

From: [REDACTED]
To: [DPIE W Regional Water Strategies Mailbox](#)
Subject: RE: Draft Regional Water Strategy Macquarie Castlereagh SUBMISSION
Date: Friday, 25 November 2022 11:23:46 AM
Attachments: [251122 Submission Draft Regional Water Strategy M.C.docx](#)
[201220 Submission re Winburndale Rivulet.docx](#)

Thank you for the opportunity to comment on the Draft Regional Water Strategy-
Macquarie Castlereagh

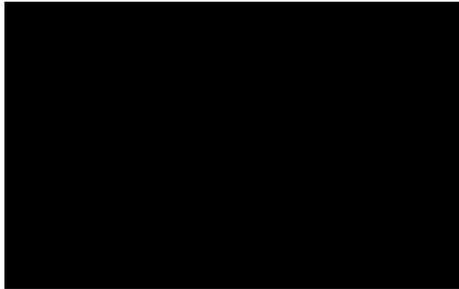
I attach a submission in response to the Draft Strategy.

Also attached is my submission RE: notification of proposal to amend environmental flow
rules associated with the Winburndale Dam, dated 20/12/2020

Please contact me if you have any queries related to this submission.

Kind regards

[REDACTED]



**RE: Draft Regional Water Strategy-Macquarie Castlereagh
Submission to Department of Industry and Environment
Email: regionalwater.strategies@dpi.nsw.gov.au**

Thank you for providing the opportunity to make comment on the Draft Regional Water Strategy (Draft Strategy) for Macquarie Castlereagh catchment.

Water is a precious commodity, essential for the health of river systems, the landscapes through which they flow and the many and varied ecologic communities they support, including people.

Submissions in response to this Draft Strategy will reflect the varying interests and experiences of stakeholders across different parts of the catchment. As a landholder running a livestock enterprise on the Winburndale Rivulet my submission relates in particular to actions which might impact the Winburndale Dam and environmental flows downstream from the dam. Specifically, my response to the Draft Strategy is informed by the recent drought and the devastating impact of reduced releases from the Winburndale Dam on the Winburndale Rivulet.

I would like to make the following specific comments in relation to the draft strategy:

1. Water related risks in a changing climate

The Draft Strategy identifies the impact of a changing climate including less than average rainfall, more frequent prolonged droughts, higher evaporation, lower inflows into Burrendong Dam. It notes that we must plan for these changing risks.

Land managers and livestock producers are encouraged to develop and implement strategies to help mitigate these risks during times of drought, not only for our businesses but also for the land we manage.

The responsibility to manage for a changing climate, and specifically for a future in which water is an even more scarce and precious commodity, must also include those living in rural urban communities, including the major regional centres of Bathurst, Orange and Dubbo.

Councils should be encouraged, and indeed, obliged to implement strategies to conserve water and minimise water wastage.

Such strategies should include:

The clear and repeated communication of the need for water conservation to all residents

Water recycling strategies to be implemented

Water tanks to be mandatory for all new domestic and commercial builds

Incentives provided to facilitate the installation of water tanks on existing domestic and commercial premises

Water restrictions and their rationale to be clearly communicated and detailed to residents

Water restrictions to be implemented at the first warnings of reduced rainfall/impeding drought-not once the river has run dry.

2. Urban commercial water needs v basic landholder rights supporting agricultural businesses
Agricultural business must not be discriminated against by preferential water allocation in times of drought to urban businesses, industry, mining. There must be recognition by Councils that agricultural businesses are of equal importance to urban industry. Actions that adversely impact agriculture have a flow on effect to many urban businesses that service this sector

3. Proposed action 1.3: Develop guidelines for managing extreme events in the upper Macquarie

3.1 Definition of ‘critical human needs’.

In relation to Action 1.3 P54 *Introduction of temporary river flow access rules for town water supplies to enable water supply for critical human needs.*

What is the definition of critical human needs in this context?

Does ‘critical human needs’ include watering pavements/driveways, maintaining green parks, playing fields and gardens, washing cars etc at the expense of environmental flows and basic landholder rights during times of drought?

The term ‘critical human needs’ must be clearly and specifically defined if it is to be used as a benchmark for any action related to environmental flow access rules, river flows or environmental water releases.

3.2 Triggers for suspending irrigation access below dams

I strongly oppose the inclusion within the Draft Strategy of any provision that allows Bathurst Regional Council (BRC) to alter or suspend environmental flows from Winburndale Dam.

Landholders on the Winburndale Rivulet, downstream of Winburndale Dam, have seen the devastating impact of reduced flows from the dam.

By depriving a river of water during times of drought we progressively destroy the river, the riparian zone, the landscape and the ecology of the landscape. A river cannot survive repeated suspension of environmental flows.

It cannot survive if the tap is repeatedly turned off, especially when river flows are already critically low.

It literally kills the river. It destroys livelihoods. It breaks people.

The impact of reduced water flows in the Winburndale are graphically described in submissions made to BRC in 2020 in relation to their alleged breach of water licence.

Further objective evidence of the devastating impact on the river, and the ecological communities it supports, is detailed in a report prepared by Prof David Goldney documenting the destruction to the platypus population.

I would urge the authors of this Draft Regional Water Strategy to seek out and read the landholder submissions along with the report *The distribution, abundance and conservation status of the Platypus and Rakali (WaterRat) 2021* by Prof David Goldney to gain an understanding of the consequences of reduced flows from the Winburndale Dam.

I have attached a copy of my submission in relation to BRC proposal to amend environmental flow rules associated with the Winburndale Dam.

4. Transparency and independent oversight

There must be transparent and independent oversight and review of the relevant Council’s commitment to and implementation of water conservation and water waste minimisation strategies in urban areas, along with monitoring of the management of water resources, including dams, under their ownership and stewardship. Feedback relating to water management must be made publicly available for all stakeholders to access.

As stated above in 3.2, there should be no “triggers” that allow Council to alter or suspend environmental water flows.

Any proposal that allows for changes, at any time, to water sharing plans or water licence provisions must be open and transparent and have independent oversight.

The processes involved in implementing any such proposals must involve a committee which includes not only Council but all stakeholders, including downstream landholders, representatives of community groups and experts with knowledge and understanding of the relevant local ecologies. Consideration must be given to the commitment and implementation of policy initiatives of the relevant Council to ensure water conservation and water waste minimisation.

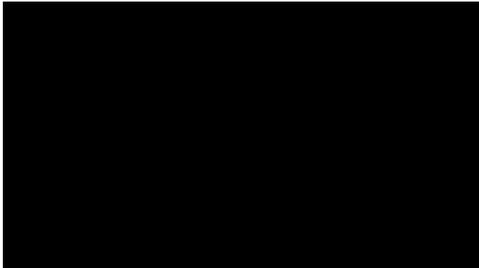
Any final decisions regarding any change to water sharing plans or water licence conditions must be made by the relevant Minister following the above transparent assessment process. They must not be at the discretion or direction of Council alone.

Water management is complex, with many stakeholders and many competing interests. The central role of maintaining a healthy environment should be the guiding principle of water management. We the people do not 'own' the water. It comes from and belongs in the environment. As such, the environment must have returned to it that which it needs to sustain it. By caring for the environment, we care for all members of the community, those of us who live on and run agricultural businesses along waterways, those living and working in urban centres based in the catchment and those who come to enjoy the environmental assets of a region.

A healthy landscape is critical to a healthy community, both urban and rural. The environment and water flows needed to sustain it must be central in all proposals put forward in the Strategy. The environment must not be Priority 4 of 4 (Executive summary P 16; Draft Regional Water Strategy P 96).

██████████
24^h November 2022

ATTACHMENT: ██████████ to Premise Australia (for Bathurst Regional Council)
Submission: RE: Notification of proposal to amend environmental flow rules
associated with the Winburndale Dam - December 2020



[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Dear [Redacted]

RE: Notification of proposal to amend environmental flow rules associated with the Winburndale Dam

Thank you for your letter notifying landholders of the intention of Bathurst Regional Council (Council) to amend the environmental flows rules for the existing Water Supply Works and Water Use Approval applying to Winburndale Dam (80CA723483), as per existing Water Access Licence (WAL36892). You indicate you have been engaged by Council to prepare an environmental assessment in support of Council’s application to NRAR and invite submissions from landholders fronting Winburndale Rivulet in response to this proposal.

I am the owner and occupier of [Redacted]). My family have held land with frontage to Cheshire Creek since 1968 and with frontage to Winburndale Rivulet since 1983. Thus, we have had the opportunity to observe the Winburndale Rivulet in good seasons and in drought over a fifty-year period.

I wish to state at the outset that I object to Council’s proposal to amend flow rules associated with Winburndale Dam.

I would like to make the following comments in relation to the consultation process, my observations of the health of the Rivulet and the catchment over time, and matters related to the complex nature of assessing and determining flows that ensure a healthy river system both in the immediate area downstream of Winburndale Dam and through the catchment to the Macquarie River.

1) The consultation process:

A comprehensive and fair consultation process requires that those impacted by a proposal are provided with all relevant information in a transparent way such that they can make an informed decision regarding that proposal. I do not consider that the request by Premise for submissions based on the very limited information contained in the letter of 27/11/2020 constitutes a fair consultation process.

We were notified of Council’s intention to alter the environmental flow rules from Winburndale Dam via a letter from Premise on 27/11/2020. Submissions at that time were requested by 11/12/2020. As a landowner and ratepayer, I would have anticipated that the Council would have first notified me of the proposal to amend water flows and have introduced the company they had engaged to undertake the environmental assessment on their behalf. Indeed, this has been my experience in the past where councils have engaged consultants to undertake planning and assessment.

Of note, the letter from Premise:

- Did not detail the rationale for Council’s proposal to amend the flow rates.

- Did not provide details of assumptions made in determining the nominated amended flows rules.
- Did not provide any modelling on which the proposed amendments are based and which in turn would allow landholders such as myself to make any informed objective assessment of the proposed amendments.

No meetings to provide such information to landholders were offered.

Landholders were asked, in the absence of any of the above, to make submissions in relation to the proposed amendments to flow rules.

This lack of transparency and poverty of relevant background information makes it almost impossible for landholders to make meaningful objective evaluation of Council's proposed amendments and accordingly to prepare a submission of any substance.

To further complicate the picture, it would seem from conversations that landholders have had with [REDACTED] from Premise, that Council is currently involved in a Land and Environment Court (LEC) case challenging NRAR's earlier finding that Council is in breach of its Water Access Licence.

It is my understanding that Premise seeks comment from landholders regarding the state of the Winburndale Rivulet in relation to the LEC case, stating that they are acting independently in this matter. Given that, according to the letter received 27/11/2020, they have been engaged by Council in relation to their application to NRAR to amend flow rates it is hard to ignore a potential conflict of interest on the part of Premise.

In summary the 'community consultation' appears to have been limited to a letter from Premise notifying landholders of Council's intention to amend flow rates. As such the consultation process lacks transparency, independence, and the opportunity for landholders to make meaningful and informed decisions in relation to Council's proposal. Moreover, Council has been notably absent in the process.

2) Observations of the health of the Winburndale Rivulet.

It is apparent that over the last few years there has been reduced flow down the Rivulet with consequent negative impacts on the health of the river and loss of integrity of the ecological systems it has historically supported. The health of the Rivulet during the recent drought appeared, one might say, terminal. Waterholes that have, in the past, retained water even in droughts, increasingly dried up. Whereas trout have been caught in the past, no trout have been seen in the Rivulet in the past 10 years. There has been increased loss of established trees including Casuarina and notably *Angophora floribunda* (rough-barked apple) which previously graced the riparian zone, indicating sustained soil moisture.

A recent survey has been conducted by wildlife ecologist Prof David Goldney in order to provide objective data regarding platypus numbers in the Rivulet. Anecdotal evidence sadly suggests loss of platypus in the Winburndale Rivulet. As an iconic native animal under threat, this alone should be of concern to Council and the wider Bathurst community.

Reduced flow and the drying of previously reliable water holes is of significant consequence to landholders immediately downstream of the Winburndale Dam who rely on reliable flow for stock and domestic purposes. The environmental impact, while most acute in this area, also extends further downstream across the wider catchment and landscape.

In summary, the impact of reduced flows through the Winburndale Rivulet on the general health and biodiversity of the riparian zone have become increasingly evident in recent years with additional impacts on specific species including and importantly the platypus.

3) Objective evaluation of proposed alteration to releases from the Winburndale Rivulet:

For landholders to make informed and meaningful comments in relation to the proposal we need some basic information, which neither Council nor Premise has provided. This includes:

- What is the rationale of the proposed amendments to flow rates?
- What is the indication, why is this needed, what does Council intend to achieve by amending flow rates?
- What are the assumptions that underpin the proposed amended flow rates?
- What modelling has been done to determine these rates?
- How comprehensive and reliable are the data used by Council and its consultants to determine these flow rates?

What data has been used to account for evaporation? Evaporation data is, I understand, difficult to determine. My own subjective observation is that evaporation rates across all of the dams on our properties has increased in recent years with hotter and stronger westerly / north-westerly winds over more months of the year. Does modelling accommodate such variability and vulnerability into the future?

I note that the proposed amended flow rates over summer are the second lowest (0.65 ML/d) after Autumn (0.40 ML/d) and below the stated average daily discharge (0.78 ML/d as per Premise letter 27/11/2020). This, at a time of year when evaporation rates will be highest and stock, domestic and environmental needs are greatest.

Without providing landholders such as myself with detailed and transparent information in relation the above matters, it is disingenuous of Council to ask landholders to make submissions which can withstand the scrutiny of either NRAR or of consultants acting for Council.

Given that Council has been less than transparent in relation to its past management of releases from Winburndale Dam, has been found by NRAR to be in breach of its Water Access Licence, and is now hiding behind a consultancy firm in proposing amendments to flow rates from Winburndale Dam, it is very difficult as a landowner, to have confidence in the current process.

It is suggested that concerned landholders, and indeed concerned members of the wider catchment community, would benefit from having the opportunity to meet with Council staff, Premise and NRAR to gain a more complete understanding of issues related to the current proposal to amend flow rules associated with Winburndale Dam and explore how best to meet the needs of all stakeholders while importantly ensuring that the ecology of a fragile landscape is not only sustained but indeed enhanced and nourished into the future.

I look forward to some constructive community consultation on the part of Council in the near future.

Yours faithfully,

