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Comments on Draft Gwydir Surface Water Resource Plan

The Inland Rivers Network (“IRN”) is a coalition of environment groups and individuals that has been advocating for healthy rivers, wetlands and groundwater in the Murray-Darling Basin since 1991.

IRN welcomes the opportunity to provide comments on the Draft Gwydir Surface Water Resource Plan (draft WRP).

We note that this draft WRP is a pilot for the roll out of the other nine surface WRPs to be developed in NSW.

Background

IRN submitted substantial comments to the Status and Issues Paper on the Gwydir Surface Water Source released in late 2016.

We outlined concerns that the significance of the Ramsar listed Gwydir Wetlands as a major water bird breeding site in Australia had not been clearly recognised.

The draft WRP fails to recognise the obligations of the NSW and Commonwealth Governments under international treaties to provide adequate water for Ramsar listed wetlands and migratory water bird breeding events.

We also noted that in some years water extraction from the regulated system has been greater than the average inflows into Copeton Dam. The issue of growth in use in the Gwydir is

significant and needs to be addressed in the draft WRP to prevent further environmental degradation.

The management of floodplain harvesting is a key issue. We note that the first Gwydir Regulated Water Sharing Plan had a calculation of 79 GL of floodplain harvesting extraction. The current assessment has identified a far larger volume of take.

This additional volume must be taken from the current Long Term Annual Average Extraction Limit (LTAAEL) so that planned environmental water (PEW) is not reduced in the draft WRP. We note that the final volume of floodplain harvesting is still to be included in the draft Water Sharing Plan (WSP).

The issue of management of the environmental share of uncontrolled tributary inflows and community involvement in environmental water management was also raised.

It is imperative that an Environmental Watering Advisory Group (EWAG) is included as a mandatory requirement in the draft WRP and that its membership is clear so that Aboriginal interests are represented, as well as water users near the end of system along with environmental and extractive industry representation. This is an important community function that provides local knowledge to work alongside the key government agencies including Fisheries, OEH as Ramsar managers and environmental water holders, CEWO, DoI Water and Water NSW.

The lack of final volumes in the draft WSP that will not be available until 1 April 2019 is a key issue. This draft WRP is incomplete and should not have been released for public comment without all the necessary details provided.

Proposed Rule Changes:

1. Mongyer Lagoon Stock & Domestic replenishment flows

We note that it is proposed to formalise the operational practice of providing stock & domestic replenishment flows to Mongyer Lagoon from supplementary flows after requirements of supplementary access licences have been met.

This contravenes the hierarchy of priority for water access in the NSW *Water Management Act 2000* (WMA). Stock and domestic water supply has a higher priority than supplementary water access.

Replenishment flows to Mongyer Lagoon should be provided before access to supplementary flows is announced.

2. Very wet condition threshold

We note that the extreme wet condition threshold of 500,000 ML was introduced in the Gwydir regulated system in 2014 after the adoption of the Basin Plan. This rule relates entirely to protecting developed land on the floodplain. It has no relationship to improving environmental outcomes in the Gwydir system and has a direct impact on potential connectivity flows to the Barwon-Darling.

The constraints to delivering environmental flows in the Gwydir system were identified in the Constraints Management Strategy for the implementation of the Basin Plan. The problem of flooding developed floodplain should be resolved through this strategy, not through rules in the WSP that prevent the use of environmental water at critical times.

The proposal to introduce a new lower threshold of 300,000ML as a very wet condition threshold is strongly opposed. This proposed rule will further inhibit the use of environmental flows at critical times for water bird breeding events, wetting up the Ramsar listed Gwydir wetlands for essential duration to improve resilience, for recharging groundwater systems and providing important downstream flows including connectivity flows to the Barwon-Darling.

These threshold rules in the Gwydir WSP will cause a failure to meet the objectives of the Basin Plan.

3. Directing supplementary flows

We support the proposed rule change for managing the environmental share of supplementary flows so that the Environmental Water Manager can direct flows to specific environmental assets in the Gwydir regulated or unregulated river water sources.

Ideally this decision-making should occur during environmental water planning processes through the EWAG. The identification of a set of circumstantial triggers at the planning stage will improve understanding of the needs of various assets and the opportunities that may provide them with important flows.

In regard to managing supplementary events, IRN does not support WSP rule cl 48 1 (b) that restricts connectivity flows into the Barwon-Darling.

The flow targets in Schedule 1 need to be re-examined. There also needs to be flexibility to allow uncontrolled flows from the Gwydir to combine with other flows from Northern Basin tributaries so that variable flow heights are met in the Barwon-Darling to meet a variety of environmental benefits.

The low flow targets in Schedule 1 are not adequate to provide the level of variability needed to improve the health of the Barwon-Darling system.

Cl 49 (1) should not restrict the use of planned environmental water in the form of supplementary flows to be directed to assets within the Gwydir system. These flows could also contribute to connectivity flows to the Barwon-Darling.

4. Crediting EWA

We note that there has been a disjunct between the current rules in the WSP and their operation. This is described as a failure to accurately reflect the original intent of the rule.

This assumption can only be made by the people who were involved in the decision-making at the time the original WSP was made in 2004.

We suspect that the more likely scenario is that the crediting of the EWA was not properly implemented under the rule. We also note that the proposed changes to crediting the EWA has caused a reduction in the EWA volume. This is not acceptable and must be addressed.

5. Draft rules for FPH

We note that nothing has been finalised about the inclusion of floodplain harvesting in the WSP. Further concerns about this issue are detailed below.

6. LTAAEL & SDL

We object to the continued use of LTAAEL in the draft WRP. The SDL is the limit being applied under the Basin Plan. For this WRP to be compliant it must be based on managing water extractions to the SDL.

Having a second extraction limit is an unnecessary complication that needs to be removed from the WSP.

The LTAAEL should be equal to the SDL so that there is no confusion in meeting compliance with the Basin Plan rules.

7. Objectives, strategies and performance indicators

The proposed environmental objectives and performance indicators have no reference to targets for water bird breeding or enhancement of the Ramsar listed Gwydir Wetlands.

The NSW Government, as Ramsar managers, and the Commonwealth Government have obligations under international treaties to protect and enhance areas identified as significant for migratory birds and other values.

These obligations must be reflected in the objectives and performance indicators of the WSP.

Key Issues:

1. Flood Plain Harvesting

IRN is very concerned about the growth in use in the Gwydir through floodplain harvesting that brings the extraction well outside the LTAAEL.

We note that in the draft WSP LTAAEL is based on:

- (a) the water storages and water use development that existed in 1999/2000,
- (b) the basic landholder rights and access licence share components that existed on 1 July 2004,
- (c) the rules set out in the *Water Sharing Plan for the Gwydir Regulated River Water Source 2002* as at 1 July 2004, excluding the rules in clause 39 of that Plan,
- (d) a limit on supplementary water access licence available water determinations of 1 ML per unit share,
- (e) the level of development for commercial plantations that existed on 30 June 2009,

(f) the level of development for floodplain harvesting that existed in the 1999/2000 water year in connection with extractions from a regulated river in the water source, as assessed by the Minister.

We also note that the LTAAEL has not yet been identified as a volume in the draft WSP.

The final volume of floodplain harvesting extraction under current assessment must be managed within the LTAAEL as described above. This would require a reduction in shares across all forms of take. This reduction should not include the licenced volumes held for environmental use by the NSW Government or Commonwealth held environmental water (that is not described as take under the Basin Plan)

We note that the final unit shares for floodplain harvesting are still being assessed and are concerned that an incomplete WSP has been placed on exhibition for comment.

The modelling rationale being used ie to shift the new volume of floodplain harvesting from system losses into extraction assumptions is deeply flawed. This method will cause a net reduction in PEW.

The management of floodplain harvesting in the event of non-compliance with the SDL should be more explicit than in Cl 34 1(c). The proposed lower available determination to compensate for non-compliance should be associated with the next available flood, not just two years after the non-compliance occurred. The management of a lower available determination for floodplain harvesting will require detailed on ground management of infrastructure and storage levels. This will require a high level of regulatory surveillance.

We note that it is proposed to manage floodplain harvesting accounts in a more flexible manner than other licence categories and that the rules around this management appear to be a work in progress on a valley by valley basis. It is unacceptable that such a lack of information is provided in a document on exhibition for comment.

IRN strongly opposes cl 43 1(d) giving 500% carryover for floodplain harvesting. This will have a substantial impact on PEW and result in a net reduction.

This rule will impact on the availability of important low and medium flood flows that provide significant environmental benefit.

Accounting rule cl 44 (4) implies that after 5 years the total amount of water extracted through floodplain harvesting can substantially increase. This is highly likely to cause non-compliance with the SDL and will be very difficult to manage under the proposed extraction limits.

We do not support cl 45 (2) that allows harvesting of rainfall runoff that has not been credited to the water allocation account of the licence. The proposal to debit this the following year bears no relationship to the availability of rainfall. Rainfall runoff was included as PEW in the original WSP gazetted in 2004.

The proposed rules for managing floodplain harvesting are likely to continue to cause increased environmental degradation in the Gwydir system.

2. Active sharing of water in unregulated water sources

IRN is concerned about the uncertainty that a clear set of rules for protecting held environmental water through unregulated water sources will be included in WRPs.

This is another body of work still under consideration and not available in the Gwydir draft WRP for comment.

The issues identified in the associated fact sheet do not specify that held environmental licenced water will be protected by the proposed rules.

We note that a process of considering rule options was intended to be conducted in November 2018 with further consultation on preferred options to be conducted in 2019. IRN has not been contacted about this proposed consultation process.

3. Protection of PEW

Draft WRP Appendix C states at section 2.2 that the LTAAEL in the Gwydir WSP is not changed. Therefore, there is no net reduction in PEW.

However, the final volume of LTAAEL has not yet been set in the draft WSP and is proposed to expand to account for the final assessed volume of floodplain harvesting.

This will cause a change in the LTAAEL and will cause a net reduction in the protection of PEW.

Transmission losses are a volume of water that has not been extracted and have therefore had some environmental benefit and are included in the volume of PEW.

If the final volume of floodplain harvesting extraction is moved in the model assumptions from transmission losses to extraction, then this is a net reduction in PEW.

The changes in rules for crediting the EWA has caused a reduction in the volume available. This is a net reduction in PEW.

The proposed changes for management of PEW during wet conditions is a net reduction in the protection of PEW.

The extreme wet trigger, amended in the WSP after the adoption of the Basin Plan in 2012, and the proposed very wet weather trigger, prevent the use of EWA to provide duration flows to the Gwydir Wetlands, particularly during bird breeding events. These rules also prevent delivery of additional connectivity flows to the Barwon-Darling that may compliment other inflows from Northern Basin tributaries.

We note that the proposed very wet trigger of 300,000 ML excludes irrigation orders. This can be interpreted that the industry is prepared to be flooded by its own water but not by water used for environmental benefits.

As stated previously these wet condition triggers are manipulating the use of PEW as a form of constraints management, rather the implementing the Constraints Management Plan under the Basin Plan.

The wet condition triggers fail to protect appropriate use of PEW.

4. Mandatory requirement for EWAG

Cl 60 should include the mandatory requirement to establish an EWAG in the Gwydir with a clear list of community and government agency representation.

Conclusion

Because of the incomplete information provided in the draft Gwydir WRP it is very difficult to assess the full impact of the proposed rules and management of the water source.

It is very concerning that the draft Gwydir WRP has been developed as the pilot for all surface water WRPs in NSW.

The direction of the draft WRP provides no confidence that the significant environmental assets in the Gwydir system will benefit over time.

The objectives and performance indicators are an inadequate measure of the value of the international significance of the Gwydir environmental assets.

The risk assessment has identified a high risk of inadequate water for the environment and a high risk of drier scenarios due to climate change.

IRN considers that the draft Gwydir Surface WRP will not meet the objectives of the Basin Plan.

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