected as part of normal operations.

The raising of Suma Park Dam
The wall at Suma Park Dam has been raised in 2016 by one metre, which increased the dam's capacity by about 10%. Much of the dam works were undertaken to meet modern dam safety standards.

This $19M project was undertaken by the Orange City Council, with some financial assistance from the NSW Government. Information about the Suma Park Dam raising is available on the Orange City Council website:
http://www.orange.nsw.gov.au/site/index.cfm?display=548912.

Studies determined that the wall could only be raised by one metre and that there was limited benefit during critical drought periods when needed for water security. The Macquarie River to Orange Pipeline - Preferred project report reviewed the possibility of raising Suma Park Dam. The Macquarie pipeline provided the best water security for Orange.

Project Approval Conditions and Compliance
Water for the Orange water supply system comes from various sources which is supplemented by raw water from the Macquarie River under project approval conditions issued by the Minister for Planning on 18 June 2013.

The compliance conditions are identified in the Department of Planning and Environment's Project Approval conditions:

https://majorprojects.accelo.com/public/67ddeda42510ac4ef82406b5441627a5/3.%20Project%20Approval%20and%20Conditions_%20Macquarie%20River%20to%20Orange%20Pipeline%20Project%20.pdf

Orange Council is required to submit an annual review to the satisfaction of the Director General of the Department of Planning and Environment (DP&E) in accordance with

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condition C5 of the Project approval conditions. The annual review is to compare actual performance of the project.

Orange Council submitted its Annual Review to the DP&E in mid-2016 but could not address many of the operational aspects as Council indicates that the pipeline has not been used apart from for commissioning activities. DP&E advised that it understood that the annual review will be more comprehensive when operations have commenced.

Council provides various information on its website including correspondence with Department of Planning: http://www.orange.nsw.gov.au/site/index.cfm?display=604698

DPI Fisheries background

The issue of compliance by OCC in publishing the information regarding pipeline operation on its website is a matter for the Department of Planning and Infrastructure as it relates to a Condition of Consent. However given the pipeline is yet to be operated for design purposes, this is likely to be an oversight on OCC's behalf as it may believe there is no activity to report, therefore the publication of information is not required. As Mr 3(a)(b) notes, the Planning approval does require them to nominate the intended operation in the coming year, so OCC should be encouraged by DP&E to comply with the Condition of Consent even if the pipeline is not in operation.

Attachments

Attachment	Title
A	Incoming correspondence from the Hon Paul Toole MP.

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From: Victoria Campbell
Sent: Tuesday, 9 July 2019 11:55 AM
To: sydney.office@industry.nsw.gov.au
Cc: Amardeep Grewal; Tom Chesson; Mitchell Isaacs
Subject: Incoming Water : IM19/13799 : Paul Toole MP OBO Bathurst Regional Council Mayor Graeme Hanger re: information on irrigation licencing, usage and oprating requirements
Attachments: Paul Toole MP OBO Bathurst Regional Council Mayor Graeme Hanger re information on irrigation licencing, usage and oprating requirements.PDF; Paul Toole MP OBO Bathurst Regional Council Mayor Graeme Hanger re information on irrigation licencing, usage and oprating requirements.tr5

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Paul Toole MP
Member for Bathurst Electorate

SCANNED
Minister's Office
04 JUL 2019

27 June 2019

Our Ref: BA5474
BB:2706/2019

The Hon Melinda Pavey MP
Minister for Water, Property and Housing
GPO Box 5341
Sydney NSW 2001

Dear Minister

Please find attached the correspondence received from Bathurst Regional Council, Mayor, Graeme Hanger OAM. Council has requested assistance in facilitating information on irrigation licencing, usage and operating requirements of the floodplain between Chifley Dam and Council's Water Treatment Plant.

Your assistance in this matter would be appreciated and I look forward to receiving a response that I can pass onto Bathurst Regional Council so they are able to develop the best model possible and be able to inform stakeholders of potential actions which would need to be implemented by early spring.

Yours sincerely

Paul Toole

Paul Toole MP
Member for Bathurst Electorate

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

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BATHURST REGIONAL COUNCIL

Office of the Mayor

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www.bathurst.nsw.gov.au

26 June 2019

The Hon Paul Toole MP
Minister for Regional Transport and Roads
Member for Bathurst Regional Council
PO Box 2237
BATHURST NSW 2795

Paul,

Dear Minister Toole

Challenging City Water Shortage with Ongoing Drought
Request for Agency Support

Council extends its thanks for your participation in the meeting with myself and Council officers last Friday regarding the impact of the ongoing drought on the Bathurst water supply and the risk of significant water shortages should the drought continue.

Your close understanding of the very challenging circumstances is much appreciated, particularly with the prospect of another dry winter/spring, strict restrictions and the potential impact on the Bathurst community of a water shortage.

Given time is of the essence, Council will receive a report in July updating on the projected supply circumstances and seeking authorization for further water restrictions and a request for assistance from the NSW Government and yourself in managing the supply shortage. It is anticipated that Council will support the thrust of the report and that a prompt request will be made for support and input from yourself as well as facilitation of meetings with appropriate Ministers to escalate the matter to meet the tight timeframe, particularly for some of the potential short term solutions which if actioned will need to be actioned by early this spring.

As discussed at the meeting last Friday Council is well underway with its investigation and proofing of short-term solutions to respond to the immediate challenge as well as an update of its future supply strategy.

To this end Council requests your assistance in the short term, particularly in facilitating information on irrigation licencing, usage and operating requirements in that stretch of the floodplain between Chifley Dam and Council's Water Treatment Plant. Staff advise that this information is proving difficult to properly establish. This essential piece of information is necessary to develop the best model possible to inform potential actions in response to the supply shortage for all stakeholders and is central to potential actions which would need to be implemented by early spring.

Reference: DS:MO:13.00031
Enquiries: Mr Darren Sturgiss 02 6333 6290

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Council is also liaising with NSW Public Works Advisory (PWA) to undertake an immediate update of both the above catchment model and critical shortage options to inform current decision making. It is understood PWA have been authorized to offer such assistance to help advise the government more broadly of the regional urban water supply challenges with the ongoing drought. The participation of PWA should assist with the interdepartmental provision of any relevant information. Upon this review it is anticipated that Council will seek appropriate assistance to implement interim water shortage actions to carry Bathurst through the current drought challenge.

Your support is greatly appreciated. Council will keep you informed on the situation. Please feel free for yourself or your staff or agency staff to Contact and liaise with Council on this matter.

Yours faithfully

Graeme.

Cr Graeme Hanger OAM
MAYOR OF BATHURST

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Planning, Industry & Environment

Minister Pavey

Correspondence – Member of Parliament

Analysis Reply to the Hon Paul Toole MP, Member for Bathurst, who wrote to the Minister on behalf of Councillor Graeme Hanger, Mayor, Bathurst Regional Council , seeking information on irrigation licensing, usage and operating requirements on the floodplain between Chifley Dam and Council's water treatment plant.

Recommendation

That the Minister sign the attached letter to The Hon Paul Toole MP.

➡ **<Approved/Noted> by Minister:** **Date:** 19-8-19

Comments:

Checked by DLO: 8/8/19 **Approved/noted by adviser/Chief of Staff:** AM 16/8/19

Key reasons

The impacts of drought in Bathurst are worsening with Council resolving to implement level 4/5 water restrictions in October 2019, ahead of the stated trigger in Council's drought management plan. Council releases water from Chifley Dam via the river to a weir at its water treatment plant, from where it is pumped, treated and provided to the Bathurst community. To ensure that Council properly manages the releases from the dam, it needs to understand the other users of the water between the dam and the weir.

Along the section of river in question, there are a number of irrigators who pump from the river, in accordance with the local water sharing plan. Council has asked that the Department provide the details of licence holders along this section of the river/s, to gain an understanding of their water requirements.

Concurrently, Council staff have been in discussions with the Department and NRAR staff, who provided the information requested to Council on 31 July 2019. Some information was subject to the requirements of the *Privacy Act 1988* but supplied to Council with appropriate confidentiality requirements.

Departmental approvals

Comments:

Position	Signature	Date
Approving officer: David Swan, Regional Manager – west, 0419 947 024	Approved	30 July 2019
Endorsing officer: Michael Blackmore, Director Water Utilities	Approved	2 August 2019
Endorsing Officer: Amanda Chadwick, A/Executive Director Water Programs and Services	Approved	6 August 2019

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Background

The information requested is being provided to Council staff and can be made available to the Member for Bathurst at the same time as Council's staff.

The NSW Government has been in close communication with Bathurst Regional Council and is currently providing technical assistance to facilitate planning for the delivery of alternate water supply.

James McTavish, the Regional Town Water Supply Coordinator, will lead collaboration between the State and local government bodies to provide oversight, direction and further assistance to manage the situation in Bathurst. A similar approach has been successfully utilised in other locations such as Tamworth and will be leveraged in further locations as the drought continues.

A cross-agency meeting, chaired by James McTavish is scheduled for the afternoon of Wednesday 7 August. The cross-agency steering group will have representatives from DPIE Regional NSW, DPIE Water, WaterNSW, NSW Health (Public Health), NRAR, and Council, with advice from industry representatives and other parts of government as required.

Financial and technical assistance is available to support the delivery of town water services when a town or village supply is threatened by an extreme event such as drought.

An annual budget of $1.4 million is available to assist with emergency capital works and water carting if required. This drought has seen the annual figure increased to $11.4 million for 2018/19 and the annual figure for 2019/20 increased to $16.4 million.

Since the beginning of this drought, the NSW Government has committed more than $16.7 million for water carting and emergency works projects to ensure communities have sustainable water supplies.

The NSW Government's Safe and Secure Water Program addresses longer term water security risks. The $1 billion program was established by the NSW Government in 2017 to fund eligible water and sewerage projects that will deliver safe, secure and sustainable water and wastewater services to regional NSW towns.

Attachment

Attachment	Title
A	Incoming correspondence from the Hon Paul Toole MP

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NSW GOVERNMENT
The Hon. Melinda Pavey MP
Minister for Water, Property and Housing

IM19/13799

22 AUG 2019

The Hon Paul Toole MP
Minister for Regional Transport and Roads
Member for Bathurst
PO Box 2237
BATHURST NSW 2795

Dear Minister

Thank you for your letter of 27 June 2019, on behalf of Councillor Graeme Hanger OAM, Mayor, Bathurst Regional Council, seeking information on irrigation licensing, usage and operating requirements in the stretch of floodplain between Chifley Dam and Council's water treatment plant.

The Department of Planning, Industry and Environment (DPIE) has been working closely with Council on this request and I am advised that the information was made available to Council on 31 July 2019. Once the requested information is collated, I will ensure that a copy is provided to you for your information and for future discussions with Councillor Hanger.

Thank you for your interest in this matter. If Council requires additional information or wishes to discuss this matter further, I have arranged for Mr David Swan, Regional Manager – West, in DPIE, to be available. Mr Swan can be contacted on 0419 947 024.

Yours sincerely

Melinda Pavey MP
Minister for Water, Property and Housing

GPO Box 5341 Sydney NSW 2001 • P: (02) 8574 7300 • F: (02) 9339 5570 • W: nsw.gov.au/ministerpavey

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From: DLO Pavey
Sent: Thursday, 24 October 2019 9:40 AM
To: Sydney Office
Cc: DLO Pavey; Amardeep Grewal; Angus Mackie; Tom Chesson
Subject: INCOMING (ROUTINE): MINISTERIAL RESPONSE: DPIE WATER: IM19/24486 : Paul Toole MP obo 3(a)(b) re: diversion of water from Essential Energy power station
Attachments: Paul Toole MP obo 3(a)(b) re: diversion of water from Essential E... (1.51 MB)

Out of Scope

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From: Bathurst [bathurst@parliament.nsw.gov.au]
To: Public Pavey Office Email
Sent: Tuesday, 22 October 2019 12:18:53 PM
Subject: Paul Toole MP obo 3(a)(b) re: diversion of water from Essential Energy power station
Attachments: letter1300.pdf (1504 KB);

Hi

Please find representation obo Mr 3(a)(b). Assistance with a reply would be much appreciated.

Kind regards

Belinda Bannon
Senior Electorate Officer
Paul Toole MP
Member for Bathurst
Unit 1, 229 Howick Street
BATHURST NSW 2795
Phone: (02) 6332 1300
Email: bathurst@parliament.nsw.gov.au or
belinda.bannon@parliament.nsw.gov.au
This email is solely for the named addressee and may be confidential. You should only read, disclose, transmit, copy, distribute, act in reliance on or commercialise the contents if you are authorised to do so. If you are not the intended recipient of this email, please notify the sender by e-mail immediately and then destroy any copy of this message. Except where otherwise specifically stated, views expressed in this e-mail are those of the individual sender. The Parliament of New South Wales does not guarantee that this communication is free of errors, virus, interception or interference. • Please consider the environment before printing this email.

From: support@myelectorate.com.auOn Behalf Of 3(a)(b) via Paul Toole MP State Member for Bathurst
Sent: 14 October 2019 06:18
To: ElectorateOffice Bathurst
Subject: Form submission from: Contact

Submitted on Monday, October 14, 2019 - 17:18
Submitted by anonymous user: 58.164.43.228
Submitted values are:

First Name: 3(a)(b)
Last Name: 3(a)(b)
Email address 3(a)(b)
Phone Number: 3(a)(b)
Suburb: 3(a)(b)
Postcode: 3(a)(b)
Message:
Hi Paul
I have been informed that the Government has taken the decision to preserve
the allocation of water designated for the Essential Energy power station

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with the intention of diverting it East.
Given the perilous state of the water supply in Western communities this decision if it has been taken needs to be explained.
3(a)(b)

The results of this submission may be viewed at:
https://www.paultoolemp.com/node/16/submission/2477

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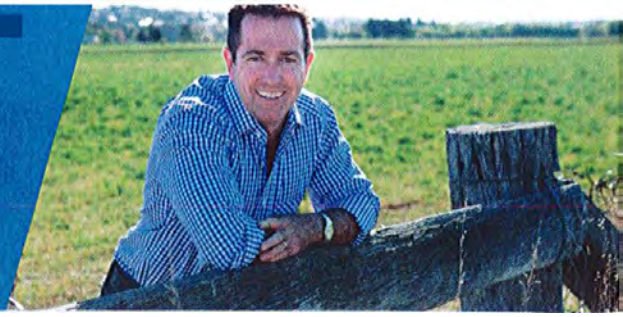
NSW GOVERNMENT
Paul Toole MP
Member for Bathurst Electorate



15 October 2019 Our Ref: BA6240

The Hon. Melinda Pavey MP
Minister for Water, Property and Housing
GPO Box 5341
Sydney 2000

Dear Minister

Please find attached the correspondence received from constituent, Mr 3(a)(b) in relation to the consideration of a diversion of designated water from the Essential Energy power station to the east of the State.

Your assistance in providing a response to Mr 3(a)(b) would be appreciated.

Thanking you for your time and consideration of this matter.

Yours sincerely

Paul Toole MP
Member for Bathurst Electorate

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

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From: DLO Pavey <DLOPavey@minister.nsw.gov.au> on behalf of DLO Pavey
Sent: Tuesday, 19 November 2019 2:26 PM
To: Sydney Office
Cc: DLO Pavey; Tom Chesson; Angus Mackie
Subject: INCOMING (ROUTINE): MINISTERIAL: DPIE WATER:IM19/27387 : Paul Toole MP obo 3(a)(b) re: Macquarie River Pipeline
Attachments: Paul Toole MP obo 3(a)(b) re: Macquarie River Pipeline (1.54 MB)

Out of Scope

Released by the Department of Planning, Industry and Environment under the Government Information (Public Access) Act 2009

From: MAR-L17SE-P01 [MAR-L17SE-P01@minister.nsw.gov.au]
To: Nicole Stocken
Sent: Friday, 15 November 2019 3:03:39 PM
Subject: Paul Toole MP obo 3(a)(b) re: Macquarie River Pipeline
Attachments: 15112019140331-0001.pdf (1539 KB);

Number of Images: 6
Attachment File Type: PDF

Device Name: MAR-L17SE-P01
Device Location:

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Paul Toole MP
Member for Bathurst Electorate

SCANNED
Minister's Office
15 NOV 2019

8 November 2019

Our Ref: BA5560

The Hon Melinda Pavey MP
Minister for Water, Property and Housing
GPO Box 5341
Sydney NSW 2001

Dear Minister

Please find attached the correspondence received from constituent 3(a)(b) 3(a)(b) who recently contacted me regarding Macquarie River Pipeline.

Your assistance in this matter is appreciated and I look forward to receiving a response that I can pass onto my constituent.

Yours sincerely

Paul Toole MP
Member for Bathurst Electorate

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

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Belinda Bannon

From: Paul Toole
Sent: Thursday, 7 November 2019 5:25 PM
To: Belinda Bannon
Subject: FW: Macquarie River pipeline
Attachments: Open Letter to raise concerns regarding Orange City Council applying to reduce the Cease To Pump low flow trigger level for operation of the Macquarie River to Orange Pipeline.pdf; With record low flows in the Macquarie River above Burrendong Dam resulting in the water storage to fall to 5.pdf

Rep minister Pavey

From: 3(a)(b)
Sent: Monday, 21 October 2019 11:53 PM
To: Paul Toole <Paul.Toole@parliament.nsw.gov.au>; david.ward@industry.nsw.gov.au; 3(a)(b) Adam Marshall <Adam.Marshall@parliament.nsw.gov.au>; Melinda Pavey <Melinda.Pavey@parliament.nsw.gov.au>
Cc: 3(a)(b)
cameron.westaway@dpi.nsw.gov.au; clayton.miller@lls.nsw.gov.au
Subject: Macquarie River pipeline

Dear Ministers,

I have re- attached the letters sent to all on July 15 2019 regarding Orange council applying to have the cease to pump trigger on the pipeline lowered to extract more water from the Macquarie River which is running at low flow levels. Again in recent months dead Murray cod and Golden Perch have been reported in the Macquarie River above Burrendong Dam. The fish were deemed as too long dead to collect & determine cause of death by NSW DPI. Low flows associated with prevailing conditions, diminishing water quality, diminishing levels of dissolved oxygen & high numbers of invasive species occupying available refuge pools are all likely contributors to increasing stress levels leading to poor health, disease & deaths of high value native fish species in the river above Burrendong dam.

I have not yet received the courtesy of a reply to the concerns raised

If the cease to pump trigger is lowered it is certain that continuous extraction of water at already low flows will result in further loss of high value vulnerably listed native fish species.

If the current governments intention is to destroy aquatic species, aquatic mammals & native fish populations to a point where species recovery is decades away then by all means dry up the rivers where surviving populations still exist. Continue to allow Orange Council to supply Cadia mines with free water from Suma Park storage at Orange so they can continue to make record profits and expand their operations at any cost to the environment.

The decision to construct the pipeline to the Macquarie River has been proven to be inadequate to supply water security to Orange because of the unreliable flow during dry times

If water security for towns is a priority the only way to provide the most reliable form of water security is to construct a pipeline from the major storage in the region, Burrendong Dam. If this had been done instead of wasting money on unreliable infrastructure like the Macquarie River to Orange Pipeline, Orange and other regional communities would now have the water security they require & the aquatic species in the Macquarie would not be impacted by extracting water at low flows

What contribution to maintaining or improving a healthy waterway does Orange Council provide?

Regards,
3(a)(b)

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10 July 2019

3(a)(b)

Open Letter to raise concerns regarding Orange City Council applying to reduce the Cease To Pump low flow trigger level for operation of the Macquarie River to Orange Pipeline

Dear Sir/ Madam,

As you are aware severe drought conditions are affecting many communities with falling water storages and drying river systems increasing stress on the environment as seen with the recent catastrophic events near Menindee. The fish kills highlight the importance of ensuring low flows are protected. Declining native fish numbers & dead fish are seen as a direct indicator regarding the health of our inland waterways. Do we need to see more images like those witnessed in the Darling River splashed across the media with blame for the outcome being passed from one party/organisation to the next like a pair of soiled underwear? Suddenly what was being experienced in the smaller communities was exposed, shocking the wider public. What has occurred in the past does not have to be repeated and all fish kills no matter how big or publicly acknowledged should be treated with concern regarding the aims of maintaining healthy waterways.

Approval conditions regarding operation of the Macquarie River to Orange pipeline allow for pumping to occur when – Suma Park Dam, Orange's main storage is below 90% of capacity, the flow of the Macquarie River is above 108ML/day, the pumps can operate for up to 19 hours/day with a maximum extraction of 12ML/day.

Aquatic environmental monitoring in the Macquarie River above Burrendong Dam in the geographic area of the pipeline has reported noticeable environmental impacts relating to low flow conditions at flows below the accepted low flow level of 92ML/day determined by the independent hydrology report for the project. Low Flows at the pump off-take are defined as flows from 0 – 92ML/day, Moderate Flows 92 -349ML/day. Proponents are proposing lowering the CTP level to pump during low flows. A CTP level of 38ML/day was proposed in the Preferred Project Report (PPR) with proponents broadcasting that a 38ML/day flow was a high flow. Many of the proponents' claims have been proved conflicting with the AM & AEMP reports supplying scientific data supporting claims made by opponents including but not limited to: populations of native fish existing in the Macquarie River, actual level of the low flow, impacts to aquatic environment when flows are reduced below accepted low flow river levels.

Extraction reports on the OCC website show, if used efficiently, the pipeline extracting the maximum 12ML/day at the current CTP level would have delivered 1716ML of water over 143 days from March to October 2017, no water was recorded for this period. From November 2017 to April 2019 a possible 1656ML of water over 138 days, **only 519.31ML was extracted.**

Three occasions of non-compliance with conditions are shown in the reports where extraction exceeded the allowable 12ML in a 24 hour period and pumps exceeded 19 hour per day run time.

To prevent further environmental disasters, we ask you to carefully consider maintaining the currently approved 108ML/day CTP level for operating the Macquarie River to Orange pipeline to protect the high value instream ecological assets in the catchment above Burrendong Dam. Our main concern is the protection of flows below the accepted Class A flow level of 92ML/day at the Dixons Long Point river gauge. I have attached a document to verify concerns and would appreciate your consideration of the information

3(a)(b)

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With record low flows in the Macquarie River above Burrendong Dam resulting in the water storage in the dam to fall to 5% of capacity Orange City Council is seeking approval to lower the Cease To Pump (CTP) trigger level on the highly controversial pipeline from the Macquarie River to allow more water to be taken from the river below low flow levels, potentially impacting on native fish populations, including listed EPBC species, named priority environmental assets & key water dependent vales, compromising native fish objectives identified In the Macquarie – Castlereagh Long Term Water Plan.

Dead Murray Cod found in the Macquarie River catchment above Burrendong Dam August 2018 during low flow period & low water temperatures

Murray Cod with fungal disease *Saprolegnia parasitica* In the Macquarie River July 2018. Several more sick cod were observed along with dead and decaying fish by recreational anglers. When Murray Cod Angling season opened 1st December recreational anglers reported finding decayed Murray Cod frames along the river banks above Burrendong dam

Fish did not die or suffer disease because of impacts from operation of the Macquarie River to Orange pipeline. Low flows, deteriorating water quality, diminishing dissolved oxygen levels, increased algal growth, low water temperatures, high numbers of invasive species mainly European carp & redfin perch competing for food & space in decreasing refuge pool habitats with inability to migrate up or downstream because of reduced flows have a cumulative impact increasing stress levels on high value native fish species & other named priority environmental assets in the Macquarie River channel above Burrendong Dam**. Taking more water from low flows would accelerate impacts** resulting in decreasing native fish populations **conflicting Native fish objectives** identified in the ***Macquarie-Castlereagh Long Term Water Plan***

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Construction of the pipeline was completed in December 2104. Approvals for operating the stormwater harvesting scheme were obtained at a later date, with conditions on operation, including to allow for flushing of Summer Hill & Ophir creeks.

Spring 2017 flow 90-75ML/day September

Autumn 2018 flow 13-8ML/day April

Images above show flows in the Macquarie River downstream of the pump off take site

The Aquatic Environmental Monitoring Program (AEMP) for the 2017 -2018 water year undertaken to record data for impacts to the aquatic environment before and after/during pipeline operation describes flows encountered at the time of the spring survey as low flows (see image above) and very low flow during the autumn survey.
The AEMP report described" *notable changes in stream health including deteriorating water quality, marked falls in dissolved oxygen levels from spring to autumn monitoring rounds....reflection of reduced stream flows... aquatic macroinvertebrate community are typically sensitive to water quality & reduced flow...extensive cover of filamentous algae & aquatic moss may be hindering colonisation of some macroinvertebrates."*

The AEMP report is consistent with concerns raised by opponents relating to impacts of low flows to the aquatic environment and consistent to the independent hydrology report regarding the determination of the LOW FLOW in the Macquarie River at the extraction site being 92ML/day, conflicting proponents claims that 34-38ML/day flow constitutes a high flow.

The annual report on the OCC website refers to lowering the CTP trigger to 38ML/day to deliver more water to Suma Park Dam. Reports on OCC website show that from March 2017 to October 2017 there were 143 days where extraction could occur above the current 108ML/day CTP level with **a possible extraction of 1716ML** @ the maximum rate of 12ML/day. **No water was extracted.**

From November 2017 to March 2019 there were 138 days where flows were above the current CTP levels with **a possible extraction of 1656ML.** During this time only **519.31ML was extracted**, less than 30% of the possible delivery to Suma Park Dam during the period.

The figures indicate that if the pipeline was operated efficiently there would be no need to lower the current CTP trigger of 108ML/day. Proponents stated that water would only be extracted at high flows & therefore there would be no need to pump from the river during low flows. Moderate flows are described in the Macquarie River at the Dixons Long Point river gauge as flows from the low flow to flows exceeded 50% of the time up to 349ML/day flow.

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Native Fish Objectives – Named Priority Environmental Assets in the Macquarie River above Burrendong Dam

- **NF1** No loss of native fish species
- **NF2** Increase in the distribution & abundance of short to moderate lived generalists: Australian smelt, carp gudgeon, flat-headed gudgeon, mountain galaxis, Murray-Darling rainbowfish, un-specked hardyhead
- **NF4** Improve population structure for moderate long-lived flow pulse specialists: golden perch and silver perch
- **NF5** Improve population structure for moderate to long-lived riverine specialists: eel tailed catfish, Macquarie perch, Murray Cod, northern river blackfish, purple-spotted gudgeon, Trout Cod
- **NF6** A 25% increase in abundance of mature (harvestable sized) golden perch & Murray Cod
- **NF8** Increase in the prevalence and/or expand the population of key moderate to long-lived riverine specialist native fish species into new areas within their historical range : Macquarie Perch

Murray cod displaying Lernia infections (red spots) during NSW DPI Fisheries monitoring in 2019. Increased Lernia infection are observed during periods of low flow/poor water quality.

Angling reports by recreational anglers indicate a reduction in native fish numbers the Macquarie River above Burrendong during the 2019 season. This may be attributable to fish deaths from low flow, deteriorating water quality, temperature extremes etc. which have been experienced across the catchment. Reports detailing 2019 monitoring by NSW Fisheries have not yet been available to compare with data from previous years but it is likely the report will show increased numbers of European carp, increased Lernia infections & reduced numbers of native species recorded in 2019 resulting from low flows experienced over the past two years.

Figures in the Environmental Assessment (EA) for the project indicate extraction of 3804ML/ year would equate to 6% of the annual flow. This would indicate that the annual flow at the Long Point river gauge was 63,400ML/Year if my figures are correct

Water access licences for the Macquarie River channel above Burrendong dam include 1- 2500ML licence, 3 – 500 to 1000ML licences and 72-<250ML licences with a total volume of unregulated entitlements for the water source of **25,586ML** from the Macquarie at the confluence of the Fish and Campbells Rivers to Burrendong Dam. Add the **2,106 ML** entitlement from the Campbells above Ben Chifley Dam, **18,071 ML** entitlement from the Fish River, **1,935 ML** entitlement from Charlottes

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From: DLO Pavey <DLOPavey@minister.nsw.gov.au> on behalf of DLO Pavey
Sent: Wednesday, 8 January 2020 11:25 AM
To: Sydney Office
Cc: DLO Pavey; Amardeep Grewal; michael.blackmore@dpi.nsw.gov.au
Subject: RE: INCOMING (ROUTINE): MINISTERIAL: DPIE WATER:IM19/27387 : Paul Toole MP obo 3(a) (b) re: Macquarie River Pipeline
Attachments: David Gainsford re: Water Supply (Critical Needs) Act - Planning Secreta... (3.37 MB)

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Out of Scope

From: Lloyd Eley-Smith [Lloyd.Eley-Smith@planning.nsw.gov.au]
To: Public Pavey Office Email
Sent: Wednesday, 18 December 2019 4:46:18 PM
Subject: David Gainsford re: Water Supply (Critical Needs) Act - Planning Secretary's Consultation Report on Macquarie River to Orange Pipeline
Attachments: image003.jpg (4 KB); IRD19 69405 Correspondence - ED Infrastructure Assessments - Macquarie River to Orange Pipeline.pdf (87 KB); 191217 - Consultation Report - MQ to Orange Pipeline.pdf (3270 KB);

Hi,
Please find the attached correspondence from the Executive Director, Infrastructure Assessments as delegate of the Planning Secretary in relation to a referral received under Part 3 of the *Water Supply (Critical Needs) Act 2019*.
Attached to the correspondence is the Planning Secretary's Consultation Report under Section 8(4) of the Act, which includes the Application as Appendix A.
Regards,

Lloyd Eley-Smith
Senior Case Manager | Social Infrastructure Assessments
Infrastructure Assessments | Planning & Assessments
T 02 8217 2045 | M 0402 542 736
Lloyd.Eley-Smith@planning.nsw.gov.au

NSW GOVERNMENT | Planning, Industry & Environment

NSW GOVERNMENT | Planning, Industry & Environment

IRF19/7884

The Hon. Melinda Pavey, Minister for Water, Property and Housing
Level 17
52 Martin Place
SYDNEY NSW 2000

cc. Mr. Jim Bentley. Chief Executive Officer, Water.

Dear Minister,

On 28 November 2019, the Planning Secretary received an application for authorisation under Part 3 of the *Water Supply (Critical Needs) Act 2019* from Orange City Council for the Macquarie River to Orange Pipeline. This development is listed on the Schedule 2 of the Act.

Consultation with relevant public authorities has been undertaken and the attached report on consultation has been prepared in accordance with Section 8(4) of the Act. The attached report includes the application from Orange City Council as Appendix A. As delegate of the Planning Secretary, I am forwarding the attached report to you under Section 8(4)(c) of the Act.

If you have any more questions, please contact Ms. Karen Harragon, Director Social and Infrastructure Assessments on 9274 6358 or Mr. Lloyd Eley-Smith, Senior Case Manager, Social and Infrastructure Assessments on 8217 2045, at the Department of Planning, Industry and Environment.

Yours sincerely

18/12/19

David Gainsford
Executive Director
Infrastructure Assessments

Encl:

Attachment A: Planning Secretary's Report on Consultations

NSW GOVERNMENT

Macquarie River to Orange Pipeline - Planning Secretary's Report on Consultations

Application for authorisation under the *Water* Supply *(Critical Needs) Act 2019*

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Macquarie River to Orange Pipeline

Subtitle: Planning Secretary's Report on Consultations

Cover image: Photograph of the Macquarie River, NSW (Source: Department of Planning, Industry and Environment, September 2019).

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1 Introduction

This report provides the Planning Secretary's report on consultations on the Macquarie River to Orange Pipeline water supply development, as required under Section 8 of the *Water Supply (Critical Needs) Act 2019* (the Act). The report presents information provided by the Applicant and has regard to the issues raised by public authorities in response to consultation on the application for authorisation.

Developments described in Schedule 2 carried out by or on behalf of a public authority and subject to an authorisation of the Minister under Part 3 are exempt from development control legislation under Section 7 of the Act. As such, this report does not provide an assessment of this proposal under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Legislative context

The Act came into effect on 21 November 2019. Part 3 of the Act allows the Minister for Water, Property and Housing to authorise water supply development to be carried out by or on behalf of a public authority is exempt from development control legislation (such as a planning approval or license). The public authority proposing to carry out the development (or person on behalf of the authority) may apply to the Planning Secretary for an authorisation to carry out the development.

The Macquarie River to Orange Pipeline (the proposal) is a development described in Schedule 2 of the Act. Orange City Council as the public authority proposing to carry out the development. The proposal is within the localities of Orange, Spring Hill, Lucknow and Molong and the area serviced by the Central Tablelands Water County Council, which is declared a critical town or locality in Section 5(1) of the Act.

In preparing an application for authorisation to carry out development for the purpose of a critical town or locality water supply (as listed in Schedule 2 of the Act), the relevant public authority (i.e. the Applicant) must submit an application in writing to the Planning Secretary, including the following information:

- a description of the proposed development
- a description of the land on which the proposed development is to be carried out
- the date when any construction for the proposed development is to be commenced and the anticipated date of completion of the construction
- the measures proposed to be taken to avoid, minimise or offset the environmental or other impacts of the proposed development
- any other information relating to the proposed development that the regulations, or the Planning Secretary, requires to be included.

An application from Orange City Council was received in writing by the Planning Secretary on 28 November 2019 under Section 8(2)-(3) of the Act. Under Section 8(4) of the Act, the Planning Secretary is required to consult with relevant public authorities regarding the proposed authorisation of a water supply development (see **Section 5**). Section 8(8) of the Act also suggests five types of conditions that may be imposed on the development (see **Section 5**). This report presents the consultation advice provided by public authorities.

2 Proposal Description

Condition B4 of MP10_0235 states that water extraction from the Macquarie River can only occur when the instantaneous rate of extraction does not exceed 15.2 ML/day, the water level in Suma Park Dam is less than 90 percent full and the flow rate in the Macquarie River exceeds 108ML/day.

Orange City Council (the Applicant) has submitted an application for authorisation to carry out a water supply development under Part 3 of the *Water Supply (Critical Needs) Act 2019* (the Act), which proposes to authorise to operate the pipeline under s.8(2)-(3) of the WS(CN) Act without the extraction restriction in Condition B4 of the existing infrastructure approval. The Macquarie River to Orange Pipeline is a declared water supply development listed in Schedule 2 of the Act. The proposal is within the locality of Orange, Spring Hill, Lucknow and Molong and the area serviced by the Central Tablelands Water County Council, which is declared a critical town or locality in Section 5(1) of the Act.

The existing development operates under State Significant Infrastructure approval MP10_0235, approved by the Independent Planning Commission (former Planning and Assessment Commission) on 18 June 2013 under the previous Part 3A of the EP&A Act. The existing development allows for transfers of up to 12ML of water per day (over an average period of up to 19 hours per day) from the Macquarie River at Cobbs Hut Hole to Suma Park Reservoir.

The proposal seeks authorisation to modify condition B4 of MP10_0235 to change the existing cease to pump trigger of 108ML/day to a reduced flow rate of 38ML/day. The proposal is discussed further in **Section 2.2**.

2.1 Site Description

The existing development is located in the central west of NSW approximately 250 kilometres (km) west of Sydney, within the Orange and Cabonne local government areas. The pipeline alignment runs along a defined easement, generally to the north of Orange, commencing at the existing Macquarie River pump station and mostly following Long Point Road, Oaky Lane and Ophir Road before discharging into Suma Park Reservoir (see **Figure 1**).

A detailed description of the project site is included in the Applicant's application (see **Appendix A**).

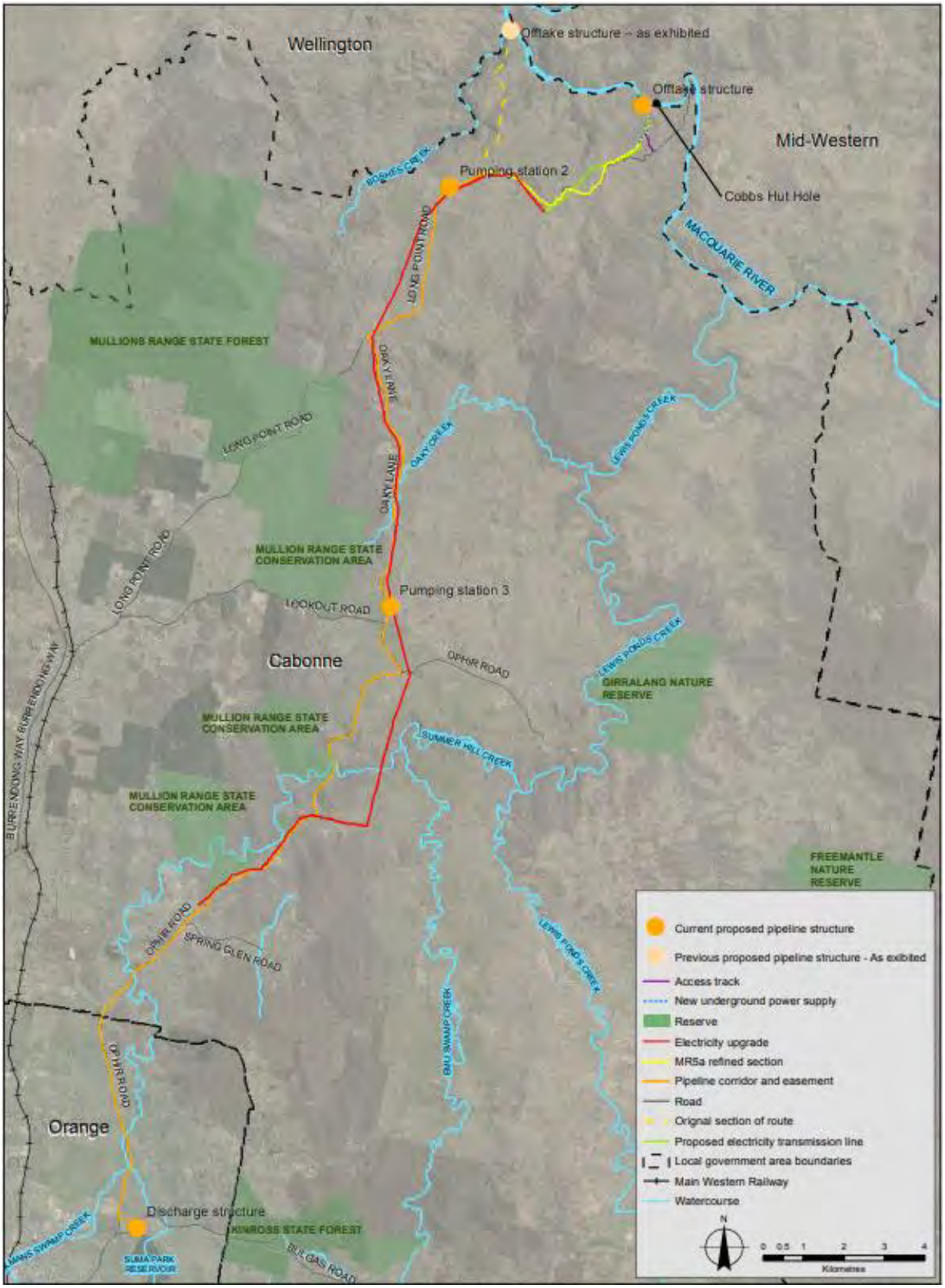

Figure 1 | Proposal location and pipeline structure (source: Macquarie River to Orange Pipeline Project Preferred Project Report, February 2013).

2.2 Proposal Overview

The proposal seeks to modify condition B4(b)(v) of MP10_0235 to change the existing cease to pump trigger of 108ML/day to a reduced flow rate of 38ML/day. The Applicant proposes to maintain the reduced pumping trigger until the combined water storage for Orange (i.e. the total water volume in Suma Park Dam and Spring Creek Dam) reaches 50 percent, approximately 11,710ML. The Applicant advised no physical work or construction is required for the proposal.

Condition B4 of MP10_0235 requires:

The Project is to be operated consistent with:

(a) the Orange Water Supply System Decision Support Tool in condition B3;

(b) the operating rules where:

(i) pumping is only to occur when the instantaneous river flow immediately downstream of the pumps will exceed the 80th percentile flow (the note below specifies how the 80th percentile flow rate is determined); and

(ii) no more than 12 ML is to be extracted from the Macquarie River at Cobbs Hut Hole over any 24 hour period; and

(iii) the instantaneous rate of extraction is not to exceed 15.2ML/day; and

(iv) the water level in Suma Park Dam is less than 90 percent full; and

(v) a cease to pump trigger applies, corresponding to a flow in the Macquarie River at Gauging Station 421192 (upstream of the pumps) of 15.2ML/day above the 80th percentile flow (e.g. 92+15.2=~108ML/day); and

(c) the river flow margin of error for Gauging Station 421192 determined in condition B6.

Note:
The 80th percentile flow rate is set at 92ML/day but can be updated to reflect the revised river flow model allowed in condition B5, if approved by NOW and the Secretary.

Catchment modelling undertaken for the existing developments 2012 Environmental Assessment (EA) proposed an 80th percentile flow of 22ML/day[1]. This rate of flow equates to a cease to pump trigger of 38ML/day (i.e. the rate proposed for this application).

No other changes to the operating rules or to the existing water sharing plan for the existing development are proposed.

2.3 Timing

Due to the critical nature of this proposal, authorisation to carry out development is required as soon as possible. The Applicant has advised that no physical work or construction is required, and they would therefore be able to implement the proposed change to the pumping trigger as soon as authorisation to carry out development is issued. The change proposed by the Applicant would remain in place until the combined water storage for Orange reaches 50 percent capacity and level 4 water restrictions are lifted.

The Applicant has proposed the following approach for duration of the authorisation:

- 12 month authorisation for the emergency pumping trigger, to end when the combined storage goes above 50 percent
- 6 month extensions for the emergency pumping trigger (if the combined storage has not gone above 50 percent during the initial 12 month authorisation) to end when the combined storage goes above 50 percent. This will be reviewed every 6 months.

The Applicant has not nominated a set end date and seeks flexibility to continue to seek extensions based on future weather variability. Extensions to the emergency pumping trigger would be requested in writing from and determined by the Minister for Water, Property and Housing through the authorisation process under Section 8(7).

[1]: Macquarie River to Orange Pipeline Environmental Assessment, 2012: https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP10_0235%2120190813T075230.640%20GMT

3 Impacts and Proposed Management Measures

This section describes the key impacts and proposed management measures as described by the Applicant in their application. The Applicant considers the key impacts for the proposal to be potential hydrology, aquatic, social and economic impacts. The Planning Secretary has not carried out an assessment of the identified impacts in this report and/or adequacy of the proposed management measures which are reproduced here from the application.

3.1 Hydrology and Water Security

Daily flow patterns and river levels

The Macquarie River to Orange Pipeline pumps operate for 19 hours each day, when river and storage conditions allow. This allows a 5 hour period (every 24 hours) when the existing river flow would not be impacted, consistent with the daily flow pattern assessed in the 2012 EA. The Applicant notes that the maximum drop in river level at the location of the pump intake would occur when 12 ML/day is extracted from a flow of 38ML/day. The current rating table indicates the drop in water level would be 38mm, which is considered by the Applicant to be consistent with impacts identified in the 2012 EA.

Downstream hydrology impacts

Unregulated Macquarie River section

The unregulated water sources extend downstream from the Macquarie River to Orange Pipeline offtake structure to Burrendong Dam. There are no water access licenses along this section of the Macquarie River. The Applicant advised that the reduction in flows resulting from the operation of the emergency pumping trigger would not impact on any existing water access licenses.

The Applicant considers the average annual extraction with the proposed 38 ML/day pumping trigger to be consistent with the assessment in the 2012 EA. The emphasis on protecting low river flows by adopting the 38 ML/day cease to pump threshold protects basic stock and domestic rights and environmental flow along the unregulated section of the Macquarie River through to Burrendong Dam.

The Applicant advised basic stock and domestic rights along the unregulated section of the Macquarie River would be protected by not extracting water during low flows. Assessment of the project in the 2012 EA (Geolyse, 2012) noted that there would be no change in the flow regime for low flows (those flows equalled or exceeded 80 percent of the time). Therefore, pumping would not occur below the recommended 95th percentile flow cease to pump threshold (Government of New South Wales, 2002) and this would protect the flows and the supply to basic right pumpers during dry period.

Water Access License (WAL) 36374 sets a visible flow criterion as a cease to pump threshold for the taking of water. The Applicant noted that this proposal is adopting a pumping trigger that is above the provisions of the WAL and would ensure low flows are not impacted in the unregulated section of the Macquarie River.

The proposed emergency pumping trigger would not impact on river flow for five hours each day. The benefit of this is that for 20 percent of the day the river flow is unaffected by the operation of the pipeline. This would provide pulses down the river system that would return pools and riffles to the same state as if the pumps were not operating.

Regulated Macquarie River section

Any extraction of water from a system has the potential to impact on downstream users. Modelling of the proposed 38ML/day pumping trigger compared to the current 108ML/day pumping trigger shows that the Macquarie River to Orange Pipeline could extract an average of 1,330ML/year more from the Macquarie River (1.3GL/year). This water would therefore be removed from the inflow to Burrendong Dam.

The Applicant advised that detailed assessment of the project with a low river flow series and a pumping trigger of 38ML/day indicated that it would have a negligible impact on system flows downstream of Burrendong Dam and would not impact on the ability to operate the regulated system in accordance with the Macquarie-Cudgegong water sharing plan. The Applicant concluded that the impact on downstream water users, including the Macquarie Marshes, is likely to be negligible (Geolyse, 2012).

WaterNSW has released updated depletion curves for the regulated Macquarie River system in *Macquarie Drought Operations Update 30th October*[2] . The depletion curves that show the impact of various management measures are shown in a taipan graph which is reproduced in Figure 5 of the Applicant's supporting document.

The WaterNSW depletion modelling is based on three different inflow series (inflow to Burrendong Dam):

- zero inflow
- synthetic drought of record (SDR) which is the recent observed inflows, past two years repeated (the same as the method adopted for this analysis – refer to Section 3.3.1 of Applicant's supporting document)
- drought of record (pre-Water Sharing Plan).

The inflow to Burrendong Dam is a combination of flow from the Macquarie River and Cudgegong River.

[2] Langdon, 2019, https://www.waternsw.com.au/__data/assets/pdf_file/0018/150156/Macquarie-Drought-Presentation-October-2019.pdf).

The taipan curves show the impact of various drought management measures. For example, under the zero inflow scenario the taipan shows the following:

- with no management intervention the Macquarie River would cease to flow in November 2019;
- stage 1 intervention (raising the Warren Weir and stopping the river at Warren which has been implemented in August 2019) extends the cease to flow to January 2020;
- stage 2a and 2b interventions (bulk water transfer from Windamere Dam and closing off the Gunningbar Weir) extends the cease to flow to end of March 2020;
- stage 3 intervention (pumping dead storage) extends the cease to flow to end of July 2020.

It is noted that there is no forecast cease to flow under the SDR and drought of record modelling with Stage 3 intervention.

The Applicant advised the Burrendong Dam dead storage is 20.7 GL (20,700 ML) and the plan is to leave 6 GL (6,000 ML) in storage for fish habitat (Langdon, 2019). The current combined storage in Orange is 6.6 GL.

Under the zero inflow scenario, the WaterNSW taipan curves shows it takes around four months to pump out the dead storage. This equates to a release from Burrendong Dam of around 125 ML/day. This is under a zero inflow scenario in which case the Macquarie River to Orange Pipeline would very likely not have operated and therefore would not affect the cease to flow date.

The potential additional Macquarie River to Orange Pipeline extraction volume generated by reducing the pumping trigger from 108 ML/day to 38 ML/day:

- based on the zero inflow scenario the average release of the dead storage is 125 ML/day;
- modelling shows the additional Macquarie River to Orange Pipeline extraction generated by the 38 ML/day pumping trigger over the four months from April to July 2020 is 715 ML;
- assuming no losses, the additional water removed by the MOP equates to around six days of release from Burrendong Dam.

The Applicant considers that this scale of potential impact is not significant in terms of operation of the regulated river system. The Applicant advised the above assessment has been reviewed by WaterNSW who advised that the interpretation of the river operation data as displayed in the taipan curves and resulting conclusions derived from this data are correct.

Water security

The Applicant advised the changed pumping trigger of 38ML/day is a relatively short term measure to help manage water resources through the current drought period, and that the proposal would not necessarily provide any change in the long term water security provided by the existing project. However, the proposal would help Orange City Council manage its water supply and allow the system to move out of drought sooner.

Water entitlement

The Applicant holds WAL36374, a 643 ML/year unregulated water access license for the extraction of water from the unregulated Macquarie River above Burrendong water source. Under condition MW0004-00001, Part B of WAL36374 the volume of water extracted over three consecutive years should be less than 1,929ML. The Applicant advised that the water volume extracted under WAL36374 over the past two years has been 530ML (69ML in 2017/18 and 461ML in 2018/19). Therefore, 1,399ML could be extracted in the 2019/20 water year and not breach the WAL condition.

However, the maximum carry over from the 2018/19 water year is 643ML, meaning a maximum of 1,286ML can be extracted in the 2019/20 water year. If this maximum take occurred, then the maximum take permitted in the 2020/21 water year would be 182ML to comply with the three year total volume. The Applicant acknowledges that modelling for the pipeline operation is likely to exceed water intake limits on WAL36374, as predicted in the 2012 EA.

The Applicant advised that it will continue to monitor Macquarie River water extraction against the conditions of WAL36374, in accordance with the existing projects Operational Environmental Management Plan (OEMP). The Applicant also advised that if operational data indicates a potential extraction limitation under the existing WAL, the Applicant will:

- make an application for a water allocation assignment from other WALs under Section 71T of the *Water Management Act 2000*
- seek additional entitlements through the trading provisions of the water sharing plan.

3.2 Aquatic Ecology Impact

The 2012 EA included an Aquatic Ecology Assessment (AEA) prepared by Cardno Ecology Lab. The AEA considered changes in river flow conditions, assuming a conservative river flow series and a pumping trigger of 38ML/day. The Applicant advised that based on this assessment, it is unlikely that the small modification to flows (as a result of this proposal) would have adverse effects on aquatic biota. The Applicant concluded that the aquatic impacts would be less, and that the aquatic impact conclusion reached in the 2012 EA remains valid.

Existing requirements under the projects OEMP require the Applicant to undertake routine monitoring in the Macquarie River and Summer Hill Creek. The Applicant advised that no aquatic impact attributable to the operation of the Macquarie River to Orange Pipeline have been identified.

3.3 Social Impact

The Applicant acknowledges the significant impact that the continuing drought and implementation of water restrictions is having on the Orange community. Modelling of the proposed pumping trigger of 38ML/day indicates that there is potential for this proposal to provide significant benefit for the Orange community, including potentially avoiding the need to implement level 6 water restrictions and assisting Council manage its ongoing water supply.

No additional measures to manage social impacts are proposed in the Applicant's proposal.

3.4 Economic Impact

The Applicant advised that the proposed emergency pumping trigger would result in additional operational costs (i.e. power and maintenance) as the pumps would operate more frequently.

In accordance with Orange City Council's drought management plan, level 6 water restrictions would result in the closure of some non-residential water uses. The application notes these closures include:

- public car and truck washing facilities
- construction industry (mortar, concrete mix, wash down, paint preparation, curing)
- cleaning services
- nurseries
- food or pet food production
- public water features
- schools, technical colleges, universities
- motels, caravan parks, cabins
- hotels, registered clubs
- businesses with cooling towers.

No additional measures to manage economic impacts are included in the Applicant's proposal.

4 Applicant's Recommended Conditions

The Applicant has recommended a number of conditions for consideration as part of the application for authorisation. Where the Department considers these should be adopted, they are included in the list of consolidated conditions in **Appendix B**. These conditions are provided in **Table 1** below.

Table 1 | Summary of Applicant's Recommended Conditions

No.	Applicant's Recommended Conditions
1	Condition B4 of MP10_0235 is suspended for a minimum period of 12 months from the date of this authorisation.
2	The suspension of condition B4 of MP10_0235 will cease when the combined Orange City Council water storage exceeds 50 percent (as measured by the combined volume in Suma Park Dam and Spring Creek Dam).
3	The suspension of condition B4 of MP10_0235 will be reviewed at the end of the initial 12 month period (from the date of this authorisation) and thereafter every 6 months and extended for minimum 6 month periods to end when the combined storage goes above 50 percent (as per condition 2).
4	While condition B4 of MP10_0235 is suspended, the Macquarie River to Orange Pipeline shall be operated consistent with the operating rules where: a. pumping is only to occur when the instantaneous river flow at Gauging Station 421192 is greater than 38ML/day; b. no more than 12ML is to be extracted from the Macquarie River at Cobbs Hut Hole over any 24-hour period; and c. the instantaneous rate of extraction is not to exceed 15.2ML/day.
5	Council shall continue to implement the *Orange Raw Water Supply Operation Environmental Management Plan (OEMP)* and record the implementation of the modified Macquarie River to Orange Pipeline operating rules from this approval in the relevant Decision Support Tool (DST) report.
6	Council shall inform the community when: a. the revised operating rules permitted by this approval commence; b. the suspension of condition B4 of MP10_0235 is extended for 6 months; and c. the Macquarie River to Orange Pipeline operation reverts to the operating rules in condition B4 of MP10_0235.

5 Referral

In accordance with Section 8(4) of the Act, the Planning Secretary is required to consult with relevant public authorities regarding the proposed authorisation of a water supply development, have regard to any issues raised and forward a report on those consultations to the Minister for Water, Property and Housing. The Minister for Water, Property and Housing may then issue an authorisation with the concurrence of the Minister for Energy and Environment under the Act, subject to any conditions set out or referred to in an authorisation.

The Act does not limit what conditions may be imposed, but Section 8(8) of the Act does suggest five types of conditions, including:

- the time within which the development must be completed;
- requiring specified environment assessment to be undertaken before the development is permitted to be carried out;
- hours and other conditions of operation of the carrying out of the development;
- reporting requirements; and
- public notification requirements in relation to the carrying out of the development.

The referral process is administered by the Planning and Assessment Group of the Department of Planning, Industry and Environment (DPIE), on behalf of the Planning Secretary. The Planning and Assessment Group consulted with relevant public authorities, including on recommended conditions of authorisation from, 28 November 2019 to 13 December 2019 (see **Table 2**).

Table 2 | Public Authority Consultation Register

Public Authority	Date Referred to Public Authority	Date Response Received
DPIE – Water Group	29/11/2019	13/12/2019
DPIE – Regions, Industry, Agriculture and Resources Group (Department of Primary Industries - Fisheries)	29/11/2019	13/12/2019
DPIE – Environment, Energy and Science Group (Biodiversity and Conservation Division)	29/11/2019	13/12/2019
Natural Resources Access Regulator (NRAR)	02/12/2019	13/12/2019
Environment Protection Authority (EPA)	29/12/2019	09/12/2019
WaterNSW	06/12/2019	13/12/2019

Public Authority	Date Referred to Public Authority	Date Response Received
DPIE – Planning and Assessment	29/11/2019	13/12/2019

A summary of public authority responses received is provided in **Section 6**. The working group met on the 13 December 2019 and this proposal was discussed.

6 Public Authority Responses

This section describes the key issues and recommended conditions of authorisation as described by public authorities. The responses in this section are as provided by the public authorities.

6.1 DPIE – Water Group (Water Assessments)

The application for change of operating rules of the Macquarie River through a reduction of the cease to pump flow trigger from 108 ML/day to 38 ML/day to provide additional water to Orange was received by DPIE Water on 29 November 2019. The application was reviewed by officers and a response on the proposed authorisation was provided on 11 December 2019. DPIE Water considers that the application does meet the requirements of Section 8(3) of the *Water Supply (Critical Needs) Act 2019*.

DPIE Water considers the issues listed in **Table 3** to be relevant to the application, ranked in order from highest to lowest priority.

Table 3 | Issues relevant to change of operating rules of the Macquarie River through a reduction of the cease to pump flow trigger from 108 ML/day to 38 ML/day from DPIE Water.

Priority	Issue	Basis of legislation	Application reference
1	Pulsing flow from the operation of the pumps.	WMA 2000	
2	Management of flow for facilitation of fish.	WMA 2000	
3	Reduction in groundwater baseflow: possibly perceived high risk, DPIE-Water consider it low risk.	WMA 2000	

On the basis of the issues identified in **Table 3**, DPIE Water recommends the Minister includes the conditions identified in **Table 4** in the authorisation.

Table 4 | Recommended conditions Recommended conditions for change of operating rules of the Macquarie River through a reduction of the cease to pump flow trigger from 108 ML/day to 38 ML/day from DPIE Water.

Proposed Condition	Reasoning/Background	Outcome
The proponent should assess the impact of the loss of fish passage over riffles and loss of riffle habitat that will occur with the reduction of the cease to pump flow trigger.	Ideally prior to reduction of the cease to flow trigger.	

Proposed Condition	Reasoning/Background	Outcome
The proponent should assess the impact of stranding or biota due to pulsing flow from the operation of the pumps.	Impact level should be assessed prior to cease to pump level decrease. There is expected to be some pulsing of flow, possibly causing stranding of biota.	Can be managed.
DPIE Water recommends as a condition of consent that the proponent only pump when trash screens and a fine-mesh screen are operational.		
For completeness, the assessment should discuss the risk to groundwater recharge and availability aspect of the proposal.	The risk can be perceived as high by groundwater users. The Macquarie River downstream of Bathurst is a gaining stream. Hence the risk to groundwater availability of lowering the cease to flow trigger is considered to be low.	Low risk.

6.2 DPIE – Regions, Industry, Agriculture and Resources Group (Department of Primary Industries - Fisheries)

The application for Macquarie River to Orange Pipeline was received by DPI Fisheries on 29 November 2019. The application was reviewed by officers and a response on the proposed authorisation was provided on 12 December 2019. DPI Fisheries considers that the application does meet the requirements of Section 8(3) of the *Water Supply (Critical Needs) Act 2019*.

DPI Fisheries considers the issues listed in **Table 5** to be relevant to the application, ranked in order from highest to lowest priority.

Table 5 | Issues relevant to change of operating rules of the Macquarie River through a reduction of the cease to pump flow trigger from 108 ML/day to 38 ML/day from DPI Fisheries.

Priority	Issue	Basis of legislation	Application reference
1	Potential impacts on aquatic ecology.	Part 7 *Fisheries Management Act 1994*, Policy & Guidelines for Fish Habitat Conservation & Management (2013)	Section 4.3
2	Potential impacts on threatened species.	Part 7A *Fisheries Management Act 1994*	Section 4.3
3	Potential impacts on recreational fishing	Objects of *Fisheries Management Act 1994* (to promote quality recreational fishing opportunities)	Section 4.3

On the basis of the issues identified in **Table 5**, DPI Fisheries recommends the Minister includes the conditions identified in **Table 6** in the authorisation.

Table 6 | Recommended conditions for Macquarie River to Orange Pipeline from DPI Fisheries.

Proposed Condition	Reasoning/Background	Outcome
Continued implementation of the Aquatic Environment Monitoring Program as part of the Operational Environmental Monitoring Program (OEMP).	Project Approval MP_0235-Macquarie River to Orange Pipeline Project.	OEMP Reporting.

6.3 DPIE – Environment, Energy and Science Group (Biodiversity and Conservation Division)

The application for the Macquarie River to Orange Pipeline was received by the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment on 29 November 2019. The application was reviewed by officers and a response on the proposed authorisation was provided on 13 December 2019. The Biodiversity and Conservation Division of the Department of Planning, Industry and Environment considers that the application DOES meet the requirements of Section 8(3) of the *Water Supply (Critical Needs) Act 2019*.

The Biodiversity and Conservation Division of the Department of Planning, Industry and Environment considers the issues listed in **Table 7** to be relevant to the application, ranked in order from highest to lowest priority.

Table 7 | Issues relevant to the Macquarie River to Orange Pipeline from the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment.

Priority	Issue	Basis of legislation	Application reference
1	The application refers to environmental impact assessment conducted for the original project (MP10_0235, approved under the *Environmental Planning and Assessment Act 1979* [EP&A Act]). Given the pipeline has been operating on a 108 ML/day pumping trigger as per the project approval, the impacts on aquatic ecology and riparian habitat from the reduced pumping trigger of 38 ML/day can be reasonably foreseen. We therefore recommend an adaptive management approach to manage the increased risk to aquatic and amphibious fauna.	Maintain consistency with and support monitoring requirements in Condition B1 of the project approval (MP10_0235), and the Orange Raw Water Supply System Operation Environmental Management Plan (OEMP).	5; and Section 4.3 in Supporting Information report
2	All operating rules stated in Condition B4 (except for the pumping trigger) in the project approval MP10_0235 remain in force.	Condition B4 of the project approval (MP10_0235) Section 3.2.2 of *Supporting Information Proposed Emergency Change to Macquarie River to Orange Pipeline Pumping Trigger* (Premise, November 2019)	6; and Section 3.2.2 in Supporting Information report

On the basis of the issues identified in **Table 7**, the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment recommends the Minister includes the conditions identified in **Table 8** in the authorisation.

Table 8 | Recommended conditions for the Macquarie River to Orange Pipeline from the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment.

Proposed Condition	Reasoning/Background	Outcome
1. A program should be developed and implemented to identify and monitor impacts to aquatic ecology (including amphibious fauna), hydrology and water quality from the amended pumping trigger. The program should include monitoring of:	Condition B1 of the existing approval (MP10_0235) requires development of a monitoring program. That program does not require monitoring of platypus, rakali nor turtles.	Impacts from the amended pumping trigger are identified and adaptively managed to minimise harm to fauna already under increased stress as a result of drought.

Proposed Condition	Reasoning/Background	Outcome
• Water level and water quality within identified habitat pools at the pump-site and downstream. • Amphibious fauna including platypus, rakali, freshwater turtles by a suitably qualified consultant. The program should include an adaptive trigger designed to allow for temporary suspension of pumping to replenish refuge pools should impacts to habitats, individuals or populations be identified by monitoring. A schedule indicating the frequency of the monitoring and reporting should be included. The program should be developed in consultation with BCD.	Aquatic/amphibious fauna are under significant stress from current drought conditions. The approval conditions which set the pump threshold at 108 ML/d were intended to protect habitat. Reducing the pumping trigger increases risks to these species. Monitoring actions specific to this proposal should be undertaken to identify and avoid impacts that result from the reduced pumping trigger.	
2. All operating rules stated in Condition B4 (except for the pumping trigger) in the project approval MP10_0235 remain in force.	The rules stated in the project approval were recommended as mitigation measures in the Aquatic Ecology Impact Assessment completed for the original project.	The operation of the pipeline remains consistent with the current approval, minimising harm to biodiversity.

A copy of the letter provided by the Biodiversity and Conservation Division is provided in **Appendix C**.

6.4 Natural Resources Access Regulator (NRAR)

A letter was provided to NRAR on 02 December 2019 and a response was received from NRAR on 13 December 2019. A copy of the letter is provided in **Appendix D**. No conditions were proposed as part of the consultation response.

6.5 Environment Protection Authority (EPA)

A letter was provided to EPA on 29 November 2019 and a response was received from EPA on 9 December 2019. A copy of the letter is provided in **Appendix E**. No conditions were proposed as part of the consultation response.

6.6 WaterNSW

A letter was provided to WaterNSW on 06 December 2019 and a response was received from WaterNSW on 13 December 2019. A copy of the letter is provided in **Appendix F**.

6.7 DPIE – Planning and Assessment

The application for the Macquarie River to Orange Pipeline was received by the Planning and Assessment Group of DPIE on 29 November 2019. The application was reviewed by officers and a response on the proposed authorisation was provided on 13 December 2019. Planning and Assessment Group considers that the application does meet the requirements of Section 8(3) of the *Water Supply (Critical Needs) Act 2019*.

Planning and Assessment Group considers the issues listed in **Table 9** to be relevant to the application, ranked in order from highest to lowest priority.

Table 9 | Issues relevant to the Macquarie River to Orange Pipeline.

Priority	Issue	Basis of legislation	Application reference
1	Conditions proposed by Applicant are generally considered appropriate with some minor changes to achieve the outcomes intended by the Act.	*Water Supply (Critical Needs) Act 2019*	Section 5.3
2	Timing of conclusion of authorisation. It is intended that the authorisation only be active for the duration of the current drought and any long term changes to the approval would be subject to a formal modification.	*Water Supply (Critical Needs) Act 2019*	Section 3.2.3
3	Need for public notification to ensure impacted stakeholders are aware of the changes to the conditions and the duration of these changes	*Water Supply (Critical Needs) Act 2019*	

On the basis of the issues identified in **Table 9**, it is recommended that the Minister considers the inclusion of the conditions identified in **Table 10** in the authorisation.

Table 10 | Recommended conditions for the Macquarie River to Orange Pipeline.

Proposed Condition	Reasoning/Background	Outcome
The existing approval for MP10_0235 will continue to apply, except as otherwise modified by this authorisation.	It is not proposed to disapply the existing approval other than as changed by the authorisation.	The existing approval will continue to apply except as modified by the authorisation.
This authorisation will cease when the combined Orange City Council water storage exceeds 50 percent (as measured by the combined volume in Suma Park Dam and Spring Creek Dam) or when the Act ceases to apply subject to the review and extension process set out under these conditions.	The authorisation is proposed for the current drought and not as an ongoing modification to the approval.	Implements an end point for the authorisation based on the need for the changes.
This authorisation will be reviewed by the Applicant at the end of an initial 12 month period (from the date of this authorisation). If this review identifies that that the authorisation continues to be required, an application may be made in writing to the Minister administering the *Water Supply (Critical Needs) Act 2019* for extensions to this authorisation on a six monthly basis to end when the combined storage exceeds 50 percent (until such time as the Act ceases to apply).	The current drought may continue longer than forecast and there is a need to allow the authorisation to be extended with six monthly reviews by the Minister.	Pathway is available to extend the authorisation.
While this authorisation is active, condition B4 of MP10_0235 is modified that the existing operating rules in Condition B4(b) do not apply and are replaced with the following operating rules: i. pumping is only to occur when the instantaneous river flow at Gauging Station 421192 is greater than 38ML/day;	Only the operating rules contained in Condition B4(b) of the approval are intended to be changed. All other conditions will continue to apply.	Only the operating rules are modified by the authorisation.

Proposed Condition	Reasoning/Background	Outcome
ii. no more than 12ML is to be extracted from the Macquarie River at Cobbs Hut Hole over any 24-hour period; and iii. the instantaneous rate of extraction is not to exceed 15.2ML/day. Note, all other conditions of approval under MP10_0235 continue to apply.		
The *Orange Raw Water Supply Operation Environmental Management Plan (OEMP)* will continue to be implemented and the implementation of the modified Macquarie River to Orange Pipeline operating rules from this authorisation will be recorded in the relevant Decision Support Tool (DST) report.	The existing management procedures will continue to be relevant and should continue to apply through the period of the authorisation.	Existing management procedures will continue to apply.
This authorisation will be made publicly available on the Applicant's website and further notifications will be published on the same website when: i. the revised operating rules permitted by this authorisation commence; ii. a six month extension to this authorisation is issued; and iii. the Macquarie River to Orange Pipeline operation reverts to the operating rules in condition B4(b) of MP10_0235.	Ensure that potentially impacted stakeholders are aware of the changes to the authorisation.	Stakeholders are made aware of any potential changes.

7 Conclusion

The Planning Secretary has consulted with other relevant public authorities regarding the proposed authorisation, had regard to any issues raised by those authorities in those consultations and prepared this report on those consultations in accordance with Section 8 of the Act. Consolidated conditions suggested by relevant public authorities are reproduced in **Appendix B**.

Having regard to the issues raised by relevant public authorities, the key issues raised through the consultation process were:

- Impacts to aquatic fauna and threatened species
- Environmental Impacts of changes to the flow regimes in the river
- Impacts to other river users
- That the existing approval continues to apply as far as possible
- Public notification of the authorisation
- Timing of the conclusion of the authorisation.

A number of public authorities proposed conditions to be applied to the authorisation in response to the consultation request. The Minister for Water, Property and Housing may wish to consider these suggested conditions and other factors in the determination of the authorisation and the application of conditions to the authorisation.

The Minister for Water, Property and Housing may authorise the applicant to carry out the proposal under the subject to any conditions included in the authorisation under Section 8(5) of the Act. Prior to issuing this authorisation, the Minister for Water, Property and Housing must obtain concurrence of the Minister administering the *Biodiversity Conservation Act 2016* in accordance with Section 8(6).

18/12/19

Prepared by:

Lloyd Eley-Smith
Senior Case Manager
Social and Infrastructure
Planning and Assessments

18/12/19

Reviewed by:

Karen Harragon
Director
Social and Infrastructure
Planning and Assessments

Appendices

Appendix A - Applicant’s application and supporting information

ORANGE CITY COUNCIL

D19/71747

28 November 2019

Planning Secretary
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

ATTENTION: Jim Betts

APPLICATION UNDER *WATER SUPPLY (CRITICAL NEEDS) ACT*

Please find attached Orange City Council's application made under the *Water Supply (Critical Needs) Act 2019* for an emergency change to a condition of approval relating to the operation of the Macquarie River to Orange pipeline (MOP). The application is comprised of the application form and a supporting information attachment.

No works are required for the proposal, simply a change to an operating rule that allows a pumping trigger of 38 ML/day; the level upon which the 2012 Environmental Assessment for the MOP was based.

Orange is currently on Level 5 water restrictions, with Level 6 forecast to be in place by the end of April 2020 under a zero inflow scenario. We trust that this application will be considered in a timely manner in order to mitigate further impact on the community during this unprecedented drought.

Yours sincerely

PER

David Waddell
CHIEF EXECUTIVE OFFICER

Cc David Gainsford - David.Gainsford@planning.nsw.gov.au
Cc Karen Harragon – Karen.Harragon@planning.nsw.gov.au
Cc Lloyd Eley-Smith – Lloyd.Eley-Smith@planning.nsw.gov.au
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Application Form

Authorisation to carry out water supply development

Section 8 of the *Water Supply (Critical Needs) Act 2019*

1. Provide details of the applicant

Applicant name (*Public Authority*)	Orange City Council				
Postal Address	PO Box 35				
Suburb	Orange	State	NSW	Postcode	2800
Contact name	Wayne Beatty				
Contact number	02 6393 8253	Email	WBeatty@orange.nsw.gov.au		
ABN	85 985 402 386				

The nominated contact must be authorised to make statements and answer enquiries on behalf of the Applicant

2. Describe the proposal

The ***declared water supply development*** to which this application relates (*From Schedule 2 of Water Supply (Critical Needs) Act 2019*)	Macquarie River to Orange pipeline.
The ***critical town or locality water supply*** in which the development is located (*From Clause 5 or Schedule 1 of Water Supply (Critical Needs) Act 2019*)	The locality that includes Orange, Spring Hill, Lucknow and Molong and the area serviced by the Central Tablelands Water County Council water supply system.
Brief description of the proposed development – including details of any new works needed to access and supply water	Request for approval to run the Macquarie to Orange pipeline at a reduced river flow rate of 38 ML/day. No works are required for the proposal; simply a temporary change in an operating rule.

3. Description of the land on which the proposed development is to be carried out

Street address(s)	Refer Supporting Information attachment (Table 1.1 and Section 3.2.4).
Suburb, town or locality	Refer Supporting Information attachment (Table 1.1 and Section 3.2.4).
Local government area	Existing river pump station - Cabonne Shire Council LGA. Existing dam discharge point – Orange City Council LGA.
Real property description (eg. lot, DP/ MPS, vol/ fol, parish, portion)	Existing river pump station located on Lot 2 DP794007. Existing dam discharge point located on Lot A DP421655.

Attach any documentation which supports your project description, such as:

- **a locality map which clearly highlights the location and boundary of the site, as well as any key identifying features in the locality (eg. roads, towns, waterbodies, etc.)**
- **a list of property affected (Lot/DP and street address (where relevant))**
- **plans or drawings of the proposal to show what you intend to do**
- **construction methodology, including proposed hours**
- **details of operational methodology, including relevant operating rules, and proposed hours of operation.**

4. Describe delivery timeframes	
Date of commencement of construction for the proposed development	No physical works or construction required. Refer Supporting Information attachment (Table 1.1 and Section 3.2.5).
Anticipated date of completion of construction of the development	No physical works or construction required. Refer Supporting Information attachment (Table 1.1 and Section 3.2.5).
Anticipated date or trigger of commencement of operation of the development	As soon as approval is granted. Refer Supporting Information attachment (Table 1.1 and Section 3.2.5).
Anticipated date or trigger for end of operation of the development	Combined water storage for Orange reaches 50%, which is when Level 4 water restrictions are lifted. Refer Supporting Information attachment (Table 1.1 and Section 3.2.3).

5. Detail environmental impacts and management	
Measures proposed to be taken to avoid, minimise or offset the environmental or other impacts of the development (attach any impact studies or risk assessments undertaken)	Measures are considered in Table 1.1 and Sections 4 and 5 of the Supporting Information attachment. Background documentation and Environmental Assessment is located on the NSW Planning Portal (https://www.planningportal.nsw.gov.au/major-projects/project/21351). The 2012 Environmental Assessment for the MOP, which included detailed aquatic and hydrological impact assessment, was based on an 80th percentile flow of 22 ML/day with a pumping trigger of 38 ML/day. Council's raw water supply system is operated under the Orange Raw Water Supply Operation Environmental Management Plan (OEMP) that helps to ensure environmental requirements and commitments made during the approval process and conditions in other relevant licences and approvals are being implemented, monitored and reviewed. The OEMP also includes a process for stakeholder engagement and provision of access to information. All monitoring and reporting would continue as required by the OEMP.

Attach any studies or assessments undertaken to date which support your application, such as:

- **assessments undertaken or proposed to be undertaken**
- **all proposed mitigation and management measures for construction and operation of the development**
- **all proposed stakeholder management interactions and strategies**
- **proposed monitoring and reporting**
- **any conditions which you would impose on this development as a public authority**
- **any other studies or documents which support the application.**

6. Other matters – As Relevant

Water source(s) water will be taken from	Macquarie River above Burrendong water source.
Existing entitlement(s) held in the water source(s) - details of Water Access Licence(s) and share component	WAL36374. 643 units.
Details of any need to increase water entitlements	Refer Supporting Information attachment (Section 4.2.4).
Existing works and/or use approvals held under the *Water Management Act 2000* or *Water Act 1912*	Work Approval Number 80MW724173 (as processed by Water NSW in February 2017).
Any other known developments which this proposal may impact on	Project Approval MP10_0235 – Macquarie River to Orange Pipeline Project.
Any other approvals required for the proposal	Nil.
Any other information relating to the development that the regulations, or the Planning Secretary, requires to be included	Full description of application is provided in Supporting Information attachment.

It is recommended that you call the Department of Planning, Industry and Environment to discuss your proposal prior to lodging your application, to determine any other information that the Planning Secretary requires to be included in your application

7. Signature of person remaking the application

Name: Ian Greenham

Signature:

Date: 28/11/2019

8. Submitting your completed application

All enquiries should be directed to 1300 305 695.

BY EMAIL

Please email a digital copy (Microsoft Word Document — .docx) of the completed form to: information@planning.nsw.gov.au

Attention: Director, Social and Infrastructure Assessments

BY POST

The Executive Director, Infrastructure Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Director, Social and Infrastructure Assessments

SUPPORTING INFORMATION

PROPOSED EMERGENCY CHANGE TO MACQUARIE RIVER TO ORANGE PIPELINE PUMPING TRIGGER

APPLICATION MADE UNDER THE
WATER SUPPLY (CRITICAL NEEDS) ACT 2019

Premise

PREPARED FOR:

ORANGE CITY COUNCIL

NOVEMBER 2019

ENGINEERING ENVIRONMENT AGRICULTURE WATER

Report Title:	*Supporting Information*
Project:	*Proposed Emergency Change to Macquarie River to Orange Pipeline Pumping Trigger*
Client:	*Orange City Council*
Report Ref.:	*217148_WSCN_001C.docx*
Status:	*Final*
Issued:	*27 November 2019*

Premise Australia Pty Ltd (**Premise**) and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All data and information contained within this report are prepared for the exclusive use of Orange City Council to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Premise accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.

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EXECUTIVE SUMMARY

This application is made under the *Water Supply (Critical Needs) Act 2019* (Critical Needs Act) for an emergency change to a Condition of Approval (CoA) relating to the operation of the Macquarie River to Orange pipeline (MOP). The Macquarie River to Orange pipeline is a declared water supply development under Schedule 2 of the Critical Needs Act. The water supply for Orange, Spring Hill, Lucknow and Molong and the area serviced by the Central Tablelands Water County Council is declared as a critical town or locality in Clause 5(1)(iii) of the Critical Needs Act.

Orange City Council operates a diverse range of raw water sources in accordance with defined operating rules to provide a raw water supply for the city. The MOP is an important component and can be operated to provide a substantial proportion of the secure yield for the city. The MOP was subject to detailed environmental assessment and received planning approval from the (then) NSW Department of Planning and Infrastructure in June 2013 (Project Approval MP10_0235).

A key operating principle of the MOP is that it does not operate in low flow periods which are defined as flows less than the 80th percentile flow. This operating principle is above and beyond the access rules in the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012*, which sets a visible flow criterion for the cease to pump trigger. The project approval sets the 80th percentile flow at 92 ML/day with a pumping trigger of 108 ML/day (CoA B4).

The 2012 Environmental Assessment for the MOP, which included detailed aquatic and hydrological impact assessment, was based on an 80th percentile flow of 22 ML/day with a pumping trigger of 38 ML/day.

The current unprecedented drought conditions being experienced across NSW are placing pressure on the Orange water supply with Level 5 water restrictions introduced on 6 October 2019. Under a zero inflow scenario, Level 6 restrictions are forecast to be in place by the end of April 2020 with day zero forecast for the end of December 2020.

Orange City Council has made an application to the Department of Planning, Industry and Environment to modify CoA B4 to lower the pumping trigger. However, assessment and consideration of this modification is anticipated to take some time, which is currently not available due to the critical water supply situation. Therefore, Council is seeking an emergency modification under the Critical Needs Act for a pumping trigger of 38 ML/day.

It is proposed that this lower emergency river pumping trigger would remain in place until the combined water storage for Orange reaches 50% which is the point when Level 4 water restrictions are lifted. Council would then continue to seek the modification to CoA B4 under the appropriate approval pathway.

Modelling of the proposed 38 ML/day pump trigger shows that it would provide additional water to the Orange, Spring Hill and Lucknow communities and potentially avoid Level 6 water restrictions, depending on future conditions. It would also potentially make water available for Molong and the Central Tablelands Water system.

No works are required for the proposal; simply a temporary change in an operating rule. All other operational and monitoring requirements defined by the *Orange Raw Water Supply Operation Environmental Management Plan* (OEMP) would remain in place.

The 2012 Environmental Assessment for the MOP was based on a pumping trigger of 38 ML/day. This detailed assessment, which considered hydrological and aquatic environment impacts, concluded that operation of the system at this river flow trigger would not have a significant environmental impact on the downstream river system. These conclusions are considered to remain valid for the proposed temporary change in the pumping trigger.

ABBREVIATIONS

BDL	Baseline diversion limit
CoA	Condition of Approval
CTW	Central Tablelands Water
DoI	Department of Industry
DPIE	Department of Planning, Industry and Environment
DST	Decision Support Tool
FDC	Flow Duration Curve
GL	Gigalitre (1,000 ML)
IQQM	Integrated Quantity-Quality Model
ML	Megalitre (1 million litres)
MOP	Macquarie River to Orange Pipeline
NOW	NSW Office of Water
NRAR	Natural Resource Access Regulator
OCC	Orange City Council
OEMP	Operation Environmental Management Plan
SCD	Spring Creek Dam
SDR	Synthetic drought of record
SPD	Suma Park Dam
WAL	Water access licence
WRP	Water resources plan
WSP	Water sharing plan

1. INTRODUCTION

1.1 BACKGROUND

Orange City Council (OCC) operate the Orange raw water supply system which includes:

- Spring Creek and Suma Park Dams;
- the Blackmans Swamp Creek stormwater harvesting scheme (BSCSHS);
- the Ploughmans Creek stormwater harvesting scheme (PCSHS);
- water supply bores; and
- the Macquarie River to Orange pipeline (MOP).

The raw water supply system is operated under the *Orange Raw Water Supply Operation Environmental Management Plan* (OEMP) that helps to ensure environmental requirements and commitments made during the approval process and conditions in other relevant licences and approvals are being implemented, monitored and reviewed.

The current unprecedented drought conditions being experienced across NSW are placing pressure on the Orange water supply with Level 5 water restrictions introduced on 6 October 2019. Under a zero inflow scenario, Level 6 restrictions are forecast to be in place by the end of April 2020 with day zero forecast for the end of December 2020.

As part of an integrated approach to managing water supplies through the drought period, Orange City Council is seeking temporary modification to the operational condition that sets the minimum flow in the Macquarie River at which pumping can commence (the pumping trigger).

Condition of Approval B4 of Project Approval MP10_0235 sets the Macquarie River pumping trigger at 108 ML/day.

Council is seeking an emergency modification for a pumping trigger of 38 ML/day. It is proposed that this lower emergency river pumping trigger would remain in place until the combined water storage for Orange reaches 50%, which is the point when Level 4 water restrictions are lifted.

The proposed emergency modification will ensure more water is available for the Orange, Spring Hill and Lucknow communities through the current drought period. It could potentially make water available to Molong and the Central Tablelands Water (CTW) systems.

This report provides background information for the proposed emergency modification, outlines its potential benefit and provides an assessment of the suggested changes.

1.2 APPROVAL FRAMEWORK

This application is made under the *Water Supply (Critical Needs) Act 2019* (Critical Needs Act) for an emergency change to a condition of approval relating to the operation of the Macquarie River to Orange pipeline.

The Macquarie River to Orange pipeline is a declared water supply development under Schedule 2 of the Critical Needs Act.

The water supply for Orange, Spring Hill, Lucknow and Molong and the area serviced by the Central Tablelands Water County Council is declared as a critical town or locality in Clause 5(1)(iii) of the Critical Needs Act.

The application is being made by Orange City Council, a public authority as defined in the *Environmental Planning and Assessment Act 1979* and the responsible authority as defined under the Clause 12(a) of the Critical Needs Act.

Premise Australia Pty Ltd has been engaged by Orange City Council to prepare this supporting information.

1.3 SCOPE OF THIS REPORT

This supporting information has been prepared cognisant of Part 3 Clause 8 of the *Water Supply (Critical Needs) Act 2019* and is provided in the following format.

- **Section 2** presents the current water supply situation and zero inflow forecast;
- **Section 3** outlines the proposed development including its location and timing;
- **Section 4** identifies the impacts of the proposed development;
- **Section 5** summarises mitigation measures to minimise or offset the impacts; and
- **Section 6** provides a conclusion.

1.4 PART 3 CLAUSE 8(3) CONSIDERATIONS

The relevant considerations of Part 3 Clause 8(3) of the *Water Supply (Critical Needs) Act 2019* are listed in **Table 1.1** along with a summary and where they are addressed in this report.

Table 1.1 – Part 3 Clause 8(3) Considerations

Clause	Summary	Where addressed in this report
8(3)(a) a description of the proposed development	• Emergency change in the pumping trigger for the operation of the Macquarie River to Orange pipeline. • Emergency change in the pumping trigger from 108 ML/day to 38 ML/day. • Pumping trigger to revert to 108 ML/day once the combined storage reaches 50%. • Council will continue to seek modification of CoA B4 under the appropriate approval pathway.	Section 3.2
8(3)(b) a description of the land on which the proposed development is to be carried out	• Existing river pump station located on Lot 2 DP794007. • Existing dam discharge point located on Lot A DP421655. • No physical works/construction required for the proposed development; only a change in operating rule. • Full real property descriptions for the MOP project can be found in the Environmental Assessment https://www.planningportal.nsw.gov.au/major-projects/project/21351	Section 3.2.4

Table 1.1 – Part 3 Clause 8(3) Considerations

Clause	Summary	Where addressed in this report
8(3)(c) the date when any construction for the proposed development is to be commenced and the anticipated date of completion of the construction	• No physical works/construction required for the proposed development; only a change in operating rule. • Change in operating rule could be applied as soon as approval granted.	Section 3.2.5
8(3)(d) the measures proposed to be taken to avoid, minimise or offset the environmental or other impacts of the proposed development	• Continue implementation of the OEMP which includes all relevant mitigation measures from the Environmental Assessment and licences/approvals. • Have an end point when the pumping trigger would revert to 108 ML/day (i.e. when the combined storage reaches 50%).	Section 5
8(3)(e) any other information relating to the proposed development that the regulations, or the Planning Secretary, requires to be included	• None advised at this stage	NA

2. CURRENT SITUATION

Rainfall over the past seven years has generally been below average leading to below average catchment runoff. The dry conditions have resulted in very little inflow to Orange's water supply storages which have subsequently declined from full in October 2016 to approximately 28.3% at the start of November 2019 (refer to **Figure 1**). The total surface water catchment inflow over this period has been 3,228 ML. This is an average of 1,080 ML/year which is well below the long term modelled average inflow of around 15,500 ML/year.

Catchment inflow to Suma Park Dam over the 12 months November 2018 to October 2019 has been 3.2 ML; essentially zero. Long term climate indicators (ENSO and Indian Ocean Dipole) are continuing to indicate neutral conditions for the remainder of 2019 and into the first quarter of 2020 (http://www.bom.gov.au/climate/enso/#tabs=Overview).

Level 5 water restrictions were introduced on 6 October 2019. Under a zero inflow scenario, Level 6 restrictions are forecast to be in place by the end of April 2020 with day zero forecast for the end of December 2020 (refer to **Figure 2**).

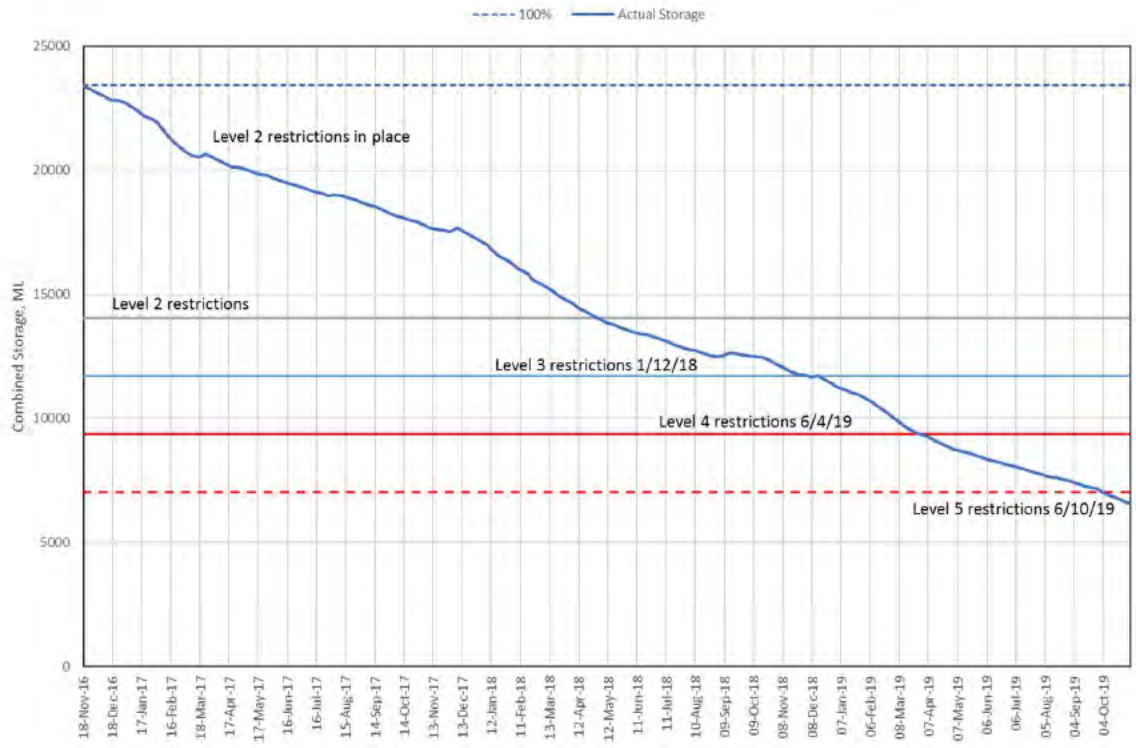

Figure 1: Orange combined water storage November 2016 to October 2019

Figure 2: Forecast water storage under zero inflow

3. THE DEVELOPMENT

3.1 MACQUARIE RIVER TO ORANGE PIPELINE

3.1.1 BACKGROUND

OCC commissioned the Macquarie River to Orange Pipeline to improve Orange's water security. The proposal was subject to detailed environmental assessment and received planning approval from the (then) NSW Department of Planning and Infrastructure in June 2013 (Project Approval MP10_0235).

The background documentation and Environmental Assessment is located on the NSW Planning Portal (https://www.planningportal.nsw.gov.au/major-projects/project/21351).

The MOP commenced operating in November 2017 following completion of dam upgrade works at Suma Park Dam.

The MOP is operated in accordance with rules determined by the application of OCC's Decision Support Tool (DST) which optimises the operation of external water sources to supplement the raw water supply system. The "maximum" operation of the MOP is set by CoA B4 in Project Approval MP10_0235 which is as follows:

B4 The Project is to be operated consistent with:

(a) The Orange Water Supply Decision Support Tool in condition B3;

(b) The operating rules where:

i. Pumping is only to occur when the instantaneous river flow immediately downstream of the pumps will exceed the 80th percentile flow (the note below specifies how the 80th percentile flow rate is determined); and

ii. No more than 12 ML is to be extracted from the Macquarie river at Cobbs Hut Hole over any 24 hour period; and

iii. The instantaneous rate of extraction is not to exceed 15.2 ML/day; and

iv. The water level in Suma Park Dam is less than 90 percent full; and

v. A cease to pump trigger applies, corresponding to a flow in the Macquarie river at Gauging Station 421192 (upstream of the pumps) of 15.2 ML/day above the 80th percentile flow (e.g. 92 +15.2 =~108 ML/day); and

(c) The river flow margin of error for Gauging Station 421192 determined in accordance with condition B6.

Note:

The 80th percentile flow is set at 92 ML/day, but can be updated to reflect the revised river flow model allowed in Condition B5, if approved by NOW and the Director-General.

Detailed modelling of the Macquarie River catchment upstream of the MOP offtake point and Orange's water supply system was completed for the Environmental Assessment (EA). This modelling was used to investigate the feasibility of extracting water from the river, rules of operations and the impact on downstream flows. The *Hydrology and Water Security Assessment* (Geolyse, 2012) can be found on the NSW Planning Portal (https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP10_0235%2120190813T075230.640%20GMT).

OCC adopted a self-imposed pumping threshold which adopted the 80th percentile flow so that the system would not operate in low flow periods. Catchment modelling undertaken for the EA adopted an 80th percentile flow of 22 ML/day which equated to a cease to pump trigger of 38 ML/day to account

for the instantaneous pump rate. This was based on conservative catchment modelling that adopted current catchment development and reduced runoff characteristics observed from 2000.

However, the (then) Department of Planning and Infrastructure independent review considered that the existing river flow series is better represented by the (then) NSW Office of Water's IQQM data set which had an 80th percentile flow of 92 ML/day (Bewsher Consulting, 2013). On this basis a pumping threshold of 108 ML/day was included in the project approval (CoA B4).

3.1.2 CURRENT ACTIONS

Orange City Council made an application to the Department of Planning, Industry and Environment (DPIE) in July 2019 to modify conditions B4 and B6 of Project Approval MP10_0235.

CoA B4

The proposed modification to CoA B4 is seeking a reduction in the pumping trigger. Assessment and consideration of this modification is anticipated to take some time, which is currently not available due to the critical water supply situation.

Therefore, Council is seeking an emergency modification under the *Water Supply (Critical Needs) Act 2019* for a pumping trigger of 38 ML/day; the originally assessed pumping trigger.

CoA B6

Council has recently received advice from DPIE that it has satisfied the requirements of CoA B6. As such, a margin of error no longer needs to be applied to the pumping trigger.

3.2 PROPOSED DEVELOPMENT

Components of the proposed development are ting rule.

3.2.1 REVISED PUMPING TRIGGER

Council is seeking an emergency pumping trigger of 38 ML/day.

This is the originally assessed river pumping trigger for the MOP and formed the basis of all environmental impact assessment (refer to https://www.planningportal.nsw.gov.au/major-projects/project/21351).

A key operating principle of the MOP is that it does not operate in low flow periods. This operating principle is above and beyond the access rules in the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012*, which sets a visible flow criterion for the cease to pump trigger.

An emergency pumping trigger of 38 ML/day would ensure the MOP does not operate in low flow periods.

3.2.2 OTHER OPERATING RULES

No other MOP operating rules defined in CoA B4(b) of Project Approval MP10_0235 would change, including:

- No more than 12 ML would be extracted from the Macquarie River at Cobbs Hut Hole over any 24 hour period.
- The instantaneous rate of extraction would not exceed 15.2 ML/day.
- The river extraction would not operate if the storage in Suma Park Dam goes above 90% (see Section 3.2.3 for further comment).

The proposed emergency pumping trigger would be noted in the relevant DST Quarterly Review report and, if required, adopted for the 2020/21 DST Water Year report.

3.2.3 NOMINATED END POINT

The proposed emergency river pumping trigger would remain in place until the combined water storage for Orange reaches 50% which is the point when Level 4 water restrictions are lifted.

The combined water storage is measured as the total volume in Suma Park Dam and Spring Creek Dam. The 50% end point is 11,710 ML in storage which provides approximately two years of unrestricted demand.

The rationale for the proposed end point is derived from the Emergency Authorisation granted for the Blackmans Swamp Creek Stormwater Harvesting Scheme. In 2008, the (then) NSW Office of Water issued Emergency Authorisation under Section 22A of the *Water Act 1912* which allowed the construction and operation of specific components of the BSCSHS, subject to conditions.

The Emergency Authorisation only applied for an emergency period. The end of the emergency period, as nominated by Council, was when the storage in Suma Park Dam went above 50%.

A similar approach is being proposed for the end point for the emergency river pumping trigger, although a combined storage (Suma Park Dam and Spring Creek Dam) of 50% is proposed.

It is difficult to define an end point date as this will depend on future climatic conditions. The following approach is proposed:

- 12 month approval for the emergency pumping trigger, to end if/when the combined storage goes above 50%; and
- 6 month extensions for the emergency pumping trigger (if the combined storage has not gone above 50% during the initial 12 month approval) to end if/when the combined storage goes above 50%, to be reviewed every 6 months.

3.2.4 LOCATION

No physical works/construction is required for the proposed development; only a change in operating rule. The location of existing works is summarised below:

- The existing Macquarie River pump station is located on Lot 2 DP794007.
- The pipeline is located along a defined easement between the river and Suma Park Dam.
- The discharge point of the pipeline is located on Lot A DP421655.

Full real property descriptions for the MOP project can be found in the Environmental Assessment https://www.planningportal.nsw.gov.au/major-projects/project/21351.

3.2.5 TIMING OF PROPOSED DEVELOPMENT

No physical works/construction is required for the proposed development, only a change in operating rule.

The proposed change to the operating rule could be applied as soon as approval is granted.

The nominated end point is discussed in **Section 3.2.3**.

3.3 WATER SUPPLY BENEFIT OF PROPOSED DEVELOPMENT

3.3.1 MODELLING APPROACH

Council's integrated daily water cycle model used for the DST was used for this assessment. The modelling forecasts possible storage behaviour based on various operating rules over the next two water years (2019/20 and 2020/21). The period of modelling was selected to allow determination of a day zero under zero inflow conditions.

A conservative approach was adopted to assess the potential water supply benefit that could be realised from the proposed emergency pumping trigger by adopting the following model assumptions:

- The Macquarie River flow would be a repeat of the flows observed from November 2017 to October 2018 starting on 1 November 2019. The annual flow volume for the November 2017 to October 2018 period was around 27.6 GL which is lower than the total flow observed in the 2017/18 water year (31.2 GL).
- Inflow to Suma Park Dam and Spring Creek Dam would be about the same as observed in the 2018/19 water year.
- Input from the stormwater harvesting schemes as approximately the same as observed in the 2018/19 water year.
- The analysis started on 1 November 2019 and extended to the end of the 2020/21 water Year (June 2021).
- The above assumptions were applied from November 2019 to October 2020 and then repeated until the end of the 2020/21 water year.
- Water restrictions would be applied in accordance with Council's drought management plan and targets.
- All available groundwater would be used in each water year.
- Environmental flow rules would apply in accordance with existing licence conditions.
- The MOP would operate 90% of the time that flow conditions permitted, to account for possible maintenance and periods of non-operation (e.g. power failure).

3.3.2 MODELLING RESULTS

The model was analysed for three pumping triggers: 108 ML/day; 70 ML/day and 38 ML/day.

A margin of error was not applied to the pumping trigger (refer Section 3.1.2).

Modelled forecasts are displayed in **Figure 3** and show the following:

- With the current river pumping trigger, Level 6 restrictions would commence around December 2020 and there would be around 2,000 ML in storage at the end of the 2020/21 water year (about 170 days' supply on zero inflow).

- A 70 ML/day river pumping trigger would delay Level 6 until around March 2021 and there would be around 2,700 ML in storage at the end of the 2020/21 water year (about 225 days' supply on zero inflow).
- A 38 ML/day river pumping trigger would potentially avoid Level 6 restrictions and there would be around 4,200 ML in storage at the end of the 2020/21 water year (about 350 days' supply on zero inflow).

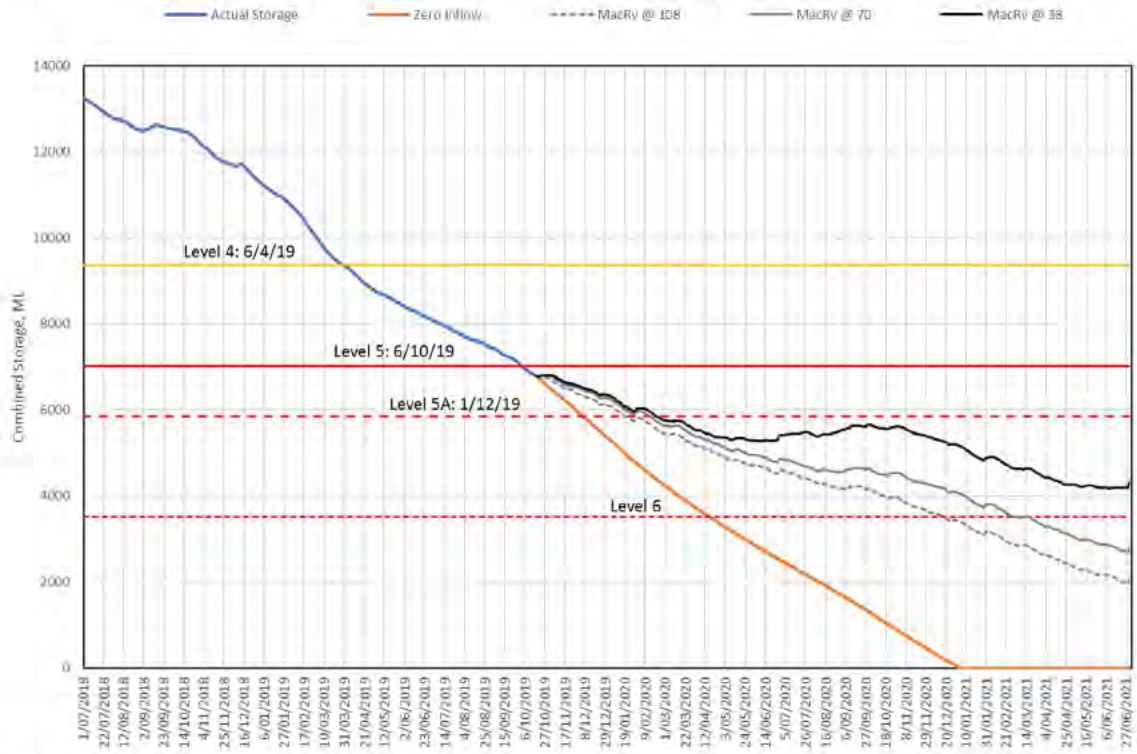

Figure 3: Forecast combined storage with different river pumping triggers

The proposed emergency pumping trigger of 38 ML/day provides more pumping opportunity and potentially would avoid Orange moving to Level 6 water restrictions.

The observed flow records show that through the period May 2017 to the end of August 2017 the river flow was generally above 38 ML/day but did not often go above 70 ML/day. This provided greater pumping opportunity for the proposed emergency pumping trigger.

3.3.3 WHAT IF ANALYSIS

The MOP commenced operation in November 2017 following completion of dam upgrade works at Suma Park Dam (prior to this date it was decided not to operate the MOP to keep the dam at a reduced level to minimise risk to the works).

The original application for the MOP and the Environmental Assessment was based on a pumping trigger of 38 ML/day. **Figure 4** shows how the combined storage would have behaved if the originally proposed pumping trigger was approved. There would have been approximately 3,600 ML more in storage (about 300 days supply on zero inflow) and the community would only be on Level 3 water restrictions approaching the start of Level 4.

This highlights the benefit of a lower river pumping trigger.

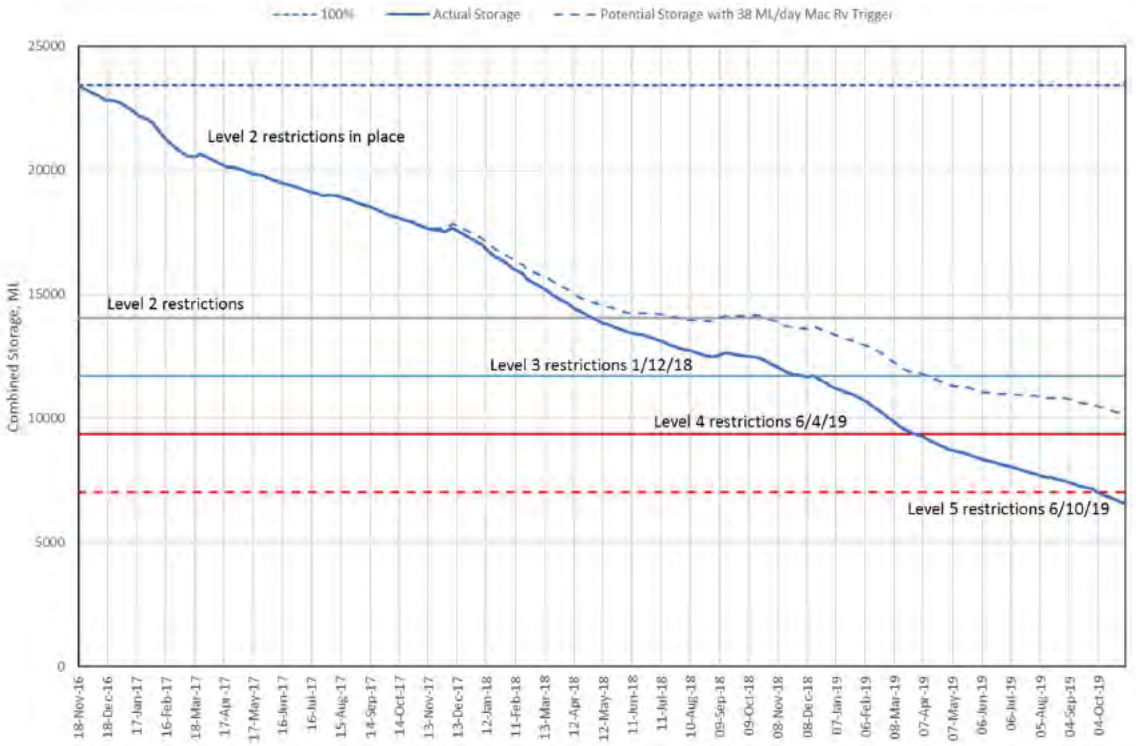

Figure 4: Potential storage if the MOP operated on a 38 ML/day pumping trigger from Nov 2017

4. IMPACTS

4.1 INTRODUCTION

The Macquarie River to Orange pipeline is already commissioned. No physical works/construction is required for the proposed development; only a change in operating rule.

The MOP was assessed through an extensive Environmental Assessment (EA) during its approval process (refer to https://www.planningportal.nsw.gov.au/major-projects/project/21351). The EA covered all elements of the proposal covering both construction and operational impacts. The EA contained a range of mitigation measures to avoid, minimise or offset the environmental or other impacts of the MOP.

The most relevant impacts to be considered for the proposed emergency pumping trigger of 38 ML/day are the potential hydrological and aquatic environment impacts. The full assessments can be found on the NSW Planning Portal as follows:

- Hydrology
  https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP10_0235%2120190813T075230.640%20GMT
- Aquatic environment
  https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP10_0235%2120190813T075241.430%20GMT

The hydrological and aquatic environment assessments presented in the EA were based on a conservative river flow series and pumping trigger (38 ML/day). The long term extraction volumes assumed continued growth in the demand for water over the modelling period. These assumptions provided a conservative basis for the assessment and, in effect, presented a worst case scenario in terms of downstream impact assessment.

The proposed emergency pumping trigger of 38 ML/day is consistent with the pumping trigger assessed in the EA. Therefore, it is considered that the conclusions reached in the EA remain valid and the proposal to implement an emergency pumping trigger would not have a significant environmental impact on the downstream river system.

4.2 HYDROLOGY AND WATER SECURITY

4.2.1 DAILY FLOW PATTERNS AND RIVER LEVELS

The MOP pumps only operate for 19 hours each day when river and storage conditions allow and as defined by DST rules. This means that during a pump day, there is a five hour period when the existing river flow would not be impacted. This remains consistent with the daily flow pattern assessed in the EA.

The maximum drop in river level at the location of the pump intake would occur when 12 ML/day is extracted from a flow of 38 ML/day. The current rating table indicates the drop in water level would be 38 mm which is consistent with the predicted impact assessed in the EA.

4.2.2 DOWNSTREAM HYDROLOGY IMPACTS

4.2.2.1 Unregulated Macquarie River Section

The unregulated water sources extend downstream from the MOP offtake structure to Burrendong Dam. There are no water access licences along this section of the Macquarie River. As such, the reduction in river flows resulting from the operation of the emergency pumping trigger would not impact on any existing water access licences

The average annual extraction with the proposed 38 ML/day pump trigger is consistent with the assessment in the EA. The emphasis on protecting low river flows by adopting the 38 ML/day cease to pump threshold protects basic stock and domestic rights and environmental flow along the unregulated section of the Macquarie River through to Burrendong Dam.

Basic stock and domestic rights along the unregulated section of the Macquarie River would be protected by not extracting water during low flows. Assessment of the project (Geolyse, 2012) demonstrated that there would be no change in the flow regime for low flows (those flows equalled or exceeded 80 percent of the time). Therefore, MOP pumping would not occur below the recommended 95th percentile flow cease to pump threshold (Government of New South Wales, 2002) and this would protect the very low flows and the supply to basic right pumpers during dry periods.

It is noted that Water Access Licence (WAL) 36374 sets a visible flow criterion as a cease to pump threshold for the taking of water. Therefore, the proposal is adopting a pumping trigger that is well above the provisions of the WAL and would ensure low flows are not impacted in the unregulated section of the Macquarie River.

The proposed emergency pumping trigger would also not impact on river flow for five hours each day. The benefit of this is that for 20% of the day the river flow is unaffected by the operation of the MOP. This would provide pulses down the river system that would return pools and riffles to the same state as if the pumps were not operating.

4.2.2.2 Regulated Macquarie River Section

Detailed assessment of the project with a low river flow series and a pumping trigger of 38 ML/day indicated that it would have a negligible impact on system flows downstream of Burrendong Dam and would not impact on the ability to operate the regulated system in accordance with the Macquarie-Cudgegong water sharing plan. It was concluded that the impact on downstream water users including the Macquarie Marshes is likely to be negligible (Geolyse, 2012).

Any extraction of water from a system has the potential to impact on downstream users. Modelling of the proposed 38 ML/day pumping trigger compared to the current 108 ML/day pumping trigger shows that the MOP could extract an average of 1,330 ML/year more from the Macquarie River (1.3 GL/year). This water would therefore be removed from inflow to Burrendong Dam.

Water NSW has released updated depletion curves for the regulated Macquarie River system in its *Macquarie Drought Operations Update 30th October* (Langdon, 2019 https://www.waternsw.com.au/__data/assets/pdf_file/0018/150156/Macquarie-Drought-Presentation-October-2019.pdf).

The depletion curves that show the impact of various management measure are shown in a taipan graph which is reproduced as **Figure 5**.

The Water NSW depletion modelling is based on three different inflow series (inflow to Burrendong Dam):

- Zero inflow.
- Synthetic drought of record (SDR) which is the recent observed inflows, past two years repeated (the same as the method adopted for this analysis – refer to **Section 3.3.1**).
- Drought of record (pre-Water Sharing Plan).

The inflow to Burrendong Dam is a combination of flow from the Macquarie River and Cudgegong River.

The taipan curves show the impact of various drought management measures. For example, under the zero inflow scenario the taipan shows the following:

- With no management intervention the Macquarie River would cease to flow in November 2019.
- Stage 1 intervention (raising the Warren Weir and stopping the river at Warren which has been implemented in August 2019) extends the cease to flow to January 2020.
- Stage 2a and 2b interventions (bulk water transfer from Windamere Dam and closing off the Gunningbar Weir) extends the cease to flow to end of March 2020.
- Stage 3 intervention (pumping dead storage) extends the cease to flow to end of July 2020.

It is noted that there is no forecast cease to flow under the SDR and drought of record modelling with Stage 3 intervention.

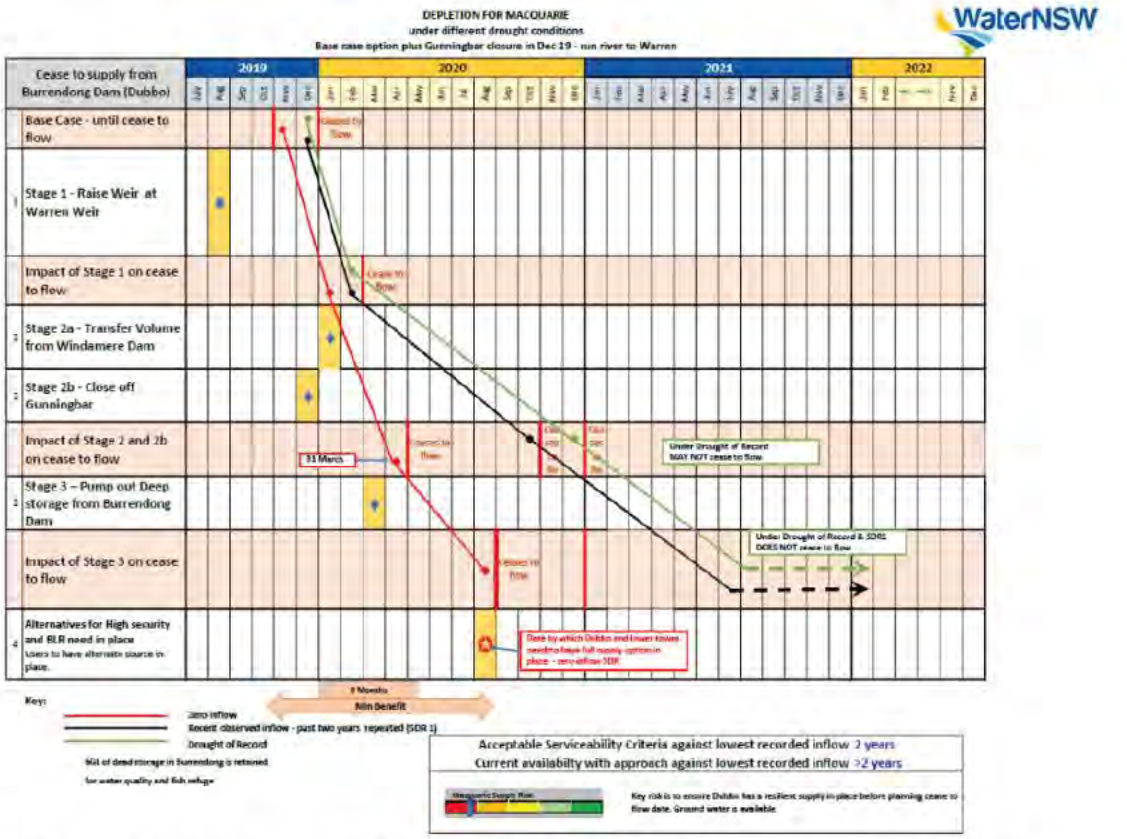

Figure 5: Water NSW taipan curve for Macquarie River system 31 October 2019 (Langdon, 2019)

The Burrendong Dam dead storage is 20.7 GL (20,700 ML) and the plan is to leave 6 GL (6,000 ML) in storage for fish habitat (Langdon, 2019). To put this into perspective, the current combined storage in Orange is 6.6 GL.

Under the zero inflow scenario, the Water NSW taipan curves shows it takes around four months to pump out the dead storage. This equates to a release from Burrendong Dam of around 125 ML/day. It is noted that this is under a zero inflow scenario in which case the MOP would very likely not have operated and therefore would not affect the cease to flow date.

To put some perspective around the potential additional MOP extraction volume generated by reducing the pumping trigger from 108 ML/day to 38 ML/day:

- Based on the zero inflow scenario the average release of the dead storage is 125 ML/day.
- Modelling shows the additional MOP extraction generated by the 38 ML/day pumping trigger over the four months from April to July 2020 is 715 ML.
- Assuming no losses, the additional water removed by the MOP equates to around six days of release from Burrendong Dam.

It is considered that this scale of potential impact is not significant in terms of operation of the regulated river system.

It is reiterated that this analysis is based on the zero inflow scenario. The Water NSW taipan curves show that there is no forecast cease to flow under the SDR and drought of record modelling with Stage 3 intervention. The modelling undertaken for the assessment of the 38 ML/day pumping trigger adopted a repeat of observed flows (same approach as the SDR modelling). The impact on the regulated river

system of the additional river extraction generated by the lower pumping trigger under the SDR scenario is therefore likely to be only in the order of days, not weeks or months.

In contrast, it would supply an additional 180 days (6 months) supply to the Orange water supply system and potentially help to provide water to other neighbouring centres.

The above assessment has been reviewed by Water NSW who advised that the interpretation of the river operation data as displayed in the taipan curves and resulting conclusions derived from this data are correct.

4.2.3 WATER SECURITY ASSESSMENT

The proposed emergency pumping trigger of 38 ML/day is a relatively short term measure to help manage water resources through the current drought period. It would not necessarily provide any change in the long term water security provided by the MOP.

It would help Council manage its water supply through the continuing drought conditions and would allow the system to move out of drought sooner.

4.2.4 WATER ENTITLEMENT

Orange City Council holds Water Access Licence (WAL) 36374, a 643 ML/year unregulated water access licence for the extraction of water from the unregulated Macquarie River above Burrendong water source. The water take and carry over conditions attached to the WAL are reproduced below.

Water Take – condition MW0004-00001

From 1 July 2013, the total volume of water taken in any three (3) consecutive water years under this access licence must not exceed a volume which is equal to the lesser of either:

A. the sum of:

- *i. water in the account from the available water determinations in those 3 consecutive water years, plus*
- *ii. water in the account carried over from the water year prior to those 3 consecutive water years, plus*
- *iii. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus*
- *iv. any water re-credited by the Minister to the account in those 3 consecutive water years,*

or

B. the sum of:

- *i. the share component of this licence at the beginning of the first year in those 3 consecutive water years, plus*
- *ii. the share component of this licence at the beginning of the second year in those 3 consecutive water years, plus*
- *iii. the share component of this licence at the beginning of the third year in those 3 consecutive water years, plus*
- *iv. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus*
- *v. any water re-credited by the Minister to the account in those 3 consecutive water years.*

Carryover – condition MW0112-00001

The maximum water allocation that may be carried over in the account for this access licence from one water year to the next water year is:

A. a volume equal to 100 % of the share component of the licence, or

B. 1 ML/unit share of the share component of the licence.

There have been no available water determinations declared since the commencement of the MOP operation. Therefore, the total volume of water taken in any three (3) consecutive water years is determined from Part B of condition MW0004-00001.

Under this condition, the volume of water extracted over three consecutive water years should be less than 1,929 ML.

The volume extracted under WAL36374 over the past two water years is 530 ML (69 ML in the 2017/18 water year and 461 ML in the 2018/19 water year). Therefore, 1,399 ML could be extracted in the 2019/20 water year and not breach the WAL water take condition.

However, the maximum carry over from the 2018/19 water year is 643 ML which means a maximum of 1,286 ML can be extracted in the 2019/20 water year. If this maximum take occurred, the maximum take permitted in the 2020/21 water year would be 182 ML to comply with the three year total volume.

Modelling indicates that the proposed MOP operation is likely (hopefully) to exceed the water take limits on WAL36374. This was predicted to be the case in the original Environmental Assessment (Geolyse, 2012). As such, ensuring adequate licensed entitlement for extraction from the Macquarie River is an action in the OEMP.

Therefore, Council will continue to monitor the Macquarie River water extraction against WAL conditions in accordance with the OEMP. If operational data indicates a potential extraction limitation under the existing WAL, Council will:

- make an application for a water allocation assignment from other WALs under Section 71T of the *Water Management Act, 2000*; and/or
- seek additional entitlements through the trading provisions of the water sharing plan.

4.3 AQUATIC ASSESSMENT

The aquatic assessment undertaken for the EA considered changes in river flow conditions assuming a conservative river flow series and a pumping trigger of 38 ML/day. It was concluded from this assessment that it is unlikely that the small modification to flows would have any adverse effects on aquatic biota.

It can therefore be concluded that the aquatic impacts would be less, and the aquatic impact conclusion reached in the EA remains valid.

The full aquatic assessment can be found at
https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP10_0235%2120190813T075241.430%20GMT

OCC is undertaking routine aquatic monitoring in the Macquarie River and Summer Hill Creek in accordance with the OEMP. No aquatic impacts attributable to the operation of the MOP have been identified (Orange City Council, 2018).

4.4 SOCIAL IMPACT

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);

- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

The continuing drought and implementation of water restrictions is impacting on the Orange community. Modelling of the proposed emergency 38 ML/day pumping trigger indicates it could provide significant benefit for the Orange community, potentially avoiding the need to implement Level 6 water restrictions.

It would help Council manage its water supply through the continuing drought conditions and would allow the system to move out of drought sooner.

4.5 ECONOMIC IMPACT

The proposed emergency trigger would result in additional operating costs (power, maintenance) as the river pumps would operate more frequently. Council has budgeted for this additional operation.

According to Council's drought management plan, Level 6 water restrictions would result in the closure of some non-residential water users including:

- Public car and truck wash facilities.
- Construction industry (e.g. mortar, concrete mix, wash down, paint preparation, curing).
- Cleaning services.
- Nurseries.
- Food or pet food production.
- Public water features.
- Schools, technical colleges, universities.
- Motels, caravan parks, cabins.
- Hotels, registered clubs.
- Businesses with cooling towers.

The greatest economic benefit of the proposed emergency pumping trigger is the potential to avoid Level 6 water restrictions.

Orange City Council was recently included in a report undertaken by the Department of Premier and Cabinet for the expenditure review committee. This report examined the economic impact of Level 6 water restrictions. Council understands that the results of this study are not publicly available.

5. MITIGATION MEASURES

5.1 OEMP

Council's raw water supply system is operated under the *Orange Raw Water Supply Operation Environmental Management Plan* (OEMP) that helps to ensure environmental requirements and commitments made during the approval process and conditions in other relevant licences and approvals are being implemented, monitored and reviewed. The OEMP also includes a process for stakeholder engagement and provision of access to information.

All relevant operational and monitoring requirements for the MOP are captured in the OEMP. The proposed emergency pumping trigger would be noted in the relevant DST Quarterly Review report and, if required, adopted for the 2020/21 DST Water Year report.

All monitoring and reporting would continue as required by the OEMP.

5.2 NOMINATED END POINT

The proposed pumping trigger of 38 ML/day is an emergency measure designed to increase water availability for Orange during the current, and seemingly ongoing, drought period. The lower pumping trigger would help Council manage its water supply through the continuing drought conditions and would allow the system to recover sooner.

The proposed emergency river pumping trigger would remain in place until the combined water storage for Orange reaches 50%, which is the point when Level 4 water restrictions are lifted.

Operation of the MOP would then revert to the current approval conditions.

5.3 PROPOSED CONDITIONS

The following are proposed conditions for consideration as part of the application:

1. CoA B4 of Project Approval MP10_0235 is suspended for a minimum period of 12 months from the date of this approval.

2. The suspension of CoA B4 of Project Approval MP10_0235 will cease when the combined Orange City Council water storage exceeds 50% (as measured by the combined volume in Suma Park Dam and Spring Creek Dam).

3. The suspension of CoA B4 of Project Approval MP10_0235 will be reviewed at the end of the initial 12 month period (from the date of this approval) and thereafter every six (6) months and extended for minimum six (6) month periods to end when the combined storage goes above 50% (as per Condition 2).

4. While CoA B4 of Project Approval MP10_0235 is suspended, the MOP shall be operated consistent with the operating rules where:
    a. Pumping is only to occur when the instantaneous river flow at gauging station 421192 is greater than 38 ML/day;
    b. No more than 12 ML is to be extracted from the Macquarie River at Cobbs Hut Hole over any 24 hour period; and
    c. The instantaneous rate of extraction is not to exceed 15.2 ML/day.

5. Council shall continue to implement the *Orange Raw Water Supply Operation Environmental Management Plan* (OEMP) and record the implementation of the modified MOP operating rules from this approval in the relevant Decision Support Tool (DST) report.

6. Council shall inform the community when:
    a. The revised operating rules permitted by this approval commence;
    b. The suspension of CoA B4 of Project Approval MP10_0235 is extended for 6 months; and
    c. The MOP operation reverts to the operating rules in CoA B4 of Project Approval MP10_0235.

6. CONCLUSION

The Macquarie River to Orange pipeline is an important component of OCC's diverse raw water supply system and can be operated to provide a substantial proportion of the secure yield for the city.

The current unprecedented drought conditions being experienced across NSW are placing pressure on the Orange water supply and Council is responding with an integrated approach to manage water supplies through this period.

The proposed emergency pumping trigger of 38 ML/day would enable more water to be transferred from the Macquarie River to the Orange water supply system. Modelling demonstrates that the lower pumping trigger would provide more pumping opportunity and potentially would avoid Orange moving to Level 6 water restrictions. It would allow the system to recover sooner.

It is proposed that this lower emergency river pumping trigger would remain in place until the combined water storage for Orange reaches 50%, which is the point when Level 4 water restrictions are lifted. Operation of the MOP would then revert to the current approval conditions

No works are required for the proposal; simply a temporary change in an operating rule. All other operational and monitoring requirements defined by the OEMP would remain in place.

The 2012 Environmental Assessment for the MOP was based on a pumping trigger of 38 ML/day. This detailed assessment, which considered hydrological and aquatic environment impacts, concluded that operation of the system at this river flow trigger would not have a significant environmental impact on the downstream river system. These conclusions are considered to remain valid for the proposed temporary change in the pumping trigger.

7. REFERENCES

Bewsher Consulting (2013) *Macquarie River to Orange Pipeline Project Independent Review of Hydrological*

Geolyse Pty Ltd (2012) *Macquarie River to Orange Pipeline Project Hydrology and Water Security assessment.*

Government of NSW (2002) *Advice to water management committees. No. 6 daily extraction management in unregulated rivers (2002 version).* NSW Government.

Langdon A (2019) *Macquarie Drought Operations Update 30th October.* https://www.waternsw.com.au/__data/assets/pdf_file/0018/150156/Macquarie-Drought-Presentation-October-2019.pdf. Accessed 7 November 2019.

NSW Department of Planning & Infrastructure (2013) *Macquarie River to Orange Pipeline Project Approval MP10_0235*

Orange City Council (2018) *Annual Review Orange Raw Water Supply OEMP: 1 July 2017 to 30 June 2018*

Appendix B – Consolidated Conditions

Public Authority	Proposed Condition
DPIE – Water Group (Water Assessments)	The proponent should assess the impact of the loss of fish passage over riffles and loss of riffle habitat that will occur with the reduction of the cease to pump flow trigger.
	The proponent should assess the impact of stranding of biota due to pulsing flow from the operation of the pumps.
	DPIE Water recommends as a condition of consent that the proponent only pump when trash screens and a fine-mesh screen are operational.
	For completeness, the assessment should discuss the risk to groundwater recharge and availability aspect of the proposal.
DPIE – Regions, Industry, Agriculture and Resources Group (DPI – Fisheries)	Continued implementation of the Aquatic Environment Monitoring Program as part of the Operational Environmental Monitoring Program (OEMP).
DPIE – Environment, Energy and Science Group (Biodiversity and Conservation Division)	A program should be developed and implemented to identify and monitor impacts to aquatic ecology (including amphibious fauna), hydrology and water quality from the amended pumping trigger. The program should include monitoring of: • Water level and water quality within identified habitat pools at the pump-site and downstream. • Amphibious fauna including platypus, rakali, freshwater turtles by a suitably qualified consultant. The program should include an adaptive trigger designed to allow for temporary suspension of pumping to replenish refuge pools should impacts to habitats, individuals or populations be identified by monitoring. A schedule indicating the frequency of the monitoring and reporting should be included. The program should be developed in consultation with BCD.

Public Authority	Proposed Condition
	All operating rules stated in Condition B4 (except for the pumping trigger) in the project approval MP10_0235 remain in force.
DPIE – Planning and Assessments	The existing approval for MP10_0235 will continue to apply, except as otherwise modified by this authorisation.
	This authorisation will cease when the combined Orange City Council water storage exceeds 50 percent (as measured by the combined volume in Suma Park Dam and Spring Creek Dam) or when the Act ceases to apply subject to the review and extension process set out under these conditions.
	This authorisation will be reviewed by the Applicant at the end of an initial 12 month period (from the date of this authorisation). If this review identifies that that the authorisation continues to be required, an application may be made in writing to the Minister administering the *Water Supply (Critical Needs) Act 2019* for extensions to this authorisation on a six monthly basis to end when the combined storage exceeds 50 percent (until such time as the Act ceases to apply).
	While this authorisation is active, condition B4 of MP10_0235 is modified that the existing operating rules in Condition B4(b) do not apply and are replaced with the following operating rules: i. pumping is only to occur when the instantaneous river flow at Gauging Station 421192 is greater than 38ML/day; ii. no more than 12ML is to be extracted from the Macquarie River at Cobbs Hut Hole over any 24-hour period; and iii. the instantaneous rate of extraction is not to exceed 15.2ML/day. Note, all other conditions of approval under MP10_0235 continue to apply.
	The *Orange Raw Water Supply Operation Environmental Management Plan (OEMP)* will continue to be implemented and the implementation of the modified Macquarie River to Orange Pipeline operating rules from this authorisation will be recorded in the relevant Decision Support Tool (DST) report.
	This authorisation will be made publicly available on the Applicant's website and further notifications will be published on the same website when:

Public Authority	Proposed Condition
	i. the revised operating rules permitted by this authorisation commence; ii. a six month extension to this authorisation is issued; and iii. the Macquarie River to Orange Pipeline operation reverts to the operating rules in condition B4(b) of MP10_0235.

Appendix C – DPIE – Environment, Energy and Science Group (Biodiversity and Conservation Division) response letter

Planning, Industry & Environment

Our ref: DOC19/1084781
Your ref: 19/30242

Lloyd Eley-Smith
Senior Case Manager
Planning and Assessment
Lloyd.eley-smith@planning.nsw.gov.au

Dear Lloyd

Macquarie River to Orange Pipeline – application under the *Water Supply (Critical Needs) Act 2019*

Thank you for your email dated 29 November 2019 inviting EES Biodiversity and Conservation Division (BCD) to comment on the application made by Orange City Council under the *Water Supply (Critical Needs) Act 2019* for the Macquarie River to Orange Pipeline project.

EES (BCD) has reviewed the application and provided our comments in the agency response template at **Attachment A.** If you require any further information regarding this matter please contact Renee Shepherd, Acting Senior Team Leader Planning, via renee.shepherd@environment.nsw.gov.au or 6883 5355.

Yours sincerely

13 December 2019

Debbie Love
Acting Director North West
Biodiversity and Conservation Division

Enclosure: Attachment A

Water Supply (Critical Needs) Act, 2019 – Agency Response Template

Macquarie River to Orange Pipeline - BCD

The application for the Macquarie River to Orange Pipeline was received by the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment on 29 November 2019. The application was reviewed by officers and a response on the proposed authorisation was provided on 13 December 2019. The Biodiversity and Conservation Division of the Department of Planning, Industry and Environment considers that the application DOES meet the requirements of clause 8(3) of the *Water Supply (Critical Needs) Act 2019*.

The Biodiversity and Conservation Division of the Department of Planning, Industry and Environment considers the issues listed in **Table 1** to be relevant to the application, ranked in order from highest to lowest priority.

Table 1 – Issues relevant to the Macquarie River to Orange Pipeline from the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment.

Priority	Issue	Basis of Issue (Legislation, Guideline, etc.)	Application Reference
1	The application refers to environmental impact assessment conducted for the original project (MP10_0235, approved under the *Environmental Planning and Assessment Act 1979* [EP&A Act]). Given the pipeline has been operating on a 108 ML/day pumping trigger as per the project approval, the impacts on aquatic ecology and riparian habitat from the reduced pumping trigger of 38 ML/day can be reasonably foreseen. We therefore recommend an adaptive management approach to manage the increased risk to aquatic and amphibious fauna.	Maintain consistency with and support monitoring requirements in Condition B1 of the project approval (MP10_0235), and the Orange Raw Water Supply System Operation Environmental Management Plan (OEMP).	5; and Section 4.3 in Supporting Information report
2	All operating rules stated in the project approval, except the pumping trigger, to remain in force (as committed to by the proponent in their application).	Condition B4 of the project approval (MP10_0235) Section 3.2.2 of *Supporting Information Proposed Emergency Change to Macquarie River to Orange Pipeline Pumping Trigger* (Premise, November 2019)	6; and Section 3.2.2 in Supporting Information report

On the basis of the issues identified in **Table 1**, the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment recommends the Minister includes the conditions identified in **Table 2** in the authorisation.

Table 2 – Recommended conditions for the Macquarie River to Orange Pipeline from the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment.

Proposed Condition	Reasoning/Background	Outcome
1. A program should be developed and implemented to identify and monitor impacts to aquatic ecology (including amphibious fauna), hydrology and water quality from the amended pumping trigger. The program should include monitoring of: • Water level and water quality within identified habitat pools at the pump-site and downstream. • Amphibious fauna including platypus, rakali, freshwater turtles by a suitably qualified consultant. • The program should include an adaptive trigger designed to allow for temporary suspension of pumping to replenish refuge pools should impacts to habitats, individuals or populations be identified by monitoring. A schedule indicating the frequency of the monitoring and reporting should be included. The program should be developed in consultation with BCD.	Condition B1 of the existing approval (MP10_0235) requires development of a monitoring program. That program does not require monitoring of platypus, rakali nor turtles. Aquatic/amphibious fauna are under significant stress from current drought conditions. The approval conditions which set the pump threshold at 108 ML/d were intended to protect habitat. Reducing the pumping trigger increases risks to these species. Monitoring actions specific to this proposal should be undertaken to identify and avoid impacts that result from the reduced pumping trigger.	Impacts from the amended pumping trigger are identified and adaptively managed to minimise harm to fauna already under increased stress as a result of drought.
2. All operating rules stated in Condition B4 (except for the pumping trigger) in the project approval MP10_0235 remain in force.	The rules stated in the project approval were recommended as mitigation measures in the Aquatic Ecology Impact Assessment completed for the original project.	The operation of the pipeline remains consistent with the current approval, minimising harm to biodiversity.

Appendix D – NRAR response letter

Natural Resources Access Regulator

Natural Resources Access Regulator
Locked Bag 5123,
Parramatta NSW 2124
T 1800 633 362
www.industry.nsw.gov.au/nrar

Contact: Tim Baker
Phone: (02) 6841 7403
Email : tim.baker@nrar.nsw.gov.au

Our ref: V18/1021-15#1
Your Ref: -

Lloyd Eley-Smith
Infrastructure Assessments
Planning Industry and Environment

13 December 2019

Email: Lloyd.Eley-smith@planning.nsw.gov.au

Dear Lloyd,

Re: Application for authorisation under Water Supply (Critical Needs) Act. 2019 - Macquarie River to Orange Pipeline

I refer to your letter dated 2 December 2019 requesting comment from the Natural Resources Access Regulator (NRAR) on an application under the *Water Supply (Critical Needs) Act 2019*.

It is understood the proposal is to increase the potential to supplement Orange's Town Water Supply during the current drought conditions from the Macquarie River to Orange Pipeline. This is to be facilitated by reducing the trigger to commence pumping for the pipeline, which was originally authorised under project approval MP10_0235. As there is no proposal to obtain additional water entitlement and no additional infrastructure is required, no comment is provided on this aspect.

NRAR understands the pump and pipeline associated with the proposal did not require an approval under the *Water Management Act 2000* due to exclusions associated with the project approval issued under the *Environmental Planning and Assessment Act 1979*. Further to this the operational regime of the pump and pipeline and relevant monitoring and management requirements are detailed in the consent conditions for the project approval and the relevant Operation Environmental Management Plan. As no additional works are proposed and there are no existing approvals to amend, it is considered no additional approvals under the *Water Management Act 2000* are required.

In regards to references in the proposal to access rules in the Water Sharing Plan for the Macquarie Unregulated and Alluvial Water Sources 2012 it is recognised the key access rules relate to maintaining a visible flow/full pool capacity. The proposal has indicated the intent to be consistent with these rules. There are no licensed water users between the extraction site and Burrendong Dam and the maintenance of visible flow/full pool capacity would maintain access for riparian rights users.

The key issue is the potential impact to the downstream environment and the regulated Macquarie supply associated with the proposed reduction in the pumping trigger from 92 ML/d down to 38ML/d. It is understood the proposal could result in an

Natural Resources Access Regulator
Locked Bag 5123,
Parramatta NSW 2124
T 1800 633 362
www.industry.nsw.gov.au/nrar

increased extraction volume of 1330ML/yr. To address this aspect Orange City Council has relied on committing to the access rules in the water sharing plan and referring to the impact assessment completed for MP10_0235 which initially proposed a 38ML/d pumping trigger. As technical advice on the hydrology and aquatic impact assessment of MP10_0235 was initially provided by staff now sitting within DPIE Water, it is recommended DPIE Water be consulted in this regard. This will ensure comprehensive advice is provided on the merits of the project in regard to water legislation and policy.

NRAR supports the project to meet immediate emergency town water supply requirements. Further comment would be required on a permanent implementation of this proposal.

For further information please contact Tim Baker, Senior Water Regulation Officer at NRAR (Dubbo) on **t:** (02) 6841 7403; **e:** tim.baker@nrar.nsw.gov.au

Yours sincerely,

Graeme White
Director Regional Water Regulation (West- Murray Darling)

Appendix E – EPA response letter

DOC19/1043048

Mr David Gainsford
Executive Director, Infrastructure Assessments
Department of Planning, Industry and Environment
320 Pitt Street
SYDNEY NSW 2000

Email: david.gainsford@planning.nsw.gov.au

Dear Mr Gainsford

Thank you for your letter dated 28 November 2019 regarding the application for authorisation under Water Supply (*Critical Needs*) Act, 2019 for the Macquarie River to Orange Pipeline proposed by Orange City Council (Council).

The NSW Environment Protection Authority (EPA) has reviewed the application and associated documentation and notes that no on-ground works are required. The proposal will rely on existing infrastructure and seeks to change the trigger to extract water from the Macquarie River when the flow in the Macquarie River is 38 ML/day rather than the currently approved flow of 108 ML/day.

The EPA has read the aquatic ecology assessment that was originally prepared as part of the approval for the Macquarie to Orange pipeline. This assessment covers the potential aquatic impacts of extracting water at the proposed lower flow rate. The EPA has not identified any environmental issues of concern and therefore does not recommend any specific conditions of approval be applied to the authorisation proposed for the current water supply emergency period being experienced by Council.

If you have any further questions, please contact Mr Nigel Sargent, Acting Regional Director South and West Branch on 6229 7002 or nigel.sargent@epa.nsw.gov.au.

Yours sincerely

TRACY MACKEY
Chief Executive Officer
Environment Protection Authority

6.12.19

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

Fax 02 9995 5999
TTY 133 677, then
ask for 131 155

PO Box A290
SYDNEY SOUTH
NSW 1232

59-61 Goulburn Street
SYDNEY NSW 2000
AUSTRALIA

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

Appendix F– WaterNSW response letter

13 December 2019

Dominic Crinnion
Team Leader, Water and Intermodal Assessments
Department of Planning, Industry and Environment
GPO Box 39 Sydney NSW 2001

Dear Mr Crinnion,

Thank you for seeking comments from WaterNSW on the application under the *Water Supply (Critical Needs) Act 2019* from Orange City Council for the modification of pumping triggers for the Macquarie River to Orange Pipeline (MOP). We provide the following comments to assist the Department in its assessment of the application.

Potential impacts on WaterNSW water supply system operations

WaterNSW has assessed the proposal's impact on our operations and customers against three scenarios as follows:

1. extreme drought conditions continue, i.e. zero inflow into Burrendong Dam
    a. No impact, as flows are already below cease to pump level, and therefore no pumping, and no impact on Burrendong operations
2. dry conditions continue, with some rainfall and stream flows that allow additional MOP operations, but not sufficient to suspend drought operations at Burrendong. In this scenario an extra extraction by MOP of say 1,300 ML/yr would have impacts on Burrendong's ability to supply Dubbo, Wellington, Nyngan and Cobar. This MOP operation would bring forward the dates for activating Burrendong deep water access, as well as Macquarie River cease to flow and cease supply to these towns within to the following range of days:
    a. As little as 3 to 6 days if Burrendong releases are supplying the downstream towns via the river and releases are 200 to 400 ML/d (current operations).
    b. As much as 22 to 74 days if Burrendong releases are only for Wellington and Dubbo, and not Nyngan and Cobar, with releases between 18 and 60 ML/d. (a current option for Sept 2020)
    c. As much as 30-40 days if a Burrendong to Macquarie pipeline network is constructed and operating for Wellington, Dubbo, Nyngan and Cobar at about 40 ML/d.
3. wet conditions, unlikely to impact on Burrendong operations for Macquarie towns as river supplies would be secured from other inflows. Impact on other licence categories downstream of Burrendong would likely be very small or not at all, particularly if the MOP operation triggers an earlier spill from Orange's dams.

These scenarios suggest that there is small chance that the proposed MOP operation would have an impact on the supply to towns downstream of Burrendong Dam, and this increase in risk for these towns should be considered against the reduction of risk for Orange.

WaterNSW ABN 21 147 934 787
169 Macquarie Street Parramatta NSW 2150
PO Box 398, Parramatta NSW 2124
T 1300 662 077 E Customer.Helpdesk@waternsw.com.au
waternsw.com.au

Gauging Station 421192

This gauging station (the Gauge) is owned and managed by WaterNSW and measures flow. The gauge was funded and commissioned in March 2011 on Orange City Council's behalf in anticipation of an approval condition requiring pumping to be determined based on instantaneous flow at the then proposed pumping site. Council continues to fund WaterNSW to measure flows.

Earlier this year Council requested a review of the flow rating table to have condition B6 reviewed. We supplied that advice (please see attached) and we have no concerns about the effectiveness of the current rating for the site after six years of operation and 44 gaugings supporting it (at the time). As stated in the letter, however, the rating may change at any time as it is determined by a range of natural factors that can change with conditions (please see last paragraph of the attached letter).

The proposed trigger levels have the potential to impact the operation of the site as follows:

- The current control of bed rock/gravel is more susceptible to change at lower levels which will affect the accuracy of the stage discharge relationship (rating) and hence the accuracy of the flow data.
- The impacts of debris and changes to the gravel section of the control would need to be actively managed, as any change would affect the accuracy of the flow data.
- Any check measurements of the rating would be difficult as any flows are likely to be affected by pumping at the time of measurement.
- Due to the proximity of our sensing equipment to the pumping station there is a high likelihood of pump drawdown significantly affecting the water level (stage) and hence the accuracy of flow measurement at the Gauge. This would need to be assessed when the pumping occurs to determine the real impacts.
- Overall the margin for error increases when any trigger level is reduced or very low. The site would require a series of gaugings above and below the proposed trigger level of 38 ML/d and the cease to pump level of 22 ML/d to accurately report on instantaneous flow. The current Rating Table has been developed to maintain a high level of accuracy in the range of the trigger level of 108 ML/d and the cease to pump level of 92 ML/d. The full range of flows have been measured at this site but there would need to be additional work undertaken to be confident in the accuracy of the rating at the proposed trigger levels. WaterNSW cannot currently quantify the uncertainty of flow measurement that may be experienced if a lower trigger level were to be implemented.

Having regard for the above WaterNSW therefore considers that if the proposal is approved DPIE and the Council ought to consider applying a broad buffer margin around the trigger level to account for potential uncertainty and to mitigate any potential impacts.

If you wish to discuss the above please contact Malcolm Hughes on 0427466934.

Yours sincerely,

FIONA SMITH
Executive Manager Water and Catchment Protection

Planning, Industry & Environment

Minister Pavey

Correspondence – Member of Parliament

Analysis Reply to the Hon Paul Toole MP, Member for Bathurst, who wrote to the Minister on behalf of constituent Mr 3(a)(b), seeking information on the request for authorisation received from Orange City Council under *the Water Supply (Critical Needs) Act 2019*.

Recommendation

That the Minister sign the attached letter to the Hon Paul Toole MP, Member for Bathurst.

➡ **Approved by Minister:**

Date: 31·1·20

Comments:

Checked by DLO: 29·1·20 **Approved/Noted by Adviser/Chief of Staff:** AM 30/1/20.

Key reasons

On 14 January 2020, the Minister for Water, Property and Housing, the Hon Melinda Pavey MP authorised Orange City Council under section 8(5) of the *Water Supply (Critical Needs) Act 2019* to carry out the listed development of changing the pumping regime of the Macquarie River pipeline from the Macquarie River, under various conditions, in order to supplement Orange's water supply in the current extreme drought.

Pursuant to section 8(6) of the *Water Supply (Critical Needs) Act 2019*, the Minister for Energy and the Environment, the Hon Matthew Kean MP, concurred with the development on 14 January 2020.

The authorisation allows Orange City Council to temporarily run the Macquarie River pipeline at a reduced flow rate in the River of 38 ML/day. Condition B4 of the existing State Significant Infrastructure approval for the pipeline (MP10_0235) sets this rate at 108 ML/day.

Pursuant to the conditions of the authorisation:

- Pumping may occur only when the instantaneous river flow at Gauging Station 421192 is greater than 38 ML/day;
- During any 24-hour period, no more than 12 ML of water is to be extracted from the Macquarie River at Cobbs Hut Hole; and
- The instantaneous rate of extraction is not to exceed 15.2 ML/day.

The authorisation is to expire after 12 months, or earlier in the event of Orange City Council's water storage levels recovering. Orange City Council can seek to extend the authorisation, initially, for a period of six months and thereafter for a further period agreed to by the Minister for Water, after conducting a review of whether the authorisation continues to be necessary.

To manage environmental impacts on the Macquarie River, the authorisation requires Orange City Council, in consultation with the Department of Planning, Industry and Environment, to develop and implement a program to identify and monitor impacts to aquatic

ecology, hydrology and water quality resulting from the amended pumping trigger. This includes an adaptive trigger to replenish refuge pools should impacts to aquatic habitats, individuals or populations be identified by monitoring and, when this trigger is reached, the requirement to suspend pumping temporarily.

The Minister for Water advised Orange City Council of the authorisation with a letter, dated 14 January 2020.

Please see BN20/31 for further details and documentation of the authorisation.

Departmental approvals

Comments:

Position	Signature	Date
Approving officer: Nigel Deacon, Acting Director Urban Utilities, 0427 091 016	N. Deacon	7 January 2020
Endorsing officer: Michael Blackmore, Director Water Utilities	Approved	17 January 2020
Endorsing officer: Graham Attenborough, Executive Director Program and Services	Approved	24 January 2020

Background

On 28 November 2019, Orange City Council requested an authorisation, under the *Water Supply (Critical Needs) Act 2019,* to change the pumping regime from the Macquarie River to supplement its water supply in the current extreme drought. The Macquarie River pipeline to Orange is a declared water supply development listed in Schedule 2 of the Act. The letter received by Minister Toole is in response to this request and raises environmental concerns if more water is to be pumped from the river.

The intent of the *Water Supply (Critical Needs) Act 2019* is to address critical needs, such as the impacts of the current drought.

The process developed to deal with requests for authorisation under the Act is aimed at addressing critical needs and only seeks input from the relevant authorities. These include environmental considerations, and the consultation with these authorities forms the basis of the report to the Minister for consideration.

The period over which a determination under this process applies will also be determined but will be limited to the duration of the factors that have resulted in the creation of the critical need, the current drought in this instance. The legislation will be in effect for two years and can only be extended for up to 12 months where towns experience ongoing severe drought risks.

In this instance, the process has been to seek input from the relevant authorities and prepare a report for the Minister. Because of the critical and urgent nature of these considerations, public consultation and input has not been included.

The authorisation is only provided for a short time, i.e. 12 months, with the possibility of extension and a sunset clause, which takes into consideration when the impacts of the drought have reduced.

Any longer term changes to the operation parameters for pumping from the Macquarie River can be considered under section 5 of the *Environmental Planning and Assessment Act 1979*, via a change to the development consent. This will require a further application by Orange City Council and will require public consultation and public input.

Attachment

Attachment	Title
A	Incoming correspondence from the Hon Paul Toole MP, Member for Bathurst.

NSW GOVERNMENT
The Hon. Melinda Pavey MP
Minister for Water, Property and Housing

IM19/27387

The Hon Paul Toole MP
Minister for Regional Transport and Roads
Member for Bathurst
PO Box 2237
BATHURST NSW 2795

Dear Minister

Thank you for your letter of 8 November 2019, on behalf of Mr [redacted 3(a)(b)], concerning changes to the pumping regime from the Macquarie River for water supply to the City of Orange. I apologise for the delay in my response.

I can confirm that Orange City Council has made a request for authorisation under the *Water Supply (Critical Needs) Act 2019* to change the operating rules for the Macquarie River to Orange pipeline due to the severe drought and impacts on the town. This pipeline is a declared water supply development listed in Schedule 2 under this Act.

Owing to the critical nature of such applications, they are referred to the relevant authorities for their input. This includes consideration of all the related issues, including environmental concerns. A report on the consultation process is then prepared for me to consider as the responsible Minister.

On 14 January 2020, with the concurrence of the Minister for Energy and the Environment, the Hon Matthew Kean MP, I authorised Orange City Council, under section 8(5) of the *Water Supply (Critical Needs) Act 2019,* to temporarily run the Macquarie River pipeline at a reduced flow rate in the Macquarie River of 38 ML/day. The existing state significant infrastructure approval for the pipeline sets this rate at 108 ML/day.

The authorisation is provided for a period of 12 months, with the possibility of extension for six months initially, and a sunset clause that takes into consideration when the impacts of the drought have reduced. A more permanent change to the operating conditions of the pipeline would require a change to the existing development consent.

The authorisation requires Orange City Council, in consultation with the Department of Planning, Industry and Environment, to develop and implement a program to identify and monitor impacts to aquatic ecology, hydrology and water quality resulting from the amended pumping trigger.

This includes an adaptive trigger to replenish refuge pools should impacts to aquatic habitats, individuals, or populations be identified by monitoring and, when this trigger is reached, the requirement to suspend pumping temporarily.

Thank you for your interest in this matter. If Mr 3(a)(b) requires additional information, or wishes to discuss this matter further, I have asked that Mr David Swan, Regional Manager – West, Department of Planning, Industry and Environment be available. Mr Swan can be contacted on 0419 947 024.

Yours sincerely

31 JAN 2020

Melinda Pavey MP
Minister for Water, Property and Housing

From: DLO Pavey <DLOPavey@minister.nsw.gov.au> on behalf of DLO Pavey
Sent: Tuesday, 11 February 2020 1:47 PM
To: Sydney Office
Cc: DLO Pavey; Angus Mackie; Tom Chesson
Subject: INCOMING (ROUTINE): MINISTERIAL: DPIE WATER: IM20/4363 : Paul Toole MP obo 3(a)(b) re: Wiradjuri Plains Project: DUE 03/03/2020
Attachments: Paul Toole MP obo 3(a)(b) re: Wiradjuri Plains Project (332 KB)

Out of Scope

From: Jane Little [Jane.Little@deputypremier.nsw.gov.au]
To: Public Pavey Office Email
Sent: Tuesday, 11 February 2020 8:28:46 AM
Subject: Paul Toole MP obo 3(a)(b) re: Wiradjuri Plains Project
Attachments: image001.jpg (10 KB); Wiradjuri Plains Project (315 KB).msg;

Good morning,
Please find attached correspondence sent to the Deputy Premier of NSW.
As this matter falls within your portfolio responsibilities, it is being referred to you for any necessary action.
Kind regards
Jane

Jane Little
Department Liaison Officer
Office of The Hon. John Barilaro MP
Deputy Premier
Minister for Regional NSW
Minister for Industry and Trade
T: +61 2 8574 5167

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender and are not necessarily those of the office of the Deputy Premier.

From: MAR-L20W-P01 [MAR-L20W-P01@minister.nsw.gov.au]
To: Barilaro_Office_Email
Sent: Wednesday, 30 October 2019 11:44:19 AM
Subject: Wiradjuri Plains Project
Attachments: 30102019104413-0001.pdf (305 KB);

Number of Images: 3
Attachment File Type: PDF

Device Name: MAR-L20W-P01
Device Location:

Paul Toole MP
Member for Bathurst Electorate

21 October 2019

Our Ref: BA6292

The Hon John Barilaro MP
Deputy Premier
GPO Box 5341
Sydney NSW 2001

Dear Deputy Premier

Please find attached the correspondence received from constituent 3(a)(b) who recently contacted me regarding the Wiradjuri Plains Project and specifically the water aspects.

Your assistance in this matter is appreciated and I look forward to receiving a response that I can pass onto my constituent.

Yours sincerely

Paul Toole MP
Member for Bathurst Electorate

RECEIVED
30 OCT 2019
Office of
The Hon. John Barilaro MP

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

THE WIRADJURI PLAINS PROJECT

Regional Development in New South Wales and Australia

Re: Wiradjuri Plains Project.

RECEIVED
14/10/19

Dear Paul,

I am writing again in relation to the Wiradjuri Plains Project and specifically the water aspects described in Appendix E of the Information Brochure we provided to you and the Deputy Premier.

It is general knowledge that there is a need to identify realistic and suitable sites to provide more dams. In that Appendix E we made mention of the benefits identified in detail through the multi-million dollar investigation by Rankin and Hill with the NSW Public Works Department in the mid 70s. This proposed large dam was intended to supplement the permanent water supply for a growing population for the Bathurst/Orange/Blayney/Lithgow region. This part of our proposal, if investigated again with a positive outcome, could dampen some of the clamour for better water management at the Federal and State levels. It would appear that this aspect of our proposal did not ring any bells.

It is also common knowledge that the existing and continuing drought is having widespread and devastating consequences both directly and indirectly on numerous areas and on thousands of individuals within this region, as well as in so many other areas.

Naturally we are most disappointed that despite the information we have presented to both you and the Deputy Premier, time and time again, over the past 3 + years, both verbally as well as in our Information Brochure (Appendix E), you have chosen to totally ignore our request to genuinely examine the merits and relevance of our Project; a Project which aims at realistic and necessary benefits for Regional NSW and Australia in many ways.

During these three years it is clear from the daily press, public meetings and other communication avenues, that the public is generally dissatisfied with the lack of national/visionary innovations; the tempo is increasing. Certainly there have been a number of significant infrastructure experiments but the focus is seen to be on urban locations. There is much "talk-about", much "walk-about" but very little "do-about" perceived as State wide or regional wide innovations. The Wiradjuri Plains Project is an opportunity to, in part, redress this public perception.

Indeed, I believe, again from the daily press, that no dam has been built in NSW since 2013, with Barnaby Joyce talking of the Coalition risking "*political annihilation*" as a result of inaction on water issues. In fact, I would go so far as to say, that there is not only a frustration being felt by the general public but a growing disengagement among conservative voters.

The public generally will not be happy to know that over 3 years have elapsed since this matter was brought to your attention, without any action being taken to examine the facts placed before you both, initially in the Office of the Deputy Premier in Sydney and numerous times since that time.

Will you please take immediate action to investigate (and take action if required) regarding this oversight?

Sincerely

Out of Scope

From: **DLO Pavey** <DLOPavey@minister.nsw.gov.au>
Date: Mon, 10 Feb 2020 at 15:45
Subject: INCOMING (ROUTINE): NRAR: IM19/28021 : Paul Toole MP obo 3(a)(b) re: riparian flows in the Turon River
To: Sydney Office <sydney.office@industry.nsw.gov.au>
Cc: DLO Pavey <DLOPavey@minister.nsw.gov.au>, Russell Johnston <russell.johnston@nrar.nsw.gov.au>

Out of Scope

From: ElectorateOffice Bathurst [ElectorateOffice.Bathurst@parliament.nsw.gov.au]
To: Public Pavey Office Email
Sent: Thursday, 21 November 2019 11:54:16 AM
Subject: Paul Toole MP obo 3(a)(b) re: riparian flows in the Turon River
Attachments: DOC211119-002.pdf (399 KB);

Hi
Please find attached representation made obo 3(a)(b) in regards to flow of the Turon River at Sofala.

Kind regards
Belinda Bannon
Senior Electorate Officer
Paul Toole MP
Member for Bathurst
1/229 Howick Street
BATHURST NSW 2795
Phone: (02) 6332 1300
Email: bathurst@parliament.nsw.gov.au or
belinda.bannon@parliament.nsw.gov.au

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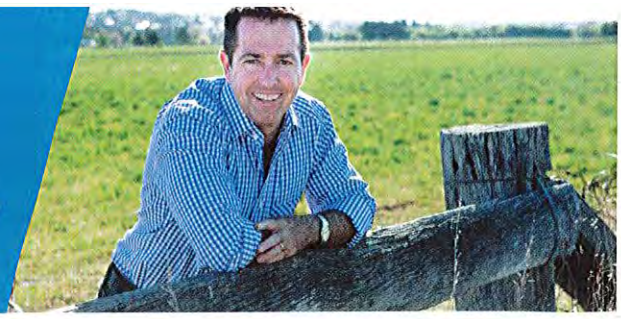
NSW GOVERNMENT
Paul Toole MP
Member for Bathurst Electorate



20 November 2019

Our Ref: BA6512

The Hon Melinda Pavey MP
Minister for Water, Property and Housing
GPO Box 5341
Sydney NSW 2001

Dear Minister

I write on behalf of several of my constituents at the village of Sofala regarding concerns about riparian flows in the Turon River at this location.

Residents are once again of the belief that water levels in the Turon are dramatically low and that a possible cause is that an alleged mining operation near Portland could be to blame.

There appears to be a consensus of opinion amongst residents that water in the Turon is being illegally diverted or pumped from upstream.

I would appreciate advice as to what could be causing the river levels to drop so dramatically.

I look forward to receiving a response that I can pass onto my constituents.

Yours sincerely

Paul Toole

Paul Toole MP
Member for Bathurst Electorate

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

ElectorateOffice Bathurst <ElectorateOffice.Bathurst@parliament.nsw.gov.au> 14 November 2019 09:11

To: 'bathurst-nswnats@inbound.voter.id' <bathurst-nswnats@inbound.voter.id>

Case Ref: BA6512 (Change)

3(a)(b)

-----Original Message-----
From: support@myelectorate.com.au
Sent: Wednesday, 13 November 2019 9:21 PM
To: ElectorateOffice Bathurst
Subject: Form submission from: Contact

Submitted on Wednesday, November 13, 2019 - 21:21 Submitted by anonymous user: 103.55.47.146 Submitted values are:

First Name: 3(a)
Last Name: 3(a)(b)
Email address: 3(a)(b)
Phone Number: 3(a)(b)
Suburb: 3(a)(b)
Postcode: 3(a)
Message: to paul , with reference to the [turon river] last time you seen the river it was dry ,5 weeks later flowing .where did the water come from, paul what active is going on the upper turon river that using water and flow not making it to Sofala . this is urgent if this river goes dry no water
for fire fighting. thank you for yor time . ron [13.novermeber 2019]

The results of this submission may be viewed at:
https://www.paultoolemp.com/node/16/submission/2516

18th November 2019

Mr Paul Toole MP

1/229 Howick street

Bathurst 2795

Dear Paul,

Re: Recent reduced water in Turon River Sofala

Wondering if you could investigate why the water flow in the Turon River through Sofala has reduced significantly over the last few weeks.

We recognise that the lack of rain and evaporation would affect the river flow to a degree but would not reduce the flow so noticeably in such a short period of time. A similar situation occurred around this time last year

Enquiries have revealed that the problem may result from water being diverted from the river system by a large organisation.

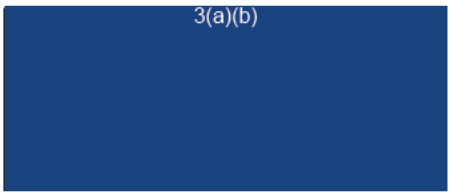
Our concerns have intensified due to the devastating fires that have already occurred this season around NSW and that if a similar situation should occur in the Sofala/Wattle Flat area the reduced level of water in the Turon will impede fire-fighting activities. We worry for the safety of our families, community members and the lives of those helping to contain and extinguish the fires.

A secondary concern which pales in significance when compared to the safety of our community members is the fact that the reduction in water in the river leads to a reduction of visitors to Sofala and a reduction in income for the town's business owners.

Sofala and the Turon River, with its associated activities such as swimming, fishing, gold panning, camping play a significant role in Bathurst Regional Council's tourism promotions.

Thanking you in anticipation of your help in locating the problem and negotiating an immediate solution.

Yours faithfully



ElectorateOffice Bathurst

From: 3(a)(b)
Sent: Tuesday, 19 November 2019 1:16 PM
To: ElectorateOffice Bathurst
Subject: Attn: Paul Toole MP ' Turon River

Hello Paul.

Regarding the mine that is taking water from the Turon River.

I'm writing to you regarding the mine that is taking water from the Turon River up at Portland. The water flowing into the river at the moment is low levels and the mind up the river maybe taking water from the Turon River.

A meeting will be held in Sofala about this I believe in the coming weeks and we're all just keen to get a clarification on the matter.

Thanks for your time and I look forward to meeting to you at some point in the future.

3(a)(b)

From: ElectorateOffice Oxley [ElectorateOffice.Oxley@parliament.nsw.gov.au]
To: Public Pavey Office Email
Sent: Thursday, 2 January 2020 1:52:11 PM
Subject: 3(a)(b) re: further corro to IM19/29393
Attachments: image001.jpg (58 KB);

Kind Regards,

David Dawson
SENIOR ELECTORATE OFFICER
The Hon Melinda Pavey MP, Member for Oxley
THE NATIONALS for Regional NSW
oxley@parliament.nsw.gov.au
www.melindapavey.com.au
37 Elbow Street, West Kempsey NSW 2440
ph 02 6562 6190 **fax** 02 6563 1355 **mob** 0474 125 977
MelindaPaveyMP @MelindaPaveyMP

From: 3(a)(b)
Sent: Thursday, 26 December 2019 1:38 PM
To: ElectorateOffice Oxley
Subject: Fw: turon river

to Melinda pavey ,with reference to the email I sent on 3/12/2019 .in april 2018 paul tool made a visit to sofala.no water in the turon river.in may the turon river was running no rain, we would like a answer where did the water come from ,their is no water in the turon now December 2019, where ever the water came from could have them let some water in to the turon river. ron sofala .

----- Forwarded message -----
From: 3(a)(b)
To: oxley@parliament.nsw.gov.au <oxley@parliament nsw.gov.au>
Sent: Tuesday, 3 December 2019, 03:40:48 pm AEDT
Subject: turon river

to Melinda pavey , with reference to the turon river, april 18last year the turon river stopped ,our local member paul tool had a look at the turon river dead dry ,about four weeks later the river was running bank to bank [no rain to make it run .] [google] western advocate turon river runs dry april 2018 .what is taking our water, their are creeks & spring at the head of the river where is the water going . thank you for your time . ron

From: DLO Pavey <DLOPavey@minister.nsw.gov.au> on behalf of DLO Pavey
Sent: Tuesday, 18 February 2020 3:47 PM
To: Sydney Office
Cc: DLO Pavey; Tom Chesson; Angus Mackie
Subject: CHANGE OF ACTION (NOW MINISTERIAL) RE: INCOMING (ROUTINE): DPIE WATER: IM20/4694 : 3(a)(b) re: Macquarie River to Orange Pipeline
Attachments: Paul Toole MP obo 3(a)(b) r... (1.74 MB)

Out of Scope

Out of Scope

From: MAR-L17SE-P01 [MAR-L17SE-P01@minister.nsw.gov.au]
To: Nicole Stocken
Sent: Tuesday, 18 February 2020 3:11:11 PM
Subject: Paul Toole MP obo 3(a)(b) re: Macquarie River to Orange Pipeline Project
Attachments: 18022020141103-0001.pdf (1737 KB);

Number of Images: 7
Attachment File Type: PDF

Device Name: MAR-L17SE-P01
Device Location:

NSW GOVERNMENT

Paul Toole MP
Member for Bathurst Electorate

SCANNED
Minister's Office
18 FEB 2020

14 February 2020

Our Ref: BA7190

The Hon Melinda Pavey MP
Minister for Water, Property and Housing
GPO Box 5341
Sydney NSW 2001

Dear Minister

Please find attached the correspondence received from constituent 3(a)(b) 3(a)(b) 3(a)(b) 3(a)(b) 3(a)(b) 3(a)(b) 3(a)(b), who recently contacted me regarding the Macquarie River to Orange Pipeline Project.

Your assistance in this matter is appreciated and I look forward to receiving a response that I can pass onto my constituent.

Yours sincerely

Paul Toole

Paul Toole MP
Member for Bathurst Electorate

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

Belinda Bannon

From: Paul Toole
Sent: Friday, 14 February 2020 12:50 PM
To: Belinda Bannon
Subject: FW: Macquarie River to Orange Pipeline
Attachments: Over 20 years ago Researchers determined.docx

From: 3(a)(b)
Sent: Wednesday, 12 February 2020 3:06 PM
To: Melinda Pavey <Melinda.Pavey@parliament.nsw.gov.au>
Cc: Paul Toole <Paul.Toole@parliament.nsw.gov.au>; Adam Marshall <Adam.Marshall@parliament.nsw.gov.au>; Rob Stokes <Rob.Stokes@parliament.nsw.gov.au>
Subject: Macquarie River to Orange Pipeline

Dear Melinda,

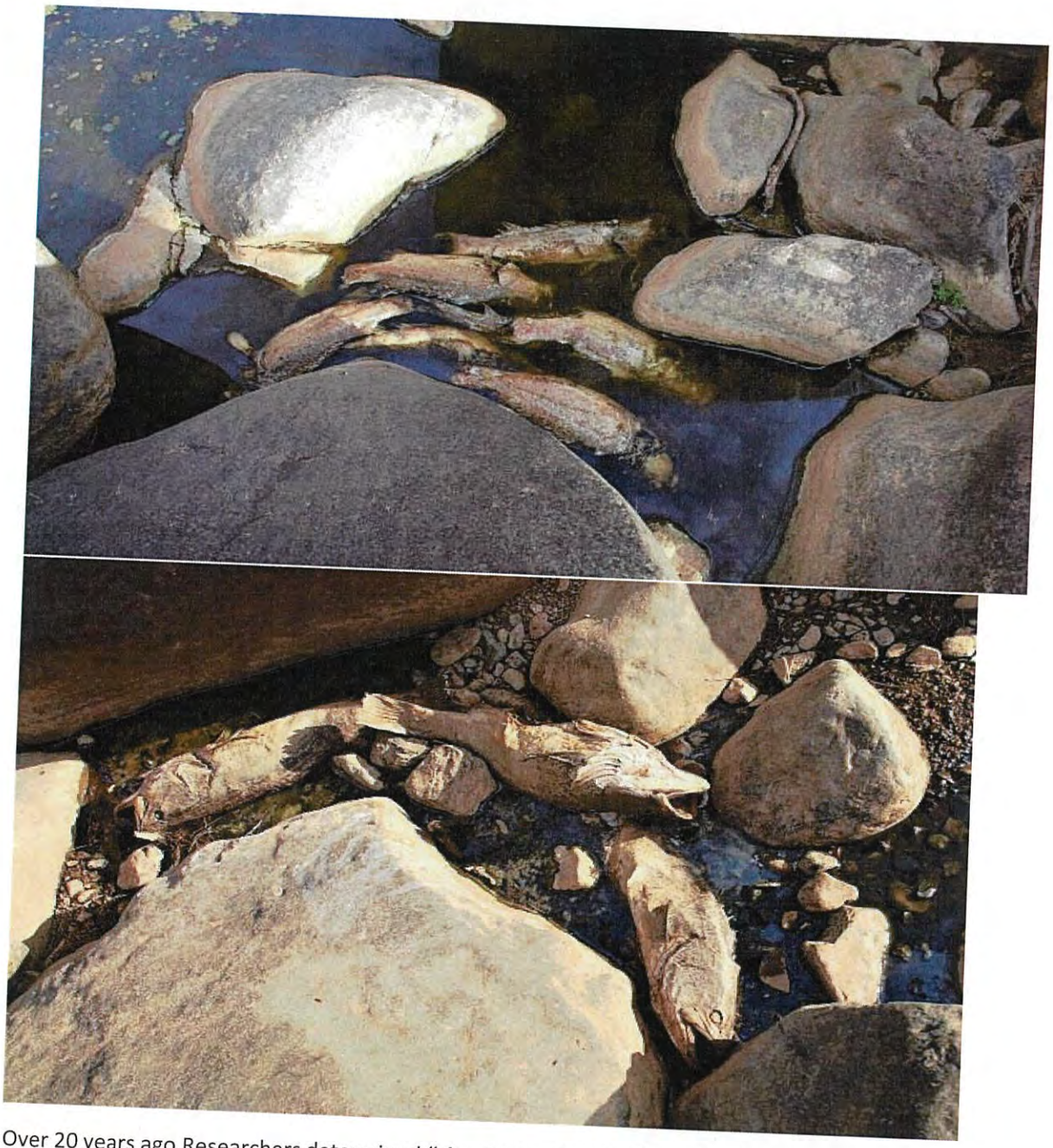
Please see attachment regarding the approval of lowering the trigger level on the pipeline

Thank you for your time to read this and I look forward to your reply & feedback regarding this matter

My contact details are located on the attachment

Regards,

3(a)(b)



Over 20 years ago Researchers determined ***"the status of native fish in the Murray-Darling Basin is alarming. Populations are estimated to be about 10 percent of their pre-European settlement levels and are still declining. Native fish species are an indicator of the overall health of the Basin and its Rivers. They provide a warning that the natural ecological function of the rivers is at risk. The situation needs urgent attention"***

HOW MANY OF THAT 10 PERCENT FROM 20 years ago ARE LEFT TODAY?
THE OVERALL HEALTH OF THE BASINS RIVERS TODAY? **WHAT IS**

Every scientific paper or publication about native aquatic species describes threats, key threatening processes and actions that are problematic to aquatic ecological health of our river systems including,

- Water extraction
- Alteration to NATURAL FLOWS
- Man made barriers that prevent longitudinal movement of species
- Maintaining flows under low flow conditions
- Habitat degradation
- Introduced pest species

WHO IS RESPONSIBLE TO ENSURE STRATEGIES and MANAGEMENT ACTIONS ARE IMPLEMENTED to deliver tangible outcomes to address the points above?

What is the role of NSW Government Ministers for Water (The Hon. Melinda Pavey) and Fisheries (The Hon. Adam Marshall)?

Is their collective role responsibility to work towards maintaining & improving water management for our freshwater ecosystems and native aquatic species?

It appears past ministers in these roles have either been rewarded with other ministerial positions, retired or ended up in correctional facilities.

HOW DIFFICULT CAN IT BE TO WORK TOGETHER & IMPLEMENT THE REQUIRED CHANGES NEEDED TO AT THE VERY LEAST MAINTAIN THE DECLINING POPULATIONS THAT WE HAVE LEFT?

In the last 20 years alone, **How much money has been spent on research studies by government departments to collect & publish information to determine recovery plans for endangered species, native species decline, water management, recreational fishing advisory committees, developing water sharing plans including objectives to protect native fish, mammals, waterbirds, native vegetation and registered water dependent cultural assets and native fish rescue operations? What is the dollar figure?**

Please Minister Pavey and Minister Marshall can you find the answers to these questions and deliver a detailed response within an acceptable timeframe?

With all the available information, collected by academically accredited experts in their respective fields to answer questions how best practice management can be developed to target priority environmental objectives, what have the NSW Government Ministers done to ensure

- Water extraction is limited to allow for protection of low flow conditions in our rivers
- Screening extraction pumps in rivers to prevent entrainment & impingement of larval & small bodied aquatic species
- Natural flows are allowed to flush out systems after low flows
- Removing "imminent flow extractions" (pumping from a waterhole before a flow reaches the extraction point) to allow flow pulses to restore connectivity of refuge pools
- Prepare for forecast drier conditions by retaining more water in storages to be allocated only for human consumption & environment

Is Minister, The Hon. Rob Stokes the current person responsible in the Planning Department to ensure compliance of conditions of approval for the Macquarie River to Orange pipeline project?

Previous correspondence relating to compliance with conditions of approval for the project indicated the department considers breaches relating to non-compliance very seriously.

Has Orange City Council advised the Department of exceeding the pump times and extraction limits and what are the penalties imposed for these serious breaches?

What is the Departments explanation as to why the annual report and Aquatic Monitoring Report for 2018-19 water year (ending June 2019) is not on the OCC website?

Please Minister Stokes can you answer, who conducted the peer review on hydrological monitoring to support the 38ML trigger for pumping recently announced in the media?

Given the Independent Review by Bewsher Consulting P/L 2013 considered the proponents assessment of using a 38ML *trigger contained "statistical bias", "was inaccurate", "was significantly hampered by a lack of documentation by the models developers & operators including details of the models calibration and validation(if any)."*

Please Minister Pavey or Minister Stokes can you reply with detail, was the peer review as assessed by Bewsher Consulting P/L considered in approving the 38ML pumping trigger? And was the fact that the AEMP Report described the flows in the river at the time of the spring 2017 survey as **"low flows encountered" at the time of survey (85-90 ML/day) considered?**

Can you please explain why the trigger level was dropped from 108ML/day to 38ML/day when all the academic & scientific evidence to maintain aquatic ecological health & conserve endangered, threatened and protected species dictates that extracting water at low flows (below the accepted low flow) should be avoided?

The Proponent claims, the new trigger point gets the balance right between protecting the environment & contributing another source of water to Orange. ***!!!!***

We challenge the information by the proponent that a 34ML/day flow in the Macquarie River was a HIGH FLOW and are disappointed that the **assurances given by the proponent that the pipeline would never operate during low flows are not being honoured**. I am deeply concerned that concerns raised be me on behalf of recreational fishing clubs, associations and members of the public who have donated many thousands of volunteer hours over many years to maintain or improve native fish assemblages in the catchment and who have detailed knowledge & experience of the Macquarie River are being ignored.

We request that the decision to allow additional water extraction below low flow levels via the Macquarie to Orange pipeline be reviewed and reversed due to concerns about water quality and the health of stressed native fish populations, platypus and other aquatic fauna.

Thank you for your time and I would appreciate a response to the above questions and previous correspondence in an acceptable timeframe as my first correspondence was received by you in July 2019

Regards

[redacted] 3(a)(b)

Out of Scope

From: **DLO Pavey** <DLOPavey@minister.nsw.gov.au>
Date: Mon, 23 Mar 2020 at 08:28
Subject: INCOMING MINISTERIAL (ROUTINE) DPIE WATER: IM20/8983 : Paul Toole MP obo 3(a)(b) re Water sharing with the Macquarie River System
To: Sydney Office <sydney.office@industry.nsw.gov.au>
Cc: DLO Pavey <DLOPavey@minister.nsw.gov.au>, Angus Mackie <Angus.Mackie@minister.nsw.gov.au>, Tom Chesson <Tom.Chesson@minister.nsw.gov.au>, Amardeep Grewal <Amardeep.Grewal@minister.nsw.gov.au>

Out of Scope

Out of Scope

NSW GOVERNMENT

Paul Toole MP
Member for Bathurst Electorate

17 March 2020

Our Ref: BA7584

The Hon Melinda Pavey MP
Minister for Water, Property and Housing
GPO Box 5341
Sydney NSW 2001

SCANNED
Minister
20 MAR 2020

Dear Minister

Please find attached the correspondence received from constituent 3(a)(b) 3(a)(b) who recently contacted me regarding water sharing plans with the Macquarie River System.

Your assistance in this matter is appreciated and I look forward to receiving a response that I can pass onto my constituent.

Yours sincerely

Paul Toole MP
Member for Bathurst Electorate

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

Belinda Bannon

From: support@myelectorate.com.au on behalf of 3(a)(b) via Paul Toole MP State Member for Bathurst <support@myelectorate.com.au>
Sent: Tuesday, 10 March 2020 4:48 PM
To: ElectorateOffice Bathurst
Subject: Form submission from: Contact

Submitted on Tuesday, March 10, 2020 - 16:47 Submitted by anonymous user: 124.168.148.42 Submitted values are:

First Name: 3(a)(b)
Last Name: 3(a)(b)
Email address: 3(a)(b)
Phone Number: 3(a)(b)
Suburb: 3(a)(b)
Postcode: 3(a)(b)
Message:
Hi Paul
Is it true as reported in the Herald that water sharing plans are to be upgraded without any independent review by the Natural resources commission, why is this happening in the Macquarie River system , it needs a review .
3(a)(b)

The results of this submission may be viewed at:
https://www.paultoolemp.com/node/16/submission/3044

06/03/2020

The Hon

Andrew Gee

Paul Toole

Michael McCormack

Melinda Pavey

Head of the Murray Darling Basin

Mr Phillip Glyde

Subject : Upper Macquarie River system & Tributaries RE: Drought

Messers, Madame

I would begin by thanking the Hon A .Gee and M. McCormack for responding to my letter in regards to the desalination plant.

You May or may not be aware that Bathurst will run out of water in October 2020 if we do not get substantial rain fall in the catchment area which is in the Black Springs / Oberon Area.

Sharing water fairly between competing water users and the environment within the extraction limits set by the Murray Darling Basin Cap , is a key water management issue. Also I note that a reduction in frequency size and duration of flows to the Macquarie marshes and the diversion of water should be a key water management issue.

The New South Wales office of water Environmental flow response & Socio – economic monitoring Macquarie Valley _ Progress report -2009 , States that , it is important to know whether the water sharing plans are working or even meeting their environmental effectiveness.

I would suggest to you they are not meeting their effectiveness as the true flows are not known. The reason for this is I believe all the data for the Oberon Area is being left out as Oberon dam is used to supply Sydney and the Blue mountains with water . The Bathurst regional council tried to get some water from Oberon Dam and were told to line up as there other customers came first ,(see Western Advocate 26/02/2020)these same customers are on level 2 water restriction , have a desalination plant at there deposal and five times as much rainfall as we do .

I notice in the report(2009) that Oberon is conveniently left off the map of Macquarie Valley river tributaries, it is a vital headwater of the Macquarie system , and the diversion of water is effecting the Macquarie .

(Oberon Dam feeds the Fish river water supply Which is a unique regional water supply scheme and is the only scheme in Eastern Australia to transfer western flowing water East of the great dividing range) It is the elephant in the room as far as the Murray Darling Basin Plan goes and is basically a theft of water from western New south Wales and the upper Macquarie tributaries and the Macquarie marshes , the Murray River.

The Macquarie dried up this year, we had platypi deaths , fish kills and bird deaths from the quality of water. If this is sharing water fairly between competing water users then I'm missing something?

only on the upper Macquarie ? do we have this elsewhere? small catchment areas need hydrological studies done to work out the flows .

So I have some questions ,why are we diverting water from western New South Wales to the East? are there any data on how much water is diverted from the Macquarie river system because of Oberon Dam and how it is used?

Why is Bathurst denied a water allocation when it is on this headwater system , The Fish river Joins the Campbells river just outside of Bathurst, the Oberon Dam is on the Fish River? the plan says water will be allocated fairly? We don't count in regional areas? We are about to run out of water?

The Macquarie valley – progress report 2009, states that a review be carried out at the end of the 10year period , Has the review been done and what recommendations were found in regards to its effectiveness, it was due 2019? If not I would suggest Oberon Dam be included.

Based on what I've seen during this drought I would suggest its not effective and needs upgrading. The Oberon Dam Infrastructure was built many years ago when people thought this was a good idea , its not and needs to be reversed.

The document goes on to say that this information will be used to make informed decisions on how plans might be changed to improve their performance. Stop piping water East of the great dividing range.

An improvement would be to let all water from Oberon Dam go down the Macquarie as it should , as Michael said its worth noting that while desalination plants can assist in securing coastal urban and industrial water supplies I would suggest you build a pipeline from Kernell Desalination plant to Warragamba dam and start pumping. It's a joke , so is the current system.

Water Security is a serious issue as far as I'm concerned and the people I talk to in the street are just as concerned , and feed up , we believe that no one is taking this seriously and moving the issue forward to an effective solution for the Town , the environment , the farmers who have restrictions , in this area it is urgent .

I would appreciated it if you can answer the following questions raised above ?

What actions are being taken to prevent Bathurst from running out of water?

Are the upper Macquarie valley tributaries in the Murray Darling Basin Plan ? and If so, what data on flows are already implemented? And is there any plans for a hydrological study? If not why?

By the way The national water grid, there's nothing on the upper Macquarie, no projects , (western Advocate 28/02/2020) we have shovel ready projects , cant get a start, hello are you out there?

Sincere Regards

3(a)(b)

Out of Scope

---------- Forwarded message ---------
From: **DLO Pavey** <DLOPavey@minister.nsw.gov.au>
Date: Wed, 6 May 2020 at 15:09
Subject: INCOMING (ROUTINE) DPIE WATER : IM20/14881 : [redacted] re: Water Security
To: Sydney Office <sydney.office@industry.nsw.gov.au>
Cc: DLO Pavey <DLOPavey@minister.nsw.gov.au>

Out of Scope

From: ElectorateOffice Oxley [ElectorateOffice.Oxley@parliament.nsw.gov.au]
To: Public Pavey Office Email
Sent: Monday, 4 May 2020 12:01:23 PM
Subject: FW: Water Security

From: 3(a)(b)
Sent: Monday, 4 May 2020 10:52 AM
To: ElectorateOffice Oxley
Subject: FW: Water Security

From: 3(a)(b)
Sent: Monday, 23 March 2020 9:47 AM
To: 'mail@westernadvocate.com.au' <mail@westernadvocate.com.au>
Subject: Water Security

Hi
Lets talk about the elephant in the room . I have emailed ,written to local councillors ,ministers at State and federal level , The Murray Darling Authority , the Natural Resources Commission, EDO and other media organisations about this situation with water and have come to the opinion that many people have'nt the answer or do not know what is going on.
The Fish River is a tributary of the Macquarie River , so how is it that Oberon Dam has been piping water to the Eastern side of the ranges for 61 years. During this drought and I will quote Water NSW own figures that in 2018/2019, FRWS(Fish River Water Scheme) exported 10,934 Mega Litres of water from Oberon Dam to Eastern side of the Ranges . All this water ends up in Warragamba Dam.
In a good year say 2016/2017 the start of the drought , the figure was 33.861 Mega Litres , can you seriously say this scheme that was dreamt up as a ww2 solution for water at Glen Davies Shale oil plant is still relevant. I don't think so .Its about time the rate payers and voters of this town know about this scheme . The theft of water from the Macquarie valley , the Marshes the Darling and the Murray needs to stop now.
Have you thought how much better off all communities on these rivers would be if that water was returned to where it belongs , people need to be aware and take action on this , But at the end of the day , they say, Government Officials no review of the Macquarie valley by the Natural Resources Commission , they say no allocation of water for BATHURST, as I write this it is raining in the east again , this has to change BATHURSTIANS stand up for a fair share of water resources.
3(a)(b)

Out of Scope

From: DLO Pavey <DLOPavey@minister.nsw.gov.au>
Sent: Thursday, 21 May 2020 5:01 PM
To: Water MLO Correspondence Mailbox
Cc: DLO Pavey
Subject: Please add to corro IM20/8983 : IM20/17099 : 3(a)(b) re Macquarie Water Resource Plans

Out of Scope

From: PMPMail [PMPMail@dpc nsw.gov.au]
To: Public Pavey Office Email
Sent: Thursday, 21 May 2020 1:22:55 PM
Subject: A3588494 - A Referral
Attachments: image001.jpg (4 KB); A3588494 - INCOMING.PDF (470 KB); A3588494 - REPLY.pdf (75 KB);

Please find attached correspondence sent to the Premier of NSW.
As this matter falls within your portfolio responsibilities, it is being referred to you for any necessary action.
For all enquiries, please contact the above email address.
Regards

NSW GOVERNMENT Premier & Cabinet

Kate Dawson | Assistant Briefings and Correspondence Officer – Premier, Minister and Parliament
Change and Engagement | People Group
Department of Premier and Cabinet
T: 02 9228 4398 | Kate.dawson@dpc.nsw.gov.au
PMP T: 9228 3227 | PMPMail@dpc.nsw.gov.au

****
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The Hon

Gladys Berejiklian

1 MAY 2020

Paul Toole

Ms Vanessa O,Keefe

28/04/2020

Water Security BATHURST

To Whom It May Concern

The Head of the MDBA, says that a fundamental part of the basin plan is the development and implementation of Water Resource Plans, (WRP,s).

I am well aware that the existing state water sharing frameworks for the Macquarie tributaries and the Macquarie Valley is not working.

As I understand it the water sharing plan for the Macquarie – Castlereagh WRP,s , a part of the Macquarie -Bogan unregulated and alluvial water sources 2012 is being remade as part of the work NSW is currently doing for the MDBA.

How can your government justify taking between 10,000/30,000 mega litres of water from the Macquarie River valley and transferring it to the eastern side of the Great dividing range for Water NSW from Lake Oberon .

The reliance on dividends from Water NSW is just a water tax on people who live on the western side of the mountains , our water is taken and turned into dollars and we have to beg for a release from Oberon Dam just to supplement our water supply.

The Fish River Water Scheme is outdated, a relic of WW2, the time has come to return the water to the people of the Macquarie valley, Macquarie marshes, the Murray -Darling system , get busy develop your eastern water and return the water from OBERON to the Macquarie in the next water sharing plan.(WRP)

To take the most productive catchment for your eastern customers as NSW water excuse goes and deny BATHURST a city of 40,000 odd people who have suffered through a drought , which at three years is only a short one , is repulsive and short sighted. On top of that we beg to get anything done , we will run out of water in December 2020.

Also required a hydrological study of the Campbell,s river catchment as small quantities of water are being received by Ben Chifley Dam , the unregulated area requires metering as well from Lake Burrendong right through to the tributaries of the upper Macquarie. This could be an opportunity to create some jobs in regional areas.

Most people will do the right thing but there,s always five to ten percent that will take advantage of any situation as has been obvious during the drought with large boom sprays operating even when the river was a puddle.

You have the ability to change this situation , but to do so you will have to make some uncomfortable decisions , that's why we elect you.

So my Questions are:

When will the water sharing plan for the Macquarie- Bogan Unregulated Alluvial Water Sources 2012 be upgraded and released for public comment?

When is the Unregulated Area going to be metered , and what plans have been made to meter the Fish and Campbell River,s ?

What plans are there to do a hydrological study on the Campbells River catchment area to determine where the water is going?

When are you going to return the tributaries of the Upper Macquarie , The Fish River Water Scheme to the Macquarie Valley?

With the Water Licence scheme fully corrupted will the government rescind all water licences and use the roll out of the metering system as an opportunity for change to move forward?

What further actions are being taken by the government to drought proof or improve water security for Bathurst ?

Sincere Regards

NSW GOVERNMENT

The Hon Ray Williams MP
Parliamentary Secretary to the Premier and Western Sydney

Ref: A3588494

3(a)(b)

Dear Mr 3(a)(b)

Thank you for your correspondence of 1 May 2020 regarding water security. I am replying on behalf of the Premier and have noted your comments.

As the matter you have raised falls under the primary responsibility of The Hon Melinda Pavey MP, Minister for Water, Property and Housing, I have forwarded a copy of your correspondence to the Minister as she is best placed to consider your enquiry.

If you have any further enquiries about this matter, please contact the Minister's Office on (02) 8574 7300.

Thank you for taking the time to bring this matter to the Government's attention.

Yours sincerely

Ray Williams MP
Parliamentary Secretary to the Premier and Western Sydney

CC: The Hon Melinda Pavey MP, Minister for Water, Property and Housing

Out of Scope

From: **DLO Pavey** <DLOPavey@minister.nsw.gov.au>
Date: Fri, 27 Mar 2020 at 11:02
Subject: INCOMING (ROUTINE) DPIE WATER/NRAR: IM20/9838 : Paul Toole MP obo 3(a)(b) re Bathurst Regional Council request to release water into the Winburndale Rivulet
To: Sydney Office <sydney.office@industry.nsw.gov.au>
Cc: DLO Pavey <DLOPavey@minister.nsw.gov.au>

Out of Scope

From: bathurst@parliament.nsw.gov.au [bathurst@parliament.nsw.gov.au]
To: Public Pavey Office Email
Sent: Thursday, 26 March 2020 2:46:27 PM
Subject: (Case Ref: BA6999)
Attachments: letter1674.pdf (1524 KB); 3(a)(b) email.docx (16 KB);

Please find attached a representation from Minister Toole and correspondence from constituent, Mr 3(a)(b).

Regards

Daryl Grant
Electorate Officer
Paul Toole MP
Member for Bathurst
1/229 Howick Street
BATHURST NSW 2795
Phone: (02) 6332 1300
Email: bathurst@parliament.nsw.gov.au or
Daryl.Grant@parliament nsw.gov.au
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NSW GOVERNMENT
Paul Toole MP
Member for Bathurst Electorate

26 March 2020

Our Ref: BA6999

The Hon. Melinda Pavey MP
Minister for Water, Property and Housing
GPO Box 5341
Sydney 2000

Dear Minister

Please find attached the correspondence received from constituent, Mr 3(a)(b) [redacted].

I look forward to receiving a response that I can pass onto my constituent.

Yours sincerely

Paul Toole

Paul Toole MP
Member for Bathurst Electorate

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

From: 3(a)(b) >
Sent: Wednesday, 18 March 2020 10:58 AM
To: Paul Toole <paul.toole@parliament.nsw.gov.au>
Subject: Fwd: Winburndale Dam condition 4 release

Dear Paul,

I know you will be extremely busy at the moment but could we get some communication from your office to the water minister to expedite the requested release please?
i.e. that NRAR directs Bathurst Regional Council to urgently release 65 megalitres of water into the Winburndale Rivulet as per condition 4 of their licence.

This should be a simple process but NRAR will not issue the requests.

More detail below if you need it.

Kind regards
3(a)(b)

---------- Forwarded message ---------
From: 3(a)(b) >
Date: Wed, Mar 18, 2020 at 10:50 AM
Subject: Re: Winburndale Dam condition 4 release
To: Jeanette Nestor <jeanette.nestor@nrar.nsw.gov.au>
Cc: Rohan Macdonald <rohan.macdonald@nrar.nsw.gov.au>, Vickie Chatfield <vickie.chatfield@nrar.nsw.gov.au>, Paul Toole <paul.toole@parliament.nsw.gov.au>, <tim.baker@nrar.nsw.gov.au>

Dear Jeanette,

Further to the below email and our phone call last week I have had some feedback from the 3(a)(b) .
Firstly it is well understood by all that Bathurst Regional Council is under water supply stress as are many other regional councils.
However it must be remembered that the Winburndale Dam is the smaller of Bathurst Regional Councils

two storage reservoirs (it being one eighteenth the size of Ben Chifley Dam).
Also the water supply stress visited upon the water users downstream from the Winburndale Dam has been unprecedented and in many cases costly as farmers and residents alike have had their access to stock and domestic water taken away through Bathurst Regional Councils non-compliance with their conditions of operation, all during "the worst drought in recent history" (as quoted by the BRC engineers department).

Regarding the request for a release under condition 4 of the BRC licence. This was the purpose of the below email and the follow up phone call.
Condition 4 was a mechanism agreed to by both the 3(a)(b) and also Bathurst Regional Council. It was then written into the conditions by Fred Hundy (DPI).
This was to have an unambiguous and readily available trigger to allow for water releases in times of drought when the rivulet was stressed.
We request - The rivulet is not flowing to the Macquarie River- We are in drought- NRAR directs BRC to release - simple?

There has been inflow into the dam of 80 megalitres. We are still in the grips of an extreme drought and although there is some grass growing the rivulet has not had any flow along its entire length for months and in many places is still dry.
Many farms still have dry dams so the secure water supply of the Winburndale Rivulet is essential.

This mechanism is not up for debate and was meant to streamline any requests to the regulator.
The requested release has nothing to do with the ongoing investigation of Bathurst Regional Council and their previous and ongoing non- compliance with condition 3 of their licence.
This is the last of many requests to NRAR over the last 18 months for releases under condition 4 of which we understand only one was acted on (the last was after to fill event of Jan 2019 and above average rainfall in March 2019).
Why has NRAR been refusing to pass on directions to Bathurst Regional Council for releases during this devastating drought?

As per the last email can you confirm that NRAR has directed Bathurst Regional Council to urgently release 65 megalitres of water into the Winburndale Rivulet as per condition 4 of their licence?
If not can you advise why NRAR is not applying the licence conditions to Bathurst Regional Council?

A second potential issue is the irrational confluence of the state of Bathurst Regional Council's water shortage with its non- compliance with its licence conditions.
A shortage of water (which was not extreme in Jan 2019) is no excuse for ignoring obligations to abide by it's licence conditions.
Also Bathurst Regional Council cannot muddy the waters by claiming it has a different interpretation of the conditions. These conditions have been pointed out to them many times over the years.

NRAR as the regulator must ascertain if there has been a breach of BRC's Licence conditions which even a cursory glance at the data will confirm.
Breaches such as this have been brought to the attention of Bathurst regional Council many times over the past 20 years by the regulator and led to the new licence conditions under negotiation between BRC and the 3(a)(b).
The 3(a)(b) asked NRAR to investigate these breaches in May 2019.
The 3(a)(b) informed BRC yet again in January 2020 with data to prove they were in breach with no effort to comply.

When the quantum of the breaches of BRC's licence conditions is ascertained then NRAR must decide on

the appropriate regulatory response which can include prosecution and penalties.
Bathurst Regional Council sell the water to users in town. There is a commercial gain for them to over extract from the dam.
The fate of the approximately 764 megalitres of water retained in the Winburndale Dam in contravention to its licence conditions will have to be determined by NRAR.
Obviously some water will need to released into the parched rivulet it was withheld from. The value of the water should also be relevant as there is need for expert advice as to the ecological impact of the artificially dry period created through BRC's actions.
Remediation of the rivulet and the potential reintroduction of the aquatic wildlife that have been decimated during the last two years should be a top priority.
The Winburndale Rivulet has historically been teeming with platypus. I am not sure if even one has survived the last two years.

More importantly, this can never happen again.
Bathurst Regional Council must abide by the transparent flow model and take into account evaporation figure of the Winburndale Dam.
Bathurst Regional Council must be forced to reconcile dam levels with extraction and releases into the rivulet to accurately calculate exact inflow into the Winburndale Dam.
A riparian flow must also be embedded into the conditions when the rivulet downstream is under stress.
The 600 megalitres of annual downstream entitlements must be released regardless of the flow in the rivulet.
Bathurst Regional Council's infrastructure must be adequate to allow for them to full abide by all licence conditions (this is a current condition) including upgrading of compensation valves to allow for all regular inflow to be passed through to the rivulet.

Thank you again for your time.

The users downstream are awaiting notice that Bathurst Regional Council have been instructed to release 65 meg immediately as per condition 4 of their licence.

Kind regards,

On Thu, Mar 12, 2020 at 9:04 AM 3(a)(b) > wrote:
Dear Jeanette,

You have possibly already received notification from Bathurst Regional Council that the Winburndale Dam level has increased by 5% over the last week.
This equates to 80 megalitres of event inflow on a 1700 megalitre capacity.
Under condition 4 of Bathurst Regional Council's licence to operate the Winburndale Dam, 80% of this inflow is 65 megalitres.

The 3(a)(b) are requesting that you instruct Bathurst Regional Council to make an urgent 65 megalitre release as per condition 4 of their licence conditions.

The Winburndale Rivulet has some increase in water hole levels and even some flow (very small) from tributaries lower down the stream from the recent rain event. The rivulet is still not flowing in our property. There has obviously been no flow from the upper catchment as the dam water level is below the spillway.

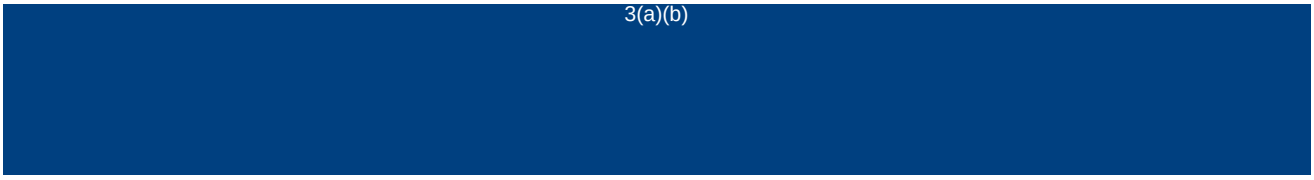
Could you please acknowledge receipt of this email and also confirm that Bathurst Regional Council have been instructed to make the above release?

At this stage there has been no result from the complaints made to NRAR regarding the operation of the Winburndale Dam by Bathurst Regional Council by us in May 2019. We understand the investigation is still ongoing but as it is not finalised there is no idea of the time frame for releases that would be required from Bathurst Regional Council as reparation for the hundreds of megalitres retained in the dam in contravention to their operating conditions nor when they will be instructed to start operating under a true transparent flow model as per condition 3 of their licence. All this makes the requested release even more critical.

Condition 4 of Bathurst Regional Council's licence to operate the Winburndale Dam
[image.png]

Kind regards,

3(a)(b)


3(a)(b)

Out of Scope

From: **DLO Pavey** <DLOPavey@minister.nsw.gov.au>
Date: Thu, 7 May 2020 at 16:35
Subject: INCOMING MINISTERIAL (ROUTINE) DPIE WATER: IM20/15324 : Paul Toole MP obo Blayney Shire Council re Recycled Water treatment Plan
To: Sydney Office <sydney.office@industry.nsw.gov.au>
Cc: DLO Pavey <DLOPavey@minister.nsw.gov.au>, Tom Chesson <Tom.Chesson@minister.nsw.gov.au>, Angus Mackie <Angus.Mackie@minister.nsw.gov.au>

Out of Scope

From: bathurst@parliament.nsw.gov.au [bathurst@parliament.nsw.gov.au]
To: Public Pavey Office Email
Sent: Wednesday, 6 May 2020 4:13:22 PM
Subject: (Case Ref: BA7843)
Attachments: letter1758.pdf (1525 KB); Blayney Recycled Water Treatment Plant_170420.pdf (665 KB);

Minister Office

Please find attached representation from Paul Toole MP, Member for Bathurst, on behalf of Blayney Shire Council in relation to their Recycled Water treatment Plant.

Their original email is below.

From: Charlie Harris >
Sent: Friday, 17 April 2020 5:14 PM
To: Paul Toole >
Subject: Blayney Recycled Water Treatment Plant

Dear Paul,

Thank you for coming to our region today to look at the sites of the projects you are funding. Apologies for not being able to meet up with you. Grant suggested I send an email directly to you to provide further detail of our Recycled Water Treatment Plant and to seek your assistance in funding this project. I have attached an updated brief of the project for your information. In summary we are progressing well into the section 60 approval process and have now commenced the design phase of the project. We are hoping to get through to the construction phase early in the new financial year with the intention to be ready for the summer irrigation requirements.

In addition to the attached information you may recall Cadia Valley Operations were hoping to contribute financially to this project in order to assist us as we were required to spend a reasonable sum of money to upgrade the wetlands due to their decision to cease taking the effluent. Unfortunately they have informed us budgets for next FY have been re-divert to fighting the COVID-19 situation. This exposes Council to the full cost of the project which was not originally the intention.

To this end we seek your assistance in supporting the Blayney community in establishing this environmentally sustainable project in providing water security to our community. Your support through the NSW State Government would be appreciated and would go a long way to ensuring continuation of this project in moving forward.

Thank you again for your ongoing support to our community, I personally have appreciated the positive relationship you share with us and the community. I also wish to thank you for your consideration of this important project and I look forward to hearing from you about how you may be able to support us.

Please let me know if there may be some further detail which may help to better inform you of the project and its intent.

Kind Regards

Charlie Harris
Acting Director Infrastructure Services
Blayney Shire Council
PO Box 62 Blayney NSW 2799
p - 02 6368 2104| e - CHarris@blayney.nsw.gov.au| w - www.blayney.nsw.gov.au

regards

Daryl Grant
Electorate Officer
Paul Toole MP
Member for Bathurst
1/229 Howick Street
BATHURST NSW 2795
Phone: (02) 6332 1300
Email: bathurst@parliament.nsw.gov.au or
Daryl.Grant@parliament nsw.gov.au

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NSW GOVERNMENT

Paul Toole MP
Member for Bathurst Electorate

6 May 2020 Our Ref: BA7843

The Hon. Melinda Pavey MP
Minister for Water, Property and Housing
GPO Box 5341
Sydney 2000

Dear Minister

Please find attached correspondence received from Blayney Shire Council who recently contacted me regarding Blayney Recycled Water Treatment Plant.

I am fully supportive of this project and any assistance you could provide in this matter would be appreciated. Advice on potential funding avenues would also be of great benefit. I look forward to receiving a response that I can pass onto my constituent.

Yours sincerely

Paul Toole

Paul Toole MP
Member for Bathurst Electorate

Unit 1, 229 Howick Street (PO Box 2237) Bathurst NSW 2795 | **ph** 02 6332 1300 | **fax** 02 6332 1900 | **web** bathurst@parliament.nsw.gov.au

Blayney Shire Council Recycled Water Project

TOTAL PROJECT COST

$723,000

ACTIVITIES

ELEMENT	DETAILS	COST
New Construction	Construction and Site works, installation of Pumping Equipment , Disc filters (including backwash pump) UV disinfection, Chlorination and Recycled water tank Shed and slab with all associated Pipework, Control, instrumentation and telemetry equipment	$594,000
Survey and Design	Consultancy	$40,000
Contingency	15%	$89,000

Need

- Blayney Shire Council have historically supplied effluent from the Blayney Sewerage Treatment Plant (STP) to Newcrest's Cadia Valley Operations. In December 2019, Cadia Valley determined it no longer required the effluent, and this has since been discharged to the environment in accordance with the provisions of the STP Environment Protection Licence.

- Council remain committed to a focus on sustainability and water recycling to reduce demand on potable water resources provide for benefits to the community and the environment. Council therefore propose to recycle water from the Blayney STP for irrigation of playing fields, and for road and construction usage.

- This is particularly important if Orange City or Central Tablelands Water move to Level 5 and 6 water restrictions, which would prohibit the use of water for construction activities.

Section 60 Approval Process

- Council is in the process of obtaining approval for this recycled water scheme under Section 60 of the Local Government Act 1993 (NSW). As part of obtaining Section 60 approval, Council is required to undertake a recycled water risk assessment for the scheme, which has been completed.

- The NSW Department of Planning, Industry and Environment (DPIE) has adopted the AGWR Framework for assessing Section 60 applications for approval to treat and supply recycled water under the Local Government Act (NSW) 1993. The pathway for approval is shown below. Council has submitted its Recycled Water Management System (RWMS) to DPIE for approval.

Summary

- Water to be recycled will be sourced from the last maturation pond, with pumps transferring the effluent through a disc filter system, to pre-screen the effluent. An in-line ultraviolet filter unit and chlorine is used for disinfection with the combination providing a quality safe recycled water suitable for the intended uses.

- The recycled water will be supplied directly from the recycled water treatment plant to Napier Oval and King George Ovals for irrigation purposes.

- A standpipe will be provided at the recycled water treatment plant to fill water trucks. This water will be used for road construction and dust suppression at construction sites

- Effluent to be released to the environment will continue to pass through the newly renovated constructed wetlands in accordance with the EP Licenceconditions.

- The additional recycled water treatment plant required at the Blayney STP and cost estimates to meet the Australian Guidelines for Water Recycling (2006), requirements have been provided in the above table.