



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

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Submission  
Consultation Paper  
Better management of environmental water

## Introduction

IRN is deeply concerned about the approach taken by the NSW Government as outlined in this consultation paper on the management of environmental water.

The purpose of environmental water, as recognised under the COAG Agreement on Water Reform Framework 1994, the NSW *Water Management Act 2000*, the National Water Initiative 2014, the Commonwealth *Water Act 2007* and the Murray-Darling Basin Plan 2012 was to redress the imbalance of environmental impacts from the over-extraction of water over a long period of time.

The NSW Government has committed to no net reduction in the protection of planned environmental water in Water Sharing Plans, as required under the Basin Plan.

There is also a commitment to protect held environmental water from extraction.

It is of great concern that the Inter Agency Working Group (IWG) has developed a set of principles to guide the assessment of an interim solutions package that has more emphasis on social and economic impacts, adverse impacts (adverse to who or what is not explained) and costs of measures than on the environmental outcomes and level of protection achieved.

The second principle, that unintended gains are avoided, should require that no measure will result in an increase in access reliability for water users.

The set of questions posed in this paper are also weighted in favour of water users eg:

Do the measures in this paper adequately balance the needs of the environment with the needs of other water users?

If the measure(s) presented in this paper are implemented, what would be the likely social and economic impacts?

There are no questions relating to best environmental outcomes from the management of water already allocated to the environment through planned and allocated water in water sharing plans and held licences purchased with public money to redress the past imbalances.

IRN considers that the NSW Government has not demonstrated a balanced approach towards water management but rather that it favours extractive users over the long term social, economic and environmental benefits of a healthy river system.

## **Response to Issues and Options**

### **1. Interim Solutions Package**

There has been no explanation provided for the need for an interim solutions package or what the difference is between interim and enduring solutions to managing environmental water.

It is unclear why this issue is being dealt with in such a complex manner when the task is simple. Environmental water both ‘planned’ and ‘held’ have existing rights under water sharing plans and the Basin Plan.

The protection of those rights needs to be managed with a clear set of rules across all river systems in NSW, particularly inland NSW.

We do support that the issues in the Northern Basin be given first priority for the roll out of rules to protect environmental water. It is imperative for the unregulated reaches associated with the Barwon-Darling to be better managed as soon as possible.

However, all rivers and water sharing plans associated with Water Resource Plans (WRPs) need a clear set of rules that protect environmental water by June 2019.

There needs to be a clearer definition of the terms ‘interim’ and ‘enduring’ measures.

If ‘interim’ means management rules that will appear in WRPs while ‘enduring’ means rules that will appear in the next iteration of the Basin Plan after 2024, then this delay cannot be supported.

The indicative timeline (p 4) does not clearly explain this issue.

Will the ‘interim’ solutions generally implementable under current water sharing plans and legislation become ‘enduring’ solutions as new rules under WRPS?

Will all inland rivers systems have ‘enduring’ measures as rules in WRPs by June 2019?

IRN would appreciate a clearer understanding of what the NSW Government is proposing.

The very short notice of public information sessions on these Water Reform Action Plan proposals has made it difficult for members to get a clearer understanding of what the Government intends.

## **2. IWG principles**

The five principles developed for assessing the measures for protecting environmental water appear to be weighted in favour of extractive users rather than environmental outcomes.

Further information is required in regard to:

- a) Adverse impacts – to who or what?
- b) There should be no gains to extractive users through the management of environmental water.
- c) The protection of environmental water should be based entirely on environmental outcomes. If these provide beneficial social and economic outcomes eg improved water quality, improved health of Aboriginal communities, improved recreational and tourism opportunities, then these are the bonuses from a healthier river system.  
If this principle refers to further trade-offs between protection of environmental water and water use, then it is compounding the long term imbalance that environmental water is supposed to be redressing.
- d) There is already a number of systems in place in the management of extractive water that can be feasibly used to protect environmental flows. The current management of supplementary flow announcements, water flow class announcements, embargoes, cease-to-pump and commence-to-pump announcements are all types of management measures that are already in use and are therefore feasible – being proven as technically and operationally able to be implemented.
- e) Measures must protect the public investment in the purchase of held environmental water and in the development of water sharing plans to provide a planned share of water for the environment.

## **3. The challenge of environmental water management**

The use and management of environmental water has been ongoing in NSW for many years. The development of Water Resource Plans under the Basin Plan is the process for protecting environmental water across connected river catchments.

This is not a complex issue and there are a range of current operational measures that are used for extractive purposes that can be likewise used for protecting environmental water. These are outlined in 2d) above.

The key challenge to better management of environmental water in NSW has been political, not technical. Five years have passed since the Basin Plan was adopted. The development of WRPs has been a stop – start process over at least 3 of those years.

The problems of ongoing restructures, loss of corporate knowledge, lack of continuity and other disruptive processes within the water agencies in NSW has been well identified in the Matthews Report and other reviews.

#### **4. Ecological outcomes**

IRN supports the four objectives outlined in the consultation paper:

- Breaking extended cease-to-flow periods
- Whole of river connectivity with low flows
- Flushing flows
- Protection of held environmental water

Other objectives should include:

- Occasional drown out of weirs to enhance fish passage and habitat connectivity
- Enhancement of overbank wetting
- Protection and top up of key drought refugia or pools
- Better management of rapid drop in flow heights to prevent bank slumping

There needs to be reference to and consideration of the targets and objectives of the Long Term Watering Plans.

The NSW *Water Management Act 2000* had a range of river flow objectives that are still relevant for the management of planned and held environmental flows.

These included:

- Protect pools in dry times
- Protect natural low flows
- Protect important rises in water levels
- Maintain wetland and floodplain inundation
- Mimic natural drying in temporary waterways
- Maintain natural flow variability
- Maintain natural rates of change in water levels

IRN considers that while some of these objectives are being considered, the whole suite need to be taken into account.

#### **5. Management of environmental water**

The issue of shepherding held environmental water was originally considered under NSW Government policy but seems to have disappeared. It should not be a complex challenge to shepherd environmental water past pumps so that it does not get extracted.

Cease-to-pump announcements could be implemented in the same manner as supplementary water commence-to-pump announcements are made. There is already a system in place to do this.

## **Possible measures:**

### 5.1 IRN supports Measure 1 – restrictions on downstream licences

Restrictions must be imposed throughout the system once environmental water is released from an upstream storage. Especially if the purpose of the release is to provide connectivity flows to downstream catchments.

Voluntary agreements are not a satisfactory method of protecting held environmental water. A release of held environmental water made from Burrendong Dam on the Macquarie River system in April 2017 was not adequately protected by a voluntary agreement with three licence holders in the unregulated reach at the end of the river.

Operational protocols and a clear set of rules setting out cease-to-pump conditions is the best way to protect held environmental water passing through unregulated sections of river. Transmission losses are regularly accounted for in delivery of ordered regulated water. The same methodology could be used to assess losses through unregulated systems.

Similar methods for announcing supplementary access rules could be used to manage protection of held environmental entitlements.

### 5.2 IRN supports Measure 2 - change the access rules for flows through the Barwon Darling.

Permanent changes to access rules for each flow class in the Barwon-Darling water sharing plan is the best way to achieve environmental objectives including the protection of flushing flows and natural variability of flows.

### 5.3 IRN supports Measure 3 - Individual Daily Extraction Limits (IDELs)

The use of daily extraction limits – both total and individual is another important measure for the protection of planned environmental water. These should be used in addition to access rules as per Measure 2.

The paper does not elaborate on the purported ‘unintended and perverse outcomes’ of the unimplemented IDELs in the current Barwon-Darling water sharing plan.

IRN strongly objects to the proposed implementation of a new tradeable right in the form of tradeable IDELs. This form of market based mechanism will not result in improved environmental outcomes. In fact, it will more than likely result in additional adverse environmental impacts if daily extraction is accumulated to one or two extraction points along a river reach.

IRN also strongly objects to any consideration that held environmental water, already purchased with public money, would have to pay for passage through unregulated river systems. The community will not stand for this additional cost to the public purse when the objective of the held environmental water is for the common good.

IRN does not support the proposed amendments to the *Water Management Act 2000* that will create a new tradeable water right. IDELs must be fixed at the access points along unregulated river systems so that all environmental water protection measures can be easily managed.

The added complexity of a new tradeable right cannot be justified.

#### 5.4 IRN does not support Measure 4 - Active sharing of events

IRN considers that held environmental water is better protected by a clear set of cease-to-pump rules.

The concept of active sharing is too subjective and cannot assure that environmental objectives will be met.

#### 5.5 IRN does not support Measure 5 – downstream triggers

This measure should not be seen as an option that discounts other measures for managing environmental water.

Downstream triggers and environmental targets and objectives as outlined in the Long Term Watering Plans will drive decisions for releasing held environmental water and piggy-backing on natural inflows into the unregulated Barwon-Darling.

The other measures, as supported above, must be used to protect environmental flows both ‘planned’ and ‘held’ through the system, to enable downstream triggers to be met.

## **6. Consultation questions**

IRN strongly objects to the tone of the questions particularly relating to ‘balance’ and ‘social and economic’ impacts of measures needed to reverse the long term degradation of river systems.

The NSW Government is required under a suite of agreements over a 20 year period to provide an adequate share of water for environmental benefits through planned environmental water in water sharing plans and through the protection of held environmental water in Water Resource Plans.

IRN particularly objects to the concept of voluntary agreements with water users. The management of environmental water must be through a clearly stated set of rules.

Clear rules that can be implemented using operational systems and codes already in place will give certainty to the community that a fair and well-regulated system of water management is in place in NSW. The implementation and monitoring of these rules must be via a transparent and accessible public process. This is in line with the claimed commitment to transparency and accountability.

## **Conclusion**

The community at large is deeply shocked and disappointed by the ongoing revelations of the mismanagement of water in NSW and the deteriorating health of the Barwon-Darling River system.

A clear set of rules to protect environmental flows supported by a universal metering system and rigorous monitoring of compliance with access rules is essential for regaining the public trust and confidence.

A transparent reporting system and public register of water access licences is also essential.

While IRN supports some aspects of the proposed Water Management Act Amendment Bill 2018 we very strongly object to the introduction of a new tradeable right in the form of tradeable IDELs.

This proposal will not be supported by the general community and is seen as yet another financial grab by the irrigation industry on the public purse.

For more information about this submission please contact:

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