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Comments on Draft NSW Border Rivers 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 NSW Border Rivers Surface Water Resource Plan (draft WRP).

Background

IRN submitted substantial comments to the Status and Issues Paper on the NSW Border Rivers Surface Water Source released in 2017.

We raised the issue of significant risks to key environmental assets and ecological function.

These include medium to high risks to ecological values on the regulated river system arising from the take of water and regulation of flows.

There are locations where turbidity, nutrients, pH and dissolved oxygen results are outside of target ranges, and risk from thermal pollution and blue-green algae blooms.

Key environmental assets will be at risk under median and dry climate change scenarios.

The draft WRP does not mitigate these key risks.

The management of floodplain harvesting is a key issue. We note that the first NSW Border Rivers Water Sharing Plans calculated 12.2 GL of floodplain harvesting extraction across the catchment. We are aware that current assessment of this water take identifies a much higher level of take of overland flows in this catchment.

We note that the replacement plans included in the draft WRP provide no volumes for the extraction of flood flows from the NSW Border Rivers floodplain.

This is an important issue due to the impact on significant ecological values in the WRP area and the high connectivity with the Barwon-Darling River. We are concerned that the Healthy Floodplains Project does not include a rigorous assessment of the cumulative downstream environmental, social and economic impacts of floodplain harvesting.

The lack of information on floodplain harvesting 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.

IRN supports the formation of an Environmental Watering Advisory Group (EWAG). This must be included as a mandatory requirement in the draft WRP with its membership clearly identified.

EWAGS have been successful in other river systems by providing local knowledge working together with key government agencies including Fisheries, OEH as Ramsar managers and environmental water holders, CEWO, DoI Water and Water NSW.

Finally, we do not support current arrangements 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 2009.

The lack of modelling inputs using the most recent worst drought of record inflows has resulted in over allocation of available water and has increased the risk of poor management of extreme events, as is being experienced in the draft WRP area at this point in time.

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:

1. Formation of EWAG

IRN supports that an EWAG be established to assist decision-making on environmental water management in the NSW Border Rivers.

The establishment of this advisory committee should be formalised through rules in the water sharing plan including the representative membership.

2. Stimulus flow

IRN supports that the stimulus flow releases from Pindari Dam are protected from supplementary access for the entire length of the river system. This will improve ecological function of the regulated river system and connectivity to the Barwon-Darling.

3. Timing of stimulus flow

IRN supports that the stimulus flow be released at the optimum timing to achieve environmental outcomes and not be restricted.

4. Draft rules for Floodplain Harvesting (FPH)

We note that nothing has yet been finalised about the inclusion of floodplain harvesting in the water sharing plan. It is unacceptable that this WRP has been placed on exhibition for public comment without this critical information.

Previous water sharing plans had calculated a 12.2GL extraction in the catchment through FPH. All additional take was included as Planned Environmental Water (PEW) in those plans.

We note that no share component has been identified and no volume has been provided to limit carryover of FPH. There should be no carry-over provisions for FPH.

Therefore Cl 56 (1) (c) in the regulated water sharing plan should state ‘for a floodplain harvesting (regulated river) access licence— 1 ML per unit share.’

Cl 56 (2) should have an additional sub clause (e) FPH access licence

Cl 56 (4) (c) should be removed

Cl 57 (3) should be removed. There should be no consideration of FPH over the first five years following the establishment of the licence. There should be no carry-over provisions for FPH.

We do not support Cl 34A (1) in the NSW Border Rivers Unregulated Rivers water sharing plan that allows for a 2 ML per unit share to be available for FPH unregulated access licences on establishment. All FPH licences must be based on 1 ML

We do not support cl 58 (5) 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 water sharing plan gazetted in 2004.

The proposed rules for managing FPH are likely to continue to cause increased environmental degradation in the NSW Border Rivers system.

Further concerns about FPH are detailed below.

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 2009 is a high risk approach to water management in the context of climate change. The rule should be:

CI 30 Maintenance of water supply

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

2. Calculation of Long-term average annual extraction limit (LTAAEL)

We note that the NSW Border Rivers LTAAEL is based on water storages and water use development that existed in the 2001/2002 water year. Whereas the Gwydir, Lachlan and Macquarie-Cudgegong water sharing plans are based on development at 1999/2000.

No reason has been given for this anomaly.

3. Floodplain Harvesting (FPH)

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 connected rivers, in particular, the Barwon-Darling and returning nutrients and food sources to rivers.

We note that the Long-term average annual extraction limit (LTAAEL) in the regulated water sharing plan has been estimated as 194,500 ML per year. The plan aims to ensure that approximately 60% of the long-term average annual flow (estimated to be 565,560 ML per year) in the water source at Mungindi is reserved as an end-of-system flow. This is consistent with section 23 of the IGA.

The unregulated water sharing plan does not estimate an LTAAEL volume but refers to the Basin Plan Sustainable Diversion Limit (SDL).

For the draft WRP to meet requirements under the Basin Plan, the volume of FPH access licences to be granted must be obtained through a shared reduction of all other access licences, so that the current LTAAEL is maintained under agreed arrangements.

This will also prevent a net reduction of PEW in the WRP area.

The modelling rationale being used 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.

4. Protection of PEW (including Tenterfield Creek)

Draft WRP Appendix C states at section 2.2 that the LTAAEL for the water sharing plans in the draft WRP area is not changed. Therefore, there is no net reduction in PEW.

However, it is unclear how new access licences for FPH will be managed under the existing LTAAEL. If it is proposed to expand the current LTAAEL to account for the final assessed volume of FPH then the implications for the long-term average flow at Mungindi and the IGA are very unclear.

The addition of the final estimated FPH access 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 current volume of PEW in the water sharing plans.

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

The proposed changes to water sharing rules in the Tenterfield Creek water source will also cause a reduction in PEW.

The changes in cease-to-pump rules protecting low flows and A class 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 in Tenterfield Creek. This will protect PEW and insure better connecting flows to the NSW Border Rivers in periods of low flow.

5. Mandatory requirement for EWAG

CI 29 should include the mandatory requirement to establish an EWAG in the NSW Border Rivers WRP area with a clear list of community and government agency representation.

6. Consideration of upstream trading

IRN strongly objects to the consideration under Part 10 of the draft regulated and unregulated water sharing plans 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.

7. Risk Assessment

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

We also note that a number of the risks have maintained an intolerable ranking. This is unacceptable.

The proposed water sharing rule changes will not improve the ongoing decline of the health of the environmental assets and function in the NSW Border Rivers system.

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

8. Water Quality

We note there is a high risk to aquatic ecosystems from elevated levels of nutrients, pH levels, 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.

9. Consultation

IRN notes that the Stakeholder Advisory Panel (SAP) formed to discuss the development of the NSW Border Rivers WRP has no representation of community environmental interests. The panel appears to have an imbalance towards irrigator interests.

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 NSW Border Rivers 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 environmental assets in the NSW Border Rivers system and connectivity with the Barwon River will benefit over time.

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 NSW Border Rivers Surface WRP will not meet the objectives of the Basin Plan.

For more information please contact:

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