

D22/29568

20 May 2022

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Natural Resources Commission
Water Review Team
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SYDNEY NSW 2001

Dear Professor

MACQUARIE BOGAN UNREGULATED RIVERS WATER SOURCES 2012

Orange City Council (Council) welcome this opportunity to provide input to the review of the *Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012* (the Water Sharing Plan). Council's comments are based on its experience as a local water utility and have been particularly focussed by the recent severe drought period.

Council has a unique water security setting. Located near a catchment divide, there are no major rivers and limited groundwater resources. The city relies on medium sized local catchments and storages, some minor groundwater supply, an innovative stormwater harvesting scheme and, more recently, a connection to the Macquarie River. Recent modelling completed by the Department of Planning and Environment, as part of the Macquarie Regional Water Strategy, demonstrates that the local supply system is at risk under future climate conditions. Council therefore continues to pursue options to expand and diversify its water supply network. However, these options are being prevented or inhibited by the current Water Sharing Plan as outlined below.

Additional Stormwater Harvesting

Contemporary urban stormwater management has, for a long time, incorporated controls to reduce downstream peak flow through the use of on-site detention and retarding basins. More recently this has expanded to include water quality controls such as constructed wetland systems. Council has taken this a step further by adding stormwater harvesting as an innovative supply option to increase its town water supply.

Council's current efforts to expand its stormwater harvesting system are being prevented by Clause 57(2) of the Water Sharing Plan which prohibits the construction of an in-river dam for the taking of water which would, in most instances, be a key component of a stormwater harvesting scheme. An "in-river dam" could be put in place as part of contemporary urban stormwater management (e.g. an on-line retarding basin) without consideration under the Water Sharing Plan, which indicates an inconsistency across relevant legislation. The review of the Water Sharing Plan should consider an exemption for water supply works that are for town water supply, subject to appropriate assessment.

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Further, it is Council's opinion that the additional flow volume created by urban development should, in a local sense, be treated like a water credit with the excess water above natural flow available for capture and reuse. This is a concept that should be reflected in the review of the Water Sharing Plan, like treated effluent discharge.

Access to Additional Town Water Supply Entitlement

It is Council's opinion that local water utilities should not have to buy entitlements to increase its town water supply entitlement. Town water supply entitlement and water for critical human needs should have the highest priority. The review of the Water Sharing Plan should include consideration of town water supply entitlement based on the supply infrastructure. For example, Orange City Council now has an extraction point in the Macquarie River. Run of the river flow at this point provides a viable water resource for Council, however, it is unable to access it without purchase and transfer of additional entitlement. The water trading market, in the section upstream of Burrendong Dam, is limited making it difficult for Council to increase its entitlement. A further consideration is the conversion of general entitlement to town water supply entitlement.

Water Trading

Trading from and to the Summer Hill Creek Water source – the Water Sharing Plan currently prevents an entitlement being traded into the Summer Hill Creek Water source. Council understands that this provision is there to prevent a water entitlement from an outside water source being moved into this water source, which has limited resources. However, if Council wants to transfer part of its entitlement to the Macquarie River extraction point to support operation in any one year, it currently cannot be transferred back to the Summer Hill Creek water source. The Water Sharing Plan trading rules should be amended to allow an entitlement to be moved back to a water source if it originally came from that water source.

Sharing Between River Catchments

Council and an adjoining water utility, Central Tablelands Water, have invested in infrastructure that links the Macquarie River and Lachlan River catchments. The Water Sharing Plans should recognise the potential for urban communities to share water including through existing and planned infrastructure. Mechanisms should be in place, particularly when this sharing occurs across catchment divides.

Water for Critical Human Needs

It is Council's opinion that water for critical human needs should have the highest priority in the Water Sharing Plan. Currently Council is required to seek additional or special approvals (such as through the Critical Needs Act) to access additional water, if approved. This was experienced during the recent severe drought period and critical time frames could be reduced if suitable mechanisms existed in the Water Sharing Plan to prioritise town water supply.

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Council understand that they will be a stakeholder going forward and there will be further opportunities for consultation as the review proceeds. Council welcomes this opportunity and looks forward to this continued engagement.

Yours faithfully

