

<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	[REDACTED]
<b>Address</b>	[REDACTED]
<b>Contact phone number</b>	[REDACTED]
<b>Are you an individual or representing an organisation?</b>	Individual
<b>Proposed changes to the Water Sharing Plan for the NSW Border Rivers Regulated Rivers Water Source 2009</b>	
<b>Do you have any comments on the proposed change to allow the establishment of an environmental water advisory group (EWAG) for the NSW Border Rivers Water source?</b>	A scientifically based independent EWAG is essential
<b>Do you have any comments on the proposed change to extend the Protection of the Stimulus Flow from Frazers Creek to the Confluence of the Macintyre River and the Dumaresq River?</b>	extend the Protection of the Stimulus Flow from Frazers Creek to the Confluence of the Macintyre River and the Dumaresq River - proposal supported
<b>Do you have any comments on the proposed change to allow the Stimulus flow to be released outside the current period 1st August -1st December time frame to allow more flexibility?</b>	increase the flexibility of stimulus flows is supported
<p>Submission on the Draft NSW Border Rivers Surface Water Resource Plan</p> <p>I am providing you with this submission in response to your request for feedback on various draft Water Resource Plans within the Murray-Darling Basin.</p> <p>I am a South Australian concerned citizen with a hydrologic and</p>	

water policy background. I speak primarily from the perspective of the ecosystem health across the whole of the Basin. I can see that the harm that ecosystems have suffered throughout the lower regions of the Murray Darling Basin is beginning to be very evident in the Northern basin.

Specifically I urge you to guarantee that:

- Ecosystems including the broad floodplains within the water planning area are provided a high level of protection including providing resilience to cope with drought by ensuring that at least 75% of the ecosystems adjacent to the rivers and tributaries are protected in a natural state including having access to long run historic pre-development flow / inundation regimes. That should not include conversion to irrigated farming. The aim would be to sustain floodplain and aquatic ecosystems.
  - End of system flow is carefully protected, in particular through the retention of at least 50% of natural low and medium flows are protected. This will mean ensuring that flow in every year and not allowing abstractions to be taken in advance of actual stream flow.
  - Take account of the cumulative environmental impacts of floodplain harvesting. Ensure that the implications of this water is accounted within the abstraction licensing system.
  - Take account of flow predictions including any drought situation; even those further downstream.
  - The Environmental Water Advisory Group, including community and government representatives, must be a mandatory requirement in the water sharing plan.
  - Make provision for the storage of environmental water allocations with upstream storages and also downstream on farm storages where capacity exists
  - Minimise the constraints to the delivery of environmental flows
- ██████████ – Hydrology

**Do you have any other comments on the proposed amendments to the Water Sharing Plan for the NSW Border Regulated Rivers Water Source 2009?**

**Proposed changes to the Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012**

**Do you have any comments on the minor changes proposed to the NSW Border Rivers Unregulated and Alluvial Water Sources 2012?**

- Support the reduction of alluvial groundwater resources on the basis that it essentially 100% connected to surface water regimes
- NSW Floodplain Harvesting Policy 2013 seems grossly inadequate. It is the harvesting of such flows that is having such a large impacts on downstream flows. Flopdplain harvesting should be brought into line with the principles of the MD-B cap on diversions taken back to the 2000 level of development

**Water Resource Plan**

**Do you have any comments on how DoI Water can improve the consultation process undertaken?**

No

**Do you have any other comments on this chapter or Schedule C?**

No

## Response to chapter 2: Water resource plan area and other matters

Do you have any comments on this chapter or Appendix A?

No

## Response to Chapter 3: Risks to water resources

Do you have any other comments on this chapter or the Risk Assessment (Schedule D)?

- Take account of the cumulative environmental impacts of floodplain harvesting. Ensure that the implications of this water is accounted within the abstraction licensing system.

## Response to chapter 4: Environmental water, cultural flows and sustainable management

Do you have any comments on the protection of environmental water?

- The Environmental Water Advisory Group, including community and government representatives, must be a mandatory requirement in the water sharing plan.

Do you have any comments on cultural connections to surface water and the protection of Indigenous values and uses?

Indigenous values and uses should be adequately considered

Do you have any other comments on this chapter, Schedule E or Appendix C?

No

## Response to chapter 5: Take for consumptive use

Do you have any other comments on this chapter or Schedule F?

- End of system flow is carefully protected, in particular through the retention of at least 50% of natural low and medium flows are protected. This will mean ensuring that flow in every year and not allowing abstractions to be taken in advance of actual stream flow.
- Take account of the cumulative environmental impacts of floodplain harvesting. Ensure that the implications of this water is accounted within the abstraction licensing system.
- Take account of flow predictions including any drought situation; even those further downstream.

Do you have any comments on the Incident Response Guide (Schedule G)?

No

<b>Do you have any other comments on this chapter?</b>	No
<b>Response to chapter 6: Water Quality Management</b>	
<b>Do you have any other comments on this chapter or the Water Quality Management Plan (Schedule H)?</b>	No
<b>Response to chapter 7: Measuring and monitoring</b>	
<b>Do you have any comments on this Chapter?</b>	No
<b>Do you have any comments on the proposed monitoring, reporting and evaluation plan (Schedule J)?</b>	<ul style="list-style-type: none"> <li>• monitoring, reporting and evaluation plan are essential and should be adequately resourced</li> </ul>
<b>Response to chapter 8: Information used to prepare the WRP</b>	
<b>Do you have any comments on chapter 8 or Schedule I?</b>	<ul style="list-style-type: none"> <li>• No doubt the hydrologic modelling is frustrated by lack of long term reliable data, accordingly adequate approach to uncertainty and the application of a precautionary principle needs to be ensured. Particularly for the prediction of long term low flows.</li> </ul>
<b>Further responses to Schedules</b>	
<b>Do you have any additional comments on the Schedules?</b>	No
<b>Additional responses to Appendices</b>	
<b>Do you have any additional comments on the Appendices A or C</b>	Need to ensure climate change predictions are taken into account in the analysis and modelling scenarios
<b>How did you hear about the Public Exhibition of this plan?</b>	
<b>Please let us know how you heard about the opportunity to make a submission?</b>	<p>Social media</p> <p>Communication from peak body</p>
<b>Additional Information</b>	

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

Yes

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## **SUBMISSION: BORDER RIVERS SURFACE WATER RESOURCE PLAN**

### **Context**

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

This submission is made in the context of the CEWH's statutory responsibilities, and proposes strategies to mitigate potential risks consistent with the risk-based approach embedded within the Basin Plan (Chapter 10, Part 9). The statutory responsibilities of the CEWH and Commonwealth environment portfolio 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 (Basin Plan s10.40-10.43)***

The Commonwealth Environmental Water Office (CEWO) has sought assurance through the 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) or meeting of watering requirements of priority environmental assets (s10.17).

The CEWO recognises that a number of significant policy and regulatory issues raised in the development of Water Resource Plans have yet to be resolved, however acknowledges that pathways exist to resolve these issues and these provide a means of on-going consultation with the CEWO. Measures to resolve these issues will need to be incorporated into the NSW Border Rivers WRP and WSPs. Matters to be resolved include:

- protections for environmental water currently being developed through the work of the NSW Water Reform Action Plan and the Intergovernmental Working Group
- floodplain harvesting (FPH) policy development
- final apportionment of the Northern Basin shared reduction
- Northern basin toolkit implementation, including infrastructure projects.

Information presented through the SAP processes have not been able to support full consideration of the potential impacts from possible rule changes, and as such there remains a moderate to high degree of uncertainty in the potential consequences of their implementation. While we acknowledge the difficulty in providing comprehensive

information and modelling, this submission identifies a number of residual risks and proposes some possible treatments to limit unintended consequences.

***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
7. Floodplain harvesting

**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 Border Rivers catchment. Where the operation of the water resource plan may compromise meeting the environmental watering requirements (s10.17) further regard may be required for additional rules, refinement of arrangements or, in cases, further clarification provided. Suggestions to this effect are provided below.

***Stimulus Flow***

Extending the protection of Stimulus Flow releases as far as the junction of the Dumaresq and Macintyre Rivers and providing for releases to occur outside existing timeframes are welcome amendments to the draft regulated WSP. These amendments will enable a greater range and downstream extent of in-stream benefits as well as more efficient use of held environmental water (HEW) to complement Stimulus Flow releases.

The CEWH also supports the establishment of an Environmental Water Advisory Group (EWAG) to provide guidance on the provision of the Stimulus Flow, and we look forward to contributing to this forum. We suggest that there would be benefit in broadening the scope of the EWAG to encompass the management of planned and held environmental water in QLD and NSW, and include other key stakeholder representatives from the connected water sources (event related). This would provide an effective mechanism for the coordination of environmental watering between connected water resource areas (s10.27).

To improve the effectiveness of the Border Rivers EWAG and formalise operational arrangements to coordinate environmental water on a whole of catchment basis, it is suggested that the EWAG include representatives from both NSW and Queensland agencies, and consider the inclusion of key downstream stakeholders (event related).

***Supplementary access***

The draft regulated WSP replaces clauses requiring that basic rights, water orders from access licences, PEW requirements and QLD water harvesting demands <sup>1</sup> be considered in determining if supplementary flow access thresholds have been met, with a new definition of 'uncontrolled flows' which is intended to capture these considerations. While this has simplified the provisions relating to supplementary access, there remains ambiguity about the factors that must be taken into consideration due to different definitions of 'supplementary event' and 'uncontrolled flows' being used within the WSP (i.e. Part 9 Division 2 (where the key rules reside) compared with the remainder of the WSP).

Ambiguity in supplementary flow access and uncontrolled flow could be resolved by having a single definition for each term with access conditions clearly described. This clarification of

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<sup>1</sup> 2009 WSP cl. 45 (5) & (7) & (8) for supplementary access upstream of the Macintyre-Dumaresq junction and cl 46 (5), (6) & (7) for supplementary access downstream of this point.



terms can provide greater certainty in the protection of HEW deliveries (from Pindari and Glenlyon Dam) and ensure that PEW requirements will be fully provided before supplementary access is enabled.

In defining access conditions for supplementary events, it is important that the temporal component of regulated water orders, as well as the volume, is considered. Further, extractive take from uncontrolled flows (i.e. floodplain harvesting) should also be considered in determining supplementary access, the volume of uncontrolled flows and the 25% environmental share of events. FPH is discussed further in section 7 of this submission.

The draft regulated WSP refers to the introduction of additional supplementary access thresholds for the Macintyre River downstream of Goondiwindi<sup>2</sup>. Access thresholds are currently documented in the Border Rivers Intergovernmental Agreement (IGA). It is not clear whether the proposed introduction of supplementary access thresholds into the WSP represents an actual change in water access rules or whether these changes to the WSP are included to improve the documentation of existing practice. A change to supplementary access thresholds has the potential to increase supplementary access opportunities and shift take into the lower flow bands in the Macintyre River. If this is the case, further assessment is required to determine impacts within the lower and mid-Macintyre River, particularly associated with the medium and high risk flow components identified in the WRP risk assessment<sup>3</sup>.

To ensure the protections of PEW the following edits to supplementary flow provisions are recommended:

- adopt a single definition for 'uncontrolled flows' and 'supplementary events' in the regulated WSP to eliminate ambiguity around supplementary event management;
- update the definition of 'uncontrolled flows' to include all system demands that are considered in determining supplementary access thresholds under the existing WSP, and extend this definition to include floodplain harvesting; and
- clarify if the additional supplementary access thresholds proposed in the draft regulated WSP would be a change from past management of supplementary events or documentation of current practice. If the former, then further assessment is recommended to determine whether a rule change amounts to a net reduction in PEW, and assessment of impacts to fresh and low flow events.

Event-based performance reporting against the flow protection targets in the IGA is also recommended. This would provide transparency and confidence to all water users that PEW and in-stream HEW flows are being protected. Reporting could be provided in a similar manner to the event reports published for the Lower Balonne. A joint report with Queensland for flow events in the Border River could complement current IGA reporting requirements.

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<sup>2</sup> Draft Border Rivers regulated WSP – note for s63

<sup>3</sup> Key results include: zero flow periods at high risk (increased) in the Macintyre upstream of Boomi weir and medium risk at Mungindi; fresh flows: high risk of not being met at the Macintyre Brook-Dumaresq confluence and medium risk in the Macintyre upstream of Boomi weir

***Recognition of planned environmental water***

It is unclear whether the end of system flow protection rules in the IGA have been considered in the test of no change in protection of PEW (BP 10.28), as they are not explicitly discussed in the draft WRP (s4.1) or supporting report<sup>4</sup>. The end-of-system flow rules preserve a portion of all unregulated flow events and are the base on which unregulated HEW entitlements must be delivered upon to achieve the intended environmental outcomes of the Basin environmental watering plan.

The Boomi replenishment flow is an important source of water for environmental assets within the Border Rivers regulated water source but has not been acknowledged within the draft Border Rivers WRP as PEW. We note that the draft regulated WSP explicitly excludes the replenishment flow in calculations of the long term average annual extraction and cumulative annual extraction limits<sup>5</sup> for the purposes of annual SDL accounting, reflecting its intended protection from extractive take.

To provide for the protection of PEW (10.28) and enable environmental watering between resource areas (10.27), the following are recommended:

- update the Border Rivers WRP to recognise the end-of system flow requirements (described in sections 21, 32 and 33 of the IGA) and the Boomi replenishment flow (described in clause 31 of the WSP) as planned environmental water consistent with requirements in s10.09 (1) of the Basin Plan;
- include the end-of system flow protection rules in the assessment of no net reduction in PEW; and
- publish annual auditing reports described in Schedule H of the IGA to improve public transparency and confidence in the implementation of end of system flow rules and management of supplementary (and unsupplemented) events.

**2. Operational strategies and transparency*****Environmental watering between connected water resources***

The draft Border Rivers WRP (s4.4) identifies a range of rules and arrangements to facilitate environmental watering between connected water resources, including between unregulated and regulated water sources in NSW, with QLD parts of the catchment and the Barwon-Darling system.

We acknowledge the on-going work through the Water Reform Taskforce and Intergovernmental Working Group to develop mechanisms to protect environmental water and, ensure the WRP allows flexibility to incorporate the associated regulatory measures where agreed. In this context the WRP should allow for the possible future application of active management arrangements in the Border Rivers to complement work being undertaken in other catchments. The development of these measures will require a pathway for on-going investigation and development.

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<sup>4</sup> Draft WRP Appendix G: No Net Reduction in Protection of PEW report

<sup>5</sup> Draft regulated WSP s38 (2) (iii).

Further investigations are encouraged on measures to protect environmental water flows from floodplain harvesting and to ensure that critical environmental needs are met during extreme events.

To support on-going improvements in operational strategies that enable environmental watering, the WRP could include text that guide:

- investigation through the Water Reform process of further measures to ensure in-stream Commonwealth water from supplementary (NSW) and unsupplemented (QLD) entitlements is protected from diversion (e.g. floodplain harvesting) in both states;
- establishment of consultative arrangements (e.g. EWAG) that support the planning and delivery of environmental watering actions between catchments;
- event-based operational decision-making; and
- an annual review process that would provide assurance and support accountability in procedures.

### ***Operational flexibility***

The WRP risk assessment identifies the strategic use of HEW as a mechanism to mitigate the risk of not meeting environmental water requirements in the Severn and Macintyre rivers; particularly of relevance to high risks associated with fresh and high flow events.

The strategic use of HEW includes the ability to ‘piggyback’ the delivery of HEW onto natural flow events. More flexible operations would be consistent with the co-ordinated water management strategy that is described in the Border Rivers LTWP as being necessary to meet the objectives for priority environmental assets (related to Basin Plan s10.17, 10.26).

The documentation of guiding principles to enable environmental watering in the WRP would support more responsive and effective management of environmental flows and risk mitigation.

It is recommended that principle-based guidance on operational decision-making is incorporated into the WRP, to guide on-going improvements in event based operational strategies to support more effective and flexible use of HEW and coordinated management of HEW, PEW and consumptive flows.

### ***Conversion of licences***

The NSW Department of Industry is seeking stakeholder advice on a future provision 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, including drivers, potential benefits and what “limited scope” could entail, the CEWH is not a position to support the proposal at this stage.

Of particular concern is the shifting take into unregulated tributaries and its potential to reduce unregulated inflows into the Border Rivers main stem. This may affect the operation

## COMMONWEALTH ENVIRONMENTAL WATER OFFICE

of the plan to meet the minimum end of system flow rule<sup>6</sup> and meeting flow targets in the Barwon-Darling<sup>7</sup>.

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 Border Rivers and with the Barwon-Darling. Until such analysis is undertaken the CEWH is unable to support this proposal.

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<sup>6</sup> IGA Schedule D. cl32: unregulated inflows up to 100 ML/d at Mungindi are protected in the period September to March in any year

<sup>7</sup> Draft regulated WSP s61 (1) (b) & 2(d); Schedule 3

## **PART B: STATE-WIDE ISSUES**

### **1. 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 NSW Border Rivers planning model covering the regulated and unregulated river systems be attached to the WRP as non-accredited supporting material.

### **2. Monitoring, Reporting and Accounting**

The Basin Plan requires monitoring and formal reporting on the use of environmental water<sup>8</sup>, 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
- 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
- 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).

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<sup>8</sup> Basin Plan - s10.46, 13.14

### 3. Extreme events

The draft Border Rivers WRP includes an Incident Response Guide (IRG) that aims to provide transparency in water resource sharing during extreme events<sup>9</sup>. 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 extreme dry periods should be more clearly articulated to guide water resource priorities relevant to each critical stage and to enable an assessment of residual risk from operational decisions. To illustrate this, the IRG propose to restrict or eliminate planned environmental water provisions, including end of system flow requirements, Pindari Dam translucency and stimulus flow releases, before restrictions on lower priority consumptive uses are exhausted. This operational response may have unintended environmental consequences that are inconsistent with the stated priorities. The LTWP could support the implementation of the IRG by defining the critical environmental needs and by including explicit cross references between both documents.

Management actions for stage 2 and above, as 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 should be set out in a publically available procedures manual, together with strategies for mitigating potential environmental risks under extreme events.

The following inclusions are suggested to strengthen the Border Rivers 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 developed at the earliest opportunity to give assurance and set out how water licence holders will be consulted during critical periods; and
- detailed information is included in the IRG that outlines the process for reinstating resource allocations as conditions improve and criticality decreases.

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<sup>9</sup> Draft Border Rivers Incident Response Guidelines - table 2-1

#### 4. Water Quality

The Water Quality Management Plan (WQMP) aims to provide a framework to protect, enhance and restore surface water quality, supporting the Border Rivers WRP and 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,<sup>10 11</sup> 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)<sup>12</sup>. 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.

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 clear links between the WQMP other WRP documents, i.e. the IRG and LTWP.

#### 5. Floodplain harvesting

##### ***Take through FPH access licences***

The CEWH has provided a submission to the NSW independent review on FPH that outlines our broader policy position. The comments provided below are specific to the Border Rivers catchment.

The draft regulated WSP<sup>13</sup> does not specify access and accounting arrangements for FPH access licences, although it was indicated in the Stakeholder Advisory Panel that they are likely to be similar to arrangements in the Gwydir catchment (accounts capped at 5 ML/unit share and carried over across water years with annual allocations of 1 ML/unit share).

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<sup>10</sup> Basin Plan 2012 – Ch 9, s9.02

<sup>11</sup> Water Quality Management Plan – Table 3-1, Table 4-3

<sup>12</sup> Water Quality Management Plan – Table 4-3, pg. 24, 25, 27

<sup>13</sup> Draft Border Rivers WSP – Clause43

Accounting rules in line with existing rules for unregulated access licences have been specified for unregulated FPH access licences in the Border Rivers<sup>14</sup>.

FPH account rules that allow for carry over up to 500% of the licenced entitlement have the potential to significantly impact flow events. Modelling information provided for the Border Rivers does not provide an assessment of event-scale impacts of proposed licencing arrangements.

Changes to natural flow characteristics (duration, magnitude, recurrence interval etc.) resulting from licenced take and account rules present a risk to priority environmental assets in the Macintyre river and floodplain that rely on high in-channel and overbank flows. There is also a direct risk of supplementary (NSW) and unsupplemented (QLD) entitlements being extracted through FPH in the Border Rivers as these forms of take overlap. Without further information on the interaction between these forms of take there is concern that FPH may impact environmental water deliveries aimed to 'piggyback' on top of natural flow events. The operation of the WRP, with the proposed FPH account rules, has the potential compromise the meeting of environmental watering requirements and as such additional rules that protect the effective and efficient use of HEW may need to be considered further (Basin Plan 10.17). Rules may relate to event-scale protection for HEW and end of system PEW in the Border Rivers, and improved environmental water accounting and reporting arrangements.

It is encouraged that additional rules and/or amended account rules be considered further, including:

- a reduction in carryover provisions or other restrictions on take during significant natural events and/or to protect the delivery of HEW;
- the consideration of impacts with regard to the total potential extractive take, including FPH, supplementary and unsupplemented take;
- Establishment of a process for continual improvement in environmental water accounting and reporting; and
- consideration of whether the proposed licencing arrangements for FPH may have, or is likely to have a significant impact on matters of national environmental significance that would require an environmental assessment under the EPBC Act.

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<sup>14</sup> Division 1 part 9 draft regulated WSP; s41 draft unregulated WSP



## NPA submission to the Draft Border Rivers Surface Water Resource Plan

1<sup>st</sup> February 2019

To: NSW Government Department of Industry

By e-mail: [borderrivers.sw.wrp@industry.nsw.gov.au](mailto:borderrivers.sw.wrp@industry.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 is strongly in support of ensuring the Border Rivers Surface Water Resource Plan (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.

NPA is dismayed that this draft Plan has gone out for public comment with a number of important matters yet to be completed, including full consultation with relevant Aboriginal groups.

The failure to defer provision of information on floodplain harvesting until after the closure of the exhibition period is unacceptable.

While it is encouraging to note the exhibited documents acknowledge upstream and downstream implications outside of the resource area, it is not clear that the Plan adequately addresses the

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broader context of the implications for the Basin Plan as a whole. The NPA considers that in the spirit of the Commonwealth Water Act 2007, and the provisions set down for the development of the Basin Plan, a 'whole of system' approach is required which should be properly reflected in the development of water resource plans for subsections of the system, including shepherding of environmental water flows to downstream areas.

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



**NSWIC**  
NEW SOUTH WALES  
IRRIGATORS'  
COUNCIL

Level 5, 491 Kent Street, Sydney NSW 2000  
PO Box Q640, Queen Victoria Building NSW 1230  
Tel: 02 9264 3848  
Fax: 02 9264 3969  
[nswic@nswic.org.au](mailto:nswic@nswic.org.au)  
[www.nswic.org.au](http://www.nswic.org.au)  
ABN: 49 087 281 746

## **SUBMISSION**

# **Border Rivers 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 Border Rivers 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 Border Rivers 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 Border Rivers 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 Border Rivers Food and Fibre.

[nswic@nswic.org.au](mailto:nswic@nswic.org.au)  
[www.nswic.org.au](http://www.nswic.org.au)



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 Border Rivers 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
-



### 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 allocations<sup>1</sup>. 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 Gwydir 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.

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<sup>1</sup> 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 compliance<sup>2</sup> (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. There are examples of new knowledge and new modelling that has been developed post the drafting of the Basin Plan that justifies the need for a method to implement adaptive management. For example, 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. Similarly, there have been extensive discussions about the need to incorporate new information for the long-term diversion limit extraction factors. 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” (while not applying the same rigidity to extraction formulas) means that neither volume nor timing can be changed, even though improved knowledge 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.

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<sup>2</sup> 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 Border Rivers 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.



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## Ryde - Hunter's Hill Flora and Fauna Preservation Society

Member of Nature Conservation Council of N.S.W.

**P.O. Box 2127  
Boronia Park 2111**

Department of Industry,  
[nswborderrivers.sw.wrp@dpi.nsw.gov.au](mailto:nswborderrivers.sw.wrp@dpi.nsw.gov.au)  
1 February 2019

**Re: draft NSW Border Rivers Surface Water Resource Plan**

Dear Sir/Madam,

We write to express our serious concerns regards the draft NSW Border Rivers Surface Water Resource Plan (BR WRP).

The chronic and poor ecological health of the Murray Darling River has been a major concern of many Australians regardless of whether they are direct users of its water or merely observe the regular environmental calamities in the media, the most recent being the horrendous multiple incidents of mass native fish deaths in Menindee.

Statements by various politicians that the current drought is the major cause of these ecological disasters are ludicrous given the increasing evidence of a) mismanagement of the Barwon-Darling River by NSW government, b) the influence of cotton irrigators in policy decisions and c) the dismissal of best science in how the Murray Darling Basin Plan is implemented in NSW.

Unlike “drought” the NSW government does have control and influence over these three factors which increasingly look to be the major contributory factors in the mass fish deaths in the major river system of the second driest continent on earth.

Our members and the broader community have supported the adoption of the MDBP and its strategic attempt to improve the health of the highly valued river system. Its guiding legislation Water Act 2007 included objects to address threats to the Murray Darling Basin, restore sustainability to water extraction activities and ensure Australian met international agreements.

As the largest water user in the basin, NSW must demonstrate leadership and genuine commitment to the MDBP. We understand that the purpose of the draft WRP is to advance the implementation the Murray Darling Basin Plan (MDBP), protect environmental water and provide strategies to manage risks including those associated with rainfall variability and climate change.

There is an urgent need to develop the draft B-R WRP transparently as part of the process to restore community confidence in water management in NSW given the history of water theft and mismanagement of water allocation that has occurred previously.

Overall, we do not feel that the State government has prepared the B-R WRP via a meaningful and transparent process or based it on the best available science consistent with the objects of the Water Act 2007.

Our serious concerns:

## **1. LACK OF CLARITY IN HOW EXHIBITED DOCUMENTS ARE INTERCONNECTED.**

It was not clearly stated on the Department of Industry's website that there were actually three documents on exhibition: the draft NSW Border Rivers Surface Water Resource Plan and two existing Water Sharing Plans which are to be amended thought NSW Border Rivers Unregulated and Alluvial has commenced and ceases 2022. The current status of these documents is not apparent to the broader public.

The recent Matthews Review report recognised the need for government to improve "previous work practices to enable more informed, comprehensive and rounded advice on water issues to the government". Whilst we are interested in providing comment on such important documents in NSW water management the process seems shrouded via a complexity and apparent resistance by government for broader community engagement on this issue. It seems clear that some matters are "off the table" for comment during this exhibition process ie the three Water Sharing Plans stated to be "commenced or replaced" through to future dates on the Department of Industry's website.

From the OEH website another significant related document to the BR WRP, the Border Rivers Long Term Water Plan (BR LTWP) is stated to be on exhibition. It is our understanding that Water Resource Plans must be developed with consideration of the most recent version of the relevant long term watering plan as required by the Environmental Watering Plan<sup>1</sup>.

We could find no clear statements in the BR WRP as to how it will realise the intent of the BR LTWP in "identifying the requirements for maintaining and improving river, wetland and floodplain health in the catchment, and recognising its connection and contribution to the overall health of the Murray-Darling Basin".

Further, the Environmental Water Advisory Group is not mandated within the Border Rivers Water Sharing Plan. This group provides expertise and ensures a layer of accountability in water use and management to assist improved environmental outcomes and restore community confidence.

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<sup>1</sup> Despite such a plan being mentioned on the MDBA website we could not locate it and presume that this was replaced in some way by the implementation of SDL.

## **2. CURRENT WATER SHARING PLANS ARE UNSUSTAINABLE.**

The exhibited documents do not recognise that the basin wide SDL, and consequently individual SDLs within the Water Sharing Plans represent an inadequate amount of water to achieve even basic environmental outcomes. Water Sharing Plans based on these SDLs are unsustainable.

The MDBA determined that the environmental needs of the Murray-Darling Basin could be met by an amount they themselves recognised as highly dependent on wetter climate conditions. Using historic rainfall levels to inform SDLs is absolutely inadequate in ensuring a robust MDBP able to grapple long term with the real and predicted impacts of a changing climate. The science community has stated this at length to politicians and the MDBA. Robust predictive modelling of climate condition over the next couple of decades is available and should be used to revise the SDLs underlying all the Water Sharing Plans.

We urge that the unsustainability of the current Water Sharing Plans within the NSW Border Rivers be recognised. They need to be revised and based on the best available scientific modelling and advice.

## **3. FAILURE TO FULLY INTEGRATE PLANS TO ACHIEVE CATCHMENT AND BASIN WIDE CONNECTIVITY**

Regular assessment and monitoring of the ecological connectivity of the areas under the various “administrative” water sharing components within the NSW Border Rivers catchment must be assured to achieve sustainability within the whole catchment.

The MDBA has identified 106 hydrologic indicator sites across the basin with around nine in the NSW Border Rivers catchment. This should assist improved environmental connectivity at a basin wide level.

However, at a catchment level there is need to ensure that water is properly reaching certain natural areas in adequate amounts and at the most appropriate times. Improved environmental monitoring at a catchment level would assist these flows and discharges and improve hydrologic and environmental connectivity.

There is a critical need to better integrate the environmental outcomes identified in the BR LTWP with the water management practices of the Water Sharing Plans. This could include rules to ensure that environmental water is fully protected across all Water Sharing Plans and throughout the whole catchment.

The BR WRP needs to be fully integrated with other Water Resource Plans throughout the whole MDB to ensure environmental water is fully protected to the ocean.

## **5. NEED TO TAKE ACCOUNT OF FLOODPLAIN HARVESTING**

Floodplain harvesting is currently under government review. The current amount of water actually captured via floodplain harvesting within the NSW Border Rivers is unknown and possibly higher than government published estimates. The cumulative

impact of such harvesting will have further dire environmental impacts especially if future licencing allows generous carryover amounts.

If floodplain harvesting is licenced in the absence of accurate understanding of the amount of water affected there will serious impact on the Water Sharing Plans. It is imperative that this information is made publicly available and able to be considered in the context of the currently exhibited plans.

## **6. FAILURE TO ADDRESS RISKS ADEQUATELY**

The statement and issues papers identified very poor water quality levels and significant risks to environmental assets within the NSW Border Rivers catchment. Clearly there is need for an increased amount of environmental water to be available within the Water Sharing Plans. Improved assessment of weirs and how they may impact water quality should also be undertaken.

## **7. IMPROVED PROTECTION OF PLANNED ENVIRONMENTAL WATER.**

We express serious concerns at the underlying premise in Appendix C: “No net reduction in Planned Environmental Water”. Maintaining existing extraction limits may not ensure the protection of environmental water in the longer term especially given that SDLs have not been determined to take account of a changing climate and subsequent reduced rainfall.

We do not consider it satisfactory that the benchmark be “no net reduction”. It must be set to ensure there is improved protection of planned environmental water that includes mitigation of future risks to environmental water. The protection of environmental water within all of the Water Resource Plans is vital in meeting the intent of the Murray Darling Basin Plan (MDBP) to ensure sustainable use of water within the Murray Darling River basin and restore ecological health to Australia’s largest and most important river system.

Thank you for an opportunity to comment,

Yours sincerely

Cathy Merchant  
Committee Member RHHFFPS  
rhhffps@gmail.com



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

## TABLE OF CONTENTS

1.	Introduction: Why WaterNSW is Making this Submission .....	1
1.1.	Principles Underpinning this Submission.....	1
2.	Border Rivers Regulated River Water Sharing Plan .....	2
2.1.	WaterNSW as the Operator .....	2
2.2.	Functions of the Operator.....	3
2.3.	Clear and effective rules .....	4
3.	Border Rivers Unregulated River Water Sharing Plan .....	5
3.1.	Role of Operator .....	5
4.	Border Rivers Surface Water Resource Plan.....	5



# 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 Border Rivers Surface Water Package, which encompasses the following plans:

- Border Rivers Surface Water Resource Plan;
- Border Rivers Regulated River Water Sharing Plan; and
- Border Rivers 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 Border Rivers 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;
- **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. BORDER RIVERS REGULATED RIVER WATER SHARING PLAN

### 2.1. WATERNSW AS THE OPERATOR

The new WSP template, interaction with WRPs and review of the Border Rivers 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 Border Rivers Regulated River WSP of WaterNSW as “the Operator”** from the plan's 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, the Border Rivers Regulated River WSP specifies 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 allow access when conditions meet the codified rules for orders to be fulfilled. 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 Border Rivers 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 Border Rivers Regulated River WSP through rules pertaining to supplementary access, minimum flows, and the stimulus flow. We **recommend** consideration be given to equipping the WSP with this flexibility.

While the inclusion of WaterNSW as the Operator in the Border Rivers 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 the Border Rivers Regulated River WSP as a function of the Minister (allowing it to be exercised by the Department unless conferred to WaterNSW through its Operating Licence). 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 55 and 56 of the draft replacement Border Rivers Regulated River WSP.

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 71(2)). 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 61) 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 Border Rivers Regulated 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. The Border Rivers Regulated River WSP presents 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** that DOI-W reconsider 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 the Border Rivers Regulated River WSP accurately describes 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 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 and understanding, thus safeguarding against 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 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**.

## 3. BORDER RIVERS UNREGULATED RIVER WATER SHARING PLAN

### 3.1. ROLE OF OPERATOR

The replacement Border 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 where active management is not being trialled at this stage.

Although active management is not being trialled in the Border Rivers at this stage, 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.

## 4. BORDER RIVERS 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 Border Rivers 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 17 of the Border Rivers Regulated River 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.



CHAIRMAN:

GLEN SMITH



EXECUTIVE OFFICER:

TIM NAPIER



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SUBMISSION TO THE NSW DEPARTMENT OF INDUSTRY -  
WATER  
ON  
THE DRAFT BORDER RIVERS WATER SHARING PLAN

***SUBMISSION DUE BY 5PM FRIDAY FEBRUARY 1<sup>ST</sup> 2019***

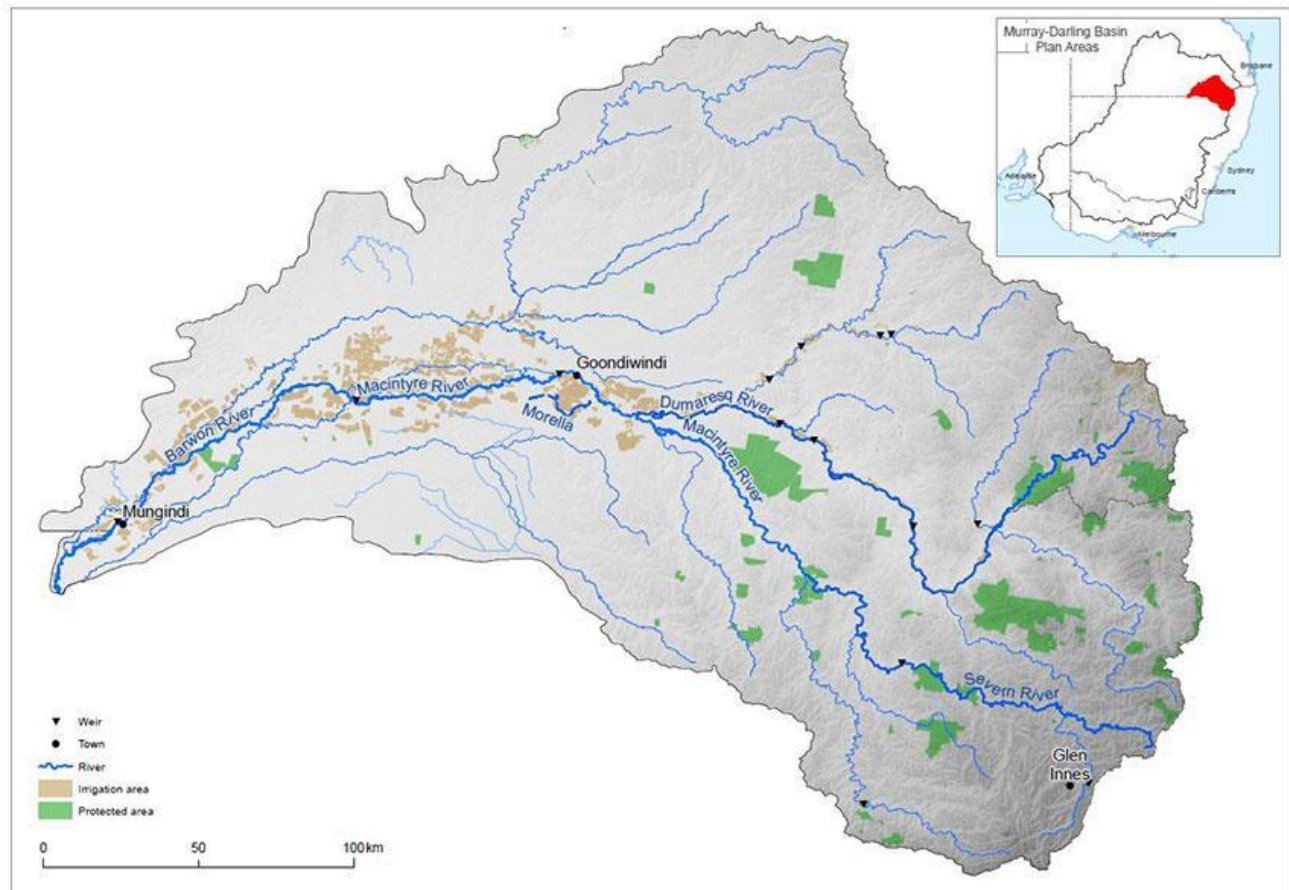
Prepared by  
**TIM NAPIER**  
EXECUTIVE OFFICER

**AFFILIATES:** BOOMI-GNOURA GNOURA WATER USERS ASSOCIATION; DUMARESQ VALLEY IRRIGATORS ASSOCIATION; EASTERN RECHARGE GROUNDWATER USERS ASSOCIATION; LOWER WEIR RIVER WATER USERS ASSOCIATION; MACINTYRE BROOK IRRIGATORS ASSOCIATION; MACINTYRE VALLEY COTTON GROWERS ASSOCIATION; MOLE & SOVEREIGN WATER USERS ASSOCIATION; MUNGINDI WATER USERS & COTTON GROWERS ASSOCIATION; PINDARI WATER USERS ASSOCIATION; UPPER WEIR RIVER & TRIBUTARIES WATER USERS ASSOCIATION



## INTRODUCTION

Border Rivers Food and Fibre (BRFF) represents the water users and entitlement-holders of the Border Rivers region of southern Queensland and northern New South Wales. These water-users responsibly utilise the water resources of the Macintyre Brook, the Dumaresq, Macintyre, Severn, Weir and Barwon River systems and the Eastern Recharge Zone of the Great Artesian Basin. Production from irrigated agriculture includes vegetables, nuts, dairy, citrus, wine-grapes, herbs, stone-fruit, hay, cereals, coarse grains and cotton. Irrigated agriculture contributes nearly \$1 Billion (farm gate) to the local economy in good years.



This document represents the views of the members of BRFF, though individuals are entitled to their own views relating to their own circumstances.

BRFF is also a member of the NSW Irrigators Council and National Irrigators Council. Whilst generally endorsing their views, we maintain the right to hold independent positions when appropriate.



## ESTABLISHMENT OF EWAG

BRFF is supportive of the formation of an EWAG in the Border Rivers, provided that it is inclusive and has genuine input to decision-making on environmental water use. We want to avoid the situation that appears to have evolved in some other valleys where the EWAG is dominated by OEH staff and performs a 'box-ticking' function.

## STIMULUS FLOW EXTENSION

BRFF has strong objections to the extension of the area to which the Pindari Stimulus Flow is targeted. While there are few entitlement-holders impacted in the reach between the Severn/Frazer's Creek junction and the Macintyre/Dumaresq junction, they will be, nevertheless, impacted. Through the SAP process there was no good evidence provided that the changes would create any environmental benefit at all, merely create some more options. Our points were made clear and there was discussion about consideration of other concessions that could be made to re-balance the equation, but we see no evidence of that in the Draft WRP. If such changes were to be provided in the IGA we can still not support the change until we see any changes.

## STIMULUS FLOW TIMING

As for the Extension of protected area for the Stimulus Flow, the change of timing will also impact on some entitlement-holders by creating a greater period of no access to supplementary flows, with no environmental benefit apparent. Again, off-setting measures were expected to allow the impacts on these users to be defrayed, but there is no evidence in the current Draft WRP.

## REMOVAL OF ALLUVIAL GROUNDWATER SOURCES

We have no objection to the removal of the groundwater component of the Unregulated Plan to its own Plan, provided there are no detrimental changes made that will impact existing water users.

## INCORPORATION OF FLOODPLAIN HARVESTING

FPH will be a crucial part of the Final WRP. Without it, it is difficult to approve the rest of this draft. We understand that there has been changes made in the Plan as provision for this incorporation.

## CHANGES TO COMPLIANCE – BASIN PLAN SDL'S

We note the compliance method moving to the Basin Plan SDL's and reinforce our points that this provides for management of the resource to allow the full take of SDL volumes when that is possible and avoid the over-precautionary approach taken by DOIW historically which led to the build up of large cap-credits, which we regard as missed opportunity for our communities.

## FURTHER POINTS

Integration with interstate plans - Increased commonality with QLD is always highly sought after. This is in rules, water management, trading and ordering platforms, compliance, etc. We strongly encourage the collaboration with the QLD DNRM on achieving common platforms for the management and trading of water in the Border Rivers.

Recent months have seen a well-coordinated political campaign, due to impending NSW and Federal elections, by activist groups targeting our region, our industries and our water resources, citing the recent

death of fish in the Darling River for wholesale changes to all northern WSP's and a putting a stop to the licensing of floodplain harvesting. This campaign has been based on false allegations and misinformation about the causes for the fish deaths and impacts of the drought in the Darling. As a result, our members are highly sensitive to the reactions of DOIW to this campaign and trust that you will stand behind the Water Sharing Plans for the Border Rivers and other northern valleys. There is certainly a perception that with the low-profile that DOIW has taken in defending its WSP's that there is a growing risk that you may buckle under the political pressure and seek to make material changes in order to satisfy these political campaigns seeking to do so.

Let me be very clear, there must be no post-consultation weakening of NSW Water Resource Plans as a knee-jerk reaction to current political campaigning. To do so would mean a total breach of faith with stakeholders.

# *Boobera Lagoon (R1009930) Reserve Land Manager*

## Submission to Draft Border Rivers Surface Water Resource Plan

(by email to: [nswborderrivers.sw.wrp@dpi.nsw.gov.au](mailto:nswborderrivers.sw.wrp@dpi.nsw.gov.au))

Boobera Lagoon is a very important sacred site. It has high contemporary cultural significance to local Aboriginal people, to all the Aboriginal people of the region and to many people beyond. Boobera Lagoon was declared an *Aboriginal Place* under NSW law in 1984. The national significance of Boobera Lagoon was recognised in 1986 when the Australian Heritage Commission listed it on the (now discontinued) *Register of the National Estate*. Protecting the sanctity of a place of such significance requires that management prescriptions be extended to cover surface water and ground water.

As Reserve Land Manager, we are duty-bound to seek to protect Boobera Lagoon and its surroundings from harm and sacrilege.

We have focused on removing local causes of harm. Power boating has been banned and irrigation pumping from the lagoon has been stopped. We are working with neighbours to gradually exclude livestock from the banks of the lagoon.

Due to non-local factors, Boobera Lagoon is experiencing unprecedented long periods of low water levels. Half a century of Border Rivers water management has prioritised the extraction of water for irrigation. This is now being compounded by the very real effects of a hotter and drier climate. We assert that the existing water and groundwater Water Sharing Plans for Border Rivers surface have failed to meet environmental and cultural requirements and are doing harm to Boobera Lagoon. As the guardian of the cultural and environmental values of Boobera, we as the Reserve Land Manager feel aggrieved with past water management. This feeling is shared by many in the community. We cannot accept that the draft Water Resources Plan will largely continue 'business as usual'.

### Certain Failure of a Plan Objective

The Plan is certain to fail in its aim "... to support and strengthen the protection of Aboriginal values ..." (page 11), specifically "Rivers, creeks and bodies of water function together ..." (page 12) to support the values that "Billabongs, lagoons and waterholes are filled regularly." (page 12)

In relation to Boobera Lagoon and more generally, we are far from convinced that the Plan will be able to deliver this objective. If and when it is clear that this objective has not been met, there seems to be no adaptive management built into the Plan so that the water extraction rules can be changed to bring the Plan back on track to meet this objective.

### Comments on Specific Proposed Changes

- Any 'stimulus flow' released from Pindari Dam should be protected as it flows right through the Border Rivers so as to contribute to the environmental health of the system and the Barwon-Darling downstream.
- Regularisation of 'floodplain harvesting' of water is opposed because it will cause more harm to rivers and watercourses and lagoons such as Boobera. Floodplain harvesting should be phased out.
- The 'sustainable diversion limit' is, we feel, unsustainable. Too much water has been extracted in the past and this will only get worse with climate change, which has not been dealt with adequately.
- It may be that legislative and policy decisions have been made to separate surface water planning from groundwater planning. However, Boobera Lagoon is a very important example of a place where complex and important interactions between surface water and groundwater are involved in maintaining the water balance and hence the cultural and environmental values. The traditional story about Boobera makes these connections. The proposed *Water Sharing Plan for the NSW Border Rivers Alluvial Groundwater Source* does not adequately deal with bores close to Boobera Lagoon. Local and regional surface water – groundwater relationships must be addressed so as to avoid increased risks to Boobera Lagoon.
- Based on our experience at Boobera Lagoon, current 'Planned Environmental Water' is insufficient to meet cultural and environmental needs, so the requirement that there be 'no net reduction in the protection of planned environmental water' is totally inadequate.

### Avoiding Further Harm and Setting Goals for Restoration

Boobera Lagoon Reserve Land Manager urges NSW and Commonwealth water authorities to deal thoroughly and meaningfully with the cumulative environmental degradation of our rivers caused by the over-allocation and over-regulation of our river systems, exacerbated by climate change.

Further, we urge these authorities to reverse the direction of river management until our river ecosystems are fully functional again and are nourishing all the people who love and relate to them, as they did for thousands of years.

Sincerely,



Peter Thompson  
Secretary  
1<sup>st</sup> February 2019

# BREWARRINA SHIRE COUNCIL



All communications to be addressed to the General Manager  
SHIRE OFFICE  
57 Bathurst Street  
BREWARRINA NSW 2839

OUR REF:  
YOUR REF:

Thursday, 31 January 2019

**Email; [nswborderrivers.sw.wrp@dpi.nsw.gov.au](mailto:nswborderrivers.sw.wrp@dpi.nsw.gov.au)**

Dear Rachel,

## **Re; NSW Border Rivers Water Resource Plan (WRP)**

I refer to the current proposed WRP and wish to make the following submissions on the draft plan;

A key element is the water sharing plan relates to the rules for sharing water with the environment. The Border Rivers feed into the Barwon-Darling and downstream communities have a right to expect that the rules are fair and recognise diverse industry, social, cultural and environmental needs down river.

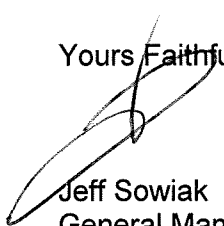
The following matters need to be considered;

### **Key points to improve water sharing in the NSW Border Rivers:**

1. Do not support that decisions on water allocations are made using the worst drought before 2004. This is a high risk approach to water management under climate change scenarios. Water modelling and decision-making must include the most recent drought of record.
2. The proposed protection of the stimulus flow release from Pindari Dam should extend to the entire length of the Border Rivers system to enhance connectivity with the Barwon-Darling.
3. Support more flexibility in the timing of the stimulus flow release to enhance environmental outcomes.
4. The Environmental Water Advisory Group, made up of community and government representatives, must be a mandatory requirement in the water sharing plan.
5. 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.

6. The free capture of floodwater for irrigation use is a key issue in the Border Rivers. The cumulative environmental impacts of floodplain harvesting must be assessed. It is critical that the volume of floodplain harvesting in the Border Rivers is calculated. This water sharing plan should not be on exhibition for comment with this information missing.
7. Strongly object to the implementation of the Flood Plain Harvesting license regulations as these overland flows are critical to the natural recharge of channel country downstream.
8. Strongly object to the sale and transfer of flood plain licenses away from properties to which they are granted and to the granting of licenses where diversions and on-farm storages have already been established for the purpose of capturing overland flood flows.
9. Strongly object to floodplain harvesting licences getting up to 500% carryover. This will impact on important connectivity flows to the Barwon-Darling and the end of system flow target.
10. The protection of only 25% of natural flows from extraction though supplementary licences should be increased so that a higher volume of natural flows connect with the Barwon-Darling.
11. The WRP risk assessment demonstrates that environmental assets and function are at high risk of not receiving enough environmental water. The water sharing plan needs to be improved.

Yours Faithfully



Jeff Sowiak  
General Manager

<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Bruce Bailey
<b>Address</b>	[REDACTED]
<b>Contact phone number</b>	[REDACTED]
<b>Are you an individual or representing an organisation?</b>	Individual
<b>Proposed changes to the Water Sharing Plan for the NSW Border Rivers Regulated Rivers Water Source 2009</b>	
<b>Do you have any comments on the proposed change to allow the establishment of an environmental water advisory group (EWAG) for the NSW Border Rivers Water source?</b>	<p>[REDACTED]</p> <p>Submission for Border Rivers Surface Water Resource Plan – Water Sharing Plan with NSW &amp; QLD</p> <p>Issues that NSW should demand Qld agree to before signing off with water sharing plan</p> <ol style="list-style-type: none"> <li>1. Callandoon Creek offtake from McIntyre River to be returned to condition or state prior to works undertaken in early 90's which has caused huge erosion at offtake mouth. Make Qld credit back to NSW water lost since works undertaken by them as they would be aware of water quantities gone down Callandoon Creek, saying they don't know, would be false</li> <li>2. Dingo Creek down stream of Callandoon Creek needs urgent work on offtake as well, otherwise will be in same situation as Callandoon Creek</li> <li>3. Newinga Creek needs mechanical controls fitted to prevent losses of water from McIntyre River depts aware of losses no need to fit meters to record losses, Qld pulling this stunt and NSW should demand controls be put in place</li> <li>4. Embargo where NSW cannot pump but Qld do, this needs to be revoked and have rule if Qld pumps so does NSW the same in reverse should apply. This needs to be enforced as part of agreement with Qld</li> <li>5. Trigger levels prior to pumping being permitted need to be revised</li> <li>6. Environmental flows, releasing water from Dams when there are big river flows is dumb</li> <li>7. McIntyre inflow is 75% from NSW which is agreed to by water authorities. Are we getting our rightful share?</li> </ol> <p>Regards Bruce Bailey</p>



Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off  
with water sharing plan

**Do you have any  
comments on the  
proposed change to  
extend the Protection  
of the Stimulus Flow  
from Frazers Creek to  
the Confluence of the  
Macintyre River and  
the Dumaresq River?**

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Regards  
Bruce Bailey

ROSEWOOD WEST  
BOGGABILLA  
NSW  
2409  
30/01/2019

Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

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with water sharing plan

1. Callandoon Creek offtake from McIntyre River to be returned to condition or state prior to works undertaken in early 90's



**Do you have any comments on the proposed change to allow the Stimulus flow to be released outside the current period 1st August -1st December time frame to allow more flexibility?**

which has caused huge erosion at offtake mouth. Make Qld credit back to NSW water lost since works undertaken by them as they would be aware of water quantities gone down Callandoon Creek, saying they don't know, would be false

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30/01/2019

Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

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**Do you have any other comments on the proposed amendments to the Water Sharing Plan for the NSW Border Regulated Rivers Water Source 2009?**

1. Callandoon Creek offtake from McIntyre River to be returned to condition or state prior to works undertaken in early 90's which has caused huge erosion at offtake mouth. Make Qld credit back to NSW water lost since works undertaken by them as they would be aware of water quantities gone down Callandoon Creek, saying they don't know, would be false
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Regards  
Bruce Bailey

**Proposed changes to the Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012**

ROSEWOOD WEST  
BOGGABILLA  
NSW  
2409  
30/01/2019

Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off with water sharing plan

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Regards  
Bruce Bailey

**Water Resource Plan**





Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off  
with water sharing plan

**Do you have any  
comments on how DoI  
Water can improve the  
consultation process  
undertaken?**

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Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

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**Do you have any other comments on this chapter or Schedule C?**

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## **Response to chapter 2: Water resource plan area and other matters**



Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

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5. Trigger levels prior to pumping being permitted need to be

**Do you have any comments on this chapter or Appendix A?**

revised

6. Environmental flows, releasing water from Dams when there are big river flows is dumb

7. McIntyre inflow is 75% from NSW which is agreed to by water authorities. Are we getting our rightful share?

Regards  
Bruce Bailey

### Response to Chapter 3: Risks to water resources



Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off with water sharing plan

**Do you have any other comments on this chapter or the Risk Assessment (Schedule D)?**

1. Callandoon Creek offtake from McIntyre River to be returned to condition or state prior to works undertaken in early 90's which has caused huge erosion at offtake mouth. Make Qld credit back to NSW water lost since works undertaken by them as they would be aware of water quantities gone down Callandoon Creek, saying they don't know, would be false
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Regards  
Bruce Bailey

### Response to chapter 4: Environmental water, cultural flows and sustainable management







Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off  
with water sharing plan

**Do you have any  
comments on the  
protection of  
environmental water?**

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Regards  
Bruce Bailey



Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off  
with water sharing plan

**Do you have any  
comments on cultural**

1. Callandoon Creek offtake from McIntyre River to be returned to condition or state prior to works undertaken in early 90's which has caused huge erosion at offtake mouth. Make Qld credit back to NSW water lost since works undertaken by them as they would be aware of water quantities gone down

**connections to surface water and the protection of Indigenous values and uses?**

- Callandoon Creek, saying they don't know, would be false
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Bruce Bailey



Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

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**Do you have any other comments on this chapter, Schedule E or Appendix C?**

7. McIntyre inflow is 75% from NSW which is agreed to by water authorities. Are we getting our rightful share?

Regards  
Bruce Bailey

## Response to chapter 5: Take for consumptive use



Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off with water sharing plan

**Do you have any other comments on this chapter or Schedule F?**

1. Callandoon Creek offtake from McIntyre River to be returned to condition or state prior to works undertaken in early 90's which has caused huge erosion at offtake mouth. Make Qld credit back to NSW water lost since works undertaken by them as they would be aware of water quantities gone down Callandoon Creek, saying they don't know, would be false
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Regards  
Bruce Bailey



Submission for  
Border Rivers Surface



Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off with water sharing plan

**Do you have any comments on the Incident Response Guide (Schedule G)?**

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Bruce Bailey



Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off with water sharing plan

**Do you have any other comments on this chapter?**

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Bruce Bailey

## Response to chapter 6: Water Quality Management



Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off with water sharing plan

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7. McIntyre inflow is 75% from NSW which is agreed to by water authorities. Are we getting our rightful share?

Regards

**Do you have any other comments on this chapter or the Water Quality Management Plan (Schedule H)?**

Bruce Bailey

## Response to chapter 7: Measuring and monitoring



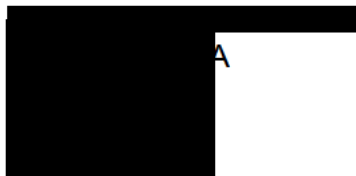
Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off  
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**Do you have any  
comments on this  
Chapter?**

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Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off  
with water sharing plan



**Do you have any comments on the proposed monitoring, reporting and evaluation plan (Schedule J)?**

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Bruce Bailey

### **Response to chapter 8: Information used to prepare the WRP**



Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off with water sharing plan

**Do you have any comments on chapter 8 or Schedule I?**

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Bruce Bailey

### Further responses to Schedules

[REDACTED]

Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

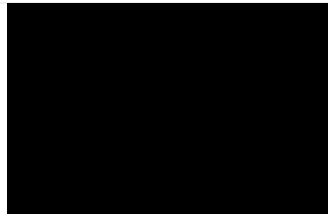
Issues that NSW should demand Qld agree to before signing off with water sharing plan

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Regards  
Bruce Bailey

**Do you have any additional comments on the Schedules?**

## Additional responses to Appendices



Submission for  
Border Rivers Surface  
Water Resource Plan – Water Sharing Plan with NSW & QLD

Issues that NSW should demand Qld agree to before signing off  
with water sharing plan

**Do you have any  
additional comments  
on the Appendices A or  
C**

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Regards  
Bruce Bailey

**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?**

Newspaper

**Additional Information**

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

Yes

---

This PDF is generated by the trial version of [Google Forms Email](#) add-on.



Department of Industry – Water  
GPO Box 5477  
Sydney NSW 2001  
[nswborderrivers.sw.wrp@dpi.nsw.gov.au](mailto:nswborderrivers.sw.wrp@dpi.nsw.gov.au)

Friday 1 February 2019

## **Comments on Draft NSW Border Rivers Surface Water Resource Plan**

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

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

### **Background**

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

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

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

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

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

The draft WRP does not mitigate these key risks.

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



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

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

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

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

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

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

Finally, we do not support current arrangements whereby available water determinations are based on the worst period of low inflows into the water source, as identified in flow information held by the Department before 1 July 2009.

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

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

### **Proposed Rule Changes:**

#### **1. Formation of EWAG**

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

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

#### **2. Stimulus flow**

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

### 3. Timing of stimulus flow

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

### 4. Draft rules for Floodplain Harvesting (FPH)

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

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

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

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

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

Cl 56 (4) (c) should be removed

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

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

We do not support cl 58 (5) that allows harvesting of rainfall runoff that has not been credited to the water allocation account of the licence. The proposal to debit this the following year bears no relationship to the availability of rainfall. Rainfall runoff was included as PEW in the original water sharing plan gazetted in 2004.

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

Further concerns about FPH are detailed below.

### 5. Compliance assessment advisory committees

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

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

### **Other Key Issues:**

#### 1. Water availability determination

The regulated river water sharing plan must be changed so that the most recent drought of record is included in modelling used to determine water availability. The current definition that worst drought be defined as the worst period of inflows prior to 2009 is a high risk approach to water management in the context of climate change. The rule should be:

CI 30 Maintenance of water supply

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

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

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

No reason has been given for this anomaly.

#### 3. Floodplain Harvesting (FPH)

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

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

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

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

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

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

#### 4. Protection of PEW (including Tenterfield Creek)

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

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

The addition of the final estimated FPH access will cause a change in the LTAAEL and will cause a net reduction in the protection of PEW.

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

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

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

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

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

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

The draft WRP should be supporting the installation of the necessary gauges to protect low flows in Tenterfield Creek. This will protect PEW and insure better connecting flows to the NSW Border Rivers in periods of low flow.

#### 5. Mandatory requirement for EWAG

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

#### 6. Consideration of upstream trading

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

#### 7. Risk Assessment

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

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

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

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

#### 8. Water Quality

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

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

#### 9. Consultation

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

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

### **Conclusion**

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

The direction of the draft WRP provides no confidence that the environmental assets in the NSW Border Rivers system and connectivity with the Barwon River will benefit over time.

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

IRN considers that the draft NSW Border Rivers Surface WRP will not meet the objectives of the Basin Plan.

For more information please contact:

Bev Smiles  
President  
Inland Rivers Network

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██



## Healthy Rivers Dubbo

### Submission to Draft Border Rivers Surface Water Resource Plan

To: NSW Government

Department of Industry

By e-mail: [nswborderrivers.sw.wrp@dpi.nsw.gov.au](mailto:nswborderrivers.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 Border Rivers Surface Water Resource Plan (WRP)

#### **Establishment of an environmental water advisory group (EWAG)**

Environmental Water Advisory Groups must be made a mandatory requirement of the Water Sharing Plan (WSP).

#### **Stimulus flow extending below Frazers Creek**

The proposed protection of the stimulus flow release from Pindari Dam should extend to the entire length of the Border Rivers system to enhance connectivity with the Barwon-Darling.

### **Stimulus flow—changing the timing to allow more flexibility**

Healthy Rivers Dubbo supports more flexibility in the timing of the stimulus flow release, to enhance environmental outcomes.

### **Incorporation of floodplain harvesting (regulated river) access licences**

The free capture of floodwater for irrigation use is a key issue in the Border Rivers. The cumulative environmental impacts of floodplain harvesting (FPH) must be assessed. It is critical that the volume of floodplain harvesting in the Border Rivers is calculated. This water sharing plan should not be on exhibition for comment with this information missing.

Healthy Rivers Dubbo is following the development of the NSW Floodplain Harvesting Policy, and will continue to attend public consultations on FPH, and make submissions outlining our many concerns. The serious concerns we have about FPH include but are not limited to –

- the lack of assessment of the historic cumulative environmental impact of FPH on downstream rivers and wetlands;
- a lack of evidence that FPH will be accurately capped to 93/94 levels of development;
- the disproportionate carryover provisions up to 500% for FPH that will allow large annual allowances to accrue, negatively impacting on Planned Environmental Water by reducing water available for downstream rivers and wetlands.

### **Connectivity**

It is very important for native fish and all aquatic life in that our northern basin rivers connect to the Barwon Darling River. There must be a clause in the unregulated WSP that mandates connection.

The protection of only 25% of natural flows from extraction through supplementary licences should be increased, so that a higher volume of natural flows connect with the Barwon-Darling.

### **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).)

## **WRP Risk Assessment**

The WRP risk assessment demonstrates that environmental assets and function are at high risk of not receiving enough environmental water. The water sharing plan needs to be improved.

The Government must be prepared to compensate irrigators if there needs to be a change in water shares as the result of an adjustment to protect important environmental assets, like internationally recognised wetlands.

Regards,

Melissa Gray

Founding Member

Date: 30/1/2019



DPI Water  
PO Box 829  
Albury NSW 2640



**TOLARNO STATION 1851 Pty Ltd**

Friday, 1 February 2019

via [REDACTED]  
[REDACTED]  
[www.tolarnostation.com.au](http://www.tolarnostation.com.au)

### **Submission on the Draft NSW Border Rivers Surface Water Resource Plan**

Thank you for the opportunity to comment on the Draft NSW Border Rivers Surface Water Resource Plan (WRP).

I own three properties totalling 500,000 acres on the Lower Darling, approximately 50 km south of the Menindee Lakes. Tolarno Station sits on the Darling River, and all three properties depend on the Darling for livestock and domestic purposes. The properties have a rich history spanning 160 years, and today run merino sheep, cattle and rangeland goats.

In developing WRPs it is important to reflect on the aim of the Murray-Darling Basin Plan (MDBP), which is to

*“... ensure water is shared between all users, including the environment, in a sustainable way. It does this by managing the basin as one system.”(MDBA)*

I recognise the role of WRPs in the implementation of the MDBP at a regional level. However, it is critical that the WRPs are interconnected and support the common aim. It must also be recognised that environmental, social and economic risks identified within one WRP area are impacted by the water sharing plans (WSPs) and WRPs of other areas.

I provide the example of events in the Lower Darling over the period of 2015-2016. The Lower Darling was dry for a period of 8 months. In white history, it has only been in the last 10 years that on 3 occasions there has not been a permanent water supply. During this period, there were significant and long-lasting social and economic impacts to the community. On my property alone, I experienced significant loss of land, stock and production. 200,000 acres of land was lost to production due to loss of property borders (the river is a natural boundary between properties) and no potable water for stock. The situation in 2015-2016 was worse than any experienced during the 2000s drought. The catchment had received average rainfalls over the preceding 12 months, and in our opinion the event was a result of over-diversion in upstream WRP areas, conjunction with ineffective management of the Menindee Lakes.

I hope that through the development of effective upstream WRPs which truly prioritise the river environment, such an environmental, social and economic disaster which occurred will be avoided in the future. The community seeks appropriate, sustainable long-term management of the Darling and its tributaries. We recognise that the MDBP and WRPs are critical in achieving this.

### **Dependence of the Lower Darling WRP area on upstream WRP areas**

The Lower Darling catchment has minimal runoff and is entirely dependent on inflows from the Barwon-Darling, of which 99% of flows are generated in upstream tributaries (MDBA).

The Lower Darling is the only connection between the Barwon-Darling and the Murray Rivers.

### **Comments regarding modelling assumptions**

I do not support that decision that water allocations are made using the worst drought before 2004. This is a high risk approach to water management given the severity of recent droughts and fails to consider climate change scenarios. It is therefore critical that water modelling and decision-making include the most recent drought of record.

### **Comments regarding floodplain harvesting**

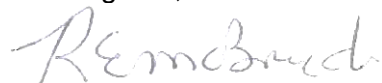
The modelling regarding the volume of water which can be captured through floodplain harvesting is still underway, and has not been released or accounted for within the WRP. It is anticipated that the volume will be significant, and it is critical that the WRP is not finalised prior to the finalisation of the volumes which will be captured through floodplain harvesting. Signing off on any WRP which does not adequately account for floodplain harvesting demonstrates negligence and incompetence by the Department. I am particularly concerned about the proposed carryover allowance of up to 500%. This would have a significant impact on flows in lower reaches of the Basin.

### **Additional issues which should be addressed in the Water Resource Plan**

- The WRP fails to recognise the protection of water purchased for the environment. It is critical that any 'environmental water' be protected through the system and not increase the capacity for pumping of irrigation licenses. This issue has been identified in a number of reports, including the Matthews Report.
- It is critical that there be end of system target flows. This is not addressed sufficiently in the WRP, and fails to meet the purpose of the WRPs within the broader Basin Plan. This comes back to the fundamental requirement to ensure connectivity between WRP areas and ensure a healthy Murray-Darling Basin Plan.

I would be happy to expand further any of my above comments. It is critical that this WRP is not signed off until the issuer of connectivity between WRPs is addressed.

Kind regards,



**Robert McBride**

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[www.tolarnostation.com.au](http://www.tolarnostation.com.au)

<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Elizabeth Trogenza
<b>Address</b>	[REDACTED]
<b>Contact phone number</b>	[REDACTED]
<b>Are you an individual or representing an organisation?</b>	Organisation
<b>Organisation or Business Details</b>	
<b>Name of Organisation</b>	River Lakes and Coorong Action Group Inc
<b>Who are you representing?</b>	Peak representative organisation
<b>Peak Representative Organisations</b>	
<b>Who do you represent?</b>	Environment, irrigators, fishers, tourism
<b>Proposed changes to the Water Sharing Plan for the NSW Border Rivers Regulated Rivers Water Source 2009</b>	
<b>Do you have any comments on the proposed change to allow the establishment of an environmental water advisory group (EWAG) for the NSW Border Rivers Water source?</b>	The Environmental Water Advisory Group, made up of community and government representatives, must be a mandatory requirement in the water sharing plan
<b>Do you have any comments on the proposed change to extend the Protection of the Stimulus Flow from Frazers Creek to the Confluence of the Macintyre River and the Dumaresq River?</b>	The proposed protection of the stimulus flow release from Pindari Dam should extend to the entire length of the Border Rivers system to enhance connectivity with the Barwon-Darling.
<b>Do you have any comments on the proposed change to allow the Stimulus flow to be released outside the current period 1st</b>	Support more flexibility in the timing of the stimulus flow release to enhance environmental outcomes.

**August -1st December  
time frame to allow  
more flexibility?**

Do not support that decisions on water allocations are made using the worst drought before 2004. This is a high risk approach to water management under climate change scenarios.

Water modelling and decision-making must include the most recent drought of record.

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.

**Do you have any other  
comments on the  
proposed amendments  
to the Water Sharing  
Plan for the NSW  
Border Regulated  
Rivers Water Source  
2009?**

The free capture of floodwater for irrigation use is a key issue in the Border Rivers. The cumulative environmental impacts of floodplain harvesting must be assessed. It is critical that the volume of floodplain harvesting in the Border Rivers is calculated. This water sharing plan should not be on exhibition for comment with this information missing.

Strongly object to floodplain harvesting licences getting up to 500% carryover. This will impact on important connectivity flows to the Barwon-Darling and the end of system flow target.

The protection of only 25% of natural flows from extraction though supplementary licences should be increased so that a higher volume of natural flows connect with the Barwon-Darling.

The WRP risk assessment demonstrates that environmental assets and function are at high risk of not receiving enough environmental water. The water sharing plan needs to be improved.

**Proposed changes to the Water Sharing Plan for the NSW Border Rivers Unregulated  
and Alluvial Water Sources 2012**

Key points to improve water sharing in the NSW Border Rivers:  
Do not support that decisions on water allocations are made using the worst drought before 2004. This is a high risk approach to water management under climate change scenarios.

Water modelling and decision-making must include the most recent drought of record.

The proposed protection of the stimulus flow release from Pindari Dam should extend to the entire length of the Border Rivers system to enhance connectivity with the Barwon-Darling.

Support more flexibility in the timing of the stimulus flow release to enhance environmental outcomes.

The Environmental Water Advisory Group, made up of community and government representatives, must be a mandatory requirement in the water sharing plan.

**Do you have any comments on the minor changes proposed to the NSW Border Rivers Unregulated and Alluvial Water Sources 2012?**

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.

The free capture of floodwater for irrigation use is a key issue in the Border Rivers. The cumulative environmental impacts of floodplain harvesting must be assessed. It is critical that the volume of floodplain harvesting in the Border Rivers is calculated. This water sharing plan should not be on exhibition for comment with this information missing.

Strongly object to floodplain harvesting licences getting up to 500% carryover. This will impact on important connectivity flows to the Barwon-Darling and the end of system flow target.

The protection of only 25% of natural flows from extraction though supplementary licences should be increased so that a higher volume of natural flows connect with the Barwon-Darling.

The WRP risk assessment demonstrates that environmental assets and function are at high risk of not receiving enough environmental water. The water sharing plan needs to be improved.

**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?**

Radio

**Additional Information**

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

Yes

<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Jim Cush
<b>Address</b>	[REDACTED]
<b>Contact phone number</b>	[REDACTED]
<b>Are you an individual or representing an organisation?</b>	Individual
<b>Proposed changes to the Water Sharing Plan for the NSW Border Rivers Regulated Rivers Water Source 2009</b>	
<b>Do you have any comments on the proposed change to allow the establishment of an environmental water advisory group (EWAG) for the NSW Border Rivers Water source?</b>	no problems as long as consumptive water users have adequate representation
<b>Do you have any comments on the proposed change to extend the Protection of the Stimulus Flow from Frazers Creek to the Confluence of the Macintyre River and the Dumaresq River?</b>	As long as it doesn't affect the consumptive pool of water, no problems.
<b>Do you have any comments on the proposed change to allow the Stimulus flow to be released outside the current period 1st August -1st December time frame to allow more flexibility?</b>	As long as it doesn't affect the consumptive pool of water, no problems.
<b>Do you have any other comments on the proposed amendments to the Water Sharing Plan for the NSW Border Regulated Rivers Water Source</b>	Dingo Creek has been mentioned at Border CAG meetings Interstate leakage from NSW to QLD should be monitored and acknowledged in the WRP as discussed and agreed at CAG meetings Peter Hyde is aware of the issue and conceded it had been oversighted in the document

2009?

**Proposed changes to the Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012**

**Do you have any comments on the minor changes proposed to the NSW Border Rivers Unregulated and Alluvial Water Sources 2012?**

As long as it doesn't affect the consumptive pool of water, no problems.

**Water Resource Plan**

**Do you have any comments on how DoI Water can improve the consultation process undertaken?**

seems ok

**Do you have any other comments on this chapter or Schedule C?**

no

**Response to chapter 5: Take for consumptive use**

**Do you have any other comments on this chapter or Schedule F?**

What about the opposite of extreme dry, how about a catch up in extreme wet. Namely embargoes placed in extreme dry should have the known amount of water removed from consumptive use replaced when there is adequate flows for compensation. This is only fair.

**Do you have any other comments on this chapter?**

Run off dams have a volume of 95,000 megalitres. How is future growth going to be controlled and make sure commercial activity is not derived from the run off dams.

**Response to chapter 7: Measuring and monitoring**

**Do you have any comments on this Chapter?**

As per previous submission, biggest issue is awaiting pattern approval for mace meters.

**Do you have any comments on the proposed monitoring, reporting and evaluation plan (Schedule J)?**

See attached document.

**Response to chapter 8: Information used to prepare the WRP**

**Do you have any**

As long as it doesn't affect the consumptive pool of water, no

comments on chapter 8 or Schedule I? problems.

### Further responses to Schedules

Do you have any additional comments on the Schedules?

Dingo Creek has been mentioned at Border CAG meetings  
Interstate leakage from NSW to QLD should be monitored and acknowledged in the WRP as discussed and agreed at CAG meetings  
Peter Hyde is aware of the issue and conceded it had been overlooked in the document

### Additional responses to Appendices

Do you have any additional comments on the Appendices A or C

As long as it doesn't affect the consumptive pool of water, no problems.

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?

Communication from peak body

### Additional Information

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

Yes



<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Margaret McDonald
<b>Address</b>	[REDACTED]
<b>Contact phone number</b>	[REDACTED]
<b>Are you an individual or representing an organisation?</b>	Individual
<b>Proposed changes to the Water Sharing Plan for the NSW Border Rivers Regulated Rivers Water Source 2009</b>	
<b>Do you have any comments on the proposed change to allow the establishment of an environmental water advisory group (EWAG) for the NSW Border Rivers Water source?</b>	The Environmental Water Advisory Group, made up of community and government representatives, must be a mandatory requirement in the water sharing plan. Unbiased (non-public servant) scientific environmental advisors should be given priority to sustain the life of our rivers.
<b>Do you have any comments on the proposed change to extend the Protection of the Stimulus Flow from Frazers Creek to the Confluence of the Macintyre River and the Dumaresq River?</b>	The proposed protection of the stimulus flow release from Pindari Dam should extend to the entire length of the Border Rivers system to enhance connectivity with the Barwon-Darling.
<b>Do you have any comments on the proposed change to allow the Stimulus flow to be released outside the current period 1st August -1st December time frame to allow more flexibility?</b>	More flexibility in the timing of the stimulus flow release to enhance environmental outcomes is desirable. There must be clear rules to protect environmental water from extraction.
<b>Do you have any other comments on the proposed amendments to the Water Sharing Plan for the NSW</b>	I object to the making of decisions on water allocation that were made using the worst drought before 2004. This is a high risk approach to water management under climate change scenarios. Water modelling and decision-making must include the most recent drought of record. The free capture of floodwater for irrigation use is a key issue in

**Border Regulated Rivers Water Source 2009?**

the Border Rivers. The cumulative environmental impacts of floodplain harvesting must be assessed. It is critical that the volume of floodplain harvesting in the Border Rivers is calculated. This water sharing plan should not be on exhibition for comment with this information missing.

**Proposed changes to the Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012**

**Do you have any comments on the minor changes proposed to the NSW Border Rivers Unregulated and Alluvial Water Sources 2012?**

I strongly object to floodplain harvesting licences getting up to 500% carryover. This will impact on important connectivity flows to the Barwon-Darling and the end of system flow target.

The protection of only 25% of natural flows from extraction though supplementary licences should be increased so that a higher volume of natural flows connect with the Barwon-Darling.

The WRP risk assessment demonstrates that environmental assets and function are at high risk of not receiving enough environmental water. The water sharing plan needs to be improved.

**Water Resource Plan**

**Do you have any comments on how DoI Water can improve the consultation process undertaken?**

It is unacceptable that the water sharing plan was placed on exhibition for public comment without the finalisation of rules to protect environmental water. Citizens other than those buying the water need to know the unbiased scientific advice of the impacts of water management policies to the environment and the health of the rivers. These experts and the organisations they work for need to be quoted in your draft report. As seen by the outcry over fish deaths, people in cities care about our environmental assets too. Public notices must be posted where everyone can access them. Are they consulted?

**Do you have any other comments on this chapter or Schedule C?**

Clear social and environmental impacts of water management amendments must be outlined with unbiased scientific research quoted to back them up. Climate Change effects must be included with scientific future predictions considered. Otherwise the Water Resource Plan will remain a plan for agribusiness, exacerbating the death of our rivers and all the life depending on them.

**Response to chapter 2: Water resource plan area and other matters**

**Do you have any comments on this chapter or Appendix A?**

Surface water has always sustained our flora, fauna and river communities. It should be left to continue this valuable role. Otherwise we will end up with nothing but a dust bowl.

**Response to Chapter 3: Risks to water resources**

**Do you have any other**

<b>comments on this chapter or the Risk Assessment (Schedule D)?</b>	A good risk management strategy would be to reduce the amount of extraction now.
<b>Response to chapter 4: Environmental water, cultural flows and sustainable management</b>	
<b>Do you have any comments on the protection of environmental water?</b>	A public MDB water regulator in NSW should be provided with all environmental water allocations available to the public. Rumours abound that recent e. water has been sold in the drought to irrigators. We need to know the truth. E. water is paid for by tax-payers so it is our water, not irrigators.
<b>Do you have any comments on cultural connections to surface water and the protection of Indigenous values and uses?</b>	I am a 2nd generation British settler who has progressed very well at the expense of the Wiradjuri peoples that we displaced. These peoples nurtured and cared for our land for 50000 years - a land which is now cleared, scarred, overgrown, eroded and prone to extreme bushfire. I am not alone in wanting to redress this injustice. We cannot continue in the way we have to pillage everything that was rich and beautiful in 1788. At the very least, our Aboriginal peoples should be granted the flowing healthy rivers which are their life-blood. That is what I want.
<b>Do you have any other comments on this chapter, Schedule E or Appendix C?</b>	No
<b>Response to chapter 5: Take for consumptive use</b>	
<b>Do you have any other comments on this chapter or Schedule F?</b>	I do not agree that any trade-offs or SDL measurements have resulted in more water for the river. There are still pumps without meters. There are still banks and levees that are illegal. There is no on-going monitoring of SDL to see if the figures quoted match the reality.
<b>Do you have any comments on the Incident Response Guide (Schedule G)?</b>	No
<b>Do you have any other comments on this chapter?</b>	More money need to go to monitoring of agribusiness with public officials reporting to the public on their findings.
<b>Response to chapter 6: Water Quality Management</b>	
<b>Do you have any other comments on this chapter or the Water Quality Management Plan (Schedule H)?</b>	2012 is not 2019. Climate Change effects have increased and will continue to increase. The blue -green algae of January -Feb 2019 should be factored into any new plans.

## Response to chapter 7: Measuring and monitoring

<b>Do you have any comments on this Chapter?</b>	More public accountability is needed. Media should have access to records.
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<b>Do you have any comments on the proposed monitoring, reporting and evaluation plan (Schedule J)?</b>	No
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## Response to chapter 8: Information used to prepare the WRP

<b>Do you have any comments on chapter 8 or Schedule I?</b>	If the modelling is done by government employees, it has no credibility.
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## Further responses to Schedules

<b>Do you have any additional comments on the Schedules?</b>	No
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## Additional responses to Appendices

<b>Do you have any additional comments on the Appendices A or C</b>	No
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## How did you hear about the Public Exhibition of this plan?

<b>Please let us know how you heard about the opportunity to make a submission?</b>	Communication from peak body
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## Additional Information

<b>I give permission for my submission to be publicly available on the Department of Industry website</b>	Yes
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## NSW Border Rivers Surface WRP

1 message

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Rhonda Lang >  
To: nswborderrivers.sw.wrp@dpi.nsw.gov.au

Fri, Feb 1, 2019 at 8:53 AM

Rhonda Lang  
[REDACTED]

As a resident relying on the Macquarie River, and a concerned citizen about water sharing for everyone and the environment, here is my submission. I am disappointed that certain parties seem to be entitled to more water, at the expense of other users and the environment.

The Border Rivers have strong connectivity to the Barwon-Darling and native fish need more water. It is not fair that certain water users are able to harvest so much water from the rivers, leaving much less for other users, including native fauna and flora, downstream.

**Key points to improve water sharing in the NSW Border Rivers:**

1. Do not support that decisions on water allocations are made using the worst drought before 2004. This is a high risk approach to water management under climate change scenarios.  
Water modelling and decision-making must include the most recent drought of record.
2. The proposed protection of the stimulus flow release from Pindari Dam should extend to the entire length of the Border Rivers system to enhance connectivity with the Barwon-Darling.
3. Support more flexibility in the timing of the stimulus flow release to enhance environmental outcomes.
4. The Environmental Water Advisory Group, made up of community and government representatives, must be a mandatory requirement in the water sharing plan.
5. 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.
6. The free capture of floodwater for irrigation use is a key issue in the Border Rivers. The cumulative environmental impacts of floodplain harvesting must be assessed. It is critical that the volume of floodplain harvesting in the Border Rivers is calculated. This water sharing plan should not be on exhibition for comment with this information missing.
7. Strongly object to floodplain harvesting licences getting up to 500% carryover. This will impact on important connectivity flows to the Barwon-Darling and the end of system flow target.
8. The protection of only 25% of natural flows from extraction though supplementary licences should be increased so that a higher volume of natural flows connect with the Barwon-Darling.
9. The WRP risk assessment demonstrates that environmental assets and function are at high risk of not receiving enough environmental water. The water sharing plan needs to be improved.

Regards,  
Rhonda Lang

<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Stephen Henry
<b>Address</b>	<p>I constructed an irrigation dam on my property near Bonshaw in 1993, at the time there was no licensing requirement because the dam is situated on a minor stream. I later participated in the Amenity for pre-existing works, which eventually enabled the dam to be licensed. The Water Sharing Plan requires amendments to provide more practical, reasonable and equitable outcomes and solutions for all water license holders. There is argument for the following reasons:</p> <ol style="list-style-type: none"><li>1. Trading Rules: Trading is not permitted into the Yetman Source. Water Sharing Plans were developed to facilitate water trading. We are currently excluded from this process. If meters and appropriate measures are in place, why can't we trade our water?</li><li>2. Categories of Licence: ( Section 57 WMA 2000) There needs to be a separate category for dams, particularly pre-existing works. Our circumstances are entirely different to other unregulated water users as we physically have the water available in storage. Whereas other unregulated users may or may not have the water or water flow available.</li><li>3. Access to take Rules: These rules apply to rivers and creeks. The condition on our license states we must only take water if there is a visible flow in the water source at the location where the water is to be taken. Prior to the WSP 2012 there were no access or flow conditions specified in our licence. It appears the Department expects us to pay for water we can not legally access under the terms and conditions stated in our licence since 2012. There are no reasonably practical measures I can take to comply with the access rules permitted under the WSP.</li><li>4. De-commission of works: If we can not comply with rules we will suffer significant losses and damage as result of Departmental Policy, planning and regulations that appear to be generic, lack clarity and contain gaps in knowledge. We have been told by the Department that if we surrender or relinquish our license then the works would have to be de-commissioned! This is appalling legislation.</li><li>5. Water NSW Charges: On what basis can WATER NSW justify the excessive fees that they seek to charge? The management of our irrigation dam by Water NSW is largely an administrative task( licensing administration and billing). No meters to read; no infrastructure requirements;no water trading transactions. Our dam has no water delivery cost, yet we are subject to the same fees as other license holders that require much higher operational activities and have water trading provisions.</li><li>6. Pre-existing Works(1999) This dam was built in 1993, it is situated on a minor stream and the water is only used on the landholding on which the dam is located. These circumstances need to be acknowledged and acted upon to enable a fairer and more equitable outcome.</li></ol>
<b>Contact phone number</b>	[REDACTED]

<b>Are you an individual or representing an organisation?</b>	Individual
<b>How did you hear about the Public Exhibition of this plan?</b>	
<b>Please let us know how you heard about the opportunity to make a submission?</b>	Department of Industry website
<b>Additional Information</b>	
<b>I give permission for my submission to be publicly available on the Department of Industry website</b>	Yes

This PDF is generated by the trial version of [Google Forms Email](#) add-on.

Sarah Moles

1<sup>st</sup> February 2019

By email to:

[nswborderrivers.sw.wrp@dpi.nsw.gov.au](mailto:nswborderrivers.sw.wrp@dpi.nsw.gov.au)

I welcome the opportunity to comment on the Draft Border Rivers Water Resource Plan. My comments are made as a member of the Border Rivers SAP and a former member of NBAC.

The consultation paper on floodplain harvesting released by the NSW Government on 13 March 2018 identified that an additional 211 GL of FPH take is eligible for new licenses in the Border Rivers catchment. As a member of the Border Rivers SAP I know that discussions regarding the implementation of the FPH policy have been held in parallel with but quite separately from WRP SAP meetings. It would appear that the FPH policy is merely going to be 'tacked on' to the WRP. This is not appropriate and not supported.

It has never been made clear how floodplain harvesting volumes were calculated Basin-wide, how this was accounted for in the calculations of SDLs and when the ultimate impact on the Barwon Darling and Lower Darling/Murray planning areas remains unknown. The scale of the Lower Darling fishkills underscores the need for both NSW DOI Water and the MDBA to ensure every Northern Basin WRP informs downstream WRPs so that *real connectivity* occurs through the whole system.

The relationship between the FPH policy implementation and its impact on Planned Environmental Water (PEW) has not been adequately explained. Guarantees must be given that PEW will not decrease in volume over time as a result of the FPH policy implementation.

Community owned water should provide significant socio-economic and cultural benefits to Basin communities through improved health of the natural environment. In the wake of 3 appalling fish kills, the community will increasingly expect measurable achievements from the use of community owned water. Connectivity with, and contribution to, environmental outcomes in the Barwon Darling system needs to be hardwired into all new generation northern Basin WRPs.

### **Integration of Long Term Watering Plans and Water Resource Plans**

There are no long-term watering plans for NSW currently approved (even though they should have been delivered by 2015). These need to be completed and integrated with WRPs prior to the release of consultation drafts so that the community can see how they work together. It's also important for transparency.

### **Stimulus flow**

Now more than ever, there is a fundamental need to include rules that protect stimulus flows released from the upstream Pindari dam through and into the Barwon River. These releases must run the full length of the Border Rivers to ensure connectivity downstream of Mungindi. Measures need to be introduced into the Barwon Darling WRP to ensure this water remains instream and protected.

The environmental water manager must be given discretion and flexibility as to the timing of stimulus and e-water releases so as to maximise environmental and ecological outcomes both immediately downstream of Pindari but also in the Barwon River system. The environmental account held in Pindari Dam would be managed in a similar way to the ECA account listed in the Gwydir WSP held in Copeton Dam.

It goes without saying that I support the immediate rescinding of the so called Northern Basin Amendment and the reinstatement of 390GL as the Northern Basin water recovery target.

Yours sincerely,



RCR