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SUBMISSION OF OBJECTION
Macquarie River to Orange Pipeline Project
Ref 10_0235

Central West Environment Council (CWEC) is an umbrella organization representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

CWEC wishes to submit a strong objection to the Macquarie River to Orange pipeline project ('the proposal') and recommends that the proposal be rejected on the following grounds:

1. Orange City Council (OCC) has not conducted a transparent process with community consultation to develop an integrated water management cycle. The proposal has not been justified
2. The Environmental Assessment Report (EA) is incomplete
3. The proposal will have significant impact on important endangered fish habitat in the unregulated Upper Macquarie River system
4. The proposal will disturb important terrestrial habitat features South Eastern Highlands bioregion. and have a significant impact on the Ecologically Endangered Ecosystems, threatened Superb Parrot, and possibly also the Regent Honeyeater and Spotted-tailed Quoll
5. A detailed biodiversity offset strategy has not yet been developed
6. An environmentally sustainable regional solution to urban and industry water supply in Central West NSW needs to be developed.

The following recommendations are made:

1. That OCC be required to assess a range of different water demand scenarios to determine required secure water yield in consultation with the community.
2. That OCC be required to assess and consult on all possible options for the proposal.
3. That OCC be required to conduct additional aquatic ecology assessment of the river between Gardiners Hole and Burrendong Dam including an assessment of the inflow from downstream tributaries.
4. That OCC be required to conduct a more comprehensive flora and fauna assessment on all potential routes and off-take points for the proposal and that the current proposal be considered a significant impact for the Regent Honeyeater and Spotted-tailed Quoll, as well as for the Superb Parrot.
- 5.** That OCC be required to identify all proposed biodiversity offsets, their values, final tenure and management plans, including funding arrangements for long term management, to be provided for public comment, before a final decision is made on the proposal.
6. That OCC be required to assess the feasibility of a pipeline from Burrendong Dam using existing government grants and a partnership arrangement with Cadia Mine and other mining operations and proposals in the region.

Introduction:

The proposal occurs within the South Eastern Highlands bioregion. This region has been classified as a most stressed landscape in the continental landscape health assessment. The region was one of the first area in Australia to be disturbed by broad scale clearing for agricultural purposes. It is part of the wheat-sheep belt that stretches from Queensland into Victoria. The area has a very low percentage conserved in formal conservation reserves and all mature remnant native vegetation is critical for declining woodland dependent native fauna and flora.

*'As a result of habitat loss resulting from clearing, major declines and collapse of faunal groups are occurring, including ground mammals, aquatic assemblages (particularly frogs) and woodland birds. Concomitant with direct loss of biodiversity values, there has also been significant loss of ecosystem services, including breakdown of soil structure and declining water quality.'*¹

CWEC is concerned that these aspects of the regional context for the proposal have not been clearly identified in the EA.

¹ <http://www.anra.gov.au/topics/vegetation/assessment/act/ibra-south-eastern-highlands.html#intro>

This proposal fails to meet the Central West Catchment Action Plan targets for ecological outcomes.

This submission will provide more detail on the critical issues causing the basis of objection to the proposal:

1. Justification for the proposal

OCC has not conducted an inclusive process of consultation with rate payers in the consideration of water supply and demand management options.

The justification for the proposal is based on an inflated daily water demand. This has led to the identification of a higher volume of water than necessary to provide a secure water yield.²

The city of Orange has been quite comfortably operating under level 2 restrictions with Suma Park Dam at full capacity. This modeling has not been demonstrated in the EA.

Recommendation 1:

That OCC be required to assess a range of different water demand scenarios to determine required secure water yield in consultation with the community.

2. The assessment of the final proposal is incomplete

CWEC understands that the proposal on exhibition is not the final route and off-take point for the pipeline. There have been indications given to the community by OCC that other options are under consideration.

The impact of other options on matters of national environmental significance listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) must be assessed.

Until these options are fully assessed and submitted for consideration by Government and the community a decision cannot be made on this proposal.

Recommendation 2:

That OCC be required to assess and consult on all possible options for the proposal.

² Appendix D Figure 59 p73

3. Impacts on threatened native fish species

The proposal to pump water from Gardiners Hole in the Upper Macquarie Unregulated Water Source (the river) has the potential to impact on habitat and breeding activities of a number of threatened native fish.

This particular large pool in the river has been recognised as a significant habitat for the nationally endangered Trout Cod (*Maccullochella macquariensis*). Releases of fingerlings at this site have occurred over a number of years to re-establish a self sustaining population under the national recovery program for the species. The most recent releases have been in 2009 and 2011.

The proposal to extract unregulated flows at times of freshes in the river has not been adequately assessed. The use of long term average flows to assess impacts does not provide an indication of the impact on specific flows or their relationship to habitat requirements.

The EA has identified that:

*'The cumulative effect of extraction over a number of consecutive days is difficult to assess, because of the lack of information on aquatic habitats in the river downstream of the extraction site and the uncertainty about when and for how long extraction would take place and the magnitude of flows likely to prevail at that time.'*³

Recommendation 3:

That OCC be required to conduct additional aquatic ecology assessment of the river between Gardiners Hole and Burrendong Dam including an assessment of the inflow from downstream tributaries.

4. Impacts on terrestrial habitat

The proposed route as assessed in the EA has not been successful in avoiding impacts on matters of national environmental significance listed under EPBC.

It is of concern that the terrestrial assessment was conducted over only 9 days for flora and 10 days for fauna. The majority of the assessment was during summer months and 2 days in autumn. This is unsatisfactory and will not provide sufficient data to identify the impacts of the proposed removal of habitat for a range of endangered species.

The EA provides conflicting and misleading conclusions about the impact of the proposal on threatened species.

³ Cardno Ecology Lab, July 2012, Appendix G, p 72

The following statement appears in Chapter 12, Volume 1:

*'There is no evidence that the project would remove important foraging resources for any rare or threatened species or populations.'*⁴

However, Appendix F, Table 15⁵ 'Potential impacts on threatened fauna' identifies that loss or disturbance of limiting foraging resources could occur for the:

- Regent Honeyeater (*Anthochaera phrygia*) - high potential to occur in the study area;

And the:

- Grey-headed Flying-fox (*Pteropus poliocephalus*), Swift Parrot (*Lathamus discolor*), Koala (*Phascolarctos cinereus*) - moderate potential to occur in the area.

The EA also identifies that loss or disturbance of limiting breeding resources⁶ has the potential to occur for:

- Large-eared Pied Bat (*Chalinolobus dwyeri*) - recorded in the area
- Greater Long-eared Bat (*Nyctophilus timoriensis*) - assumed present
- Superb Parrot (*Polytelis swainsonii*) and Spotted-tailed Quoll (*Dasyurus maculatus maculatus*) - high potential to occur in the area
- Booroolong Frog (*Litoria booroolongensis*) and Pink-tailed Worm-lizard (*Aprasia parapulchella*) - moderate potential to occur in the area.

Chapter 5, Volume 1 states that:

*'The assessment (Appendix F) concludes that a significant impact is likely on the Superb Parrot, owing to the likely occurrence of this species within the study area and the loss of limiting habitat resources (that is, tree hollows) during construction.'*⁷

CWEC supports this conclusion, however, considers that the proposal is likely to have a significant impact on a number of other nationally listed threatened species.

CWEC does not support the conclusion in the Terrestrial Flora and Fauna Assessment that the proposal will not have a significant impact on the following species:

⁴ GHD Pty Ltd, August 2012, Volume 1, 12.3 Impact assessment, p12.23

⁵ Biosis Research, August 2012, Terrestrial Flora and Fauna assessment, Table 15 p85

⁶ Biosis Research, August 2012, Terrestrial Flora and Fauna assessment, Table 15 p85

⁷ GHD Pty Ltd, August 2012, Volume 1, 25.4.1 Threatened Species and ecological communities, p25.8

Regent Honeyeater⁸. The requirement for mature foraging habitat during times of migration and during drought has not been adequately assessed.

Young regrowth does not produce the quantity and quality of food sources that mature vegetation provides. The increase in competition for food sources is a critical issue for the Regent Honeyeater. This species is not aggressive and is often out competed by other species when food sources are limited. This is one of the key reasons for this woodland bird becoming endangered with extinction.

Spotted – tailed Quoll⁹. The assessment recognizes that:

*'the prolonged disturbance over the duration of construction may disrupt the movement patterns of the Spotted-tailed Quoll and result in the fragmentation of a population of Spotted-tailed Quoll into two or more populations.'*¹⁰

This is one of the tests of significant impact under the EPBC.

Recommendation 4:

That a more comprehensive flora and fauna assessment be conducted on all potential routes and off-take points for the proposal and that the current proposal be considered a significant impact for the Regent Honeyeater and Spotted-tailed Quoll, as well as for the Superb Parrot.

5. Biodiversity offset strategy

The proposal identifies that of at June 2012¹¹ it is estimated that 5.8 ha of Box Gum Woodland will be destroyed. However, because the final pipeline route has not yet been established the assessment of this potential impact has not been adequately completed.

All mature remnant native vegetation within this heavily disturbed landscape has significant irreplaceable habitat values.

A final decision on the proposal cannot be made without a full offset package. The EA is incomplete because an adequate biodiversity offset has not been identified or finalised.

⁸ Biosis Research, August 2012, Terrestrial Flora and Fauna assessment App 4, p273

⁹ Biosis Research, August 2012, Terrestrial Flora and Fauna assessment App 4, p280

¹⁰ Biosis Research, August 2012, Terrestrial Flora and Fauna assessment App 4, p278

¹¹ GHD Pty Ltd, August 2012, Volume 1, 12.3 Impact assessment, p12.20

Recommendation 5:

That OCC be required to identify all proposed biodiversity offsets, their values, final tenure and management plans, including funding arrangements for long term management, to be provided for public comment, before a final decision is made on the proposal.

6. Environmentally sustainable regional water supply solution

CWEC is of the opinion that a more suitable solution to providing a secure water supply for the city of Orange and surrounding communities can be developed with full community consultation.

This solution does not need to include a pipeline from the unregulated flow of the Macquarie River. There are a number of options available that have not been fully considered through a process of full community consultation.

Recommendation 6:

CWEC supports that a pipeline from Burrendong Dam, with associated regulated river licences, following the cleared rail line easement could be funded through the following means:

- the existing NSW Government and Commonwealth Government grants
- partnership with Cadia Mine and other mining operations in the region
- ratepayer and other industry user contributions



Cilla Kinross
Chair, Central West Environment Council

15th October 2012