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Comments on Draft Lachlan 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 Lachlan Surface Water Resource Plan (draft WRP).

Background

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

We outlined concerns that significant risks to key environmental assets and ecological function were identified.

These include medium to high risk of damage to ecological values due to insufficient water in the regulated system and probably in the unregulated system, medium risk under climate change scenarios for the Great Cumbung Swamp and Booligal Wetlands and medium risks to ecological values from salinity in the Lachlan River and the possibility of salinity risks in the Boorowa River, Mandagery Creek and Belubula River.

The draft WRP does not mitigate these key risks.

We also noted that the objectives and strategies for the WRP will not achieve the necessary outcomes required by the Basin Plan.

The Lachlan is a highly disturbed system with complex infrastructure and management processes. Important environmental assets in the Mid Lachlan and at the end of the system continue to decline.

River Redgums in the Booligal Wetlands have suffered a significant decline over the past 12 years due to current water sharing rules.

Rules to protect held and planned environmental water through the complex regulation of the Lachlan River have not been included in the replacement water sharing plans.

The lack of information on protection for environmental water is unacceptable because without this information the draft WRP is incomplete. It should not have been released for public comment without all the necessary details provided.

IRN considers that failing to provide this critical information until 1 April 2019 is highly inappropriate and does not demonstrate a fair and transparent consultation process.

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.

Finally, we do not support current arrangements under the NSW Water Management Act (2014 Amendment) whereby available water determinations are based on the worst period of low inflows into the water source, as identified in flow information held by the Department before 1 July 2004.

The lack of modelling inputs using the Millennium Drought and subsequent worst drought of record inflows has resulted in over allocation of available water and has increased the risk of poor management of extreme events.

This has an impact on the management of risk which is identified as high for many of the criteria, especially for environmental water requirements.

Proposed Rule Changes:

IRN is concerned that the key rule changes proposed for the Lachlan are focussed on trade, accounting and irrigator access to water with no clear analysis of any possible environmental impacts of the changes.

The current rules associated with environmental water availability and usage in the Lachlan are not providing recognisable improvements to environmental health. The failure to propose improved rules for environmental outcomes is a key failing of the draft WRP.

1. Lachlan Regulated WSP

1.1 Mid-Lachlan trade barrier

The consideration of changes to trading rules at the Lake Cargelligo Weir in the Fact Sheet *Lachlan regulated wsp proposed changes* does not explain the purpose of the trade barrier in the first place.

It is very unclear that the rule change will not cause environmental harm, particularly in regard to no limit on trades upstream.

The reference to overbank or transmission losses relates to some of the environmental benefits of water flowing through the river system.

Not enough information has been provided in the draft WRP in regard to unintended environmental consequences of this proposed rule change.

1.2 Trigger and frequency of account set

IRN supports the proposal to separate the management of airspace in Wyangala Dam from the resetting of accounts in the Lachlan. We also support the proposal to have a 6 month period between resets. This is a much more conservative approach to making available water determinations in a system that has run out of water in past droughts.

1.3 Evaporative reduction of general security accounts

IRN does not support this proposed rule change.

The Commonwealth Environmental Water Holder currently holds 86, 923 ML of general security licence in the Lachlan. The proposal to convert from the socialisation of evaporative losses to apportioning losses to individual licences based on previous year's holdings may have a significant impact on held environmental water. This impact has not been discussed.

The proposed process of evaporative reduction appears to be very complex and will make it difficult for general security licence holders to manage the water in their accounts.

To IRN knowledge, all other regulated river systems in the NSW portion of the Murray-Darling Basin socialise evaporative losses.

The expectation that this rule change will reduce the volume of inactive water held in the storage over time ignores the fact that the Commonwealth Environmental Water Holder is likely to behave more conservatively than extractive users and hold carryover water to achieve optimal use for environmental benefit.

The rule change is based on the assumption that the benefits of the possible reduction of 'inactive water' would accrue to all users by improving water security (reducing the future demand on the dam) and potentially increased likelihood, frequency and size of the general security Available Water Determinations.

This proposed rule change, in promoting higher use of annual water allocations, is likely to reduce water security over time, rather than improve it.

IRN does not support this proposed rule change because there has been no analysis of the impact on held environmental water and it appears to promote less conservative water use.

There is no analysis of how this rule change may impact on Planned Environmental Water (PEW) rules that are based on dam levels to trigger translucent flow releases. We assume that

evaporative losses from the Wyangala and Brewster Environmental Water Allowance and the Water Quality Allowance are not included in this proposed rule change.

1.4 Prohibiting granting of Domestic and Stock (Stock) licences

IRN supports the proposal to minimise growth in extractions by prohibiting the granting of Domestic and Stock (Stock) licences

2. Lachlan Unregulated WSP

2.1 Mandagery Creek

IRN does not support the proposed rule changes for the management of low flows in Mandagery Creek. This water source was included in the first round of gazetted WSPs in NSW because of the high demand on extraction, conflict between water users and the need for an identified share of water for environmental health of the water source.

The NSW Government failed to implement the rules in the Mandagery Creek WSP and therefore failed to protect PEW that was agreed to through an extensive consultative process.

This failure to implement rules in a gazetted WSP should not be carried forward into the draft WRP through the proposed rule changes.

The purpose of the draft WRP under the Basin Plan is to improve the health of water sources in the Basin.

Mandagery Creek is an important tributary to the Lachlan regulated river below the confluence of the Belubula River. The protection of low flows through the different zones in the creek system with appropriate gauging provides improved environmental benefit downstream.

Changes to these rules is a net reduction in PEW.

3. Belubula Regulated WSP

3.1 End of system flow rule

It is inappropriate to propose changes to rules within the Belubula Regulated WSP outside this remake of the plan.

The end of system flow rule is PEW that connects the Belubula River to the Lachlan regulated system. Any reduction in the flow will be a net reduction of PEW.

We note that the 10 ML/day end of system flow release from Carcoar Dam is the only environmental water allowance in the Belubula system.

A more flexible approach to the flow rule may be appropriate to mimic natural variability, however, this should also include a higher flow target outside dry times.

The development of the draft WRP should contain all proposed rule changes.

3.2 Uncontrolled flow access rule

IRN notes that there are supplementary licences held in the Belubula River. Access to supplementary water is triggered by a flow height of 20 ML/day at the Helensholme gauge.

The access to uncontrolled flows to fill water orders from Carcoar Dam may have an impact on the use of supplementary licences. There is no discussion of this.

The access to uncontrolled flows is currently related to the percentage of general security entitlement. This has not been triggered over the past 7 years despite low inflows.

IRN can see no justification for the rule change so that access to uncontrolled flows are triggered by the volume of water in the Dam.

We do not support Cl 48 (5) (a) where uncontrolled flows can be accessed at 13 ML/day flows at the Helensholme gauge. These low natural flows should be protected as PEW.

We fully support that any access to uncontrolled flows be debited from a general security account.

4. Objectives, strategies and performance indicators

The proposed environmental objectives and performance indicators have no reference to targets for water bird breeding or wetlands listed in the Directory of Important Wetlands.

The NSW Government and the Commonwealth Government have obligations under international treaties to protect and enhance areas that are significant for migratory bird breeding and other values.

These obligations must be reflected in the objectives and performance indicators of the water sharing plans.

5. Compliance assessment advisory committees

IRN strongly objects to the role of compliance assessment being placed in the hands of Water NSW Customer Advisory Committees (CAGs). Both Water NSW and its customers have a major conflict of interest in the operation of water sharing plan rules.

Compliance assessment must be undertaken by a state-wide independent body such as the Natural Resources Access Regulator or the Natural Resources Commission. This will improve the transparency and trust in the process.

Other Key Issues:

1. Water availability determination

The regulated river water sharing plan must be changed so that the most recent drought of record is included in modelling used to determine water availability. The current definition

that worst drought be defined as the worst period of inflows prior to 2004 is a high risk approach to water management in the context of climate change. The rule should be:

CI 29 Maintenance of water supply

(3) **worst drought** must be the most recent drought of record or worst period of inflows on record.

2. Floodplain Harvesting (FPH)

We note that there have been no rule changes proposed for the Lachlan regulated or unregulated WSP in regard to the management of FPH in the Lachlan surface WRP area.

However, we also note that calculation of the long-term average annual extraction limit (LTAAEL) makes allowances for FPH development as at 1999/2000 development levels.

We are aware that no assessment of FPH in the Lachlan surface WRP area has commenced under the NSW Healthy Floodplains Project.

IRN has been advocating for a full cumulative environmental impact assessment of all FPH extraction on downstream water users and environmental assets. The small to medium size overland flows captured by this extraction method have important ecological functions such as recharging groundwater systems, providing natural flows to wetlands, providing connectivity flows to important wetland areas, groundwater recharge and returning nutrients and food sources to rivers.

We do not support that the volume of FPH, once assessed, is added to existing levels of take if there has been an increase in development above the 1999/2000 plan limit. This volume must be obtained through a shared reduction of all other access licences.

This is to prevent a net reduction of PEW in the WRP area.

The modelling rationale being used in other WRP areas ie to shift the newly assessed volume of FPH from system losses into extraction assumptions is deeply flawed. This method will cause a net reduction in PEW.

3. Protection of PEW (including Mandagery Creek)

3.1 LTAAEL

Draft WRP Appendix C states at section 2.2 that the LTAAEL for the WSPs in the draft WRP area 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 WSPs and must include the final assessed volume of Floodplain Harvesting.

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

3.2 Mandagery Creek rule changes

The proposed changes to water sharing rules in the Mandagery Creek unregulated water sharing plan will also cause a reduction in PEW.

The changes in cease-to-pump rules protecting low flows and A class flows and changes to zones in the water source will change the protection of PEW.

The NSW Government failed to protect PEW in the implementation of the current water sharing plan because it failed to install the necessary gauges needed to regulate cease-to-pump rules.

The proposal to adopt current operational practices rather than to protect environmental water as gazetted in the 2004 plan will cause a net reduction in the protection of PEW.

The draft WRP should be supporting the installation of the necessary gauges to protect low flows and A class flows in all zones Mandagery Creek. This will protect PEW and insure that better connecting flows to the Lachlan River are achieved in period of low flow.

3.3 Proposed rule changes in Belubula River

The proposal to change the current environmental water allowance from Carcoar Dam sometime in the future will possibly cause a reduction in PEW and will need to be very closely assessed.

The proposed change to the uncontrolled flow access rule may cause an increase in extraction of uncontrolled flows and therefore cause a reduction in PEW.

4. Mandatory requirement for EWAG

CI 28A should include the mandatory requirement to establish an EWAG in the Lachlan surface WRP area with a clear list of community and government agency representation.

5. Consideration of upstream trading

IRN strongly objects to the consideration under Part 10 of the draft WSPs to allow trades of regulated high security licences to upstream unregulated water sources. This is a high risk approach to water management and may have considerable impact on storage inflows and environmental shares.

6. Risk Assessment

IRN does not support the conclusion of the risk assessment in the draft WRP that a very large number of high risks to meet environmental water requirements are tolerable.

The proposed water sharing rule changes will not improve the ongoing decline of the health of the significant assets in the Lachlan system.

A major improvement in environmental water allowances and their management is needed.

The strategies outlined in the risk assessment are inadequate and need to be strengthened.

7. Water Quality

We note there is a high risk to aquatic ecosystems from elevated levels of suspended sediment and nutrients, low dissolved oxygen, and cold water pollution in key areas of the catchment. There are also a number of knowledge gaps in the risk assessment for poor water quality.

The proposed water sharing rules and risk management strategies in the draft WRP will not improve areas of poor water quality over time.

8. Consultation

IRN considers it highly inadequate to place this draft WRP on exhibition without finalising consultation with a number of indigenous nation groups that have country in the draft WRP area.

Conclusion

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

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

The objectives and performance indicators in the draft regulated water sharing plan are an inadequate measure of the value of the international significance of the environmental assets for migratory water birds.

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 Lachlan Surface WRP will not meet the objectives of the Basin Plan.

For more information please contact:

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