

From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
Sent: Sunday, 29 October 2023 8:45 PM
To: DPE Castlereagh Water Sharing Plan Mailbox
Subject: Submission for the draft replacement Water Sharing Plan for the Castlereagh Unregulated River Water Sources
Attachments: Casltereagh comment.docx

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: No

Your details

Email address: [Redacted]

Name of respondent: [Redacted]

Address: [Redacted]

Contact phone number: + [Redacted]

Are you an individual or representing an organisation?: Organisation

If you selected 'organisation', please specify.: Groundwater Imaging Pty Ltd

Who are you representing?: Water related industry

If you selected 'other', please specify:

Did you attend any of the following in relation to the Castlereagh Unregulated Rivers water sharing plan?: None of these

Do your comments refer to a specific water source?: No

If you selected 'yes', please specify which water source.:

Your feedback

Please provide any comments you may have on proposed changes to access rules.:

Attach extra pages if required.: No file uploaded

Your feedback

Please provide any comments you may have on the proposed changes to conditions.: See CastlereaghComment.docx

Attach extra pages if required.: Casltereagh comment.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 31.2 KB

Your feedback

Please provide any comments you may have on the proposed changes to trading.:

Attach extra pages if required.: No file uploaded

Your feedback

Please provide any comments you may have on the proposed changes to pool rules.:

Attach extra pages if required.:

Your feedback

Please provide any comments you may have on the proposed wetland rules.:

Attach extra pages if required.:

Additional feedback

Comments on any aspects of the draft plan.:

Attach extra pages if required.:

Does this rule include the pumping from spear points? If so see previous document.

No file uploaded

No file uploaded

No file uploaded

This rule is of the type that keeps a water storage always nearly full, thus reducing its usefulness as a storage. For aquatic biodiversity and ecology reasons I can see why that is important, so I guess you do well to make that rule. I think that with some engineering work a better result is possible if rules can facilitate as follows: Weirs added to this stretch of river will serve an equivalent ecological role to that of natural pools plus they will retain flows for longer such that more localized recharge occurs. There are two problems to consider - one is that overbank flooding will increase, which I think all local farmers will be willing to accommodate to an extent given the benefits, and less water will get downstream, however, in this river the flow events are large, when they do occur, compared to the capacity of the river channel so downstream water users will not be significantly impacted. Weirs added here could be managed by floodplain harvesting rules except that evaporation will need to be measured if water storage is to be quantified as in this case recovering is by spear points rather than by surface water pumps. Simple management would be to encourage more weirs and to just keep managing groundwater take using the 8m depth limit rule. More elaborate management would be to meter the weirs using the FPH metering framework and add evaporation measurement to quantify how fast water seeps into the channel sands beneath the river. This would give government information on how much extra longer term local water storage is facilitated but it seems best that no additional licensing be attempted as the 8m depth rule may be simplest and sufficient. This approach will improve local longer term water storage by storing additional flow higher in the channel sands for longer. It will also improve GDE chance of survival.

Both Groundwater Imaging P/L and the National Centre for Engineering in Agriculture have been conducting the necessary telemetered monitoring needed for such seepage measurement from water storages and know it can be quantified to an accuracy that is useful.

Who may install such weirs and who would be the beneficiaries? Would they be worthwhile?

Submission form for the draft Castlereagh Unregulated River 2024 Water Sharing Plan

Office use only

Submission number

How to fill out this form

The NSW Department of Planning and Environment (Water) is seeking your comments on the draft *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024*.

Key issues and changes have been summarised in this submission form, although comment on all aspects of the water sharing plan is welcome. For water source specific details including rules, please see the water source report cards. More detailed comments are welcomed as attachments.

A copy of your submission will be sent to your email address provided in the next section.

Send completed submissions to:

**Post: Castlereagh Unregulated River WSP
Department of Planning and Environment – Water
PO Box 1226
Newcastle West NSW 2300**

Email: castlereagh.wsp@dpie.nsw.gov.au

Note: Submissions close 29th October 2023.

Information on privacy and confidentiality

The NSW Government will consider all submissions received. The Government values your input and accepts that information you provide may be private and personal.

If you want your submission or your personal details to be treated as confidential, please indicate this by ticking the relevant box below. If you do not make a request for confidentiality, the department may make your submission, including any personal details contained in the submission, available to the public.

Be aware that the NSW Department of Planning and Environment may be required by law to release copies of submissions to third parties in accordance with the *Government Information (Public Access) Act 2009*.

How to fill out this form	
1. I give permission for my submission to be publicly available on the NSW Department of Planning and Environment website *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. I would like my personal details to be kept confidential	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Your details			
1. Email address*	council@coonambleshire.nsw.gov.au		
2. Name of respondent*	General Manager		
3. Address	80 Castlereagh Street Coonamble NSW 2829		
4. Contact phone number*	0268271900		
5. Are you an individual or representing an organisation?*	<input checked="" type="checkbox"/> Organisation <input type="checkbox"/> Individual (skip to next section) <i>Mark only one</i>		
6. Name of organisation*			
7. Who are you representing?	<input type="checkbox"/> Government <input type="checkbox"/> Peak representative organisation <input type="checkbox"/> First Nation <input type="checkbox"/> Environment <input type="checkbox"/> Mining industry	<input type="checkbox"/> Irrigator <input type="checkbox"/> Water related industry <input type="checkbox"/> Groundwater licence holder <input type="checkbox"/> Groundwater user - basic rights	<input type="checkbox"/> Surface water licence holder <input type="checkbox"/> Surface water user - basic rights <input type="checkbox"/> Local landholder <input checked="" type="checkbox"/> Other:

Your details

8. Did you attend any of the following in relation to the Castlereagh Unregulated Rivers water sharing plan ?

- face to face meeting
- public webinar
- one-on-one or industry meeting
- none of these

9. Do your comments refer to a specific water source?

No Yes

Please specify which water source:
Castlereagh River

Attach extra pages if required

Changes to Access Rules

Changes to cease to pump rules are proposed for the Castlereagh River above Binnaway Water Source, which has high environmental values.

It is proposed to introduce flow-based access rules which are linked to gauges located within the water source to better protect very low flows. Stream flow data is available in real time online from WaterNSW.

For the Castlereagh River Binnaway to Gilgandra Management Zone and Castlereagh River Gilgandra to Coonamble water source, for new water supply work approvals or trade take is not permitted when there is no visible flow at the pump site.

Please provide any comments you may have on the proposed changes to access rules.

(Attach extra pages if required)

Comment:

Changes to water supply work approvals

For the Castlereagh River Binnaway to Gilgandra Management Zone and Castlereagh River Gilgandra to Coonamble water source, for existing or replacement water supply work approvals, a spearpoint must not be inserted into the bed of the river to a depth of more than 8 metres.

<p>Please provide any comments you may have on the proposed changes to conditions.</p> <p>(Attach extra pages if required)</p>	<p>Comment:</p>
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Trading

For the Castlereagh 2024 plan, permitting limited trade into Nedgera Creek (an additional 10 ML), Teridgerie Creek (an additional 10 ML) and Tooraweenah to Coonamble Tributaries (an additional 17ML) water sources is proposed.

Permitting No Net Gain trade into Castlereagh River below Coonamble WS is proposed for the Castlereagh 2024 plan.

Within the Castlereagh River above Binnaway WS, some trade into and between some of the management zones is proposed for the Castlereagh 2024 plan.

The current WSP rule of no trade permitted into Binnaway to Gilgandra and Castlereagh River Gilgandra to Coonamble water sources remains unchanged.

Trading

Please provide any comments you may have on the proposed changes to trading

(Attach extra pages if required)

Comment:

In-river pools

For the Castlereagh 2024 plan it is proposed to clarify access rules in respect to in-river pools by adding the standard in-river pool access rule, that pumping is not permitted when the water level in in-river pools is less than full capacity. Full capacity can be approximated by the pool water level at the point where there is no visible flow into and out of that pool.

In-river pools	
<p>Please provide any comments you may have on the proposed changes to pool rules</p> <p>(Attach extra pages if required)</p>	<p>Comment:</p>

Protection of significant wetlands	
<p>We propose to prohibit new or amended works or trades:</p> <ul style="list-style-type: none">• within a nationally significant wetland listed on the Directory of Important Wetlands in Australia and wetlands listed in Schedule 5 of the plan,• 3 km upstream or within a Ramsar wetland, <p>unless there will be no more than minimal harm to the wetland concerned.</p> <p>This rule does not apply to replacement works.</p>	
<p>Please provide any comments you may have on the proposed wetland rules.</p> <p>(Attach extra pages if required)</p>	<p>Comments:</p>

Additional feedback

The previous sections relate to the key proposed changes from the current water sharing plan. However, comments on all aspects of the plan are welcome and encouraged. Please use the space below, or attachments if required or preferred.

Comments on any aspects of the draft plan.

Council's priority is for the Water Sharing Plan to protect existing licences for stock and domestic use. In this regard, Council believes that existing access rules for town water supply, and community use, should be maintained to ensure the continuous growth of our regional communities. This applies to the rules contained in clauses " In-river dams and Town Water Supply", "In-river Pools" and "Water Supply Works Approvals".

Attach extra pages if required.

Additional Information

If you would like to provide any additional information in the form of supporting documents or files to help us understand your view, email castlereagh.wsp@dpie.nsw.gov.au from the same email you provided above.

All submissions with approval for publication will be posted on the department's website after the public exhibition period closes along with the final review reports.

W1

KM:MC

26 October 2023

Castlereagh Unregulated River Water Sources WSP
Department of Planning and Environment – Water
PO Box 1226
Newcastle West NSW 2300

To whom it may concern

RE: Castlereagh Unregulated River 2024 Water Sharing Plan - Submission

Coonamble Shire Council acknowledges the major role water sharing plans play in providing for the sustainable and integrated management of water sources of the State and the need to continuously improve the water-related policy that carries out the legislative framework.

Council's priority is for the Water Sharing Plan to protect existing licences for stock and domestic use. In this regard, Council believes that existing access rules for town water supply, and community use, should be maintained to ensure the continuous growth of our regional communities. This applies to the rules contained in clauses "*In-river dams and Town Water Supply*", "*In-river Pools*" and "*Water Supply Works Approvals*".

Furthermore, and in reference to previous correspondence to our Local Member Roy Butler MP, Council still strongly supports the installation of additional hydrometric gauging stations in the Castlereagh River for the collection of data. This data is not only vital in times of flood but can assist with planning and future reviews of water-related policy.

Yours sincerely



Bruce Quarmby
Acting General Manager




From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
Sent: Wednesday, 4 October 2023 1:31 PM
To: DPE Castlereagh Water Sharing Plan Mailbox
Subject: Submission for the draft replacement Water Sharing Plan for the Castlereagh Unregulated River Water Sources

Follow Up Flag: Follow up
Flag Status: Flagged

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: 

Your details

Email address: 

Name of respondent: 

Address: 

Contact phone number: 

Are you an individual or representing an organisation?: Individual

If you selected 'organisation', please specify.:

Who are you representing?: Local landholder

If you selected 'other', please specify:

Did you attend any of the following in relation to the Castlereagh Unregulated Rivers water sharing plan?: None of these

Do your comments refer to a specific water source?: Yes

If you selected 'yes', please specify which water source.: Water for domestic and Livestock

Your feedback

Please provide any comments you may have on proposed changes to access rules.:

During Drought period 2017-2020 Water was not available from river source for domestic and livestock. Water from spear 6 metres under surface of sand was not pumping water as it was basically empty. On 3 occasions water from the upper reaches of Castlereagh did not extend past Coonamble because of Water pumped to fill water reservoirs which is used for irrigation purposes .AS a result the sand area which extends past Coonamble was virtually dry . With two other local land holders we surveyed 87 properties which receive water from the River with similar results of no water available as a result of the lack of management and supervision of inland water. The only reply was we will look into it. This is a disgrace with no responsibility shown or respect given. The only comment was we have aircraft which supervise river water, The Castlereagh river since 2016 has been dry for two

n occasions was dry for up to 32 months at a time and as from the 27th September is no longer flowing .The

Attach extra pages if required.:

No file uploaded

Your feedback

Please provide any comments you may have on the proposed changes to conditions.:

The recent flow was from the 8th March 2020 till 27th September 2023 42 months 'The longest running period since May 1990 when floods occurred and ran for 32 months . Lack of supervision and control is the main problem . Water should be allowed to be monitored at Coonamble before any major pumping be allowed to fill irrigation dams on the river, Sand has filled most water holes and basically is a sand river which eventually will cause a river diversion.

Attach extra pages if required.:

No file uploaded

Your feedback

Please provide any comments you may have on the proposed changes to trading.:

The current WSP has not been supervised. This rule after our monitoring has been treated with no respect to other water uses

Attach extra pages if required.:

No file uploaded

Your feedback

Please provide any comments you may have on the proposed changes to pool rules.:

Please find a river Pool between Gilgandra and Coonamble which are now fiull of sand

Attach extra pages if required.:

No file uploaded

Your feedback

Please provide any comments you may have on the proposed wetland rules.:

No Known wetlands on Castlereagh river

Attach extra pages if required.:

No file uploaded

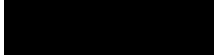
Additional feedback

Comments on any aspects of the draft plan.:

Subject to proper management which at present is non existant .There is no local users with any influence of management or involvement

Attach extra pages if required.:

No file uploaded



From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
Sent: Sunday, 29 October 2023 10:53 AM
To: DPE Castlereagh Water Sharing Plan Mailbox
Subject: Submission for the draft replacement Water Sharing Plan for the Castlereagh Unregulated River Water Sources

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: Yes

Your details

Email address: [Redacted]

Name of respondent: [Redacted]

Address: [Redacted]

Contact phone number: [Redacted]

Are you an individual or representing an organisation?: Individual

If you selected 'organisation', please specify.:

Who are you representing?: Local landholder

If you selected 'other', please specify:

Did you attend any of the following in relation to the Castlereagh Unregulated Rivers water sharing plan?: Public webinar

Do your comments refer to a specific water source?: No

If you selected 'yes', please specify which water source.:

Your feedback

Please provide any comments you may have on proposed changes to access rules.: Thanks for the opportunity to comment. The note from the Part 1 Introduction seems a little copy and paste. Can we not extend the respect to actually list the traditional nations covered by the Central West Water Management Area. e.g. "Note— Respect is paid to the traditional owners of this country, the Wiradjuri, Gamilaraay and Wailwan nations, who are acknowledged as the first natural resource managers within the Central West Water Management Area." Thanks Note: I sourced this information from google, it may not be correct, but if offering respect to the traditional owners is more than lip service, I am sure you have the correct list.

Attach extra pages if required.: No file uploaded

Your feedback

Please provide any comments you may have on the proposed changes to conditions.:

Attach extra pages if required.: No file uploaded

Your feedback

Please provide any comments
you may have on the proposed
changes to trading.:

Attach extra pages if required.: No file uploaded

Your feedback

Please provide any comments
you may have on the proposed
changes to pool rules.:

Attach extra pages if required.: No file uploaded

Your feedback

Please provide any comments
you may have on the proposed
wetland rules.:

Attach extra pages if required.: No file uploaded

Additional feedback

Comments on any aspects of
the draft plan.:

Attach extra pages if required.: No file uploaded



I N L A N D
R I V E R S
N E T W O R K

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Castlereagh Unregulated River Water Sources WSP
Department of Planning and Environment – Water
PO Box 1226
Newcastle West, NSW 2300
castlereagh.wsp@dpie.nsw.gov.au

Sunday 29 October 2023

SUBMISSION

Draft Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024

Introduction

The Inland Rivers Network (IRN) is a coalition of environment groups and individuals concerned about the degradation of the rivers, wetlands and groundwaters of the Murray-Darling Basin. It has been advocating for the conservation of rivers, wetlands and groundwater in the Murray-Darling Basin since 1991.

Member groups include the Australian Conservation Foundation; the Nature Conservation Council of NSW; the National Parks Association of NSW; Wilderness Australia; Friends of the Earth; Central West Environment Council; and Healthy Rivers Dubbo.

IRN welcomes the opportunity to provide comment on the proposed replacement water sharing plan for the Castlereagh Unregulated River Water Sources (draft replacement plan). We support 3 proposed changes and raise 8 key issues regarding other changes or deficiencies.

Many environmental assets of great environmental and cultural value depend on flows through this water source, including the Barwon and Darling/Baaka Rivers, wetlands identified as significant and riverine, groundwater-dependent and floodplain ecosystems.

IRN strongly objects to the reduction in protection of low flows in the draft replacement plan. IRN members represented environmental interests in the Castlereagh Unregulated River Management Committee that negotiated the first water sharing plan adopted in 2003 (*Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003*.) We note that various NSW Government processes, including the development of this replacement plan, have caused an erosion of intended protection of river health in the above Binnaway Water Source.

IRN participated in the Natural Resources Commission (NRC) statutory review of the *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2011* in 2021. We noted that the Alluvium audit of the Water Sharing Plan conducted in 2019 found a number of key issues that need to be addressed. These are still outstanding.

The draft replacement plan fails to adopt many of the NRC recommendations aimed at improving water management in the Castlereagh water source and has caused a reduction in the protection of low flows.

We also note that the draft replacement plan is very different to the amended plan adopted in 2020 as part of the Water Resource Plan SW11 (WRP) development. This WRP is still under assessment by the MDBA. The use of a template developed to remake coastal water sharing plans is not appropriate for inland water sources within the Murray-Darling Basin that fall under the requirements of the *Water Act 2007* (C'wlth) and NSW agreements.

IRN is very concerned that the development of a replacement plan was given an additional 2 years to improve information gaps and yet the basic protection for environmental outcomes has been reduced. We consider that the draft replacement plan fails to meet the water management principles and objects of the *Water Management Act 2000* (WMA).

1. Supported measures

1.1 Prohibition on instream new dams

IRN supports the proposed extension of the ban on new dams across 3rd order and larger streams in all management zones.

However, we do not support the exemption for town water supply purposes. A policy for off-stream storages for town water supply is necessary to protect flow connectivity and important habitat values.

1.2 Improved protection for wetlands

IRN notes the inclusion of a list of significant wetlands in Schedule 4 and the inclusion of new rules to prevent trade and new works within or 3 km upstream of Ramsar wetlands or within these significant wetlands. However, we do not support Ministerial discretion to consider allowing new works in significant wetlands. This rule must be mandatory.

We note that the Wingadee wetlands and the significant Castlereagh floodplain wetlands in the Nedgera Creek and Downstream of Coonamble water sources¹ have not been included in Schedule 4. These must be recognised in the final replacement plan.

1.3 Limits to pumping to protect groundwater connectivity

IRN supports the rule to restrict spearpoint pumping from sand beds to a depth of 8 metres to protect the connected alluvial groundwater source and associated groundwater dependent ecosystems.

¹ Natural Resources Commission, June 2022. Final Report. Review of the *Water Sharing Plan for the Castlereagh Unregulated Water Sources 2011* p 43

2. Key Issues with the draft replacement plan:

- Failure to protect Planned Environmental Water
- Unsustainable LTAAEL
- Failure to protect low flows
- Protection of first flush flows
- Cultural water and sites
- Large number of exempt licences
- Changes to trade rules
- Changes to plan vision, objectives and performance indicators

2.1 Failure to protect Planned Environmental Water

The replacement plan has removed the Part 4 Planned Environmental Water provisions as provided in the 2020 amended plan that clearly outlines the definition of planned environmental water under the WMA. These are:

(16) Water is committed and identified as planned environmental water in these water sources in the following ways:

- (a) by reference to the commitment of the physical presence of water in these water sources,
- (b) by reference to the long-term average annual commitment of water as planned environmental water, and
- (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

Having the environmental provisions distributed through the replacement plan across Part 4 and Part 6 diminishes the importance of planned environmental water and its protection.

The replacement plan fails to meet the planned environmental provisions:

- Part 4 Division 2 cl 17 (b) *commits water as planned environmental water by reference to the long-term average annual commitment of water resulting from compliance with the long-term average annual extraction limit.*

As outlined below there are significant issues with plan limit and compliance assessment. There has been no reporting on annual average extraction. '*Compliance assessments comparing the actual average annual extraction for each extraction management unit against their LTAAELs have not been undertaken.*'²

- Part 6 Division 1 cl 29 (b) in Divisions 2-5 - *commits water as planned environmental water by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met,*

All extraction has not been identified in this replacement plan therefore the commitments are unknown and the provision of planned environmental water is over estimated. There is no assessment of water required to meet environmental needs of the water source. This includes accounting for diversions using block banks to flood land.

² Ibid p 24

- Part 6 Division 1 cl 29 (c) in Divisions 3 and 4—*commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.*

The replacement plan does not protect the physical presence of water in the water source except for the proposed protection of 1 ML/day flows above Binnaway. Most other water sources have a cease-to-pump rule when there is no visible flow. The exception is Schedule 3 for four access licences.

2.2 Unsustainable Long Term Annual Average Extraction Limit (LTAAEL)

IRN has significant issues with the LTAAEL in the replacement plan:

- It is not based on an assessment of sustainability.
- The Plan entitlement is higher than Basin Plan’s estimated baseline diversion limit³
- It locks in history of use from the *Water Act 2012* entitlements and therefore fails to consider ecological needs of the water source as required by the WMA.
- The LTAAEL fails to include an estimate of capture or diversion of overland flow including harvestable rights. It is IRN’s view that no harvestable rights should be allowed or granted from these water sources.
- Planned environmental water is not protected by the LTAAEL in this replacement plan because all forms of extraction are not included.
- A sustainable, numeric volume needs to be established so that annual LTAAEL compliance can be met.

2.2.1 The MDBA maintains that all forms of interception should be accounted for within the Plan rules and under the LTAAEL.

2.2.2 Alluvium audit of 2011 water sharing plan found that provisions for compliance with LTAAEL were not given effect and that calculation of the current levels of annual extraction were not occurring or the assessment of these against the LTAAEL.⁴

These issues are significant in regard to meeting the planned environmental water provisions.

2.3 Failure to protect low flows

2.3.1 Changes to very low flow rules

The draft replacement plan has decreased the protection of very low flows in the water source above Binnaway and eliminated A class flows. Water sharing plans adopted in 2003, 2011, 2016 and 2020 included rules that protected low flows at a much higher level than those proposed. This draft replacement plan is a very significant reversal of environmental protection in the Castlereagh River.

The draft replacement plan proposes a cease-to-pump rule of less than or equal to 1 ML/day in the five management zones above Binnaway as a very low flow class. This is significantly less protection of ecosystem health than in previous versions of this water sharing plan. All

³ NRC Report Summary p 8.

⁴ Alluvium, October 2019. *Audit of the Water Sharing Plan for the Castlereagh Unregulated and Alluvial Water Sources 2011*

other water sources in the plan area have a cease-to-pump rule of no visible flow which does not provide adequate protection of the presence of water. We appreciate that four licences listed in Schedule 3 do have rules requiring some protection of low flows below Coonamble and in the Nedgera Creek Water Source.

2.3.2 Wetlands needing the protection of low flows

The Castlereagh River supports two significant wetlands associated with the Nedgera and Mowlma Creeks on the lower floodplain. They consist of two large areas of floodplain woodland and shallow swamps with high ecological value and resilience to drought compared to other wetlands in the Murray-Darling Basin.⁵ These have not been included in Schedule 4 of the map of significant wetlands associated with the draft replacement plan. This must be addressed so that these wetlands are protected from new water supply works, including relocated works, that may impact on flows.

2.3.3 Environmental impact of no visible flow rule

Except for the decreased access rules for the five management zones above Binnaway, water sources in the draft replacement plan area have a cease to pump rule set to when there is no visible flow. When a pump is switched on because there was a tiny flow, it can reduce the width and length of flowing water and cause cessation of flow downstream, particularly if any remaining flow is less than the evaporation rate. It artificially extends the duration as well as extent of periods without flow. This does not provide the commitment for physical presence of water under the definition of planned environmental water. This fails to facilitate connectivity, as continuity and downstream extent of low flows are not protected. This threatens the productivity of the aquatic ecosystems and survival of local populations of species trying to complete their life cycles or find water to drink.

Human-induced climate change is likely to exacerbate periods with little or no flow due to drought and increased evaporation so if pumping rules effectively allow artificial extension of periods with no flow downstream this will be a double wham. Setting, implementing and enforcing practical ways to protect low flows would be beneficial to people downstream such as basic rights holders as well as to ecological values. The appropriate time to work out and set practical rules to improve protection of low flows is now, before a replacement plan is adopted.

2.3.4 Loss of protection for in-river pools

The proposal to change rules that protect in-river pools is another reduction in environmental protection in the draft replacement plan. Cease-to-pump rules must protect low flows connecting in-river pools. The regulation of the proposed rule that allows pumping until an in-river pool is less than full capacity will be very difficult and will cause significant impact on important habitat and drought refugia within water sources.

The stretches of the Castlereagh between Binnaway and Gilgandra with extensive sand beds and use of spearpoint pumps must also have rules to protect remnant habitat pools through cease-to-pump rules. A better understanding of the connection between below riverbed flows and in-river pools is essential to improve protection of drought refugia in this significant stretch of river.

⁵ NRC Final Report p 43

2.3.5 End of system flow rules

End of system flow rules as provided in four licences in Schedule 3 should be included in access rules for all licences in the Castlereagh below Coonamble and in Nedgera Creek to improve connectivity with the Lower Macquarie and Barwon Rivers.

2.4 Protection of first flush flows

It is critical for first flush flows to be protected after drought to replenish important habitat such as pools and wetlands all the way down the Castlereagh, including during periods that may turn out to be no more than a brief respite in a more extended drought, and to contribute to connectivity needs in the Darling/Baaka. This should be achieved through the combination of rules in the replacement plan and the option of using s324 orders when necessary.

This important connectivity requires a cease - to - pump rule for all licensed water users in all water sources.

2.5 Cultural water and sites

The draft replacement plan fails to identify and protect water-dependent Aboriginal cultural assets and also fails to provide access licences for Aboriginal cultural activities. We note that there is an amendment provision in Part 10 cl 54 (f) to allow for changes in the replacement plan. These actions are yet to occur 20 years after the first water sharing plan was gazetted for improved management of the Castlereagh River. It is imperative that a timeframe for achieving these amendments is included in the replacement water sharing plan to ensure that these legal requirements under the WMA are achieved within the lifespan of the plan.

2.6 Large number of exempt licences

Schedule 2 of the draft replacement plan has a long list of access licences exempt from cease-to-pump rules that protect in-river pools. These are the licences attached to spearpoint pumps in the extensive stretch of sand beds. As outlined above, the lack of protection for remnant habitat pools on the surface is a significant environmental impact.

All licences in the Castlereagh water source should be managed under the access rules that protect the physical presence of water.

2.7 Changes to trade rules

IRN does not support the proposal to permit trading into the Nedgera Creek, Teridgerie Creek and Tooraweenah to Coonamble Tributaries water sources. Protection of high environmental values in the Castlereagh above Binnaway should be managed through stronger access rules.

Schedule 4 – Significant Wetlands lists 9 wetlands in Tooraweenah to Coonamble Tributaries, 4 wetlands in Teridgerie Creek and fails to list the significant wetland in Nedgera Creek. These water sources should continue to be protected through rules that prohibit trade into these water sources.

2.8 Changes to plan vision, objectives and performance indicators

IRN does not support the change in approach for replacement water sharing plans for inland water sources that are managed under the Basin Plan and *Water Act 2007* (C'lwth).⁶ This has resulted in significant changes to the plan vision, objectives and performance indicators provided in the 2020 amendment plan that was submitted with the Macquarie-Castlereagh Water Resource Plan.

We are concerned that important provisions for meeting environmental objectives in the 2020 amended plan have been revised and simplified. The proposed performance indicators, in particular have been modified to such an extent as being immeasurable.

The Alluvium audit of the 2011 water sharing plan identified that the performance indicators at Part 2 cl 12 had not been given effect to.⁷ It is critical that water sharing plans have strong, measurable performance indicators and that these are given effect through rules and compliance monitoring.

IRN recommends that the targeted environmental objectives and performance indicators in the 2020 amended plan remain in the replacement plan:

(2) The targeted environmental objectives of this Plan are to protect and, where possible, enhance the following over the term of this Plan:

- (a) the recorded distribution or extent, and population structure of, target ecological populations including native fish, native vegetation and low flow macroinvertebrate communities,
- (b) the longitudinal and lateral connectivity within and between water sources to support target ecological processes,
- (c) water quality within target ranges for these water sources to support water-dependent ecosystems and ecosystem functions,

(5) The performance indicators used to measure success in achieving the targeted environmental objectives in subclause (2) are changes or trends in ecological condition during the term of this Plan including the following:

- (a) the recorded range or extent of target ecological populations,
- (b) the recorded condition of target ecological populations,
- (c) measurements of hydrological connectivity,
- (d) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen,
- (e) the extent to which the strategies in subclause (3) have provided flow conditions of sufficient magnitude, frequency, timing and water quality to achieve targeted environmental objectives,

⁶ NSW Government, February 2022. Replacement water sharing plan manual

⁷ Alluvium, October 2019. *Audit of the Water Sharing Plan for the Castlereagh Unregulated and Alluvial Water Sources 2011*

Conclusion

IRN considers that the draft replacement plan for the environmentally sensitive Castlereagh Water Source does not meet the principles and objects of the WMA or the Basin Plan. Significant improvements to rules are needed so that history of use is not carried over from the *Water Act 1912*.

For more information on this submission contact:

Bev Smiles

inlandriversnetwork@gmail.com

0428 817 282

[REDACTED]

From: [REDACTED]
Sent: Friday, 27 October 2023 2:34 PM
To: DPE Castlereagh Water Sharing Plan Mailbox
Subject: Castlereagh WSP

We own 2 family properties along the Castlereagh River between Gilgandra and ,Mendoran being [REDACTED]
[REDACTED]

Please include the following in determining possible restrictions to water sources.

We have unrestricted entitlement to river water for stock and domestic requirements. If this right is affected in any way it puts the viability of our rural enterprise at risk.

Our property is managed sustainably enabling the supply of quality produce for essential domestic and export needs.

We are tax payers not tax takers - no grants or subsidies - no debt either.

Our rural property is the past, present and future for our children and grandchildren who were born here.

Therefore we must put on record that if any change becomes detrimental to the financial and/or other cause to the viability of our livelihood and property needs to be seriously taken into consideration at the stage.

Please submit the above.

Your faithfully

[REDACTED]

Coonabarabran:

14-22 John Street
Coonabarabran NSW 2357

PO Box 191
Coonabarabran NSW 2357

ABN: 63 348 671 239



Calls from within Shire
1300 795 099

Calls from outside Shire area
Coonabarabran:
02 6849 2000

Coolah: 02 6378 5000

Fax: 02 6842 1337

Email:
info@warrumbungle.nsw.gov.au

Coonabarabran - Coolah - Dunedoo - Baradine - Binnaway - Mendooran

Please address all mail to:
The General Manager

Please refer enquiries to: T Cleary
Doc ID 183100

27 October 2023

Castlereagh Unregulated River Water Sources WSP
Department of Planning and Environment - Water
PO Box 1226
NEWCASTLE WEST, NSW 2300

castlereagh.wsp@dpie.nsw.gov.au

To Whom This Concerns

Warrumbungle Shire Council Submission on the Proposed Castlereagh Unregulated River Water Sources WSP

Warrumbungle Shire Council would like to take this opportunity to make a submission on the proposed Castlereagh Unregulated River Water Sources Water Sharing Plan.

Council has a number of points that should be considered by the Department of Planning and Environment (DPE) as Council is a key stakeholder within the scope of the plan as a Local Water Utility that supplies water to the towns of Coonabarabran, Binnaway, Merrygoen and Mendooran from the Castlereagh River.

These points are discussed below:

Binnaway Water Supply Scheme Water Access

Council currently only has a single raw water supply (from the river) that provides water for the Binnaway Water Supply Scheme, this supply is operated under WAL 6425.

Council notes it is proposed (as per the plan) to change access rules around pumping from the river by introducing a 1 ML/d minimum flow from the relevant telemetered flow gauge, as well as retaining the rule that water must not be pumped when there is no visible flow, as well as when the capacity of the pool is less than the full volume of the pool.

It has been communicated to Council by DPE staff at a private consultation session that the proposed plan amendment in relation to taking water from in-river pools and regular river access must comply with gauge-based access rules **does not** apply to Council. Council would like to reinforce that it is critical to the Binnaway Water Supply Scheme Water Security that the gauge-based access rule is exempt to WAL 6425.

In addition to the above, Council is seeking an amendment to the draft plan to increase the water security of Binnaway through the provision of an exemption specific to WAL 6425 to the existing in-river pool and river access rules. This exemption would see Council being able to continue to pump water for town water supply when there is no visible flow within the river as well as when the in-river pool is less than full volume.

This exemption will facilitate Council being able to continue to supply water to the Binnaway Water Supply Scheme even in the event of drought conditions and mitigate the need to cart water from alternative water sources.

Castlereagh River Above Binnaway Water Source Proposed Access Rules

As discussed in the previous point, Council notes that the plan proposes to introduce a gauge-based access rule for both pools and regular access conditions. Council supports this proposed change as long as Council held Water Access Licences are exempt from this rule. This proposed change will improve town water security and facilitate better flows during low flow conditions.

In-River Dams for Town Water Supply in the Castlereagh River Above Binnaway Water Source

Council notes that it is proposed to allow in-river dams for Town Water Supply in the Castlereagh River Above Binnaway Water Source. Council endorses this proposed change to the water sharing plan.

Castlereagh River Binnaway to Gilgandra Water Source Proposed Access Rules

Council notes that it is proposed to introduce in-river pool rules for this water source that prevent taking water when the in-river pool is less than full capacity as well as introducing a no-visible flow rule for non-pool river sections.

As outlined in the draft water sharing plan, this proposed change will not be applicable to current water supply work approvals. Council does not endorse this item and is of the opinion that in-river pool and river take exemptions should only be applicable for town water supply purposes.

Thus, when there is no visible flow at the point of take or if the capacity of an in-river pool is less than full capacity current works approvals (with the exemption of town water supply related approvals) should have a cease pumping in place. Council is seeking that DPE modify existing non-town water supply works approvals to enforce this rule.

It is also crucial to town water security for both Merrygoen and Mendooran that WAL 27213 and WAL 27219 are exempt from any new conditions for the take of water that are proposed under the new water sharing plan.

Removal of Environmental Flow Requirements from Timor Dam

Timor Dam is Council's primary raw water supply source for the Coonabarabran Water Supply Scheme and is operated under work approval number 80WA7000001.

Under the works approval Council is required to adhere to environmental release requirements. Council is seeking an exemption within the proposed plan that makes Timor Dam exempt from environmental release requirements. An exemption of this nature would have a positive impact on the town water security for Coonabarabran.

Consideration of Cumulative Impacts of the Central-West Orana Renewable Energy Zone on the Castlereagh River

Parts of the Castlereagh River catchment, primarily the water source between Binnaway and Gilgandra, is located within the northern portion of the Central-West Orana Renewable Energy Zone.

Proposed developments within the renewable energy zone will be requiring large volumes of water for both construction and ongoing operations.

Council would like to bring to attention of DPE that the proposed renewable energy zone could have significant implications on existing water users within the water source if they extract water from the river for construction of REZ related development.

Council expects that DPE will consider how existing water users will be protected though the Castlereagh Unregulated River Water Sharing Plan to ensure that there is adequate water availability for the needs of existing water users within the REZ affected water source.

Yours sincerely



LEEANNE RYAN
DIRECTOR ENVIRONMENT AND DEVELOPMENT SERVICES