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Comments on Draft NSW Murray and Lower Darling 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 Murray and Lower Darling Surface Water Resource Plan (draft WRP).

Background

IRN submitted substantial comments to the Status and Issues Paper on the NSW Murray and Lower Darling Surface Water Resource Plan released in 2017.

We noted that the Murray-Lower Darling River system supports very important wetlands and ecological values in the Basin including 10 wetlands listed under the Ramsar Convention and the Directory of Important Wetlands. Many of these environmental assets have considerable significance in providing habitat for migratory bird species protected under international agreements.

The WRP area also supports a significant number of threatened animals, fish, ecological communities and River Styles. Many are listed for protection under the Federal *Environment Protection and Biodiversity Conservation Act 1999* and the IUCN Red List.

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

These included:

- medium to high risk of damage to ecological values on the regulated system from water take and regulation across a broad range of flow conditions.
- medium to high risk in the unregulated systems. It was noted that no adequate data was provided on the impact of consumptive extraction on unregulated rivers in the WRP area.
- high risk from cold water pollution, turbidity in the Barham area and high salinity levels in the Lower Darling.

The draft WRP does not adequately mitigate these key risks or many of the others identified in the risk assessment.

The rules for the use of the various Environmental Water Allowances (EWAs) in this water source are based more on water allocations of water users, than on the watering requirements of key environmental assets and ecological function. The many restrictions on the use of the EWAs will cause a failure of this draft WRP to meet many of its objectives. It does not mitigate identified high risks including poor water quality.

We also raised the importance of consultation with First Nations people and are concerned that consultation has been completed with only two of the twelve Nations with country in the WRP area. The draft WRP should not be on exhibition for comment with this significant gap in consultation and information.

The draft Water Sharing Plans (WSPs) associated with the draft WRP fail to meet their environmental objectives in regard to protection of planned environmental water and reinstating a portion of natural flow regimes.

The regulated WSP will also fail to provide water security because water determinations are not based on the most current record of lowest inflows.

IRN does not support the draft WRP and accompanying WSPs because they have failed to address the issues we raised in our submission to the Status and Issues Paper. The ongoing information gaps and failure to adequately protect the environmental values supported by this surface water source must be addressed.

Risk Assessment

The risk assessment for the draft WRP identifies an alarmingly high level of risk to the availability of environmental water and capacity to meet environmental watering requirements in the regulated Murray-Lower Darling River and many in the unregulated systems. There is also high risk to water quality across the water source.

There are a number of not tolerable risks that will not be mitigated. This is unacceptable.

We also note that many high risks are regarded as tolerable because the ability to mitigate the likelihood is low. This is a failure of the WRP process.

The NSW Government position to prioritise third party impacts with bias towards water user certainty through minimal changes to rules in WSPs has caused a failure in the mitigation and management of risk to the health of this major water source. There is a failure in the process to recognise that poor river health has significant impacts on the achievement of the objectives of the Basin Plan and within the WSPs.

There are economic, social and environmental impacts caused by a failure to mitigate risk to river health.

The NSW Government position stated in the risk assessment is that *'These risk results cannot be addressed during WRP development as NSW planning principles minimise change for WSPs within their initial ten year period to provide certainty for water users.'* This position causes the continuation of considerable high risk to river ecology, social and cultural values and long term economic viability.

In the Lower Darling there is a not tolerable high risk to water available for the environment in the upstream of Menindee Weir 32 and at Burtundy in regards to protection of base or low flows and fresh flows.

The reason for the inability to mitigate the risk to fresh flows is given as *'Water ordering patterns have altered the duration and timing of freshes leading to unnaturally long events in summer and less events in winter.'*

This risk should be mitigated through a rule in the WSP to protect a portion of fresh flows.

The proposal to include the Lower Darling Restart Allowance in the WSP is a good start to improving water quality in the Lower Darling. However, the environmental benefits of protecting a portion of fresh flows across all areas of the Murray- Lower Darling water source would help to mitigate the impacts of water extraction.

The risks to the Menindee Lake system are high, including a not tolerable medium risk to Lake Cawndilla in regard to filling rate and duration of rises.

The filling rates of Lake Cawndilla relate to the connected Barwon-Darling WRP. There needs to be provisions in both WRPs to recognise the Darling River as a single system and provide adequate flows for the health of the entire river system.

IRN is concerned that the implementation of the Menindee Lakes SDL project is an assumption included in the risk assessment for Lake Cawndilla, Lake Wetherell and Lake Menindee. This consideration is inappropriate at this stage of the WRP development because there is no certainty that the Menindee Water Savings project will be adopted.

There are also a significant number of high risks identified in the Murray regulated and unregulated water source.

The generalised response to the mitigation of the many high risks in the regulated water source is not acceptable:

- Base flow or low flows – no change can be predicted due to dam operations
- Fresh flows – no change can be predicted due to consumptive water ordering
- High and infrequent flows, bank full – there are no unregulated NSW tributaries in the river reach below Hume Dam to supplement PEW or HEW releases in order to achieve bank full or over bank flows.

IRN does not support the conclusion that these risks are tolerable because the ability to mitigate the likelihood is low. These risks could be improved through:

- Improved operation of dams
- Protection of a portion of fresh flows from extraction
- An increase in EWA

We note that a number of not tolerable high and medium risks have been assessed in the unregulated Murray systems.

The high not tolerable risk in the Tooma unregulated stream and medium not tolerable risk in the Hume, Albury and Mannus unregulated systems are impacted by the NSW planning principles. This is not acceptable and is a failure of the WRP process.

The risk assessment identifies a high risk to environmental assets from climate change. These include River Murray Channel, Barmah-Millewa Ramsar site, Koondrook-Perricoota Ramsar site, Darling Anabranch Lakes. Recent extreme weather events have also demonstrated high risk to Menindee Lakes and the Lower Darling. IRN does not support that the SDL will be sufficient to mitigate this impact. The volume of water available after the implementation of the SDL adjustment mechanism will be insufficient to protect these assets from environmental harm.

An increase in the volume of the Barmah-Millewa Allowance would help to mitigate the high risk of climate change impacts to this significant environmental asset. The Federal and State Governments have an obligation under international treaties to manage the health of Ramsar listed wetlands.

IRN considers that all high risk to environmental outcomes is not tolerable and all should be reviewed during the WRP development process.

We are concerned that there are a high number of river reaches in this WRP area with no available data to assess risk. These include Murray at Euchuca and at Wentworth, Warkool at Warkool/Barham Rd and at Gee Gee Bridge, Niemur River at Barham/Maulamein Rd, Bullatale Ck upstream of Edwards, Upper Murray (zero flow data), Murray below Mulwala and Lower Murray Darling (unreg).

There is no indication provided in the risk assessment that this data will be collected at any time. There must be a process identified for completing the risk assessment in all areas of the WRP.

We note that the management of all high and medium risks to water dependent ecosystems from poor water quality is referred to the Water Quality Management Plan (WQMP).

Water Quality

The WQMP aims to provide a framework to protect, enhance and restore water quality that is fit for purpose for a range of outcomes that:

- Fulfil First Nation peoples spiritual, cultural, customary and economic values
- Protect and improve ecological processes and healthy aquatic ecosystems
- Provide essential and recreational amenities for rural communities
- Assist agriculture and industry to be productive and profitable

These aims are greatly compromised through the NSW planning principle that protects water user certainty above all other considerations.

IRN does not consider that the WQMP adequately mitigates the identified medium and high risks of water quality degradation in the Murray-Lower Darling WRP area. Appendix E of the WQMP identifies a number of strategic decisions options to mitigate high and medium water quality risks. One of these is to review the adequacy of WSP rules for flow dependent issues. The WQMP fails to do this.

We note that the key water quality objective, WQ1, Protect, maintain or enhance water quality to ensure it is fit for purpose, is to be managed entirely through the regulated and unregulated Water Sharing Plans (WSP). The emphasis on minimal change to the WSP rules in the draft WRP raises key concerns that the high and medium risks to water quality will not be adequately mitigated.

Appendix E also questions the appropriateness of Basin Plan water quality targets and suggests reassessing risk using revised, locally derived targets. IRN strongly objects to this approach within a WRP to be accredited under the Basin Plan.

We note that there are significant knowledge gaps in all areas for the following WQ objectives:

- WQ5 Reduce duration and/or severity of hypoxic blackwater events in streams and refuge pools from major flooding events
- WQ8 Reduce the mobilisation of toxicants and pesticides.
- WQ9 Reduce contamination from pathogens into water sources.

The WQMP fails to recommend a strategy to fill these knowledge gaps or measure the possible significant impacts on water quality in the Murray- Lower Darling water source.

We note that WQ10 Protect, maintain or enhance connectivity between water sources to support downstream processes including priority carbon and nutrient, as identified in the Murrumbidgee WQMP, has not be included in the Murray- Lower Darling WQMP.

Connectivity between water sources is a critical issue that must be addressed in this WRP.

The management of the water quality objectives for salinity, turbidity, ph and dissolved oxygen rely heavily on WSP rules to protect low flows and levels in pools through cease-to-pump rules. However, the rules in unregulated WSP include cease-to-pump when there is no visible flow. The lack of gauges in pools and lagoons threatens compliance with WSP rules.

Management of black water events includes improved overbank flows. However, the risk assessment has ruled this out for many areas of the Murray regulated water source. Also the PPM Implementation Plan has identified that direct releases from dams for environmental watering occur at a rate to ensure flows remain within channel capacity limits. The environmental impacts of black water events will not be better managed by this draft WRP.

Management of cold water pollution is aimed at improving the high risk to 200km downstream of Hume Dam and 120km downstream of Khancoban Dam. The cold water pollution strategy does not appear to have progressed on this issue.

In regard to the management of blue-green algal blooms, we strongly disagree that the risk in the Menindee Lakes and Lower Darling is medium and low. The recent extreme weather events and low water levels have caused high levels of blue-green algae and subsequent fish kills due to loss of dissolved oxygen.

It is concerning that blue-green algae laden water was released from Lake Wetherell at this time. Better management of flows in the entire Darling River system needs to be identified as a key management tool for the high risk of blue-green algae pollution.

The proposed objectives in the WQMP will not be met under the proposed WSP rules.

Improved water quality management is a significant issue for the Murray-Lower Darling water source that has not been adequately addressed in the draft WRP.

Proposed Murray-Darling Regulated WSP Rule Changes

1. Prerequisite Policy Measures (PPMs)

PPMs are a requirement of the Basin Plan. Their purpose is to maximise the beneficial outcomes of water recovered for the environment under the Basin Plan.

The implementation of PPMs was assumed when developing the outcome of the SDL adjustment mechanism. It is critical that the PPMs are implemented in a way that achieves their purpose.

The *NSW Prerequisite Policy Measures Implementation Plan (PPMIP)* states that the Murray-Darling Basin Authority (MDBA) in developing the Basin Plan, assumed that rivers will be managed to maximise environmental outcomes with the water available without impacting on the reliability of other water users. IRN questions whether this assumption is consistent with the intent and objects of the *Water Act 2007*.

1.1 WSP Clause 72

IRN notes that a new clause 72 under Part 10 Division 5 General system operation rules has been included to allow for the establishment of environmental flow reuse and piggybacking operation rules (PPMs)

Clause 72 (1) refers to the PPMIP. We note that in the PPMIP, NSW will only implement PPMs to the extent that detrimental impacts on the access rights of licence holders can be mitigated or offset.

IRN strongly objects to this restriction on the use of environmental water under the Basin Plan. The use of environmental water must be based on science and outcomes that improve the health of the river, wetlands and aquifers.

The undue emphasis in NSW on third party impacts is creating an unbalanced approach to the implementation of the Basin Plan.

1.2 Draft WRP Appendix D: PPMs Procedures Manual

The PPMs Procedures Manual (the manual), outlines the processes for implementing the Murray-Lower Darling PPMs under Clause 72 subclauses (2), (4) and (5).

There is also a note in the WSP that *‘This plan may be amended in future to allow access licences other than those that are being used for environmental purposes only, to order water in a manner consistent with the environmental flow reuse procedures and the piggybacking procedures.’* IRN questions the purpose of this inclusion and strongly disagrees with its intent.

IRN considers that the manual has a built in bias towards extractive users. It allows for a number of restrictions on the use of PPMs through decisions by the river operator (Water NSW) that create an imbalance between environmental water licence holders and extractive licence holders.

The manual allows for the river operator to reject an environmental water order. There needs to be more descriptive examples of when this may occur to demonstrate that all water orders would be equally affected eg works program on water storages.

IRN considers that all licence holders, whether environmental water or extractive licences, should be treated equally by river operators when making water orders. It is inappropriate for the river operator to have sole responsibility for accepting or rejecting orders placed through environmental water licences.

The manual outlines that a more conservative or higher loss rate will be applied to the use of environmental water to ensure no detrimental impacts to reliability for licensed water users.

IRN considers that all licence holders, whether environmental water or extractive licences, should be treated equally by river operators when calculating delivery losses.

The manual requires the river operator to consult with licensed water users or their representative groups prior to submitting the Annual Environmental Releases River Operations Report. The river operator should also be required to consult the Environmental Water Advisory Group (EWAG)

The manual also requires the regulator (DPIE-Water) to consult with licensed water users or their representative groups regarding any proposal for change to the agreed actions, or to implement any new trial actions. The regulator should also be required to consult the EWAG.

IRN supports that both positive and detrimental effects of PPMs will be taken into account when considering any potential impacts and their mitigation measures to achieve an appropriate balance between allowing for the efficient and effective use of held environmental water licences to achieve the environmental outcomes and providing protection for other water licence holders.

The protection of environmental flows through PPMs is a requirement of the Basin Plan and must be implemented in a balanced manner that does not give undue influence to extractive users in the decision-making process.

1.3 WSP Clause 44

IRN notes that clause 44 under Part 8 Division 1 Accounting for water allocation accounts has additional subclauses:

(4) in accordance with Environmental Flow Reuse Procedures

(5) in accordance with Piggybacking Procedures, as varied in accordance with any debiting protocol established by the Minister.

IRN objects to the inclusion of discretion of the Minister as noted under subclause (5) that: *‘A protocol may be developed to increase or decrease the amount of water to be debited, to offset the impact on reliability to other licence holders caused by the release of water under the Piggybacking Procedures.’*

As outlined above, IRN considers that water debiting should occur in the same or equal manner for all water licence orders.

1.4 WSP Clause 79

IRN notes that clause 79 under Part 12 Amendments under this Plan allows for amendments to change debiting rules and operational rules for Environmental Flow Reuse and Piggybacking orders.

There appears to be no specific rules within the WSP other than reference to the procedures manual. The intention of this amendment is unclear.

2. NSW South Inter-Valley Trade (IVT)

Clauses 53, 54 and 55 under Part 9 Access Licence Dealing Rules refer to the IVT Procedures established by the Minister while not including these in the WSP rules.

The fact sheet explaining mechanisms for NSW South IVT states that IVT procedures will be codified, in accordance with the principles or procedures.

Because there is a substantial volume of inter-valley trade between the Murrumbidgee and NSW Murray and Lower Darling regulated rivers there needs to be stronger regulation.

IRN considers that specific rules in regard to IVT between the Murray, Murrumbidgee and Lower Darling Rivers should be included in the WSP. These should consider the environmental impacts of IVT, particularly in dry times.

Tagged trading should not be permissible. The environmental and social impacts of this form of water use are too great and have not been assessed.

3. Trade within and between water sources (Access licence dealing rules)

The changes proposed to Clauses 51 – 55 under Part 9 Access Licence Dealing Rules are proposed to enable more effective use of tagged trades as the preferred method for trades between water sources.

IRN does not support the concept of tagged trading as stated above.

We note that the Murrumbidgee Regulated WSP states that dealing should be prohibited under Clause 55 (4) (a):

‘there is nor (sic) than minimal likelihood that environmental water, domestic and stock rights, native title rights and the reliability of supply to all access licences in the water source will be affected’

And Clause 55 (4) (b): the supply of the volume of water arising from the assignment is not physically possible.

There are no similar provisions in the Murray-Lower Darling Regulated WSP.

IRN maintains that water trade dealings should cause no impact on the reliability of supply for environmental water or other water rights.

There should also be stringent assessment of the environmental impacts of water trading on the river reach where extraction is to occur and on the river reaches where increased water transfers are required to meet the increased demand.

The issue of environmental impacts from inter-valley transfers is a key issue in the Murray River system with damage currently occurring in the Goulburn River Valley and within Ramsar listed wetlands.

Proposed rules in the Murray-Lower Darling Regulated WSP must take environmental impacts of IVT into account with a clear set of management rules.

It is impractical to remove all trade constraints if the outcome is to reduce reliability and cause environmental harm.

4. Trade between regulated and unregulated water sources (Part 9 Minister’s note)

IRN strongly opposes the proposal to allow the conversion of regulated river (high security) entitlements from downstream regulated river water sources to access licences in connected upstream unregulated water sources.

This will cause a net reduction of planned environmental water in unregulated streams and reduce volumes of supplementary flows and inflows into storages.

The environmental impacts on the river reaches where converted access licences are to be extracted will be too great and too difficult to regulate.

It will also impact on inflows to water storages if the trades occur above the major dams in the water source. This will impact on water availability for all water users, including allowances for environmental benefit.

5. Barmah-Millewa Allowance

The proposed change to Clause 60 is to include reference to the operating rules for the Barmah-Millewa Environmental Water Allowance (EWA).

IRN does not support the new operating rule that provides an exemption from the monthly release triggers when a 4-monthly flood has already occurred. The Barmah-Millewa EWA must be operated for the best environmental outcomes.

The mitigation of risk to ecological assets and function relies on the use of the EWAs in this water source. Changes to operating rules that restrict the use of EWAs are not acceptable.

IRN strongly disagrees with the ability of general security licence holders to borrow from this EWA. The draft WRP states that ‘The allowance may be borrowed by regulated river (general security) access licence holders when available water determinations (AWDs) are less than 0.3 ML per unit share or 0.5 ML per unit share, if ‘exceptional circumstances’ apply’. This arrangement does not appear within the WSP rules and is inconsistent with the purpose of the EWA to improve the environmental condition of a Ramsar listed wetland.

Clause 60 (2) provides that ‘Unless the operator otherwise determines, the operator is to make releases from the Barmah-Millewa Allowance at the request of the Environmental Water Manager’

IRN does not support this rule unless it is applied to all water orders. There needs to be a caveat on the reasons why the operator can determine otherwise.

6. River Murray increased flows access licence category

IRN supports that NSW’s share of water recovered through the Water for Rivers program be managed as an EWA under Part 10 of the WSP.

7. Lower Darling Restart Allowance

IRN supports the addition of this EWA in the WSP. The 60 GL volume should be run as pilot, with options to be increased, if needed. This provision should be included as an amendment under Part 12 of the regulated WSP.

8. Lower Darling EWA

IRN supports the proposal to broaden the permissible uses of the Lower Darling EWA to better manage all types of water quality risks. This allowance should be increased to better protect the habitat for native fish and other ecological values and function.

The rules managing this EWA at Part 10 Division 2 Clause 65 are too restrictive and will prevent the environmental outcomes required. The rate and timing of releases should be managed to environmental requirements.

IRN strongly disagrees with Clause 65 (4) that releases from this EWA be made at the request of the Minister. This decision should be made by the Environmental Water Manager with advice from the Environmental Water Advisory Group (EWAG).

We note that this EWA has not been accessed since the commencement of the WSP in 2004. Consideration of different crediting arrangements should be part of the development of this WRP.

9. 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 WSP rules.

Compliance assessment, particularly compliance with the extraction limit, 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.

10. Mandatory requirement for EWAG

Clause 66 should include the mandatory requirement to establish EWAGs in the Murray-Lower Darling SW WRP area with a clear list of community and government agency representation.

It would be preferable to have a separate EWAG for the regulated Murray and a separate EWAG advising on the management of the Darling River system as a whole.

Other Issues with Regulated WSP:

1. Climate variability

Clause 13 under Part 3 Bulk access regime claims that the WSP recognises the effects of climatic variability on river flow in the water source.

Clause 67 (1) under Part 10 Division 4 General system operation rules states that ‘The operator must operate the water supply system in such a way that water would be able to be supplied during a repeat of the worst drought.’ IRN strongly supports this provision.

However, Clause 67 (2) states that ‘In this clause, *worst drought* means the worst period of low inflows into the water source, as identified in flow information held by the Department before 1 July 2004’.

This is a high risk approach to water management in the context of climate change.

This clause fails to recognise the climate variability caused by the Millenium Drought and the current drought now impacting on rainfall and inflows to the water source.

For Clause 13 to be met, Clause 67 (2) must be removed or amended so that the most recent drought of record or worst period of inflows (actual lowest accumulated inflows on record) are used to determine water supply.

2. Floodplain Harvesting (FPH)

The draft WRP states that FPH licences are not and will not be issued in this water source. It also states that FPH permitted take is not relevant to the WRP area.

IRN does not support the inclusion of Clause 80 providing for an amendment to the WSP to include rules for the management of FPH within the water sources.

There is reference to FPH (regulated) access licences in the Murray Unregulated WSP at Clause 1 (5) (b). This indicates a future intent to issue regulated FPH licences which is contrary to the statement in the draft WRP that FPH licences will not be issued in the WRP area. This clause must be removed.

3. Carry over in Lower Darling

IRN does not support Clause 45 (2) (b) that allows a 0.5 ML carryover plus the airspace in on-farm storages in the Lower Darling. This water source has significant environmental problems that need to be addressed through more conservative management of extraction.

4. Access to uncontrolled flows

IRN strongly objects to Clause 47 that allows the taking of uncontrolled flows that have not been credited to the water allocation account of a regulated river (general security) access licence. This water take has not been included in the Long-term Average Annual Extraction Limit (LTAAEL) and is therefore planned environmental water.

This is free access to water over and above supplementary allocations that is not accounted for. Uncontrolled flows have an important environmental benefit of maintaining natural flow events and must be left in the river.

Proposed Changes to Murray Unregulated WSP

1. Trade between regulated and unregulated water sources (Part 10 Minister's note)

As stated above IRN strongly opposes this proposed rule change.

We also object to the consultation occurring as part of the draft WRP process at such a late stage in the development of requirements under the Basin Plan. This is unacceptable and cannot be considered as a genuine or relevant process.

Other Issues with Murray Unregulated WSP:

1. FPH in Unregulated WSP

Clause 28 (1) (c) and Clause 29 (c) allow for an estimation of water take under FPH and the issuing of FPH licences in the extraction management zones.

Clause 74 (1) (b) and (7) allows for the unregulated WSP to be amended to include rules for the management of FPH in these water sources.

As outlined above, the draft WRP states that FPH licences are not and will not be issued in this water source. It also states that FPH permitted take is not relevant to the WRP area.

The above clauses, including Clause 1 (5) (b) must be removed from this WSP

2. Protection of Held Environmental Water (HEW) in the unregulated water source

There is no reference to the existence or protection of HEW in the Murray unregulated system.

Clause 74 (1) (c) allows for amendments to the unregulated WSP to allow for rules for shepherding water. However, there is no specific reference to the protection of HEW.

The WSP needs to include specific rules to protect HEW so that it will meet the objects of the Basin Plan.

3. Trade rules

IRN does not support the rules in Clauses 59 – 63 that allows for an increase in the share components through trade into significant unregulated water sources.

Particularly the Tooma and Mannus water source that have identified risks.

These rules are likely to increase risk and threaten the environmental values and function of seven unregulated water sources in this WRP area.

Proposed Changes to Lower Darling Unregulated WSP

1. Trade between regulated and unregulated water sources (Part 10 Minister's note)

As stated above IRN strongly opposes this proposed rule change and having the consultation left to the exhibition of this draft WRP

Other Issues with Lower Darling Unregulated WSP:

1. FPH in Unregulated WSP

Clause 26 (d) and Clause 27 (c) allow for an estimation of water take under FPH and the issuing of FPH licences in the water source.

Clause 73 (1) (b) and (2) allows for the unregulated WSP to be amended to include rules for the management of FPH in these water sources.

As outlined above, the draft WRP states that FPH licences are not and will not be issued in this water source. It also states that FPH permitted take is not relevant to the WRP area.

These clauses, including Clause 4 (d) referring to regulated FPH licences, must be removed from this WSP.

2. Assessment of compliance with LTAAEL

IRN strongly objects to Clause 28 (2) which allows for non-compliance to be based on a five year assessment period. The Murray unregulated and other unregulated water sources are assessed on a three year period.

This must be adopted across the state for consistency of water management. The LTAAEL is the key protection provided under this WSP for planned environmental water. The assessment for compliance is critical. The five year period is too long for the Lower Darling, a water source with critical environmental problems.

3. Failure to meet environmental objectives

This WSP does not reserve a portion of natural flows to partially mitigate alterations to natural flow regimes.

Nor does it reserve a portion of natural flows to maintain hydrological connectivity between and within the water source and other connected water sources.

Clause 41 does not protect low flows. It allows for pumping until there is no visible flow. It also allows for pools, lagoons and lakes to be pumped to less than 100% with no indication of what gauging, monitoring or measurement is available for compliance purposes.

IRN strongly objects to Schedule 3 lagoons and Thegoa Lagoon being draw down to less than 50%.

Significant drought refuge and fish habitat is threatened by these rules.

Conclusion

IRN does not consider that the draft Murray-Lower Darling Surface WRP will meet the requirements of the Basin Plan.

The proposed water sharing plan rules will not adequately protect planned or held environmental water, achieve management of risk, or improve water quality.

For more information please contact:

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