

**Belinda Scott - Objection to the Macquarie Pipeline**

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**From:** <paulsmithptyltd@bigpond.com>  
**To:** <belinda.scott@planning.nsw.gov.au>  
**Date:** 15/10/2012 3:18 PM  
**Subject:** Objection to the Macquarie Pipeline  
**Attachments:** Douglas Partners Report.pdf; Paul J Smith.Statutory Declaration.pdf; Photo.docx

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**OBJECTION  
IN RELATION TO THE PROPOSED MACQUARIE PIPELINE  
SUBMISSIONS ON BEHALF OF PAUL J SMITH PTY LTD**

My Company, Paul J Smith Pty Ltd, is the registered proprietor of the property on the Macquarie River at Longpoint where Orange City Council proposes to locate its extraction pumps (1771 Long Point Road).

I strongly object to the area proposed by Orange City Council for the extraction point from the Macquarie River.

My Company purchased the property in 2010 and, in fact, had to pay \$15,000.00 above the listed price to secure the property. The property is unique and has a 6 ½ km frontage to the Macquarie River. To obtain access to the property it is necessary to drive through a series of tracks. The only way the public can gain access to the property is by travelling down the River some 6 kms from the nearest public crossing.

If we were to lose this property we would be unable to replace it with a similar property as one does not exist with similar access and features. The value of the property lies in its seclusion from the public resulting in the abundance of native wildlife. The establishment of extraction pumps, the operation of these pumps and the removal of the water from the Macquarie River at unsatisfactory levels could devastate the aquatic life in the River.

I believe that if the pipeline was constructed at Burrendong Dam it would have less of an environmental impact, have the ability of service more communities along the route thus being a more regional development and take advantage of the existing power infrastructure at the Dam. In addition, in dryer times when the River does not have a sufficient flow rate to pump water the Dam could still be pumped .

The isolation of the property has contributed to the abundance of native wildlife on the property including endangered birds and animals, a list of which I understand has already been provided to your Department. In fact, only last weekend I discovered a wombat living in one of our caves and believe that there are probably many other native animals still to be discovered. There are also platypus located along the banks of the River which have also not been studied and included in the Report.

The size and abundance of fish in the Macquarie River has absolutely amazed us. I have many photographs of the fish caught and released by our family. These fish include the murray cod, the trout cod (endangered), silver perch, yellow belly and the eel tailed cat fish. The trout cod caught and released were in the vicinity of the proposed extraction site by Orange City Council as well as many of the other fish.

I wish to bring to your attention the failures of the Acquatic Survey. I was present when the Acquatic Survey was carried out. I attach a Statutory Declaration as to the events. I thought that Orange City Council would re-do the survey as the surveyors advised me that they were ill equipped and unable to carry out a proper survey. I believe that it is negligent of that Company to produce a report saying that they did not identify any of the species which incorrectly indicates that these species are not abundant in the River. The reason they only caught a redfin fish was because they were ill equipped due to the size and depth of the River to carry out a proper survey.

Further, it is our intention to set the property up as an eco-tourism venture. I advised Orange City Council of this intention. The property has three residential facilities. A large double brick residence, a wilderness cabin overlooking the River and a fishing hut located in close proximity to the river. The fishing hut is located close to the proposed extraction site by Orange City Council and is used frequently by ourselves and our families.

The river is surrounded by cliffs as high as 80-100 metres in places which causes the slightest sound to bounce and echo loudly. Therefore if the extraction pumps are placed in this area our eco-tourism venture could not be commenced and we would be forced to listen to the pumps every time we stay at our fishing hut instead of the wonderful natural bush and river sounds. We may as well take our swags and camp down the main street!

We are in the process of stocking the property with cattle and sheep and intend to fence the property into paddocks including paddocks for sheltering our calving cows and for lambing.

I attach a copy of a Report from Douglas Partners, Geologists, dated November, 2010. This report was obtained by Orange City Council and warns Council about the instability of the land due to landslip. The Report from Douglas Partners looked at a number of proposed routes. Our route was not the preferred route due to the likelihood of landslip and the requirements which would be necessary to put in place as a pre-caution to the instability of the land. The Report recommended the property to the east of my property. Orange City Council has chosen to ignore this report and its recommendations. If Council intends to proceed with the extraction point on our property and a significant landslip occurs we intend to take legal action against the Council for proceeding with the pipeline at this location despite the warnings and recommendations of the Report of Douglas Partners.

A neighbouring property on the west in past years suffered a major landslip which, we are informed, stopped the flow of the River for several days. I attach a current copy of a photograph of the site of the landslip. Since I have owned the property one

of my dams had its entire wall let go and slip approximately 5 metres down the hill.

I also wish to inform you of the behaviour of Orange City Council staff in relation to the matter. In the past I have allowed Council access to the property. During this access they have used our facilities on the property without consent. [REDACTED]

Further, Council promised us on many occasions that if we worked with them and gave them access to carry out the studies for the Environmental Assessment they would put the extraction point and maintenance road at the end of our property. We allowed Council in on this basis and were promised that they would not investigate the other route on our property. Just prior to Council lodging the Environmental Assessment they contacted us and advised that they could not put the extraction point or route at the end of our property but had a "gateway" pursuant to the terms of the Environmental Assessment of 2 kms which would bring the extraction point and maintenance road back towards the centre of our property.

Orange City Council continually changed their advices throughout our meetings to the extent that we no longer had any faith or trust in what they had to say.

We also had discussions with Orange City Council in relation to a maintenance road. Council has advised that they only require the road to be of a standard for a rural fire trail. Council has advised that they are now considering using our other existing tracks for maintenance. These tracks do not conform to even the standards of fire trails.

Government Authorities should be required to conform to the requirements and standards more so than any other organisation or person. Why is Orange City Council permitted to set its own standards? I have major concerns about insurance and work health and safety issues if Orange City Council proceeds in this ad hoc and possibly unlawful manner.

[REDACTED]

I am greatly concerned whether any of the reports obtained by Orange City Council for the Environmental Assessment can be relied on?

As a result of the behaviour of Orange City Council constantly changing their story we can no longer trust anything that they have to say. [REDACTED]

[REDACTED] Due to this behaviour we have stopped all contact directly with Council.

I believe that the State Government has a duty of care:-

1. To protect the unique natural environment which exists on the property;
2. To protect the endangered and threatened species;
3. To investigate the misrepresentations made in the Aquatic Survey;
4. To ensure that the correct custodians prepare the aboriginal study;
5. To protect the Macquarie River from the high risk of landslip and possible blocking of the Macquarie River, and
6. To protect the landowners from destruction of their properties.

I trust that the State Government will consider the above issues as, I believe, that the ecological impacts contained in the Environmental Assessment are flawed due, in particular, to the misleading report of the Aquatic Survey and by the failure to have the correct aboriginal custodians undertake their report.

Yours faithfully

Paul Smith

Company Secretary