

[REDACTED]

12 October 2012

Belinda Scott
Senior Planning Officer
Major Projects Assessment
NSW Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Re: Macquarie River to Orange Pipeline Project – Environmental Assessment dated August 2012.

Dear Ms Scott,

[REDACTED]

[REDACTED] is fully supportive of any efforts to provide facilities for the community at large within our claim area where it **does not significantly impact on cultural artifacts, heritage sites, the environment including water sources and the sub-terrain water table, endangered or threatened species of flora or fauna.**

[REDACTED]

[REDACTED] **We Object** to this project being approved as there is evidence that it will significantly and negatively impact on cultural artifacts, heritage sites, the environment including water sources and the sub-terrain water table, endangered or threatened species of flora or fauna.

A representative of [REDACTED] whom belongs to one of the Traditional Families attended a meeting with the Proponents to discuss these issues. The said meeting was not well advertised and our representative found out by word of mouth one day prior to the meeting. During this meeting [REDACTED] representative identified the following issues:

- [REDACTED] have previously formally requested Navin Officer Heritage Consultants Pty Ltd re-conduct the Heritage Survey and republish the Cultural Heritage Assessment Report with the Sites Officer being compensated at an agreed rate for their involvement excluding Orange Lands Council due to their previous involvement in survey work on this project. This was rejected.
- Navin Officer Heritage Consultants Pty Ltd posted and emailed documents [REDACTED] [REDACTED] and used incorrect email addresses, the information was not received at all in some cases. This effected [REDACTED] having no involvement in the Cultural Survey as [REDACTED] were not in receipt of written, nor verbal notification giving 21 days notice of field work commencing.
- A final copy of Cultural Heritage Assessment conducted by this company with letter dated 1st June 2012, was not received [REDACTED] until Saturday 4th August [REDACTED] [REDACTED] received only a few days before. The period for written response ended 29th June 2012.
- [REDACTED] there are very significant scarred trees with carvings within a several kilometre range along the river that were still standing 18-20 years ago, these trees are identified as being somewhere within the general area upstream, between and or downstream of the proposed water intake sites. See following example from our Traditional Lands:



For the Traditional people [REDACTED] the Bell River, Macquarie River and Cudgegong River are all very significant to us on cultural and traditional levels along with providing us with food, natural resources and as permanent water sources throughout history. As with traditional land management Aboriginal peoples were also involved and still are today with Water Management and Protection within our traditional lands.

On Wednesday 3rd of October 2012, [REDACTED] were notified by Navin Officer Heritage Consultants Pty Ltd. via telephone only of a survey to be conducted in Orange with no details of where the survey was to be conducted or for which project. [REDACTED] informed the company that 21 days notice in writing giving all details must be forwarded and that 5 days notice was not enough time to organise site officers and administration details. [REDACTED] on Friday 5^h October 2012 eventually ascertained that this survey was for Orange City Council on the alternate pipeline route along Long Point Road,

[REDACTED]

Mullion Creek to a point in the Macquarie River a few hundred metres downstream from Dixon's Long Point. During the Aboriginal Heritage Survey conducted by Navin Officer Heritage Consultants Pty Ltd on Wednesday 10th October [REDACTED] representative attended on short notice. During this survey the representative learned and witnessed terrestrial environmental studies in regards to flora and fauna were still being conducted on this section of the Alternate Pipeline Route and that an endangered species of bird was seen and identified within the project area. During the survey two isolated finds were identified close to areas of high disturbance. The [REDACTED] representative also found a population of White Australian Native Orchid and several isolated plants within the access track, these are not recorded within the current Environmental Assessment dated August 2012.

As there is little detailed information in the current Macquarie River to Orange Pipeline Project – Environmental Assessment dated August 2012 on the alternate route to Long Point, Mullion Creek and the fact there are current studies and surveys being conducted with flora and fauna including endangered species being identified. **For these reasons and issues outlines above our position is that We Object** to this project being approved.

Our concern is for the water table and river use within our lands with increased mining activity and the proposed Orange to Macquarie pipeline, it is known by [REDACTED] that some projects such as the Cobbora Coal Mine and the Orange to Macquarie pipeline will be directly impacting on natural water flow and absorption which will in turn impact sub terrain water tables in the region. This will have negative flow on consequences and impact on levels in other sections of our traditional lands and further down stream of the Macquarie such as the Macquarie Marshes which are of World Heritage Value and are already threatened. We are the traditional owners and protectors of the environment including waterways and natural springs.

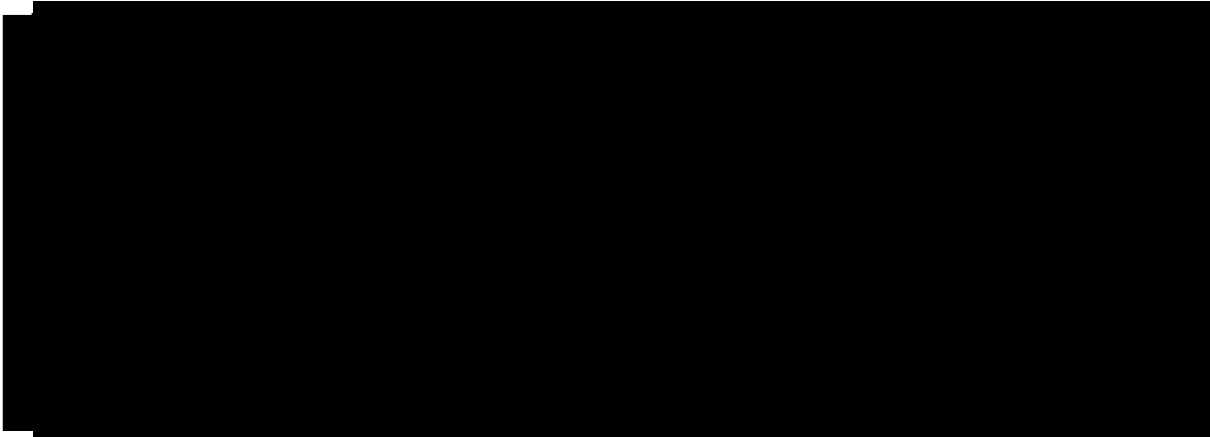

We object to the taking of bore water and water by pipeline on the principal it will have negative effects on the natural environment including increasing salinity in some areas. We take our traditional responsibility seriously.

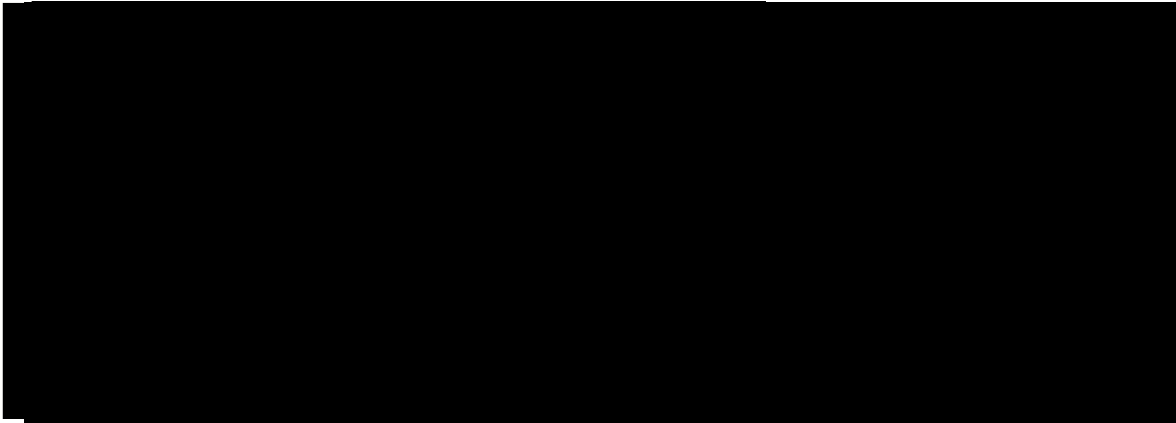
[REDACTED] representative stated our position in regards to this entire project is that [REDACTED] **would support Orange City Council in their efforts for increasing Storm Water Harvesting only**, which has proven to be successful and for which they have been awarded. Storm Water Harvesting within the Orange City Council area has sufficient water capturing capacity once expanded to secure enough water for the City in conjunction with enhancing Suma Park Dam Wall enabling greater water storage capacity and better management and use of Spring Creek Dams.

[REDACTED]

[REDACTED] In addition to the above wish to state that **if the Macquarie River to Orange Pipeline Project were to be approved** we wish consideration to the following amendments in regards to the pumping criteria, environmental repatriation and to reporting:

- That the Suma Park Reservoir is no less than 80% full to trigger pumping from the Macquarie River on a regular basis. If Suma Park Dam water level is below 80% when pumping is started the water level must be not below 75% full or penalties by State and Federal Government must be pursued for non compliance.

- 
- The natural environmental flow in the Macquarie River must exceed 40 ML/day before pumping can commence. The current Environmental Assessment (August 2012) states 38ML/day, we believe that the extra 2 ML/day increase is justified to allow water to Burrendong dam ensuring minimum release from there to Wellington, Dubbo and other towns along the Macquarie including those outside of our traditional lands.
 - That pumping of up to a maximum 15 ML/day over a 16 hour period (5am to 9pm) not be exceeded and excludes pumping after 9pm with no pumping over weekend or public holiday periods.
 - A second 1.5mm to 1.8mm fish screen must be added behind the 2mm screen to ensure that local populations of fish species eggs and spawn are not and can not be sucked into the water intake, assisting in protecting the species found within the locality of the water intake.
 - 6 Monthly Reporting on Project Operation to Water Management Authorities and to Traditional Owners Groups, Recreational Fishing and other Bodies and all land owners in the affected pumping area including downstream to Burrendong Dam.
 - Orange City Council contribute to a mutually agreed financial arrangement not exceeding \$200,000 per annum for the life of the pipeline between recreational fishing organizations and Traditional Owners for breeding and releasing of threatened and endangered fish to identified safe areas of the Macquarie River and for the creation of new aquatic habitat areas in consultation with registered parties.
 - Orange City Council propose to remove from the project area native vegetation which is estimated at ***“Permanent removal of approximately 19.5 hectares of native vegetation” which “includes removal of Box Gum Woodland threatened ecological community and habitats for threatened species”***. **find this unacceptable and formally request** that to counter the environment negative effects of this environmental disaster within our traditional lands, Orange City Council must replant and maintain 8 to 10 hectares of endemic native trees and vegetation within the vicinity of the 35-40km long project area including the same species that were removed to assist in the rebuilding of native habitat for fauna and threatened species.
 - We also wish to ensure that Orange City Council will not and cannot sell water that originates from this project to mining operations or to other large commercial enterprise thus ensuring the water use is for general residential and small business use only.
 - Orange City Council must ensure that recognized Traditional Indigenous people are employed to work on the construction of this project in areas of operation such as Traffic control, sites officers, machinery operators where they possess the necessary skills or enter into traineeships.
 - All workers employed or entering as visitors on the Project during construction or ongoing operations must undergo Indigenous Cultural Induction , renewed every 12 months.

- 
- During construction of the project disposing of materials must be in an environmentally safe and acceptable manner.
 - Looking to the future when the pipeline is decommissioned, Orange City Council and or Private entities with financial interest in the project infrastructure, must deconstruct the pipeline and all related infrastructure at their cost, disposing of materials in an environmentally safe and acceptable manner.

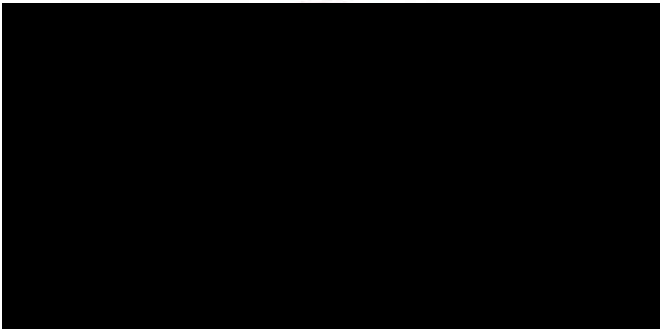
If the project were to proceed against our objections and those of other local representative bodies, the [REDACTED] representative spoke to the proponents and had verbal agreements and understandings around the following:

- Agreements that [REDACTED] are involved in the Aboriginal Heritage Impact Permit discussion before it is granted with meetings to be held with a written formal response to be forwarded to the proponents.
- That two [REDACTED] Site Officers under written agreement would conduct Pre-Construction Surveys in sections, two to three months in advance of the construction allowing any artefact, potential archaeological deposits (PAD's), sites or significant items such as scarred trees not recorded in the AIHP to be identified and allowing enough time for an amended AIHP to be obtained or alterations to the pipelines route to be made.

[REDACTED] does not object to our details being given to OEH, however [REDACTED] do not wish you to advise any other organization of our interest to this project. [REDACTED]
[REDACTED]

We trust our response meets your requirements. Please contact [REDACTED] should you require our assistance to address any [REDACTED] issues to support your future plans.

Yours sincerely,



Cc: Orange City Council
The Hon. Andrew Gee MP
The Hon. John Cobb MP
The Hon. Lee Rhiannon MP
The Hon. MP Tony Burke MP
The Hon. Robyn Parker MP