
Submission to the DRAFT Lachlan Surface Water Resource Plan

1 February 2019 at 14:47

To: "lachlan.sw.wrp@dpi.nsw.gov.au" <lachlan.sw.wrp@dpi.nsw.gov.au>

Please find attached our submission on the DRAFT Lachlan Surface Water Resource Plan.

Regards



NSW Irrigators' Council

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NSWIC Member Organisations:

Barwon-Darling Water, Bega Cheese Ltd, Border Rivers Food & Fibre, Coleambally Irrigation Co-Operative Ltd, Cotton Australia, Dairy Connect, Gwydir Valley Irrigators' Association Inc., Hunter Valley Water Users Association, Lachlan Valley Water, Macquarie River Food & Fibre, Murray Irrigation Ltd., Murray Valley Water Diverters, Murrumbidgee Groundwater Inc, Murrumbidgee Irrigation Ltd., Murrumbidgee Private Irrigators Inc., Murrumbidgee Valley Food & Fibre, Namoi Water, NSW Farmers' Association, Ricegrowers' Association of Australia Inc., Richmond Wilson Combined Water Users' Association, Southern Riverina Irrigators, South Western Water Users' Association, West Corugan Private Irrigation District, Western Murray Irrigation Ltd., Wine Grapes Marketing Board, Yanko Creek and Tributaries Advisory Council



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SUBMISSION

Lachlan Surface Water Resource Plan

February 2019



Introduction

The NSW Irrigators' Council (NSWIC) is the peak body representing irrigation farmers and the irrigation farming industry in NSW. Our Members include valley water user associations, food and fibre groups, irrigation corporations and commodity groups from the rice, cotton, dairy and horticultural industries. Through our members, NSWIC represents 12,000 water access licence holders in NSW who access regulated, unregulated and groundwater systems.

NSWIC engages in advocacy and policy development on behalf of the irrigation farming sector. As an apolitical entity, the Council provides advice to all stakeholders and decision makers.

Irrigation farmers are stewards of tremendous local, operational and practical knowledge in water management. With over 12,000 irrigation farmers in NSW, there is a wealth of knowledge available. To best utilise this knowledge requires participatory decision making and extensive consultation to ensure this knowledge can be incorporated into best-practice, evidence-based policy. NSWIC and our Members are a valuable way for Governments and agencies to access this knowledge.

NSWIC welcomes this public exhibition as an opportunity to work with the NSW Department of Industry to incorporate local, practical and operational knowledge and expertise in water management. NSWIC offers the expertise from our network of irrigation farmers and organisations on an ongoing basis to ensure water management is practical, community-minded and follows participatory process.

As a fundamental principle, NSWIC believes all water policy and reform of water management within NSW must maximise the social and economic outcomes achieved from the scarce resource that is water. It is therefore reasonable that all current and future policies must undergo a rigorous social and economic impact assessment.

This submission represents the views of the Members of NSWIC with respect to the draft Lachlan Surface Water Resource Plan. However, each member reserves the right to independent policy on issues that directly relate to their areas of operation, expertise or any other issues that they deem relevant.

Overview

NSWIC welcomes the Draft Lachlan Surface Water Resource Plan (WRP) as part of the first tranche of WRPs in NSW to be released for public consultation. NSWIC acknowledges that the development of WRPs is a key commitment of the NSW Government's obligations under the Murray-Darling Basin Plan. This submission includes the viewpoints of both those in the Lachlan area who are directly impacted by this WRP, and irrigation farmers from across NSW who have an interest in state-wide issues and the connectivity between WRPs. The focus of this submission will be on state-wide implications of this WRP. For valley specific issues we refer the Department to the submission made by Lachlan Valley Water Inc.

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WRPs are to outline how each region aims to achieve community, environmental, economic and cultural outcomes, but also ensure that state water management rules meet Basin Plan objectives. Thus, WRPs have important considerations at both a regional and state-wide level. The Basin Plan 2012 (Chapter 10) outlines the requirements for WRPs. The WRP must comply with Chapter 10 requirements for it to be accredited under Part 2 Division 2 of the Water Act 2007 (Cth). This includes compliance with the Sustainable Diversion Limit (SDL), water trade rules, planning for environmental watering, water quality objectives, measuring and monitoring, and arrangements for extreme weather events. Whilst Water Sharing Plans remain as the key regulatory instrument, WRPs are of critical importance to irrigation farmers and the irrigation industry as they also underlie operations and practices, and have potentially large economic and social impacts.

Submission

In this submission, we focus on the areas of most concern to our members, both in the Lachlan and state-wide:

1. Improved readability is needed to ensure clarity and reduced likelihood of misinterpretation
 2. Need for clarity in aligning the objectives, strategies and measures
 3. Balance between environmental, economic and social objectives
 4. Delegation of powers to the NSW Environmental Water Manager and removed statutory responsibility for Environmental Water Advisory Groups
 5. Compliance issues
 6. Need for a review period and greater clarity about processes to improve modelling.
 7. Greater community participation is required
 8. Basic Landholder Rights (including Native Title)
 9. Clarification is needed on Aboriginal cultural access licenses
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1. Improved readability is needed to ensure clarity and reduced likelihood of misinterpretation

To read this WRP (and the WRPs previously on public exhibition) requires simultaneous reading of multiple supporting documents. Where previously extracts of legislation were included, the WRP now primarily has references instead. NSWIC understands that the necessity for this approach was to allow flexibility for supporting documents to be amended as required, without needing to amend the WRP itself. There is concern that this density and lack of consolidation may limit the ability of users to comprehend the rules, and result in a lack of clarity. This complexity also broadens the scope of interpretation. Whilst it is acknowledged that documents of this kind are inherently complex in nature, greater consideration is needed to simplify the format and availability of information to be accessible. Hyperlinks may offer one method of allowing flexibility of supporting documents whilst more easily guiding the reader. As primary principles of any WRPs, the plan must be communicated in a manner where it is able to be effectively, easily and clearly understood by water users. The colour-coding system which identifies explanatory text, Basin Plan components (grey based text), and items for accreditation by MDBA (blue based text) is useful to demonstrate the intended audience.

Recommendation: Reduce the complexity of the WRP and provide additional explanatory materials for stakeholders. To reduce complexity, NSWIC encourages DoI-Water to consolidate multiple documents by incorporating sections of key supporting documents into the WRP where length of text permits, or provide hyperlinks to more easily guide the reader. Explanatory materials should be plain English, and prioritise key principles of accessibility, clarity, comprehension and simplicity.

2. Need for clarity in aligning the objectives, strategies and measures

The objectives of the WRP, while defined by the Basin Plan, need to clearly link to the WSP. The WSP vision statement (as required under Section 35.1 of the Water Management Act 2000) should be drafted in a way that makes it clear they are meeting the outcomes described on the WRP. NSWIC requests that DoI-Water commit to resourcing so there is capacity to meet these objectives.

Recommendation: Clearly link the objectives of the WRP to the WSP. Commit to resourcing to ensure there is capacity to meet these objectives.



3. Balance between environmental, economic and social objectives

NSWIC seek clarification of whether the priority of usage has been adjusted under the WRP. The WSP outlines priority of use to flow from basic landholder rights to domestic and stock access licences and then entitlements and environmental water allocations¹. However, the change in terminology from Basic Landholder Rights to be inclusive of *Domestic and Stock Rights* and *Native Title Rights* raise questions about the prioritisation of access and the long-term security of entitlements if the inherent assumed value of either of those ‘rights’ grows. NSWIC do not support any reprioritisation that negatively impacts on the rights and abilities of entitlement holders to utilise their entitlements.

4. Delegation of powers to the NSW Environmental Water Manager and removed statutory responsibility for Environmental Water Advisory Groups

NSWIC is concerned that the representation of water users through advisory groups is being reduced. NSWIC is not comfortable with the delegation of power solely to the Office of Environment and Heritage, on the basis that industry perspectives (social and economic) remain as key considerations in environmental water management. Examples from other valleys include the Gwydure which has a statutory committee to manage environmental water, where the composition of this committee was listed in the WSP. There are concerns that representative authority is being removed from these groups. This was the case in the Murray where the EWAG has evolved to move away from a community committee to being primarily composed of government agency representatives. Further, there is concern regarding the conflict that arises from NSW Environmental Water Manager, who is a water user, being the sole user to have a voice in an advisory capacity.

Recommendation: That a provision for an EWAG is put into the Water Sharing Plan, including a provision that the committee is comprised of local representatives with a balance of environmental, economic and social interests. There is opportunity to move towards skills-based selection of committee representatives.

5. Compliance issues

Water management still constitutionally resides with State governments. Therefore, NSWIC believes the WSP is the primary instrument for NSW to manage and regulate water usage within the state. Extraction limits and compliance regimes must be clearly defined in WSPs along with remedial actions to address compliance issues.

Differing compliance provisions between NSW WSPs and the Basin Plan adds complexity and confusion. NSW assesses all licenced usage in defining use limit and determining compliance, whereas the Basin Plan defines use limit as the SDL minus the water recovery target and doesn't include usage by environmental licences. This has potential negative third party impacts on water users if environmental licence holders increase their rate of usage.

¹ DRAFT Water Sharing Plan for the Lachlan Regulated River Water Source 2016 (amended 2019), S66



NSWIC questions if it is necessary to refer to cumulative compliance² (as part of the Basin Plan and Commonwealth legislation) in state-based legislation. To avoid duplication and confusion, NSWIC requests that the various requirements between compliance regimes be made explicit and clear in the WSP. Clear understanding of the compliance requirements will ensure self-monitoring is possible.

NSWIC requests that the definition of reasonable excuse provisions be explicitly included.

Recommendation: Ensure consistency of compliance provisions between NSW WSPs and the Basin Plan, and make the various requirements between compliance regimes explicit. The definition of reasonable excuse provisions should also be made explicit.

6. Need for a review period and greater clarity about processes to improve modelling.

There are concerns of policy creep if there is no formalised review step. A review step ensures adaptive planning to incorporate new knowledge and make necessary improvements. NSWIC seeks a commitment to reviewing aspects of the WRPs and the WSPs.

A mechanism which clearly establishes a process for addressing outstanding issues is also required. A number of issues raised in the review of the WSPs have not been addressed in the draft WSPs due to lack of time. This includes the need for clarity on how improvements in the accuracy of modelling are being treated. For example, the baseline the MDBA is using for Planned Environmental Water (PEW) is the level of protection in place prior to the Basin Plan (Nov 2012). In the Belubula Regulated River, the model used to develop the WSP significantly over-represented end of system flows, which has been acknowledged and a new Belubula Source model developed and presented. However, according to statements made during the public exhibition, the MDBA is continuing to rely on the 2012 model. As a result, the proposed end-of-system flow rule change that was extensively discussed in the SAP has been put on hold while more work is done. A clear resolution process would ensure transparency and foster confidence of water users that outstanding issues are being addressed.

Simply, the very rigid interpretation by MDBA of “no net change in protection of planned environmental water” means that neither volume nor timing can be changed, even though improved knowledge since 2012 means that different management could provide for better outcomes for both the environment and productive use. A review period and process for amendments is required.

Recommendation: NSWIC recommend that a formal review step is included in the WRP, and review timeframes and dates be established. NSWIC recommend that outstanding issues which were not progressed or resolved are tabled and scheduled as part of the WRP. This process would ensure the best outcomes for all water users, extending to environmental management.

² Schedule A: Draft Water Sharing Plan for the Lachlan Regulated River Surface water source, Division 3 Cumulative annual extraction limit (33).



7. Greater community participation is required

NSWIC is concerned about the lack of representation by local community stakeholders on Critical Water Panels. It has been observed that these panels are mostly attended by government agency representatives. NSWIC strongly encourages that Critical Water Panels are community staged with a significant representation by water users and local community members. This would ensure that local knowledge can be effectively incorporated.

NSWIC was informed at a workshop with DoI that the inclusion of water users on Critical Water Panels was not an option. DoI expressed that it was the role of WaterNSW to represent water users at this forum. NSWIC values the representation of the river operator; however, strongly feel that this is no substitute for having water users present. At a minimum, if water users cannot be a formal member, they should be invited as an observer with a capacity to contribute to the discussion if not the decision making.

NSWIC firmly believes that the continual reduction in stakeholder involvement is becoming a critical issue, which risks the loss of valuable practical and operational knowledge that is integral to sustainable management of water resources.

Recommendation: Greater stakeholder participation in decision making, such as by requirements for representation on advisory panels (such as Critical Water Panels) to ensure practical and local knowledge resources are utilised. The WRP should include a clear process for how Critical Water Panels should be established, how they should operate, what transparency requirements are needed, and what communications and reporting are required.

8. Basic Landholder Rights (including Native Title)

NSWIC members seek clarification on whether the definition of basic landholder rights has been changed. NSWIC further seeks clarification on the linkages between native title rights and basic landholder rights, specifically regarding the order of priority of native title access entitlements (over basic landholder rights) and impacts on other water access entitlement holders. NSWIC recommend that the different character of cultural water and native title access entitlements are explicitly distinguished within the WSP/WRP.

9. Clarification is needed on Aboriginal cultural access licenses

NSWIC is greatly respectful of water entitlements for Aboriginal and cultural use. NSWIC is concerned about the creation of any new entitlements when resources are already fully distributed.

With native title being included within the definition of basic landholder rights in the WSP (Division 2), clarification is needed regarding the prioritisation of native title above other entitlements, and the process followed to claim an entitlement. This is needed to ensure all water users have clarity and certainty on the process.



Part 6 Rules for granting access licenses S 26(2) states that: “A person may make an application for a regulated river (high security) (Aboriginal cultural) access licence if the share component of the proposed access licence is no greater than 10 ML/year”. However, the WSP does not specify how many licenses of this kind may be granted, thus the total volume of water which may be allocated under a high security Aboriginal cultural access licence is not known. Greater certainty is needed about these licenses and how they may be granted and the accountability of any water attached so other water users have a clear understanding of the parameters and possible impacts on other water users.

The WSP should include (under *Division 3 Requirements for water for under access licenses*) the share components of regulated river (high security) access licenses for Aboriginal and cultural use – even if the volume on issue is currently zero.

Further, it needs to be clarified how water attributed to native title holders may differ from regulated river (high security) access licences for Aboriginal and cultural, if at all.

10. There is greater scope for the performance indicators for economic objectives

Currently performance indicators are largely based around trading rather than economic benefits from water use. There is great opportunity to consider economic development and community-based indicators. Irrigation farming fosters substantial economic development in regional communities through multiplier effects across the supply chain and broader communities. Irrigation farming creates jobs and supports large populations across many communities. Irrigation farming and the income derived from it supports local businesses, industries, schools, sporting facilities and community groups. These broader economic development and multiplier effects are currently not captured appropriately in WRPs. Inclusion of these economic development and multiplier effects as economic indicators would give a broader and more representative indication of the true economic benefits.

Conclusion

NSWIC welcomes the Draft Lachlan Surface Water Resource Plan. NSWIC requests that DoI-Water respond to the aforementioned issues. NSWIC is happy to work with DoI-Water on any of the above issues.



Lachlan SW WRP <lachlan.sw.wrp@dpi.nsw.gov.au>

New form response notification



Your form has a new entry. Here are all the answers.

Email address	[Redacted]
Name of respondent	Gordon Turner
Address	[Redacted]
Contact phone number	[Redacted]
Are you an individual or representing an organisation?	Individual
Proposed changes to the Water Sharing Plan for the Lachlan Regulated River Water Source 2016	
Do you have any comments on the proposed changes to the mid Lachlan trade barrier?	Good change
Do you have any comments on the proposed changes to the trigger and frequency of account reset?	Agree
Do you have any comments on the proposed changes to the evaporative reduction of General Security accounts?	Agree
Do you have any comments regarding the proposed prohibition of granting Domestic and Stock (Stock) licences?	Support not granting new licences. D&S licences should be able to be traded subject to S&D use being maintained.
Proposed changes to the Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012	
Do you have any comment on the minor changes proposed to the Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012?	Investigation on the transfer of HS access licence to upper Lachlan (above Wyangala) should be investigated.
Proposed changes to the Water Sharing Plan for the Belubula Regulated River Water Source 2012	
Do you have any comments	Part 10 WSP Visible flow at Geramy rule could be changed to 30ML/day at

<p>on the proposal for DoI Water to partner with OEH, DPI Fisheries and WaterNSW to undertake a project to develop a robust End of System rule set?</p>	<p>Corrong.</p>
<p>Response to chapter 4: Environmental water, cultural flows and sustainable management</p>	
<p>Do you have any comments on the protection of environmental water?</p>	<p>Wyangala Environmental Water Allowance should be returned to Environmental Contingency Allowance, and be ear marked for the maintenance of water bird breeding events. Currently OEH have ordered this water to be used for fish breeding, but the fresh inflow water is being highly diluted by normal dam releases and the water in the dam making a mockery of the original science behind the action. A tighter rule will ensure E Water managers in the future won't waste water using dubious reasons or because they don't have to pay for it.</p>
<p>Do you have any other comments on this chapter, Schedule E or Appendix C?</p>	<p>WSP 28A Consultation. Note 2. Lachlan Riverine Working Group should be Lachlan EWAG.</p>
<p>How did you hear about the Public Exhibition of this plan?</p>	
<p>Please let us know how you heard about the opportunity to make a submission?</p>	<p>Communication from peak body</p>
<p>Additional Information</p>	
<p>I give permission for my submission to be publicly available on the Department of Industry website</p>	<p>Yes</p>

Sent via [Google Forms Email](#)

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 **Lachlan Surface Water Resource Plan 2.pdf**
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New form response notification



Your form has a new entry. Here are all the answers.

Email address	[REDACTED]
Name of respondent	Patricia Bartholomew
Address	[REDACTED]
Contact phone number	[REDACTED]
Are you an individual or representing an organisation?	[REDACTED]
Proposed changes to the Water Sharing Plan for the Lachlan Regulated River Water Source 2016	
Do you have any comments on the proposed changes to the mid Lachlan trade barrier?	<p>I am strongly opposed to the lifting of the Mid Lachlan Trade Barrier as it will most likely see water permanently removed from The Lower Lachlan. The proposal is unfair as it places no restrictions of percentages on the volume of water that can be traded upstream, yet puts percentages on the volume that can be traded downstream.</p> <p>This could lead to a situation where no tradable water is transmitted through the bottom of the system, and less water for transmission of Environmental flows, Stock and Domestic, Basic Right and Critical Human Needs water , as was the case in 2009.</p> <p>The draft proposal is skewed to the advantage of the Upper and Mid Lachlan, and leaves the Lower Lachlan River itself, and the people and communities who live along it, exposed to long, hot dry summers without water.</p> <p>The Trade Barrier was put in place for a reason, to ensure that water remained in the full extent of the River, and it should be kept in place</p>
Do you have any comments regarding the proposed prohibition of granting Domestic and Stock (Stock) licences?	<p>I think that it is outrageous that Stock and Domestic licences are going to be prohibited to minimise the effects on "other water users", (which are not stated, but presumably GS and HS water users) . Why limit the growth of people and Stock, when under the law they have priority over GS and HS water users.</p>
Do you have any other comments on the proposed amendments to the water sharing plan?	<p>I think all these changes will be to the detriment of the River and it's communities, and are being imposed for the purposes of Water Trading only, not Water Sharing and certainly not for the environment. It is skewed in the favour of the larger communities and irrigation areas, and could leave the Lower Lachlan empty.</p> <p>I also want to comment that the complexity of the WRP's makes it almost impossible for an average person to understand, and that I believe the move to prohibit S&D licences and removing the Mid Lachlan Trade Barrier is a direct threat to the landholders and communities along the Lower Lachlan</p>
Proposed changes to the Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012	
Do you have any comment on the proposed changes to	No

the Mandagery Creek Management Zones, whereby some previous management zones have been merged?	
Do you have any comment on the proposed changes to the flow classes within the Mandagery Creek Management Zones?	No
How did you hear about the Public Exhibition of this plan?	
Please let us know how you heard about the opportunity to make a submission?	Department of Industry website Have you say website
Additional Information	
I give permission for my submission to be publicly available on the Department of Industry website	Yes

Sent via [Google Forms Email](#)

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 **Lachlan Surface Water Resource Plan 3.pdf**
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Lachlan SW Water Resource Plan



Hello,

Please accept this submission for the Lachlan River Surface Water Resource Pan from Healthy Rivers Dubbo.

Regards,

Melissa Gray



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Healthy Rivers Dubbo

Submission to Draft Lachlan Surface Water Resource Plan

To: NSW Government

Department of Industry

By e-mail: lachlan.sw.wrp@dpi.nsw.gov.au

Introduction

Healthy Rivers Dubbo is a community grass roots group dedicated to providing a strong voice for our local rivers and wetlands, and for the Murray-Darling Basin as a whole. As ambassadors for healthy rivers, wetlands and groundwater, we have been active in our community calling for transparency and accountability in all aspects of water management.

Healthy Rivers Dubbo pays our respects to the Traditional Owners, past, present and future, of the land we live in. We acknowledge that the land in which we live was never ceded.

Healthy Rivers Dubbo welcomes the opportunity to make a submission to the draft Lachlan River Surface Water Resource Plan (WRP)

Protection of Environmental Water

There must be clear rules to protect environmental water from extraction. It is unacceptable that the water sharing plan was placed on exhibition for public comment without the finalisation of rules to protect environmental water.

All environmental water ('planned' and 'held' under entitlement) must be protected within and between valleys, including over state borders (as per recommendation 10 and 11 of the MDBA's Murray-Darling Basin Water Compliance Review, Recommendation 10 of the independent Review Panel's report (Nov 2017), and Chapter 5 of the Independent investigation into NSW water management and compliance interim report (Ken Matthews, Sept 2017).)

Healthy Rivers Dubbo expects clauses be inserted into every WSP that legally protect public environmental water from extraction. All licence conditions must be reviewed and updated so that no loop holes allowing the legal extraction of public water exist.

No net reduction in 'planned' environmental water (as per Basin Plan 10.28 "No net reduction in the protection of planned environmental water") must be allowed in any WSP, however environmental water can be legally extracted under licence. If the environment truly comes first, as per the Water Act 2007 and the Murray-Darling Basin Plan, this must change.

Environment First

We are concerned that the rules in the draft WSPs for the Lachlan are too weak to protect important environmental assets like Booligal wetlands, near Hay.

The decline in health of the Booligal wetlands since the early 1990's has been dramatic. 10 large dams and 323 weirs in the system mean that there has been a 50% decrease in flow reaching Booligal, and major changes in timing of flows (the seasonality, frequency and duration). 85% of the River Redgums in the Booligal Swamp have died in the past 12 years. With 50% less water, the vegetation of the Swamp has lost its resilience to drought. Source: Armstrong, Kingsford & Jenkins (2009).

The government must be willing to compensate irrigators when water shares need to be reallocated to provide water for protecting important environmental assets.

Calculations made without using inflow figures before 2004

We do not support that decisions on water allocations are made using the worst drought before 2004. Available Water Determinations need to be more conservative to allow for servicing of instream assets through provision of reliable operational baseflow. WaterNSW need to be directed to ensure that there are sufficient amounts of water held in reserve to protect the environmental assets and townships when water sharing plans are suspended.

There is growing concern in towns west of the Great Divide as rivers dry up, dams empty and fish die. We are concerned that we will run out of water if the current extreme drought continues into 2019 winter. Given the reality of man-made climate change, this is an acute possibility, and the thought of what reality awaits us this time next year if the drought continues for winter 2019 is of the highest concern.

Wording Change re compliance with extraction limits

There has been an unannounced change made in the draft unregulated WSP in the clause that relates to compliance to the Long Term Average Annual Extraction Limit (LTAAEL), Part 6, division 1, point 31 (2). We note that the word 'may' now replaces the intention of this clause in the

existing WSP, which was the Minister 'will' reduce allocations in the following year, proceeding a year where the LTAAEL has been exceeded.

Healthy Rivers Dubbo is extremely concerned that this wording change could have negative impacts on planned environmental water over time.

We are also extremely concerned that such a change be made in a plan and the change not be advertised, meaning we have to compare the draft plan to the original to find these changes. This lack of transparency fosters mistrust of the NSW Government in matters of water management.

Connectivity

It is very important for native fish and all aquatic life in that our northern basin rivers connect to the rest of the Basin. Healthy Rivers Dubbo recognised that the Lachlan's ability to connect to the rest of the basin has deteriorated, due to over extraction, over the last few decades, and that is why we think it is particularly important that there must be a clause in the unregulated WSP that mandates connection.

Compliance assessment advisory committees (CAGs)

Healthy Rivers Dubbo objects to CAGs being given the responsibility for providing advice to the minister on the plan's assessment and compliance clauses. The CAGs do not represent the broad interests of the valley and are skewed to license-holders only.

Environmental water advisory groups (EWAGs)

Environmental Water Advisory Groups need to be maintained as mandatory and included and specifically required in Water Sharing Plans clauses.

Regards,

Melissa Gray

Founding Member

Date: 31/1/2019



New form response notification



Your form has a new entry. Here are all the answers.

Email address	[REDACTED]
Name of respondent	Alan McGufficke
Address	[REDACTED]
Contact phone number	[REDACTED]
Are you an individual or representing an organisation?	Individual
Proposed changes to the Water Sharing Plan for the Lachlan Regulated River Water Source 2016	
Do you have any other comments on the proposed amendments to the water sharing plan?	<p>[REDACTED]</p> <p>31 January 2019</p> <p>Economic Factors Water management through economic drivers does not necessarily give the best economic outcomes for the community and may in some instances reduce overall catchment performances for example;</p> <ul style="list-style-type: none"> • the drying out of the lower Lachlan catchment has reduced productivity and possible negative impact on catchment rainfall through lack of evapotranspiration. • Irrigation economic development does not necessarily reflect in benefits to the service towns, please see ABS figures for the townships of Forbes and Condobolin. • Broadacre irrigation and broadacre agricultural activities are not employing large numbers of people and with changes in technologies is unlikely to do so, these two activities have actually narrowed the industry base in rural areas which in turn reduces employment opportunities. • Irrigation is a change in land management not a new industry. Economic disadvantage has resulted from the development of irrigation. This is shown by floodplain graziers now have increased business risk, the increase costs on supplying stock and domestic water and the loss of pasture growth (major impact on carrying capacity) by loss of beneficial flooding. These costs need to be quantified and reflected in economic studies and assessments. • Clarification needs to be given when figures quoted of 18% of the river going to irrigators – my assumption is this is the figure of purchase at the dam wall and does not consider the actual delivery percentage of the river used for irrigators to receive their allocation. This needs to be urgently clarified because it could mean the river is being run purely for the irrigators and not for the whole communities that depend on the benefits that the river delivers.

Proper economic assessment needs to be carried out on plan implementation of adverse effects and benefits.

Ecological Factors

Ecological activity is the defining factor to ensure that the country can sustain a viable agricultural industry, this will be reduced by the implementation of the water sharing plan. As following:

- The drying out of the flood plains (particularly the lower Lachlan) costs graziers and the community a considerable amount of money. Flood plain graziers have additional costs for water supply, reduced pasture growth and increased business risk and surety. In our district we have had to put in additional \$30k in to water supply with a neighbour unsuccessfully spending an additional \$50K. Both businesses are adversely impacted.
- Drying out of the lower Lachlan has impacted on water availability for evapotranspiration reducing water cycle strength. The extent of this needs to be quantified as whole of valley rainfall will be affected. There is anecdotal evidence of this occurring. The drying out of the lower Lachlan could have catastrophic consequences.
- Water quantity and quality have a huge impact on the mental and physical health of the valley communities, if we want the rural communities to survive and prosper, water quantity and quality needs to be seriously considered.
- There appears to be insufficient flexibility in the allocation of water to allow for economic development of the catchment in the best interests of both the local community and the state as a whole, for example, the development of mining at Fifield. There has not been sufficient water made available for future projects other than irrigation.

The plan should benefit the whole community not just the irrigators.

Compensation needs to be paid to landholders adversely affected by the implementation of the Lachlan water sharing plan.

Social factors

Social factors are, to a large extent, reflected in both the economic and ecological factors, however include:

- Present Government planning processes appear to favourer interested groups such as irrigators and not the community as a whole - this is not good for democratic processes and community ownership.
- Community health does not always solely rely on economic factors. The present economic push is still resulting in a exodus of people from country areas. We need to change our direction to support rural and remote areas in a different way - "when in a hole stop digging".

How did you hear about the Public Exhibition of this plan?

Please let us know how you heard about the opportunity to make a submission? neighbour

Additional Information

I give permission for my submission to be publicly available on the Department of Industry website Yes

[Quoted text hidden]

 Lachlan Surface Water Resource Plan 4.pdf
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Lachlan SW WRP <lachlan.sw.wrp@dpi.nsw.gov.au>

Submission from Inland Rivers Network

2 messages

[Redacted content]

190201 Inland Rivers Network submission Lachlan WRP.pdf
165K

Lachlan SW WRP <lachlan.sw.wrp@dpi.nsw.gov.au>
To: Inland Rivers Network <inlandriversnetwork@gmail.com>

1 February 2019 at 10:31

Hi, Bev.

I have received your submission. Thank you.

Greg

[Quoted text hidden]

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Please note: the submission period for the Lachlan Surface Water WRP closes on 01 February 2019. You can make a submission [here](#).

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www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts/lachlan-surface



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Friday 1 February 2019

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.

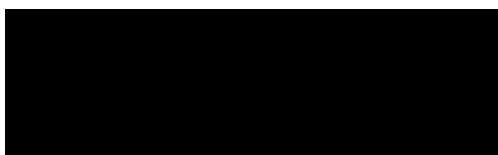
The objectives and performance indicators in the draft regulated water sharing plan are an inadequate measure of the value of the international significance of the environmental assets for migratory water birds.

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:

Bev Smiles





Lachlan SW WRP <lachlan.sw.wrp@dpi.nsw.gov.au>

New form response notification



Your form has a new entry. Here are all the answers.

Email address	[Redacted]
Name of respondent	Meredith Macpherson
[Redacted]	[Redacted]
Contact phone number	[Redacted]
Are you an individual or representing an organisation?	[Redacted]
Organisation or Business Details	
Name of Organisation	Central NSW Councils
Who are you representing?	Peak representative organisation
Peak Representative Organisations	
Who do you represent?	Local Government Local Water Utilities
How did you hear about the Public Exhibition of this plan?	
Please let us know how you heard about the opportunity to make a submission?	Department of Industry website
Additional Information	
I give permission for my submission to be publicly available on the Department of Industry website	Yes

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Lachlan Surface Water Resource Plan 5.pdf
49K

Correspondence from Central NSW Councils re Water Resource Plan for Lachlan Surface Water

[Redacted content]

Please find attached correspondence from Central NSW Councils to the request for feedback on the Lachlan Surface Water Resource Planning process.

Please note that this correspondence forms our submission.

Regards,

Meredith Macpherson

[Redacted signature block]



SAVE TREES! Think B4U Print.
1 ream of paper = 6% of a tree and 5.4kg CO2 in the atmosphere.
3 sheets of A4 paper = 1 litre of water

Centroc is a voluntary collaboration of councils in Central NSW. The organisation exists to advocate for and improve operational efficiencies of its member councils - Bathurst, Blayney, Cabonne, Cowra, Forbes, Hilltops, Lachlan, Lithgow, Oberon, Orange, Parkes, Upper Lachlan, Weddin and Central Tablelands Water.

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 190124_WSP response.pdf
141K

31 January 2019

Reference: jb mm 190131
Enquiries: Ms M Macpherson: 0427 451 085

NSW Department of Industry

lachlan.sw.wrp@dpi.nsw.gov.au

To whom it may concern,

FEEDBACK ON LACHLAN SURFACE WATER SHARING PLANNING PROCESS

Thank you for the opportunity for Central NSW Councils to participate in the Stakeholder Advisory Panel for the review of the Lachlan Surface Water Sharing Plan representing Local Government Local Water Utilities.

Where the Murray-Darling Basin Authority has acknowledged that lack of engagement with stakeholders representing urban water was an issue in the last round of Basin planning, Central NSW Councils appreciated the opportunity for a seat at the table.

Central NSW Councils has a strong interest in the triple-bottom-line outcomes of the review of the Water Sharing Plans, but most particularly the security and quality of town water supplies critical for our communities.

While it is understood that demand for water in Water Sharing Plans is subject to an access regime which sets priority for town water demand as high security, it is disappointing that given the situation Lachlan valley towns find themselves in as the unprecedented drought conditions takes grip, town water barely rated a mention throughout the planning process. Having a high security licence is no consolation when supplies run dry.

Having experienced the millenium drought, Central NSW Councils have done extensive work on urban water security completing the Centroc Water Security Study (CWSS) in 2009. Using sophisticated stochastic modelling the study forecast urban demand for the dozens of towns within our remit for a 50 year horizon through to 2059. The results were alarming with 29 towns at risk requiring substantial improvements to be made to their water security.

Over the past decade, determined not to find ourselves in the same position as we did during the millenium drought, the region's Councils have worked diligently on demand management initiatives and water security infrastructure to shore up town supplies. The region has consistently advocated for a review of the Water Security Study where water infrastructure projects completed since the original study and climate trends have highlighted an urgent need for an up-to-date understanding of the town water supply security using improved modelling techniques.

While the NSW Government has recognised the Lachlan as a high priority catchment funding the Lachlan Valley Water Security Investigations, it is frightening that neither this investigation or the modelling undertaken by DoI Water for the review of the Water Sharing Plans have attempted to identify the extent of the threat to the region's towns. How serious is the situation? Are we at risk of running out of water? If so when? What will we do to mitigate this risk?

Where Central NSW Councils have advocated for stochastic modelling as a more conservative approach to understanding the risk to town supplies, State agencies have relied on past droughts to guide their response to future dry spells. We are now hearing that we are in uncharted territory regarding management of the state's water supply. With the extended heat wave exacerbating the problem, our worst fears are being realised with many towns across the region heading into level 3 water restrictions and implementing emergency measures.

The over-riding issue is that modelling and planning for urban water security in regional NSW is being done by Councils in isolation and advice on this largely ignored. This planning needs to be integrated into the State Government's strategic regional water planning processes. Sadly with the pressure of an unprecedented drought, we see the cracks emerge from this lack of integration. Further, there are State Government policies that need to change in relation to trigger points and the place-based management of town water supplies when drought conditions prevail prior to criticality stage.

With respect to the membership of the Critical Incident Panels. Where Council's Local Water Utilities have responsibility for drinking water supply and quality it is disappointing that they are not named as having a seat at the table for the Critical Incident Panels. Council owned and managed Local Water Utilities are responsible for the management of drinking water supplies for towns on the Lachlan river, in the event of a critical drought or storm event, it would make sense that LWUs, or at least a regional representative of those utilities, have a seat at the table to ensure an integrated whole of government response for their communities, particularly as they are named as a proposed decision maker (See Appendix D NSW Extreme Events Policy- Table 5).

With extensive experience in urban water security planning and a mandate for intergovernmental cooperation, the newly formed Central NSW Joint Organisation is working with the Regional Leadership Executive for the Western region in an attempt to translate "high security water" into actual water for communities and to integrate urban water into the State planning framework through the development of a Regional Water Strategy.

Central NSW Councils is embedded in its membership and their communities and seeks advice through Councils from community. Given this and the work done in urban water security we have a deep knowledge of the region and its water supply needs. We seek to work in cooperation with other levels of government to optimise our ability to develop and share this knowledge, particularly in town water security, to the benefit of our communities.

We seek a bottom up approach where the region's voice is heard and respected and solutions developed through an open and honest discussion with Local Government seated at the table.

[Redacted signature area]

Yours sincerely,



John Medcalf
Chair
Central NSW Councils (Centroc)

NPA submission

[REDACTED]

Hi. Please find attached a submission from NPA NSW on the Draft Lachlan Surface Water Resource Plan.

Please contact me should you wish to discuss any aspects of this submission.

Kind regards,

Dr Oisín Sweeney

Senior Ecologist

National Parks Association of NSW

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44K

NPA submission to the Draft Lachlan Surface Water Resource Plan

1st February 2019

To: NSW Government Department of Industry

By e-mail: lachlan.sw.wrp@dpi.nsw.gov.au

Introduction and general points

The National Parks Association of NSW (NPA) is longstanding conservation organisation that seeks to promote appreciation and protection of nature, with a particular focus on national parks and other protected areas.

NPA has long recognised healthy rivers that sustain our communities require management provisions to take into account whole of system connectivity, from the uppermost wetlands and swamps through to the floodplains, coastal lakes and estuaries. NPA has consistently advocated for water reform, and accordingly welcomed the Commonwealth Water Act of 2007 with provision for all relevant state and territory governments to work collaboratively with the Commonwealth on the Murray Darling Basin Plan (the Basin Plan).

Notwithstanding much good work that has been done, NPA has been shocked by the aspects of process and practice that now threaten, as predicted, to fail to deliver a Basin Plan in keeping with the spirit of the legislation. It is much more than compliance with the rules as, while that is essential, if the Basin Plan and its implementation is to be trusted, compliance is futile if the rules themselves are not trusted.

The most recent clear indication of concern, articulated in the just-released Report of the South Australian Royal Commission, is that the proposed Water Resource Plans cannot deliver adequate outcomes. The tragic and extensive fish kills, a symptom of a system in trouble, substantiate the need: for a rethink as to the basic data on which Water Resource Plans are based; to ensure up to date trends in climate change are built into the Basin Plan; to ensure that plans for individual water resource units are clearly linked into a whole of system scheme rather than as individual unrelated 'silos'; for a phased, transparent and equitable transition into long-term and sustainable levels of water extraction and management is articulated and resourced.

Specific Points

NPA recognises that the Lachlan system is a complex system, naturally subject to highly variable rainfall conditions, that has been significantly modified by development and infrastructure.

NPA notes that failure to provide details about environmental water provisions, including their protection, until after the submission process closes is unacceptable.

This is specifically relevant with respect to sustaining connectivity through the system, including those wetlands listed on the directory of nationally important wetlands, such as Lake Cowal, the Booligal wetlands, and the Great Cumbung which in exceptionally wet years connects into the Murrumbidgee River.

The lack of information that takes into account recent climate trends, citing as a reference base flow information prior to July 2004 with respect to modelling, is also unacceptable.



NPA notes that a Long-Term Watering Plan was released in 2018. Achievement of the targets, while admirable, depends on appropriate rules and management. NPA questions whether the proposed draft WRP provides for these to be met, noting that not all information required to evaluate this properly is yet available.

NPA is strongly in support of ensuring the Plan ensures establishment, resourcing and effective use of an Environmental Water Advisory Group, drawn from a broad section of the community as presently exists under the Lachlan Water Sharing Plan. Originally mandated in the Water Sharing Plan for the Macquarie Regulated River, which has demonstrated the value of community participation in good management of the river system, taking into account local and natural history knowledge of seasonal and precursor conditions.

In the light of the above and preceding general points, the NPA is of the view that the draft WRP is incomplete and should not be accepted without further extensive modification and public consultation.

CEWH's Submission - draft Lachlan Surface Water WRP [SEC=UNCLASSIFIED]



To Whom It May Concern,

Please find attached the Commonwealth Environmental Water Holder, Jody Swirepik's, submission on the draft Lachlan Surface Water Resource Plan.

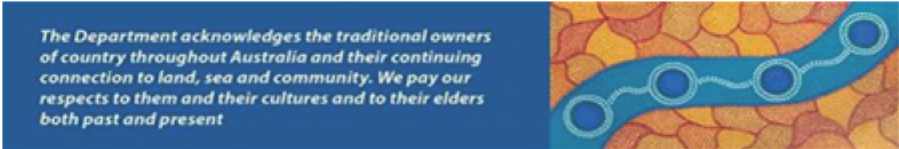
Regards,

Mitchell Downey

Environmental Water Policy

Commonwealth Environmental Water Office

Department of the Environment and Energy



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present

5 attachments

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 **image002.png**
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 **image003.gif**
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 **image004.gif**
1K

 **CEWH final submission on Lachlan WRP.pdf**
421K



SUBMISSION: LACHLAN SURFACE WATER RESOURCE PLAN

Context

The Commonwealth Environmental Water Holder (CEWH) appreciates the opportunity to provide a submission on the draft Lachlan Surface Water Resource Plan (draft Lachlan WRP) and accompanying documents.

This submission is made in the context of potential risks to the CEWH's statutory responsibilities, and proposes strategies to mitigate residual risks, consistent with the risk-based approach embedded within the Basin Plan (Chapter 10, Part 9). The CEWH's statutory responsibilities regarded in formulating this submission include:

- the *Water Act 2007* and Basin Plan 2012, to protect and restore priority environmental assets and ecosystem functions of the Murray-Darling Basin;
- the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), to ensure the efficient and effective use of Commonwealth resources (held environmental water); and
- Matters of National Environmental Significance protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), including listed threatened species and endangered ecological communities and species of migratory waterbirds protected under international agreements.

Mitigating future risks

The Commonwealth Environmental Water Office (CEWO) has sought assurance through the NSW Stakeholder Advisory Panels (SAP) that the operation of the WRP and water sharing plan (WSP) will not compromise the statutory responsibilities of the CEWH (noted above). The Department of Industry has used the feedback provided during the SAP process in finalising the current draft of the WRP and WSP. However, there remains some issues that should be addressed, and areas that would benefit from clarification to improve transparency and understanding.

Structure of the submission

Part A: Catchment specific issues

1. Planned environmental water
2. Operational strategies and transparency

Part B: State-wide issues

3. Public assurance of best available information
4. Monitoring, reporting and accounting
5. Extreme events
6. Water quality

PART A: CATCHMENT SPECIFIC ISSUES

1. Planned environmental water

Planned environmental water (PEW) represents the volume and flow characteristics that existed at the establishment of the Basin Plan settings for the Sustainable Diversion Limits (SDLs) and water recovery for the environment. The efficient and effective use of the Commonwealth water holdings are predicated on PEW being protected as per the intention of the Basin Plan (s10.28). Any changes which reduce the protection of PEW could increase the risk to priority environmental assets and the capacity of the CEWH to support healthy river systems in the Lachlan catchment. To provide certainty in the management and protection of environmental water, further refinement of arrangements, improved transparency and, in cases, clarification may be necessary. Suggestions to this effect are provided below.

Environmental water allowance

The draft Lachlan WSP removes the stated objectives of the environmental water allowance (EWA). This creates less certainty in the long-term protection of PEW for its intended purpose relative to the priority environmental assets in the Lachlan catchment.

The inclusion of text within the WSP that the river “operator must release water from the EWA on request of the NSW Environmental Water Manager”¹ removes the discretionary management of PEW. This is a positive improvement from the discretionary treatment of the EWA in the draft Gwydir and Macquarie regulated surface water WSPs, providing assurance in the protection of PEW.

Subject to no change in the EWA yield, the CEWO supports the two step allocation 30/60% based on general security account balance. This is preferred over the current 50% threshold providing earlier access to PEW to maximise the outcomes achievable with HEW.

The WRP could provide assurance in the protection of PEW for its intended purpose by including the objectives of the EWA in the Lachlan regulated surface water WSP.

End of system flows

End of system flows provide an important source of water for some environmental assets within the Lachlan regulated water source. The draft regulated WSP requires the maintenance of a “visible flow in the Lachlan at Geramy”² for domestic supply and stock watering and a “visible flow” at Booberoi Creek.³ Visible flow is defined as continuous downstream flow that is perceptible to the eye. This form of measurement is qualitative and subject to interpretation. To provide assurance in the maintenance of this flow a qualitative ML/day target is preferred.

¹ Draft Lachlan Regulated WSP – Clause 27 (7)

² Draft Lachlan Regulated WSP – Clause 9(3)(f) and 30(3)

³ Draft Lachlan Regulated WSP – Clause 30(2)

To ensure the maintenance of end of system flows at Geramy and Booberoi Creek the reference to a visible flow target should be amended to include a quantitative ML/day target, rather than a qualitative measurement of flow visible to the eye.

2. Operational strategies and transparency

Frequency of account reset

The CEWO supports the change in the draft WSP for the frequency of account resets to be no more than once every six months.⁴

Account reset trigger

The proposal for account resets to only occur when Wyangala Dam, Lake Cargelligo and Lake Brewster are physically full, or deemed to be full, and not at the commencement or maintenance of airspace operations is supported.⁵ This will ensure that resets occur when the resource assessment is maximised. However, clause 46 (2) of the WSP is inconsistent with the intended change stating that accounts can reset at the commencement of airspace releases. As such we recommend that this clause be amended to remove the commencement of airspace releases as a trigger for accounts to be withdrawn.

The draft regulated WSP (section 46 (2)) should be amended to remove the airspace releases as a trigger for accounts to be withdrawn.

Evaporative reduction of general security accounts

The CEWO accepts that evaporative reductions will be applied to carryover to ensure consistency across NSW WRPs,⁶ and supports the proposal to apply these quarterly to provide progressive reductions and ensure equity of treatment (consistent with the Macquarie Valley). To support this change and ensure transparency, it is recommended that the calculation of the quarterly evaporative reduction be documented and made publicly available.

To provide transparency to stakeholders and support the implementation of evaporative reductions, it is recommended that the calculation of the quarterly evaporative reduction be publicly reported.

Conversion of licences

The NSW Department of Industry has sought advice on future provisions to enable the conversion of high security licences in the regulated river system to unregulated access licences in connected upstream water sources. Without further detail on the proposal, such

⁴ Draft Regulated WSP – Clause 52(14)

⁵ Draft Regulated WSP – Clause 52(14)

⁶ Draft Regulated WSP – Clause 52(12)(13)

as the drivers, potential benefits and what limited scope may comprise, the CEWH is not in a position to support the proposal at this stage.

Of particular concern is shifting take into unregulated tributaries and its potential to reduce unregulated inflows into the Lachlan River main stem.

We strongly support the Department's undertaking for further assessment of environmental impacts and stakeholder consultation to inform the consideration of this provision in this, and other catchments where prepared. This assessment should consider risks to meeting the environmental watering requirements (Basin Plan s10.17) in the unregulated tributaries, and PEW in the regulated system.

We encourage further assessment of the proposal to be conducted, with specific analysis reported on changes in PEW and impacts on hydrological connectivity between unregulated and regulated systems within the Lachlan. Until such analysis is undertaken, the CEWH is unable to support this proposal.

PART B: STATE-WIDE ISSUES

3. Public assurance of best available information

Hydrological models are a foundational tool for informing decision-making, and it is important that there is confidence in their use. Models can provide "best available" information, but quality assurance requires a transparent and independent process of evaluation. A public statement of assurance presenting an independent evaluation of the planning model (e.g. BDL, PBP, SDL model scenarios) being used to support consideration of key policy and operational issues would provide increased confidence in the modelling information.

It is recommended that a statement of assurance of the Lachlan planning model covering the regulated and unregulated river systems be attached to the WRP as non-accredited supporting material.

4. Monitoring, Reporting and Accounting

The Basin Plan requires monitoring and formal reporting on the use of environmental water⁷, relating to both planned and held environmental water (Basin Plan 10.46, Schedule 12).

The CEWO looks forward to continuing to collaborate with the NSW Government to establish a framework for monitoring, reporting and accounting of environmental water use. This framework should aim to meet obligations under the Water Act, Basin Plan and the PGPA Act, by:

- satisfying a high level of public accountability, demonstrating the effective and efficient use of the Commonwealth's environmental water;

⁷ Basin Plan - s10.46, 13.14

- establishing a holistic approach to water accounting that provides transparency in the use of held and planned environmental water and its interaction with water managed for other objectives; and
- providing transparency to the methods used for determining the end of system environmental flows.

It is recommended that the WRP refers to a process for continuous improvement in environmental water accounting through the development of operational procedures to give effect to State and Commonwealth reporting obligation under the Basin Plan (s10.46, 13.14, Schedule 12).

5. Extreme events

The draft Lachlan WRP includes an Incident Response Guide (IRG) that aims to provide transparency in water resource sharing during extreme events⁸. The IRG outlines the priorities and the management responses for each critical level. The “environment” has been identified as a high priority during extreme events.

The critical environmental needs that would be supported by operational procedures during critical dry periods are not sufficiently defined to guide water resource priorities relevant to each critical stage and to enable an assessment of residual risk from operational decisions. The Lachlan LTWP could support the implementation of the IRG by defining the critical environmental needs, and by including explicit cross references between both documents.

Stage 2 management actions outlined in the IRG include the use of measures such as block water deliveries. Operational measures under extreme conditions are necessary to maintain security of supply, however these may have undesirable environmental consequences by reducing hydrological connectivity and water quality within refuge habitat. Procedures for the management of block releases and other operational measures would benefit from being documented within a procedures manual, in association with strategies for mitigating potential environmental risks under extreme events.

The following inclusions are suggested to strengthen the Lachlan Incident Response Guide (IRG) and implementation of the NSW Extreme Events Policy:

- explicit reference to the LTWP during critical periods, in particular the critical environmental watering requirements; and
- outline the process for documentation of operational procedures and assessment of risk associated with water resource management during extreme events.

To provide increased certainty in the management of extreme events, we would also encourage:

- that the communications and engagement plan is disseminated at the earliest opportunity indicating how water licence holders will be consulted during critical periods; and

⁸ Draft Lachlan Incident Response Guide - Table 2-1 Stages of the IRG framework

- detailed information is included in the IRG that outlines the process for reinstating resource allocations as conditions improve and criticality decreases.

6. Water Quality

The Water Quality Management Plan (WQMP) aims to provide a framework to protect, enhance and restore surface water quality, supporting the draft Lachlan WRP and Lachlan LTWP.

The CEWH notes that various risk assessments have not been undertaken for several types of water quality degradation outlined in the Basin Plan due to insufficient information,^{9 10} including hypoxic low flow and blackwater events and elevated levels of pesticides and other contaminants. These risks have the potential to negatively impact environmental outcomes and should be assessed to provide assurance that the mitigation strategies in the WQMP will meet the requirements of the Basin Plan (Chapter 10, Part 7). We encourage the Department to consider including within the WRP a requirement for periodic reassessment of water quality risk as a key mitigation strategy.

Operational strategies aimed at treating identified water quality risks should not presume the use of Commonwealth environmental water (CEW)¹¹. Decisions on the use of CEW will be made consistent with the statutory function of the independent CEWH under the Water Act. As water quality risks are often exacerbated during extreme events, a cross reference with the IRG could strengthen both documents.

It is requested that a copy of the Lachlan water quality allowance guidelines for use (in development) is provided, noting that the CEWO's assessment of the plan is incomplete without this full set of documentation to comment on.

The following changes would strengthen the WQMP for the protection of planned and held environmental water:

- remove reference to Commonwealth held environmental water for the mitigation of water quality risks;
- include mechanism for the periodic review of emerging and existing risks to provide for the effective treatment of risks; and
- include explicit links between the WQMP and other WRP documents, i.e. IRG and LTWP.

⁹ Basin Plan 2012 – Ch 9, s9.02

¹⁰ Water Quality Management Plan – Table 3-1, Table 4-3

¹¹ Water Quality Management Plan – Table 4-3, pg. 24-26, 30



Lachlan SW WRP <lachlan.sw.wrp@dpi.nsw.gov.au>

Fwd: WaterNSW submission to the Draft Lachlan Surface Water Resource Plan

1 message

[Redacted text block]

----- Forwarded message -----

From: [Redacted]
Date: Fri, Feb 1, 2019 at 4:06 PM
Subject: WaterNSW submission to the Draft Lachlan Surface Water Resource Plan
To: macquarie-castlereagh.sw.wrp@dpi.nsw.gov.au <macquarie-castlereagh.sw.wrp@dpi.nsw.gov.au>

Dear DOI,

Thank you for the opportunity to make public submissions on the Draft Lachlan Surface Water Resource Plan.

We **attach** the WaterNSW submission.

Kind regards,

[Redacted signature]



Level 13, 169 Macquarie Street, Parramatta

PO Box 398, Parramatta NSW 2124

[Redacted contact information]

www.waternsw.com.au

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WNSW submission Lachlan WRP.pdf

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**Submission in Response to Lachlan
Surface Water Package: Surface
Water Resource Plan and Surface
Regulated & Unregulated Water
Sharing Plans**

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1. INTRODUCTION: WHY WATERNSW IS MAKING THIS SUBMISSION

WaterNSW is responsible for supplying the State's bulk water needs, operating the State's river systems and the bulk water supply system for Greater Sydney. We service approximately 46,000 customers as a one-stop shop for matters including licences and approvals, water allocation trades, water licence trades and water resource information.

This submission addresses the implementation aspects of the Lachlan Surface Water Package, which encompasses the following plans:

- Lachlan Surface Water Resource Plan;
- Lachlan Regulated River Water Sharing Plan;
- Belubula Regulated River Water Sharing Plan; and
- Lachlan Unregulated River Water Sharing Plan.

The above replacement water sharing plans (**WSP**) are being developed in line with the creation of Water Resource Plans (**WRP**), which will be accredited under the *Basin Plan 2012*.

It is important to acknowledge that there may be an adjustment period for all involved in water to become familiar with the content and format of the new template and their operational interaction with WRPs. A core customer service principle of WaterNSW is "make it easy for the customer" and we believe that the best outcomes for both water resources and water users alike are achieved when users understand their compliance responsibilities and any licence impacts. Accordingly, we recognise that the Department has worked closely with the relevant Stakeholder Advisory Panels over the past year to develop the WSPs.

It is nevertheless worth highlighting the critical role that continuing education plays in achieving effective outcomes. All water agencies in NSW (broadly, the Department of Industry Water (**DOI-W**), WaterNSW, and the Natural Resources Access Regulator) have a role to play in this regard. For WaterNSW, this role encompasses River Operator, Market Participant, Licensing and Approval Authority, Billing and Education associated with each of these functions.

Since 2017 WaterNSW has worked with the NSW Government's Water Reform Task Force, including most recently providing comment on the metering regulations and corresponding framework. This framework commenced on 1 December 2018 with many of its operational aspects commencing on 1 April 2019. We encourage end-users to take note of the Lachlan Surface Water Package aspects relating to the metering framework and the implications for their water use.

1.1. PRINCIPLES UNDERPINNING THIS SUBMISSION

This submission is **guided by principles we have articulated in previous submissions**, both in 2016 in response to the Status and Issues Papers for WRPs (<https://www.waternsw.com.au/supply/regional-nsw/water-sharing-plans>), and in 2018 in response to the Water Reform Action Plan Discussion Papers (April) and the NSW Water Metering Framework Draft Regulations & Policy (September).

At a high level, these principles include components of market certainty and operational flexibility. These are relevant to two of WaterNSW's primary functions as market participant and System Operator.

Market certainty

- **clear and functional separation** of the market participants and reduced market complexity, with a focus driving transparency, accountability and performance;
- **improved confidence** in market outcomes;
- **improved robustness** in WSPs and WRPs to deal with foreseeable but not everyday circumstances (including drought and unregulated flow events) such that administrative discretion is limited in the plans to uncommon and rare situations;
- **consistent water accounting rules across valleys** to reduce unnecessary complexity; and
- **clear and effective rules** and straightforward mechanisms by which minor rule changes like drafting errors can be resolved in a timely manner; and
- **a prescribed rule-change process** that allows market participants to submit proposed changes during the life of a WSP, where current rules are not achieving the desired outcomes, in order to improve the operability and market processes in line with the public interest.

Operational flexibility

- **clear identification of the role of WaterNSW**, including as System Operator in both regulated and unregulated systems;
- **outcomes-based policy frameworks** that identify the objectives but allow operational flexibility to deliver the outcomes; and
- **establishing performance frameworks and reporting**, including appropriate auditing by DOI-W of WaterNSW's implementation of WSP rules, to ensure it meets the required objectives.

2. LACHLAN REGULATED RIVER WSP AND (SEPARATELY) BELUBULA REGULATED RIVER WSP

2.1. WATERNSW AS THE OPERATOR

The new WSP template, interaction with WRPs and review of the Lachlan and, separately, Belubula, surface water resources, is an opportunity for WaterNSW to be listed as the operational entity for the purposes of the plan. **We support the specific inclusion in the (separate) Lachlan Regulated River WSP and Belubula Regulated River WSP of WaterNSW as “the Operator”** from both plans' commencement in July 2019. Naming WaterNSW in this way gives clarity to the roles of relevant water agencies in NSW.

It is also notable that, alongside being named as the Operator, both of these WSPs specify certain functions for WaterNSW (as the Operator) to perform. This is important for two reasons.

First, it **removes the administrative requirement** of inserting these functions in the WaterNSW Operating Licence and the uncertainty (both to WaterNSW and its customers) associated with conferring functions through a subordinate document. Accurately describing the role of the Operator in WSPs provides a cleaner and more direct regulatory framework for WaterNSW to perform its operational responsibilities. Importantly, it also means the Operating Licence can be used as a “by exception” document for the purposes of conferring functions arising from the WSP.

The second reason relates to **appropriate oversight and audit mechanisms**. At an on-ground operational level WaterNSW exists to implement the rules of WSPs, which are set by DOI-W as the policy and rule maker. Consequently, DOI-W is the party best placed to ensure that the WSPs are being implemented to achieve their stated outcomes. The mechanism for DOI-W to audit WaterNSW on compliance with WSPs only arises if our role as the Operator is accurately described in the WSPs.

The reverse situation, whereby the Operating Licence rather than the WSPs describe the role and function of WaterNSW's operations, results in IPART undertaking the auditing and compliance functions. This may cause auditing to be duplicated or not fit-for-purpose, neither of which are ideal. As DOI-W set the rules it is best placed to regulate our implementation of same.

2.2. FUNCTIONS OF THE OPERATOR

The role of the Operator is to undertake day-to-day operations of the river systems to deliver water to our Customers, including town water supply, stock and domestic, and environmental and irrigation water users. WaterNSW believes that rules should be developed to enable the Operator to operate the system on a day-to-day basis independently of the Minister having daily input in addressing foreseeable events.

Rules should be codified to ensure the Operator can manage water deliveries during unregulated flow events and restrict access when conditions do not allow for orders to be met. Ministerial intervention should be seen as the exception and reserved for extraordinary events, rather than as part of the daily operation of the system.

On this point it is relevant to restate part of our submission to the Lachlan Status and Issues Paper in 2016 (see section 4.3 of that submission). System rules must be flexible and allow for adaptive management to ensure that planned environmental water access is maintained but not exceeded. Adaptive management of the rules is required to ensure the sustainable diversion limit is not exceeded yet remains fully available. This can be assured in the Lachlan Regulated Rivers WSP through rules pertaining to use limits, translucency, Water Quality Allowance and Environment Water Allowance.

Adaptive management of these types of rules would not impact compliance with the Sustainable Diversion Limit (**SDL**) when assessments consistently demonstrate under-usage (that is, usage that is less than the SDL). The current system is flexible only insofar as ensuring less usage than the SDL but does not contain a mechanism to bring the actual diversions back up to SDL. This results in operational challenges as WaterNSW strives to deliver all water allowed within the SDL, efficiently in accordance with orders and with minimal surplus water released. We **recommend** consideration be given to equipping the WSP with this flexibility.

We also reiterate the comments in our 2016 Lachlan Status and Issues Paper as to developing flood and airspace operation rules, noting that our **recommendation** to review the embedded system optimisation trade-offs, remains.

While the inclusion of WaterNSW as the Operator in both of the Lachlan Regulated River WSP and Belubula Regulated River WSP is a commendable forward step, **the regulatory framework can be improved** to allow WaterNSW the flexibility it requires to operate the rivers with ease and with the appropriate amount of oversight (through audits) from other agencies.

For example, the process of debiting water from an individual water allocation account for water take is a function of WaterNSW's daily operations and core business, but is currently identified in both of the above WSPs as a function of the Minister (allowing it to be exercised by the Department). Similarly, determining limits on water allocation accounts and carryover, and ensuring that allocations in a water allocation account do not exceed specified limits, is a daily function of WaterNSW and the WSP should assign its responsibility to the Operator directly. These are clauses 50 and 51, respectively, of the draft replacement Lachlan Regulated River WSP. We also highlight for resolution the potential drafting error in clause 51, which we understand mis-states the account limit.

The same principles also apply to accounting rules for regulated river (general security) licences and background procedures relevant to taking water only in accordance with relevant orders. We note that **supplementary licences** should not be excluded from the list of licences **requiring mandatory conditions that water must be ordered to be taken** (clause 56(4) of the Belubula Regulated River

WSP). Specifying this requirement as a mandatory condition for supplementary licences will improve WaterNSW's ability to manage these events (active management).

The proposed **announcement procedures for supplementary events** (clause 43) are of further concern. The WSP currently provides that the Minister will announce a supplementary water event, despite the end-to-end operation of the event (forecasting, managing the event and debiting extracted water from relevant accounts) being the responsibility of WaterNSW. Making the Minister, rather than the Operator, responsible for the announcement of the decision creates an unnecessary extra layer of government intervention and inefficiency. The extra intervention may cause water users to miss out on access to an event due to potential delays with issuing approvals to pump.

A more efficient arrangement is for these events to be managed in accordance with a WaterNSW-developed protocol that DOI-W audits. Under such a protocol WaterNSW would report event outcomes to DOI-W after the fact. These arrangements would be auditable by DOI-W, who could make recommendations to improve their operation. We **recommend** that each of the above provisions be conferred to WaterNSW through its defined role as the Operator in the Lachlan Regulated River WSP.

In all its dealings involving water, **WaterNSW advocates for its role to be clear, consistent, efficient and driven towards achieving practical and long-term solutions for end-users**. More broadly, we also endorse the roles of water agencies as being non-duplicative and easy to understand. Both the Lachlan Regulated River WSP and the Belubula Regulated River WSP are an opportunity for WaterNSW to be clearly conferred the responsibility for making Available Water Determinations (in line with the legislation). These are currently made by the Department based on WaterNSW's information, and later published on the WaterNSW website.

Consistency, reduced duplication and efficient river operations will be achieved by WaterNSW having responsibility for the end-to-end process in both Available Water Determinations and the functions described above. We **recommend** DOI-W reconsiders the role of WaterNSW in the making of Available Water Determinations. We acknowledge the work required to codify and establish auditing processes, and **recommend** the development of a similar process to the management of supplementary access. For example, WaterNSW could develop a protocol that the Minister approves, after which the function is transferred to WaterNSW as the Operator and audited annually by DOI-W.

It is critical that both the Lachlan Regulated River WSP and the Belubula Regulated River WSP accurately describe WaterNSW's role as the Operator to ensure market certainty and operational flexibility to the affected water resources and end-use customers.

2.3. CLEAR AND EFFECTIVE RULES

WaterNSW continues to advocate for a clear and effective rule-making process in legislation. Within the increasingly complex framework that involves legislation, WRPs and WSPs, consideration should be given to **improving regulatory mechanisms to:**

1. **allow greater flexibility for the timely resolution of minor, less material rules or identified drafting errors;** and
2. **create a prescribed rule-change process** that allows market participants to submit proposed changes during the life of a WSP where current rules are not achieving the desired outcomes.

Currently WSPs are only comprehensively reviewed every 10 years to align with their expiration. While this period may be adequate for comprehensive end-to-end reviews, it is too long for minor amendments that arise as WSPs are delivered (or as drafting errors are identified). Introducing a prescribed rule-changing process, like that envisaged at point 2 above, will enable a timelier and more adaptive resolution of both minor errors and unintended consequences of WSPs on an as-needs basis. It will produce better outcomes for customers, other market participants and government alike.

The electricity market (through the Australian Energy Market Commission (**AEMC**)) is a useful analogy in this regard. The AEMC, as rule-maker, contains an official process that allows customers to submit rule changes to ensure the continuous improvement of the electricity market. Submissions must detail the proposed new rule; how it affects or addresses the perceived deficiencies of an existing rule; how the proposed new rule will achieve relevant energy objectives; the expected or potential impacts of the new rule; and, where a proposal is submitted by a regulatory body, a summary of the consultation conducted by that body. Critically, stakeholders (including customers) have the opportunity to comment on any proposals.

Adapted to the water market, this type of prescribed rule-change process would produce a flexible and responsive framework that encourages transparency and certainty. The ability to propose rule-changes (and for those changes to be adopted before the expiration of a WSP) creates customer choice and improves acceptance of the legal framework, as customers are actively contributing to the process rather than waiting lengthy periods for a WSP's review or replacement. The consultation required in order to achieve a rule change would achieve customer buy-in, promote greater understanding, and therefore improve unintentional non-compliance.

As a natural resource subject to frequent (and more extreme) climate variations, water management (and its market) requires flexibility and certainty, but not at the expense of restrictive and stagnant frameworks. Our proposal is reflective of a maturing market and improves the market's operability and processes in line with the public interest. The current drought has brought into sharp focus the **need to reconsider and redefine this process**.

2.4. PERMANENTLY IMPLEMENTING EFFECT OF LACHLAN WATER ORDER TRIAL

Between the 2013-14 and 2014-15 water years, WaterNSW ran a water ordering trial to clarify and simplify the water ordering process in the Lachlan Valley. The trial was aimed at simplifying water orders in recognition of the operational variability of extraction. It specified the tolerance in variations of orders versus extraction to larger users who are required to order water, and allowed smaller customers to place a single, annual bulk order for each irrigation season alongside supplying WaterNSW with quarterly meter readings. The trial was well received by Lachlan Valley water users, reduced operational surplus, and customers have since advocated for it to be made permanent.

The trial was facilitated by clause 57(6) of the 2003 Lachlan Regulated River WSP, which provided that certain access licences required mandatory conditions that allow for the taking of water if it has been ordered in accordance with procedures established by the Minister. The Lachlan trial constituted one such procedure as it was approved by DOI-W.

The 2016 Lachlan Regulated River WSP contained a similar but broader clause at 65(4), which required all access licences to have a mandatory condition allowing the taking of water if it was ordered in accordance with procedures established by the Minister. WaterNSW is pleased to see this rule replicated at clause 65(5) of the draft replacement Lachlan Regulated River WSP and strengthened to provide that water must not be taken unless it has been ordered in accordance with Ministerial procedures.

WaterNSW strongly **recommends the substance of the earlier water trial be made permanent through the use of Ministerial procedures in similar terms as those previously used**, although it is our view that these should be Operational procedures set by WaterNSW for all water sources.

3. LACHLAN UNREGULATED RIVER WATER SHARING PLAN

3.1. ROLE OF OPERATOR

The replacement Lachlan Rivers Unregulated River WSP makes the Minister responsible for all implementational components of the plan and does not identify WaterNSW as an individual entity with responsibility for the implementation of the plan. This is a **missed opportunity to provide a consistent framework across all WSPs** and make clear our role on-ground implementational role.

We make this statement noting that our role as “Operator” in an unregulated system does not include river operations as it is traditionally perceived in the regulated systems. In unregulated systems our role is defining and managing events, flow classes, and cease-to-flow conditions across the state. We also make users aware of these conditions through evolving technology, for example the recently-launched flow conditions “traffic light” system in the Barwon-Darling. We are currently exploring how a similar type of system can be rolled out to other unregulated systems, including those (like the Lachlan) where active management is not being trialled at this stage.

Although active management is not being trialled in the Lachlan, it is an innovative operational measure and one that WaterNSW ultimately advocates for across all unregulated rivers. Its implementation will expand our role as Operator in unregulated systems, which will evolve to provide greater transparency of access arrangements as well as daily communications and specific event management.

In an actively managed system, WaterNSW as the System Operator will actively monitor (including forecast and report), measure water use and be able to actively share water between customers (through processes including water ordering). The operation of this system will be assisted by the NSW Government’s metering and telemetry reforms. The result will be active participation in system operations in unregulated systems alongside our current role of administering the regulatory framework.

There are some key measures that are clearly the **role of WaterNSW as rule implementer** and should be specified as such (as opposed to subsequently conferring these functions to WaterNSW through our Operating Licence, for reasons highlighted above). In particular, clause 46(4) of the replacement WSP provides for the Minister to determine and notify the licensee of the flow classes that apply for days where accurate flow data is not available. Further, the notification to affected licensees includes publishing a notice on the Department’s website.

The current drafting of this clause misidentifies the role and function of the Department as the Minister for the purposes of determining daily flows in these circumstances. These functions are part of WaterNSW’s daily operations and should be **conferred directly to WaterNSW (as the Operator) in the WSP**, along with directing licensees to the WaterNSW website where this information is routinely published.

We believe that the resolution of the above suggestions will have important and positive impacts on water management in NSW. Correctly identifying the appropriate authority will benefit end users and their understanding of the system, which in turn will improve compliance.

4. LACHLAN SURFACE WATER RESOURCE PLAN

WaterNSW has previously made public submissions to both the Lachlan Alluvium WRP and the Gwydir Surface WRP, which respectively represented the first alluvium and surface WRPs to be released for public comment. Many of the comments WaterNSW made in response to those WRPs are applicable to the Lachlan Surface WRP.

It is also prudent to **accurately identify the roles and responsibilities of water agencies** in a consistent manner throughout all WRPs. For example, the description of WaterNSW (and its primary instruments) on page 14 of the Lachlan Surface WRP should mirror the description of WaterNSW on page 14 of the Lachlan Alluvium WRP (in particular, referring to the WaterNSW Operating Licence 2017-22). Each subsequent WRP should use the same language, as the statement represents who WaterNSW is and is not bespoke to each plan.

WaterNSW continues to support **outcomes-based water resource plans that show functional separation of the market participants and reduce market complexity** to facilitate a modern, efficient, effective and responsive water market that is understood by all participants. Our comments to each of the above plans are made in furtherance of this goal.

Submission : Lachlan Water Sharing Plan1 message

[REDACTED]

Please find attached our submission for the Water Sharing Plan for the Lachlan Unregulated River Water Sources. Please note that we have been given a time extension to submit, by Greg Sheehan. Please contact me if you have any queries.

Kind regards

Rebecca and David Price
[REDACTED]**Submission - Water Sharing Plan.pdf**

27K

Wednesday 6th February 2019

Submission:

Draft Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012.

We are writing in regards to Part 10 - Access Licence Dealing Rules - Ministers Note. It is with great concern that this note which refers to 'an option to allow conversion of regulated river (high security) entitlements from downstream regulated river water sources to access licences in connected upstream unregulated water sources.'

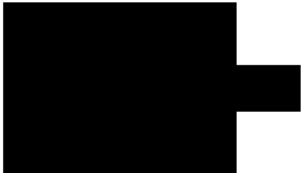
We are 4th generation owners of land on the unregulated side of the Belubula river. This will have a major impact to our farming practice which spans approximately 10 kilometres of this river.

This river does not flow for the whole year. It regularly dries up with only some natural water springs delivering any flow which is sufficient for our grazing needs.

If any transfer of licenses occurs there is a real danger of the river drying up completely, and the water quality will be negatively affected. Water flows into the storage facility (Carcoar Dam) which flows into the Lachlan river will be significantly impacted by this legislation also.

The addition of the ministers note will have a major third party impact along the river and this will jeopardise basic landholder rights.

David and Rebecca Price



Submission on Lachlan Surface Water Resource Plan



Hello,

Please find attached our submission on the draft Lachlan Surface Water Resource Plan.

I did request and get approval from Greg Sheehan for an extension to today to lodge this submission.

Please do not hesitate to contact if you have any questions or anything is unclear in our submission.

Regards

Mary

Mary Ewing

Executive Officer, Lachlan Valley Water



 **LVW submission Lachlan Surface WRP Feb 2019.pdf**
478K



ABN 38 597 032 631

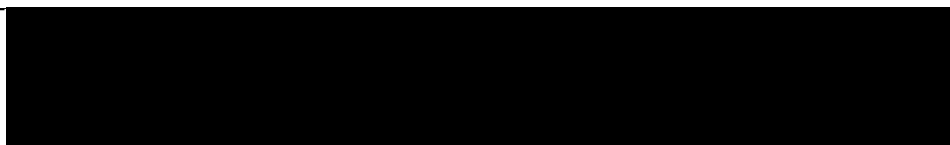
Lachlan Valley Water Inc

Sustainable, productive and efficient water use in the Lachlan Valley

Submission on

Lachlan Surface Water Resource Plan

February 2019



SUBMISSION - LACHLAN SURFACE WATER RESOURCE PLAN

Lachlan Valley Water (LVW) welcomes the opportunity to provide a submission on the Surface Water Resource Plan. LVW is the peak valley-based industry organisation representing more than 500 surface water and groundwater users in the Lachlan and Belubula valleys. Our members represent all categories of licences except for those held by environmental water managers.

This submission has been prepared on behalf of our members, however, as the Water Resource Plan covers a wide range of topics and issues, there will be a range of views on some issues, and individual members reserve the right to make their own independent submissions.

Introduction

The Lachlan Water Resource Plan is a complex set of documents and supporting information, and to assist clarity this submission is presented in 4 sections:

1. Lachlan Surface Water Resource Plan and associated Schedules
2. Water Sharing Plan for the Lachlan Regulated River Water Source 2016 (amended 2019)
3. Water Sharing Plan for the Belubula Regulated River Water Source 2012 (Proposed amendments 2019)
4. Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012 (Proposed amendments 2019)

The purpose of the Water Resource Plan is to show how water management in the Lachlan complies with the requirements of the Basin Plan, while the Water Sharing Plans are the primary documents containing the rules that govern the management of water entitlements. Many of the issues raised in our comments on the Water Resource Plan are given effect through the rules contained in the Water Sharing Plans, so our recommendations on these issues are primarily contained in the sections of this submission containing our response to the Water Sharing Plans.

1. Lachlan Surface Water Resource Plan

The Water Resource Plan is a complex portfolio of documents and supporting information. While the primary purpose of the Water Resource Plan (WRP) is to establish how the Lachlan is complying with the requirements of the Basin Plan, we are concerned that the reader needs to be able to cross-reference several documents in the Water Resource Plan or Basin Plan to fully understand the key requirements.

The NSW Department of Industry has provided several fact sheets on key issues and proposed changes to the surface water sharing plans. We recommend that where possible the Department should reduce the complexity of the Water Resource Plan documents, and provide further explanatory material, or include hyperlinks in the WRP, to clarify the main requirements of the WRP, particularly extraction limits.

Recommendation:

That the Department, as far as possible, reduce the complexity of the documents, and provide adequate fact sheets to inform stakeholders of the key requirements of the WRP, including the quantified baseline diversion limit and sustainable diversion limits.

Part 3 Risks to Water Sources

Table 4.3 in the Risk Assessment (Schedule D) in relation to the risks to water available for the environment refers to a new critical mechanism in the Belubula regarding the protection of 'first fresh' flows. This proposed rule change has been considered by the Stakeholder Advisory Panel as part of an amendment to clause 26 of the Belubula Regulated WSP to more accurately represent the end of system flow target, but has not yet been agreed. Lachlan Valley Water recommends that a 'first fresh' protection rule should not be introduced unless linked with an amendment to clause 26. Section 3 of our submission in relation to the Belubula WSP addresses this in more detail.

Table 4.3 also lists some risks in the Unregulated System that are deemed not tolerable, specifically in the Belubula tributaries below Carcoar, Boorowa River, Crookwell River, Mandagery Creek and Effluent Creeks, and in some cases recommends further work on knowledge gaps or obtaining further evidence through monitoring and evaluation. LVW agrees that further work is required to more accurately assess these risks.

The document acknowledges that the level of risk with regard to meeting environmental water requirements for many unregulated water sources is unclear¹ and we agree. Table 4.8 describing the likelihood metrics for unregulated water sources assumes full development of unregulated entitlement, which is highly unlikely to be the case, and therefore we suggest that the methodology is likely to be over-estimating the risk in unregulated water sources.

As a result, LVW agrees with the need for further investigative work and on-ground monitoring and verification to be undertaken to more accurately assess the level of risk in the unregulated system.

¹ Section 8.2.2.1, p154, Risk assessment for the Lachlan water resource plan area

Part 4 Environmental water, cultural flows and sustainable management

As a general comment regarding the identification and management of environmental water, the high variability in inflows in the Lachlan catchment should be taken into account when the environmental water requirements and the watering strategies are developed. Historical records indicate that prior to the construction of the Wyangala Dam there were several no-flow periods for the Lachlan River², of which the longest were:

- Cowra – 111 days in 1908
- Forbes – 224 days in 1898-1899
- Booligal – 228 days in 1919-1920

There were also major droughts recorded in at least part of the catchment during 1902, 1917, 1924, 1937-38, 1940-45, 1968, 1982-83, and 2002-2010.

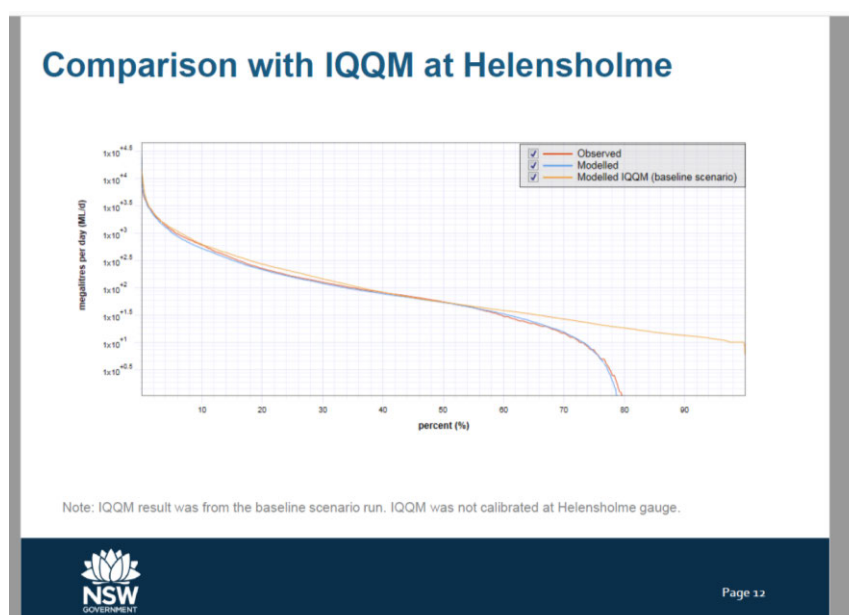
While the construction of Wyangala and Carcoar Dams has changed the low flow and no flow sequences, the variability of rainfall remains, and this should be reflected in both the watering strategies and the risk assessments.

4.1 Identification of environmental water

Section 4.1.1 Identification of Planned Environmental Water

There appears to be a drafting error in the 10th dot point in the blue box, which refers to the Belubula WSP but the long-term extraction limit for the Lachlan Regulated River water source.

The explanatory information on page 36 refers to the Belubula WSP and the requirement for an end of system flow of 10ML/day. As explained in section 3 of this submission covering the Belubula WSP, the IQQM river model on which this rule was based, and which was used when the WSP was developed in 2012, has been found to be inaccurate and to significantly overestimate the volume and frequency of the end of system flows. Subsequent work undertaken by NSW Department of Industry³ shows that the end of system flows at Helensholme (gauge 412033) occur only around 80% of the time, which is quite different from the IQQM model, as illustrated in the screenshot below from the presentation on the Belubula Source model.



² P11, Lachlan Catchment State of the Rivers Report-1997, DLWC.

³ P12, Belubula Source Model, presentation to Lachlan/Belubula SAP meeting 27/02/18

4.3 Planning for environmental watering

The blue box refers to meeting the environmental watering requirements of environmental assets and ecosystem functions as set out in the Long Term Watering Plan (LTWP). We acknowledge that the LTWP is not a part of the WRP for accreditation, and that the NSW Office of Environment and Heritage has invited submissions on the LTWP, but are concerned at some of the inaccurate statements in the LTWP and the potential impact this may have on the environmental watering strategies in the WRP if the information is translated into actions in the LTWP.

One of the significant issues in this regard is around the flow volumes and distribution in the lower Lachlan and the fact that the Lachlan is recognised by the MDBA as a disconnected system that does not contribute flows to the River Murray system.

However, page 46 of the LTWP states that flows reach the Murrumbidgee River in only 15-20% of years. This is at odds with numerous other sources which state that the Lachlan reaches the Murrumbidgee only in large flood events (Green et al. 2011)⁴.

Additionally, the LTWP and environmental watering objectives and strategies should recognise that one contributor to changed flow volumes in the lower Lachlan is the change in flow distribution as a result of the installation of structures such as the Willandra Weir, which has changed the commence-to-flow levels for Willandra Creek, and therefore the distribution of flows. A study⁵ undertaken by DIPNR in 2005 found that flows into Willandra Creek (excluding regulated supplies) had increased to about 200% of pre-development (from 42.3 GL/year under undeveloped conditions to 85.3 GL/year under WSP conditions), while flows at Oxley on the Lachlan River have reduced to 53% of pre-development flows.

As noted on page 4 of this submission, flows are highly variable in the Lachlan catchment and LVW is concerned that the LTWP and the planning for environmental watering should not attempt to replicate environmental conditions that do not accurately reflect this variability and the natural conditions.

4.4 Environmental watering between connected water sources

LVW believes there is a fundamental problem with the planned environmental water (PEW) for the Belubula because the rules in clause 26 of the Belubula WSP were based on flawed assumptions and modelling. This was considered at length in the Stakeholder Advisory Panel (SAP) and a revised rule proposed, but the Panel could not reach agreement on it. We do not believe it is best practice to continue to try and operate a flawed rule when more accurate information is available.

As part of the WRP development process the NSW Department of Industry developed a more accurate Source model for the Belubula. LVW therefore recommends that the planned environmental water for the Belubula should be based on the best available information, and that all references in the WRP to the 10ML/day end of system flow requirement stated in clause 26 of the Belubula WSP should be amended in accordance with the most accurate information. We also note that the Belubula WSP is due for review in 2022 and that this provides a good opportunity to test an amended end of system flow rule over the next three years rather than persist with the existing rule which is unworkable.

⁴ P63, Risk assessment for the Lachlan water resource plan area – Part 1.

⁵ P9, Analyses of Lower Lachlan Effluent flows for undeveloped vs developed conditions (Hameed, Ribbons, Driver, Wettin, Orr) 2005

Recommendation:

That all references in sections 4.1.1, 4.2, 4.3 and 4.4 of the WRP to the minimum end of system flow of 10ML/day specified in clause 26 of the Water Sharing Plan for the Belubula Regulated River be amended to be consistent with actual end of system flow frequencies as represented by the more accurate Belubula Source model.

4.5 No net reduction in the protection of PEW

As noted previously, LVW recommends that a change to clause 26 in the Belubula Regulated WSP should be incorporated as a change to the PEW rules. This would recognise that the rule in place as at 23 November 2012 was based on inaccurate information, and that the proposed change to clause 26 (as considered by the Stakeholder Advisory Panel) is a more accurate representation of the conditions that were in place as at 23 November 2012. This does not represent a reduction in PEW because the PEW was initially based on inaccurate modelling.

In addition, LVW does not agree that the proposed change to Clause 48 of the Belubula Regulated River WSP to remove the 'without debit' component to access to uncontrolled flows is required, and we have addressed this in more detail in section 3 of this submission. Nor do we consider that maintaining the existing 'without' debit provisions would result in any reduction in PEW.

LVW has also assessed that the proposed changes to the management zones and commence-to-pump rules in the Mandagery Creek as outlined in clause 5 and clause 46 respectively of the draft Lachlan Unregulated WSP are not workable in view of the current gauge installations. Additionally, it is likely they would constitute an increase in planned environmental water. We have addressed this in detail in section 4 of this submission.

4.6 Cultural connections

The WRP states⁶ in section 1.3.2 that Aboriginal peoples have the inherent right to maintain cultural values and uses, and notes that consultation has been completed for the Ngiyampaa nation but is still ongoing with the Wiradjuri, Yita Yita and Nari Nari Nations. Section 4.6 notes that there is provision in water sharing plans for native title rights and for the granting of Aboriginal cultural access licences.

The Consultation report⁷ notes that:

- The WRP was developed in a way that had genuine regard to objectives and outcomes in respect of social, spiritual and cultural values and uses of the water resources by Traditional Owners.
- Consultation with relevant Indigenous organisations was undertaken, including with the Northern Basin Aboriginal Nations and Murray Lower Darling Rivers Indigenous Nations.
- The consultation had regard to the views of relevant Indigenous organisations with respect to inclusion of Indigenous representation in the preparation and implementation of the plan.
- The consultation had regard to the views of relevant Indigenous organisations with respect to Indigenous social, cultural, spiritual and customary objectives, and strategies for achieving these objectives.

⁶ P5 Lachlan Surface Water Resource Plan

⁷ P15, section 3.2.3 Lachlan Surface Water Consultation Report, Schedule C

- The consultation had regard to the views of relevant Indigenous organisations with respect to the encouragement of active and informed participation of Indigenous people.

The Consultation Report also states that a more detailed discussion of the objectives and outcomes for Aboriginal values and uses is to be developed through this consultative process and will be included in the Consultation Reports.

Recommendation:

LVW acknowledges that DoI-Water is continuing its consultation with Aboriginal nations on cultural values and objectives, and that there is a considerable body of work to be undertaken. LVW submits that should the ongoing consultation result in actions or proposals that may impact the property rights of licence holders or their ability to utilise their water entitlements, then licence holders must have the opportunity to review and provide submissions on such proposals.

Part 5 Take for consumptive use

Table 5.1

LVW understands that the inconsistencies regarding entitlements between the WRP, NSW Water Register and current Water Sharing Plans will be corrected prior to finalisation of the WRP.

5.2 Sustainable Diversion Limits

LVW is concerned that the updated BDL model scenario report for the Lachlan WRP area has not yet been accepted by the MDBA as the best available estimate of the BDL as at July 2009, and that this needs to be resolved urgently.

It is difficult to quantify the sustainable diversion limit (SDL) volumes, and we recommend that for clarity and ease of interpretation, the final version of the WRP should describe the baseline diversion limit (BDL) for each water source in the Lachlan WRP in terms of both volume and by reference to the accepted model.

5.5 Annual Permitted Take

LVW agrees that the APT method should include the volume of water in water user accounts as at 30 June 2019 in the SDL model run for 2019/20, as it is expected there will still be a reasonable volume of water in the accounts at that date.

5.8 Measures in response to extreme events

Lachlan Valley Water agrees with the extreme event types identified for the Lachlan WRP area in Table 1-4 of the Incident Response Guide (Schedule G). We support the stages and management approaches identified in Table 2.1 regarding the IRG framework. These are very similar to the Drought Contingency Protocol stages and options developed and operated in the Lachlan during the Millennium drought.

However, we are concerned that the proposed membership of the Critical Water Advisory Panel includes only NSW government agency staff and WaterNSW. It is possible the Panel will contain a very limited number of people who have the necessary on-ground knowledge

of the catchment and river operation to provide the required advice from a local contextual basis.

The Critical Water Panel that operated in the Lachlan during part of the Millennium drought included stakeholder representatives from local water utilities and water users. In our view this Panel made a significant contribution to the workable operation of the river under very demanding conditions, and was also a useful conduit for getting information back to the community.

If stakeholder representatives are not part of the proposed Critical Water Panel due to a concern about conflicts of interest, we suggest that the participation of representatives of the Office of Environment and Heritage and Department of Primary Industries-Fisheries in the Panel must also be questioned as these agencies are responsible for the ownership and/or management of a significant volume of water entitlements, and are subject to a similar conflict of interest.

Recommendations:

That representatives of local water utilities and productive water users should participate in the Critical Water Advisory Panel.

That all members of the Critical Water Advisory Panel should be subject to the same standards regarding conflict of interest.

Part 6 Water Quality Management

Lachlan Valley Water notes that the spread of carp is recognised in Schedule H as a cause of water quality degradation in the Lachlan catchment. The National Carp Control Program (NCCP) noted that carp numbers in the Murray Darling Basin trebled from 2004 – 2014⁸. In view of this we suggest that Table 6.1 describing the strategies to address water quality objectives should refer to restricting the spread and numbers of carp rather than simply managing the turbidity effects at targeted hotspots. While the NCCP is still developing recommendations, we suggest that the management strategies to address water quality should allow new information from the NCCP to be considered, as this may provide strategies to maintain turbidity, total N and total P within target ranges.

Finally, we question why the risk assessment summary, Table D1, page 42, continues to refer to an old estimate of the extent of cold water pollution from Wyangala based on extrapolated data, when there is a more recent report⁹ by A Lugg and C Copeland that references a finding that temperatures recovered to within 1-2° of natural within 170km.

Part 7 Measuring and monitoring

Good quality baseline data is required for monitoring and evaluation, and we note the comment on page 14 of the Lachlan Surface Water Monitoring, Evaluation and Reporting Plan that in theory year one of the Basin Plan is the first year of monitoring. LVW agrees with the NSW approach to build on existing MER programs and to select indicators and methods where there may already be historic data available.

⁸ M Barwick, Carp Control Forum, Forbes, 14/02/2018

⁹ Ecological Management & Restoration, Vol 15, No1 January 2014 - "Review of cold water pollution in the Murray-Darling Basin and the impacts on fish communities", pages 74, 75

2. Water Sharing Plan for the Lachlan Regulated River Water Source 2016 (amended 2019)

Part 2 Vision, objectives, strategies and performance indicators

The Plan contains a large number of objectives and performance indicators, and while LVW endorses these objectives, it is also important that the Department is suitably resourced to deliver on these objectives and to adequately monitor the performance indicators.

Recommendation

Where provision is made in the WSP for monitoring, this must be adequately resourced to ensure the work can be completed.

Clause 9 Environmental objectives

LVW notes that the targeted environmental objectives and strategies described in clause 9 (2) and (3) appear consistent with the objectives and strategies in the existing WSP.

Carp are a significant pest species in the Lachlan, particularly downstream reaches, and LVW proposes that the intent of clause 9 (2) (b) with regard to maintaining or enhancing the ecological condition would be assisted by an additional strategy in clause 9 (3) to the effect that environmental water management should not increase the spread or recruitment of pest fish species in the water source.

Recommendation:

That Clause 9 (3) include an additional subclause: That environmental watering should avoid where possible increasing the spread of pest fish species in the water source.

Clause 10 Economic objectives

The targeted economic objectives are acceptable in that they link to maintaining or enhancing access and providing a predictable framework for sharing water. However, a major concern for water users has been that consumptive water use in the Lachlan Regulated River has been persistently below the long-term average annual extraction limit, by 7%-8%, since the WSP was developed. Under-utilisation in some years is understandable given the severe impact of the Millennium drought, but the persistent low usage has significant economic and social costs. LVW believes this is partially an outcome of the operation of the WSP rules and recommends the strategies be amended to enable usage to reach the long-term average annual extraction limit.

Recommendation:

*That Clause 10 (3) (a) be amended to read: To provide a stable and predictable framework for sharing water among water users **that allows water users to maximise utilisation of water within the long-term average annual extraction limit.***

LVW provided a detailed proposal to address this situation in our response to the Lachlan Status and Issues paper, and proposed a change to the resource assessment procedure to allow the use of the 98th percentile inflows in the assessment in order to allow earlier and higher distribution of water to general security licences, particularly during the crop planning period, and in doing so facilitate increased utilisation.

This proposal acknowledged that the beneficiaries of the proposed measure must also bear the risk if the actual inflows are less than the inflows adopted in the planning process, and the allocated water is unable to be delivered. The proposal included a risk management strategy involving the suspension of delivery of general security water in this situation, and that it should incorporate suitable triggers that would identify the potential for suspension of access and to clearly communicate them well in advance of any action being initiated.

This proposal was not supported by the NSW Department of Industry due to the perceived risk involved, but LVW believes this is a critical issue for the Lachlan Valley and that provision should be made in the WSP to enable usage to achieve the long term average annual extraction limit (LTAAEL). To this end we have proposed an amendment to the performance indicators, under clause 10 below, and to Part 12 allowing amendments to the Plan.

Clause 10 (5) Performance indicators

LVW considers that the description in 10 (5) (a) which refers to the movement of water to higher value uses as the primary performance indicator for the economic objectives is inadequate. There is also some uncertainty around Appendix 3, pages 65-68, in which column 4 refers to priority locations for monitoring economic indicators. LVW suggests the economic monitoring should not be limited to certain locations but should incorporate the whole water source, and that the listed conditions should be the factors that are monitored to help assess the economic performance, also that the trends in these performance indicators should be part of the assessment process.

Recommendation:

That the economic indicators in the Water Sharing Plan should include a comparison of trends in the economic benefits of water extraction and use, the change in regional gross margin, and considering the extent to which changes in these indicators can be attributed to the strategies and rules in this Plan.

As noted above in the discussion on under-utilisation, LVW also recommends that the performance indicators in clause 10 (5) should include the following clause.

Recommendation

Clause 10 (5) (d) a comparison of the average annual extraction against the LTAAEL should be made to determine if the average is less than the limit by 3% or more.

Clause 11A Social and cultural objectives

In Clause 11 (2) and (5) regarding the objectives and performance indicators there appears to be a strong focus on recreational fishing as a social and cultural objective. While not disputing it is an important social and cultural use, we question why fishing has been prioritised as a performance indicator when other recreational uses such as boating have not.

Clause 17 Requirements for water

This section contains a Minister's Note that the share components and numbers of licences are to be updated before the amendments commence. LVW understands that the NSW Water Register is the most accurate record of water entitlements and that the updated numbers should be consistent with those reported on the NSW Water Register.

Clause 27 Environmental water allowance rules

When the Lachlan WSP was originally developed these volumes of water were described as environmental contingency allowances and were for ecological purposes including but not limited to the completion of bird breeding events, promotion of fish passage, wetland watering and increasing flow variability. Over time there has been a move away from the contingency emphasis. However, LVW recommends that it is important to maintain the objective of the note to clause 27 (5) specifying that it is expected that average releases from these accounts would not exceed 5,000 ML of Wyangala EWA and of Lake Brewster EWA.

Clause 28 (a) Water quality allowance

When the Lachlan WSP was initially developed the management of salinity and blue green algal blooms¹⁰ were the predominant water quality concerns. As these factors have the potential to impact on critical human water needs as well as on the ecological condition of the river LVW recommends that this priority should be maintained.

Recommendation:

*That clause 28 (3) be amended to read “The operator may make releases from the WQA for any water quality purposes but must **prioritise** the reduction of salinity levels and mitigation of blue-green algae impacts.*

Clause 29 Maintenance of water supply

Clause 29 (1) refers to operating the water supply system in such a way that water is available for the listed higher priority requirements. The equivalent clause in the current version of the Lachlan Regulated WSP includes reference to maintaining supply “through a repeat of the worst period of low inflows on record”. However, the clause in the draft WSP notes only that water should be available for the higher priority requirements and does not include the wording “through a repeat of the worst drought in this water source”.

Clause 29 (3) in the draft WSP defines what the phrase **worst drought** means, but there is no other mention of these words in clause 29. We question whether the omission of these words was intended.

Recommendation:

That the wording of clause 29 (1) be revised to incorporate reference to “a repeat of the worst drought”.

Clause 30 Replenishment flows

The Minister’s Note seeks advice on linking the end of system visible flow requirement to a specific gauge rather than Geramy. LVW recommends that gauge 412194 Four Mile be considered as an appropriate gauge, however, we also understand that this gauge, while automated, is not always reliable, and that the upstream gauges at Corrong and Booligal Weir may be more consistently reliable.

¹⁰ P11, Draft Water Sharing Plan, Lachlan Regulated River Water Source

LVW also notes that it is difficult to maintain a visible flow at Geramy due to the high variability of flows in the Lachlan and the length of the river system, and that specification of a volumetric flow target will require both a summer and a winter flow rate for efficiency.

Recommendation

That Four Mile, gauge 412194, be considered as a reference point for the end of system flow requirement, but note that Corrong, gauge 412045, may also need to be referenced.

Clause 32 Water delivery and channel capacity constraints

The Plan lists the various channel capacity and infrastructure constraints, which represent an update on the capacity constraints listed in the current WSP, and the accompanying note states that delivery in the Wallamundry Creek system may be constrained and that channel capacity in this system and in the Willandra Creek will be shared in accordance with flow sharing protocols established by WaterNSW.

LVW advocates that it is important to determine these protocols at an early stage, before the creek systems come under significant delivery pressure, so that there is clarity for all licence holders regarding any potential constraints. LVW also recommends that the objective should be to protect the delivery capacity for existing licences in the system, in which case the relevant starting date for defining the channel capacity shares is important.

Individual daily extraction limits (IDELs) are a practice used in northern valleys to manage flow sharing, and clause 73A of the Lachlan WSP allows an amendment of the Plan to establish individual daily extraction limits. LVW therefore proposes that a clear process be undertaken shortly after commencement of the Plan to determine IDELs in consultation with the licence holders on the creek systems that will enable them to provide input on the basis on which IDELs are to be defined (ie, whether the basis should be the authorised size of the works, or whether it should be the share component held by a licence holder) and the relevant starting date for defining the IDEL.

Recommendation

That the establishment of IDELs for both the Wallamundry/Wallaroi Creek system and the Willandra Creek should be undertaken by WaterNSW in consultation with the licence holders on these creek systems to enable them to provide advice on the basis on which the IDELs are to be defined and the relevant starting date for defining the IDEL.

Clause 39 Calculation of the long term average annual extraction limit

The NSW Department of Industry has updated the Lachlan Regulated BDL model, taking into account improvements in how the model represents river operation and incorporating the continuous accounting system, which has been in place since the WSP was introduced in 2004. LVW supports the adoption of the updated BDL model as the most accurate representation of the Lachlan river operation as at 30 June 2009, but we understand this model run has not yet been accredited by the MDBA and there is no clarity on when this issue will be resolved. LVW considers it is critical that the BDL model version used must be the most accurate representation of the river operation available and that the NSW updated BDL model should be accredited.

The Plan now includes a more complex compliance process. We seek clarification on what the extraction limit is in ML/year and whether model run E229 has been accredited by the MDBA.

Recommendation:

LVW recommends that the Notes to clause 39 (2) should specify the long-term average annual extraction limit in megalitres, and should also reference the appropriate model run.

Clause 42 Calculation of the cumulative annual extraction limit

This requires reference to the Basin Plan, and given that this is a key requirement of the Water Sharing Plan, for clarity we suggest that there should be a note quantifying the extraction limit and a hyperlink in the WSP rather than simply a reference to the Basin Plan.

As the Lachlan is recognised by the MDBA as a disconnected system, we understand that the Lachlan resource unit will not be subject to a proportion of the shared reduction amount.

Recommendation

That the cumulative annual extraction limit be described in megalitres.

Clause 42A Calculation of cumulative annual extraction

The note to this clause explains that usage of held environmental water is not assessed as consumptive usage as part of the Basin Plan compliance requirements. However, usage by environmental water holders is assessed under NSW LTAAEL compliance procedures. As the MDBA applies no control to the usage by environmental licences, we are concerned that in the long term this has the potential to allow an increase in the rate of usage of held environmental water, causing a response which impacts consumptive licence holders.

Clause 42C Action following non-compliance

Clause 42C (3) states that the Minister may consult with water users on the calculations and the proposed actions. The corresponding clause 42 (6) in the current WSP states that the Minister should consult with water user representatives on the data used and the proposed actions to be undertaken. While this clause has not yet been triggered, LVW believes that the consultation adds a valuable perspective on the proposed response and should be retained. The Plan notes that consultation with the Lachlan Customer Service Committee (now Customer Advisory Group) will be used.

Recommendation

*LVW recommends that clause 42C (3) be amended to read that the Minister **should** consult with water user representatives.*

Clause 52 Accounting rules

Clause 52 (12) and (13): LVW supports the changes to allow the debiting of the additional evaporation caused by water carried over on general security accounts, to those accounts, rather than socialising the evaporation across all general security accounts as currently occurs.

Clause 52 (14): LVW supports the changes to limit the reset of accounts to no more frequently than at 6 monthly intervals, and to link an account reset to when all storages are full or expected to fill, rather than the current rule which requires a reset when airspace operations are undertaken, which occurred in 2016 and caused significant disadvantage for some licence holders, and uncertainty about account management.

Clause 52 (15): This subclause allows for a reset of accounts to be undertaken when Lake Cargelligo and/or Lake Brewster are less than their physical full capacity for any reason, including to support a bird breeding event. Where this strategy is employed to support an environmental event, there should be a requirement that the loss of storage volume is debited to either a planned environmental water allowance or a held environmental water account.

Recommendation

That when a reset of accounts occurs under clause 52 (15) and Lake Brewster and/or Lake Cargelligo are at less than full capacity due to an environmental event, the consequent loss of storage volume is to be debited to an environmental water account.

Note to Part 9: The note states that when there is an account reset and all storages are full, it should be possible for a general security account to hold a maximum of 1.36ML/unit share. However, it is not clear the reset may well be at less than 1.36 ML/unit share.

The account reset that occurred in 2016 was at 115% rather than 136%, due to the requirement to use different inflow data in airspace management operations from that used in the resource assessment. Many licence holders were unaware that the account reset could be at a figure significantly less than the 136%. LVW recommends that this note be amended to provide greater clarity about the potential account reset figure, from a range of a maximum of 1.36ML/unit share to xxx ML/unit share, depending on the time of year.

Recommendation

LVW recommends that the final sentence of the Note to Part 9 should be restated to make it clear that the reset can be at a maximum of 136%, but may be significantly less than this, depending on the time of year.

Part 10 Access licence dealing rules

The Plan contains a Ministers Note indicating the Department is considering allowing conversion of regulated river high security entitlements to entitlements in upstream unregulated water sources.

LVW was surprised to see this Note included in the WSP. We also note that the draft WSP proposes to repeal clause 58 in the current Lachlan Regulated River WSP which prohibits dealings under section 71O of the Act, which allows conversion of licences to a new category.

The availability of water in the upstream unregulated sources is highly variable and episodic, and LVW believes that this proposal carries a very high risk for existing licence holders, other water users in the upstream water sources and the ecological condition of the water source. Any proposed conversion would need to be investigated in detail, and would require a well-researched and prudent calculation of an appropriate conversion ratio and applicable conditions to ensure that there are no negative impacts on either the upstream water source or on existing water users.

LVW will provide further comment following detailed consultation with unregulated water users.

Recommendation:

LVW strongly recommends that the proposal to allow conversion of regulated river entitlements to entitlements in upstream unregulated water sources should not be approved unless the analysis of any proposed conversion can clearly demonstrate no negative impact on the water source or upstream licence holders, and that any proposal must be subject to detailed consultation with existing licence holders in the upstream water source.

Clause 59 Assignment of rights dealings

LVW endorses clause 59 (c) allowing the permanent trade of up to 67,000 ML from upstream of the Lake Cargelligo barrier to downstream.

Part 11 Mandatory Conditions

The new Water Management (General) Amendment (Metering) Regulation 2018 has now been legislated and in accordance with the Minister Note we understand the mandatory conditions regarding metering and logbooks will be removed and that compliance with the requirements will be defined by reference to the regulation.

Part 12 Amendment of this Plan

As noted under clause 10, there is a long standing concern in the Lachlan that consumptive usage has been well below the long-term average annual extraction limit, and the proposal that LVW submitted to address this was not dealt with in the time available for development of the Water Resource. LVW recommends that a provision be included to allow an amendment to the rules to allow usage to achieve the long-term average annual extraction limit.

Recommendation

That a clause be added to allow an amendment of the rules to provide for consumptive usage to be able to achieve the long-term average annual extraction limit.

3. Water Sharing Plan for the Belubula Regulated River Water Source 2012 (Proposed amendments 2019)

The Water Sharing Plan for the Belubula Regulated River Water Source contains rules which were based on an IQQM river model now shown to have been inaccurate in representing end of system flows. LVW considers that it is neither good science nor good policy to continue to operate an existing flow rule based on an inaccurate river model, when a more accurate Belubula Source model has been developed and presented to both the Stakeholder Advisory Panel and the community. This Water Resource Plan process provides the opportunity to amend the rules utilising a more accurate river model, and our submission addresses this in detail.

Clause 8 Environmental objectives

Clause 8 (3) refers to reserving a portion of natural flows to mitigate alterations to the natural flow regime, and also references clause 26, which includes a requirement to maintain an end of system flow at the Helensholme gauge of 10ML/day. However, clause 26 also contains a Minister's note that acknowledges that this end of system flow requirement is not achievable during prolonged drought, indicating that the end of system flow requirements in the Plan do not accurately represent the natural flow regime.

LVW submits that the Water Sharing Plan, in attempting to mitigate alternations to natural flow regimes and to maintain hydrological connectivity, must recognize the natural variability of flows and must accurately define the natural end of system flows. The notes in clause 8 (3) should remove all reference to the rules in clause 26 until these rules are amended to accurately represent the natural conditions, as included in the revised Belubula Source model.

Otherwise, to attempt to maintain an end of system flow that does not represent the natural conditions is not a rule based on the best available knowledge.

Recommendation:

All references to the rules in clause 26 should be removed from the notes to clause 8, 9, 10, 10A and 15 until the rules in clause 26 are amended to accurately reflect the natural flow regime.

Clause 9 (5) Economic objectives – performance indicators

LVW considers that the description in 9 (5) (a) which cites only the movement of water to higher value uses as the primary performance indicator for the economic objectives is inadequate. There also appears to be some confusion in Appendix 4, pages 56-58, which refers to priority locations for monitoring being identified by certain conditions. LVW suggests the economic monitoring should not be limited to certain locations but should incorporate the whole water source, and that the listed conditions should be the factors that are monitored to help assess the economic performance, also that the trends in these performance indicators should be part of the assessment process.

Recommendation:

That the economic indicators in the Water Sharing Plan should include a comparison of trends in the economic benefits of water extraction and use, the change in regional gross margin, and considering the extent to which changes in these indicators can be attributed to the strategies and rules in this Plan.

Clause 26 - Environmental release rules for Carcoar Dam

The draft Plan acknowledges that the current end of system flow requirement is not achievable in drought conditions but has failed to adopt the rule change considered at length by the Stakeholder Advisory Panel. Instead the NSW Department of Industry proposes to retain the existing rule and try to deliver end of system flows that clearly do not reflect natural conditions while they try to develop a more effective rule. LVW believes that to continue to make releases from Carcoar Dam to meet an environmental objective based on inaccurate information, and by doing so risk being unable to meet critical human water needs because Carcoar Dam has been run dry, is a perverse outcome.

Already this season WaterNSW has indicated in their water operations report (7 January 2019) that the end of system flow can only be met intermittently. It requires the release of approximately 60ML/day from Carcoar to deliver a 10ML/day flow at the end of system if no-one is pumping.

The data provided by the NSW Office of Water during development of the Belubula Regulated Water Sharing Plan in 2012 indicated that while inflows are highly variable, the average Carcoar Dam inflows were 16.8 GL/year, and average tributary inflows were 152.3 GL/year, for a total system inflow of 169 GL/year. That is, Carcoar Dam captures only 10% of total inflows to the Belubula River, and 90% of flows in the river are derived from unregulated flows¹¹. The current Water Sharing Plan limits extraction to a long-term average of 7.37 GL/year, meaning that approximately 85% of the average flow in the Belubula system is protected from extraction.

The Belubula Landholders Association raised concerns in 2015 when it became obvious the rule was not functional¹² and suggested that a rule change was required. The NSW Department of Industry has since undertaken extensive work to develop a new Belubula Source model and to test alternative rules to deliver outcomes that more closely match natural conditions. The new model was presented to the Stakeholder Advisory Panel in February 2018 and then to the Belubula Landholders Association in March 2018. We believe this should have provided adequate time for NSW agencies to assess the proposed rule.

As the Belubula WSP is due for review in 2022, LVW recommends this provides an ideal opportunity to introduce and test the proposed end of system flow rule change supported by the majority of the Stakeholder Advisory Panel.

The proposed rule involves linking the end of system flow rule more strongly to tributary contributions in accordance with the revised Source model, and then suspending the end of system flow requirements when the 120-day moving mean flow at Flyers Creek is less than or equal to 10ML/day on 1st March. The suspension to remain in place until the 60-day moving mean flow at Flyers Creek exceeds 40 ML/day. A 'first fresh' protection of 70 ML/day for 3 days at Helensholme was also proposed, but this must be linked to the amendment to clause 26 and should not be introduced in isolation.

Recommendation:

1. *That clause 26 (2) be amended to read:*

When the 120-day moving mean flow at Flyers Creek is less than or equal to 10ML/day on 1st March, subclause (1) is to be suspended. The suspension to

¹¹ Draft WSP for Belubula Regulated River, NSW Office of Water 2012

¹² LVW submission to DPI Water on Belubula WSP rules, July 2015.

remain in place until the 60-day moving mean flow at Flyers Creek exceeds 40 ML/day.

- 2. That the effect of this rule be assessed between 2019 and 2022, and the outcomes be used to inform a possible further amendment to the Plan in 2022.*

Clause 33 Calculation of long-term average annual extraction limit

NSW Department of Industries has updated the Belubula Regulated BDL model, taking into account improvements in how the model represents river operation. The differences between the NSW BDL modelled long-term average usage (7,802 ML under IQQM and 5,959ML under the updated Source model), and the MDBA modelled average usage (2,715 ML) are in the order of 200%-300% and will have an enormous impact on productive users and the local community. This is a long-standing issue and in view of the magnitude of the differences it is critical this be resolved urgently.

LVW considers that the MDBA hydrological model for the Lachlan Water Source did not correctly include the diversions from the Belubula River in the Baseline Diversion Limit for the Lachlan surface water source.

The MDBA Technical Report 2011/01 Version 2¹³ shows the Lachlan diversions as per the water sharing plan as 305 GL, however, this figure refers only to the diversions from the Lachlan regulated river (refer clause 14, WSP for Lachlan Regulated River) and does not include the diversions from the Belubula regulated river.

The Belubula Regulated River Water Sharing Plan was completed in 2012 and has a long-term average annual extraction limit (LTAAEL) of 7.37 GL¹⁴.

LVW has previously raised the modelling issue with the MDBA, who maintained that the Belubula River was included in the BDL for the Lachlan water resource plan area (SS16), however, it is our understanding that the net inflows from the Belubula into the Lachlan River have been included in the model but it does not appear that the diversions in the Belubula have been correctly accounted for in the Lachlan BDL.

LVW supports the adoption of the NSW BDL model as the most accurate representation of the Belubula river operation as at 30 June 2009, but we understand this model run has not yet been accredited by the MDBA. LVW considers it is critical that the BDL model version used must be the most accurate representation of the river operation available and that the NSW updated BDL model should be accredited.

Clause 35 Assessment of compliance with extraction limits

Usage in the Belubula is highly variable, in part because the storage capacity of Carcoar Dam is only 36,000 ML, and because there is limited on-farm storage there is also limited capacity to utilise the uncontrolled flows, even if the rules for access to these flows were workable.

This clause contains provision for a detailed assessment of compliance with the extraction limits, and LVW recommends that if clause 35 (3) (b) is triggered, the further assessment of extractions should have regard to the variability of usage during that period.

¹³ Table 11, p17, Comparison of watercourse diversion limits in the proposed Basin Plan with other published limits,

¹⁴ Clause 33 (2) Note 1, Belubula Regulated WSP

Clause 36 Action following non-compliance

Clause 36 (2) provides that the Minister may reduce the maximum AWD that can be made for supplementary water access licences and that the Minister may reduce the take limit for general security licences. Clause 36 (3) requires that these reductions to each category of licence must be made in the same amount.

Essentially this makes general security licences and the supplementary access licence equally responsible for remedying any extraction in excess of the allowed limit, regardless of which licences caused it, rather than the response being proportional to the cause. LVW recommends that given there are two very different classes of licence involved, it would be appropriate and equitable for the response to be proportional to the cause, and propose that an additional subclause be included to the effect that the Minister may consult with water users on the proposed actions.

Recommendation

That subclause 3 (b) be amended to read that the Minister may consult with water users as to the amount of reduction to be made under subclause 2(a) and subclause 2(b).

Clause 48 Taking of uncontrolled flows under general security access licences

Lachlan Valley Water supports the amendment to subclause 5 (c) to allow access to uncontrolled flows when the volume of water in Carcoar Dam is than 21,000 ML (58%). The current rules linking access to the volume of “effective available water” have been completely ineffectual since the WSP was developed because it has become clear that under dry conditions that the “effective available water” while available on paper in licence holders’ accounts, was not physically available in the storage.

The Belubula is unusual for a regulated river in that 90% of flows are unregulated, so there is a significant advantage in enabling practical access to uncontrolled flows because this is likely to allow greater take in winter/spring and reduce demand on the storage in summer, when delivery losses are also expected to be higher.

The proposed rule, by maintaining subclauses 5 (a) and (b) will continue to ensure protection of low flows and minimise the impact on flow variation.

However, Lachlan Valley Water does not support the proposed repeal of subclauses 4, 6 and 7, which currently allow water to be taken “without debit” if there is no available water determination credited to the general security water allocation account in that water year. The repeal of these subclauses would mean that an account must have water in it to be able to access uncontrolled flows, ie, the proposed change would simply allow water to be accessed with no water order lead time.

This is not a workable option in the Belubula because during a sequence of drier than average years the accounts of active users will be drawn down. Removing the “without debit” provisions would force active users to go to the market to transfer water allocation from inactive accounts to their active accounts to allow them to access uncontrolled flows. However, the available evidence suggests that the market is not operating efficiently because the volumes traded each year represent a relatively small proportion of the total entitlement. The following table summarising temporary transfers since the commencement of the WSP has been developed from information available through the NSW Water Register. The table excludes transfers for zero value as these are believed to be inter-entity transfers.

Table 1: Belubula Regulated River Temporary Transfers 2012/13 to 2017/18

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Total temporary transfers (ML)	2254	2341	2416	1615	1036	4355
GS transfers for value (ML)	2234	979	1460	584	767	2984
GS transfers as % of total GS entitlement	9.8%	4.3%	6.4%	2.6%	3.3%	13%

The Belubula is more comparable to an unregulated river than a regulated river, and it therefore is logical that the access rules should reflect these conditions and allow for workable access to uncontrolled flows.

Recommendation:

That clause 46 subclauses (4), (6) and (7) be retained in the WSP.

Clause 45 (10) General security account limits

Lachlan Valley Water supports the proposed reduction in the GS account limit to 1.1ML per unit share.

Additionally, water users suggest that consideration should be given to whether the evaporation of water held in GS accounts to be debited to accounts in proportion to the water that is carried forward in the account from one year to the next, rather than socialised as is the current practice.

Part 10 Access licence dealing rules

The Plan contains a Ministers Note indicating the Department is considering allowing conversion of regulated river high security entitlements to entitlements in upstream unregulated water sources, similar to the process that was followed for a licence currently held on the Belubula.

LVW is extremely cautious about the potential impacts of this proposal if the conversion is not accurately analysed, and strongly recommends that this would require a well researched and prudent calculation of the appropriate conversion ratio to ensure that there are no negative impacts on the upstream unregulated water source or on existing licence holders. We also note that the availability of water in the unregulated sources is highly variable and episodic, and that this must be taken fully into consideration in any such action.

LVW will provide further comment following detailed consultation with unregulated water users.

Recommendation:

LVW strongly recommends that the proposal to allow conversion of regulated river entitlements to entitlements in upstream unregulated water sources should not be approved unless the analysis of any proposed conversion can clearly demonstrate no negative impact on the water source or upstream licence holders, and that any proposal must be subject to detailed consultation with existing licence holders in the upstream water source.

Part 11 Mandatory Conditions

The new Water Management (General) Amendment (Metering) Regulation 2018 has now been legislated and in accordance with the Minister Note we understand the mandatory conditions regarding metering and logbooks will be removed and that compliance with the requirements will be defined by reference to the regulation.

Part 12 Amendment of this Plan

We question why clause 66 (1) (b) allowing for an amendment to the plan to allow shepherding of water within this water source is required as we are unaware of any proposals or requirements for shepherding in the Belubula River.

4. Water Sharing Plan for the Lachlan Unregulated and Alluvial River Water Sources 2012 (amended 2019)

This Plan covers 23 unregulated surface water sources, with the following total entitlements:

Basic landholder rights	4,248 ML/year
Domestic and stock access licences	792 ML/year
Local water utility access licences	5,923 ML/year
Unregulated river access licences	46,671 unit shares

Clause 10 Environmental objectives and performance indicators

Clause 10 (5) refers to the performance indicators and in view of the proposed changes to the management zones and flow classes we recommend that the existing data for these indicators be made available to allow an assessment of the ecological risk associated with the existing cease-to-pump flow classes.

Recommendation:

That existing data on performance indicators described in 10 (5) be made available.

Clause 11 (5) Economic objectives – performance indicators

As with our comments on the Lachlan Regulated and Belubula Regulated WSPs, LWV considers that the description in 11 (5) (a) and (b) which focus on the movement of water to higher value uses as the primary performance indicator for the economic objectives is inadequate. We recognise that in an unregulated system the economic benefits may be more difficult to identify, but propose that the trends in the regional gross value of irrigated agricultural production should be part of the assessment process.

Recommendation:

That the economic indicators in the Water Sharing Plan should include a comparison of trends in the economic benefits of water extraction and use, the change in regional gross value of irrigated agricultural production, and considering the extent to which changes in these indicators can be attributed to the strategies and rules in this Plan.

Clause 46 Flow classes

Proposed Upper Mandagery Creek Management Zone: Clause 46 proposes a very significant change for Mandagery Creek licence holders, compressing Zones 1 (Bourimbla), 2 (Lower Boree), 3 (Mid Mandagery) and 5 (Upper Boree) into one Upper Mandagery Creek management zone and linking access to a cease-to-pump flow of 10ML/day at Smithfield gauge (412030).

These four current zones are located 20 – 60 km upstream of Smithfield, and cover the area between Toogong, Cudal, Borenore and Manildra. As flows in the Mandagery Creek Water source are highly variable and episodic, it is clear that the proposal to link all access to a gauge so far downstream will significantly reduce access in the existing zones 1, 2, 3 and 5.

The current WSP specifies flow classes for each of these four management zones with flow reference points at the downstream end of each individual management zone and cease-to-pump levels significantly less than 10ML/day.

The original intent in the Mandagery Creek Water Sharing Plan 2003 was to install gauges at each flow reference point, however that did not occur, and we understand that it is now extremely unlikely that such gauges will be installed. However, as the Water Sharing Plan and the intent to install gauges was developed under the Department of Land and Water Conservation at that time, we believe it is unreasonable to negatively impact licence holders now because the Department did not install the proposed gauges.

Lower Mandagery Creek Management Zone: the Lower Mandagery Creek zone is unchanged and extends from Toogong to the junction with the Lachlan River. The draft Plan also proposes to link access throughout this zone to cease-to-pump of 10ML/day at Smithfield (412030).

As noted in our response to the Department when the original Mandagery Creek WSP came up for review in 2015, the link to the gauge height at Smithfield will restrict the ability of licence holders to access water for the following reasons:

- a. The Smithfield gauge does not measure all inflows to Mandagery Creek. Eulimore Creek and Waterhole Creek join the Mandagery below the Smithfield gauge, so there will be periods when the flow between Smithfield and the junction with the Lachlan may be far higher than 10ML/day or more but licence holders will be unable to pump because the 10 ML/day trigger has not been exceeded at Smithfield.
- b. For licence holders above the Smithfield gauge there is a time lag between flows passing their works and reaching the Smithfield gauge, so by the time the level at Smithfield is at 10ML/day the opportunity to pump at an upstream site may well have passed.
- c. Likewise, there is a time lag for those downstream of the Smithfield gauge, where by the time a flow exceeding 10 ML/day reaches a pump site 2 or 3 days downstream of the gauge, the flow at Smithfield may have dropped below 10ML/day and access is no longer permitted.

The practical effect of the proposed new rules will be to significantly reduce access throughout the Mandagery Creek water source, and to therefore increase the share of flow reserved for the environment.

Also as noted in our response to the Mandagery Creek WSP review in 2015, 70% of the entitlement in the Mandagery Creek is held below the Smithfield gauge, so it may be possible to link access in this reach to the level at the Smithfield gauge, and incorporate a lagged access rule. Under this option, if flows at the Smithfield gauge are at 10 ML/day for a period of 2 days or longer, then licence holders downstream be allowed access to flows for that same period of time but lagged by an appropriate period to allow for travel time.

The Fact Sheet notes that the Department of Industry is currently undertaking modelling to determine the impact of such a proposal. On behalf of licence holders LVW would welcome further discussion on how this proposal could be implemented to provide a workable access arrangement.

Summary

Having regard to the fact that the proposed new management zones and cease-to-pump rules for the Mandagery Creek Water Source are likely to cause a significant reduction in the ability of licence holders to access water, and because the failure to install the proposed gauges for the zone-based access rules under the 2003 WSP is the result of a Government decision, LVW recommends that the proposed new management zones and CTP rules be deferred.

However, we acknowledge that work is already being undertaken by the Department to investigate a CTP delay rule for the Lower Mandagery Creek Management Zone. As the Water Sharing Plan for the Lachlan Unregulated River Water Sources is due for review by 2022 we recommend that this provides an opportunity to investigate the proposed rules in more detail, and undertake additional consultation with licence holders on alternate zoning and CTP rules that provide a workable level of access for irrigators while at the same time maintaining the protection of environmental values contained in the existing WSP.

In the interim we recommend that the existing management zones and CTP rules be maintained while the modelling and consultation is carried out.

Recommendations:

- 1 *That the existing cease-to-pump flow classes and management zones for Zone 1 (Bourimbla), 2 (Lower Boree), 3 (Mid Mandagery) and 5 (Upper Boree) be maintained until 2022.*
- 2 *That options to simplify the management zones and cease-to-pump flow classes in the Upper Mandagery be investigated in consultation with stakeholders.*
- 3 *That the existing cease-to-pump conditions for Lower Mandagery Creek Zone be maintained until 2022.*
- 4 *That a proposal to amend the Lower Mandagery Creek Zone cease-to-pump and establish a cease-to-pump delay be investigated in consultation with stakeholders.*
- 5 *That provisions to make amendments to the Plan following the outcome of these investigations be included under Part 12 of the Plan.*

Clause 48 Access rules for unregulated river access licences on the Booberoi Creek

Clause 48 (2) (h) contains a requirement that access is not available if releases are being made from the Wyangala Dam environmental water allowance or the water quality allowance. Potentially there may be a WQA release at a location far removed from the Booberoi Creek offtake and where any extractions in Booberoi Creek would have no impact.

Under these circumstances we recommend that consideration be given to allowing access for Booberoi Creek unregulated river access licences if the releases referred to in this clause are not expected to affect flows at Booberoi Creek

Clause 49 Access rules for unregulated river access licences on the Unregulated Effluent Creeks

Clause 49 (2) (g) contains a requirement that access is not available if releases are being made from either the Wyangala Dam or Lake Brewster environmental water allowance or the water quality allowance. Potentially there may be a WQA release at a location far removed from the Effluent Creeks and where any extractions in Effluent Creeks would have no impact.

Under these circumstances we recommend that consideration be given to allowing access for Effluent Creek unregulated river access licences if the releases referred to in this clause are not expected to affect flows at the Effluent Creeks.

Part 10 Access licence dealing rules

The Plan contains a Ministers Note indicating the Department is considering allowing conversion of regulated river high security entitlements to entitlements in upstream unregulated water sources.

LVW is extremely cautious about the potential impacts of this proposal if the conversion is not accurately analysed, and strongly recommends that this would require a well researched and prudent calculation of the appropriate conversion ratio to ensure that there are no negative impacts on the upstream unregulated water source or on existing licence holders. We also note that the availability of water in the unregulated sources is highly variable and episodic, and that this must be taken fully into consideration in any such action.

LVW will provide further comment following detailed consultation with unregulated water users.

Recommendation:

LVW strongly recommends that the proposal to allow conversion of regulated river entitlements to entitlements in upstream unregulated water sources should not be approved unless the analysis of any proposed conversion can clearly demonstrate no negative impact on the water source or upstream licence holders, and that any proposal must be subject to detailed consultation with existing licence holders in the upstream water source.

Part 11 Mandatory Conditions

The new Water Management (General) Amendment (Metering) Regulation 2018 has now been legislated and in accordance with the Minister Note we understand the mandatory conditions regarding metering and logbooks will be removed and that compliance with the requirements will be defined by reference to the regulation.

Part 12 Amendment of this Plan

We question why clause 80 (1) (b) allowing for an amendment to the plan to allow shepherding of water within this water source is required as we are unaware of any proposals or requirements for shepherding in the Lachlan Unregulated Water Sources.

In accordance with the recommendations under clause 46, that a clause be included here to allow amendments to the Mandagery Creek Management Zones and the cease-to-pump rules following an investigation of options to simplify the rules and consultation with stakeholders.