

# Submission summary report – Barwon–Darling unregulated water sharing plan

This report gives an overview of submissions the NSW Department of Planning and Environment received during public exhibition of the proposed changes to the *Water Sharing Plan for the Barwon–Darling Unregulated River Water Source 2012*.

## Outcomes of public exhibition

The NSW Department of Planning and Environment publicly exhibited proposed changes to the *Water Sharing Plan for the Barwon–Darling Unregulated River Water Source 2012* (Barwon–Darling water sharing plan) from 1 June 2022 to 8 July 2022. The public exhibition period gave us valuable feedback from stakeholders that will help inform the changes to the Barwon–Darling water sharing plan.

Information about the proposed changes is on the [department's website](#). This report summarises the key issues raised in submissions we received.

The department held 3 public meetings in Menindee on 15 June 2022, Walgett on 28 June 2022 and Bourke on 30 June 2022. We also held a public webinar on 6 June 2022. Approximately 13 people attended in Menindee, 15 in Walgett and 13 in Bourke. Departmental staff presented information about the proposed changes to the Barwon–Darling water sharing plan as well as the Western Regional Water Strategy and proposed rules for floodplain harvesting access licences. Staff also explained how to make a submission and what information to include.

The department held Aboriginal community meetings in Wilcannia and Brewarrina during public exhibition of the proposed changes.

Several extensions were requested, and we received all submissions by 15 August 2022.

## Overview of submissions

The department received a total of 10 submissions from 9 submitters. We will publish submissions on our website in line with the [privacy policy](#).

The comments we received mainly related to the Barwon–Darling water sharing plan or other programs currently underway, including floodplain harvesting and connectivity across the northern Murray–Darling Basin. We gave comments about floodplain harvesting and connectivity to the Healthy Floodplains and Western Regional Water Strategy teams for further consideration.

For this report, we divided the issues raised in each submission into 2 broad categories: comments on the proposed changes and other comments. The department will consider comments on the proposed changes when finalising recommendations for the water sharing plan.

## Comments on the proposed changes

### Allowing for temporary dealings (trade) of individual daily extraction components (IDECs)

#### Temporary trade of IDECs

Two submissions supported the proposed change to allow the temporary trade of IDECs. Of these 2 submissions, one noted that allowing this will not fully resolve the issues caused by the method the department used to distribute IDECs in 2020. The stakeholder requested that we implement free temporary trade of IDECs (that is, unrestricted trade) soon. The second submission supporting the temporary trade of IDECs suggested applying more restrictions to trades to protect flows in downstream river sections, taking into account long travel times.

One submission noted the need for a joint project between the department and WaterNSW to update ICT systems to allow us to process temporary trades of IDECs.

One submitter did not support the temporary trade of IDECs and raised concerns that the proposed IDEC policy will affect small licence holders and benefit large licence holders. The submission noted that the cost of purchasing additional IDEC is prohibitive and there is no financial safety net or compensation for irrigators affected by IDEC policy.

**Response:** The trading rules proposed allow the temporary trade of IDECs to licence holders who:

- are in the same river section as the seller
- have the same or more restrictive take conditions as the seller.

The department proposes an access rule that means the buyer can only access water under the traded IDEC on days when WaterNSW has announced access for both licences involved in the dealing. These proposed rules will prevent the rapid trade of IDECs after a flow event down the river (potentially resulting in more overall extraction) and ensure that the trades will not affect water reserved for the environment and other users.

The department will work collaboratively with WaterNSW to develop the system we need to carry out the proposed changes to the water sharing plan. We will not accept applications for temporary trades of IDECs until the system has been upgraded.

#### Distribution of IDECs

Three submissions raised concerns about water sharing plan changes that were made in 2018 and 2020.

The 2018 change restricted the amount of water that the submitter could take and trade from their account. The submitter requested a return to the 2012 trading rules.

A submitter noted the way IDECs were set in 2020 has affected some licence holders. There was no process to deal with inconsistencies in the way individual licences were affected. Some water users now have an IDEC less than their pump capacity; some licensees have IDECs exceeding their historical use and the amount of water that users can trade.

The implementation of IDECs has caused work health and safety risks for licence holders who have IDECs smaller than their pump capacity.

Submitters felt the department was not transparent, did not have enough knowledge of this topic at public consultations and has neglected their concerns.

**Response:** The account management rules in the Barwon–Darling water sharing plan were amended in 2018 to solve a problem with the way the annual take limit was being interpreted and operating. The change was to make the rule clear that the individual annual take limit of 300% of entitlement included water account debits arising from extraction and net allocation assignments (trades) under s71T of the *Water Management Act 2000*.

The department introduced IDECs in the Barwon–Darling water sharing plan in 2020. We based daily flow shares, which are used to determine an IDEC, on the proportion of a licence holder’s share components, within each licence class and across the whole water source. The distribution was calculated on the water licensing data available on the first day of public exhibition of the draft water sharing plan changes. The total number of daily flow shares distributed relied on the total pump capacity of licences when the plan began in 2012.

Currently, licence holders can employ several actions to comply with their IDEC. They may:

- run their pump only until the IDEC is reached, and begin pumping again the next day if access is allowed, turning the pump on and off to limit the daily volume extracted
- restrict the pumping rate so that the total volume extracted each day is less than or equal to their current IDEC
- purchase daily flow shares from other water users within their river section through a permanent trade under section 71Q of the *Water Management Act 2000*
- notify the department and reconcile the extracted volume to other water access licences linked to the work if other access conditions are met.

The proposed change to allow temporary trade of IDECs under section 71QA of the *Water Management Act 2000* will give licence holders an alternative way to get more IDECs.

## Change of access announcements

Four submissions supported the proposed rule to allow the amendment of access announcements.

Stakeholders requested that announcements are:

- recorded using existing processes
- reported publicly as described in the active management procedure manuals
- made available to relevant agencies for compliance and reporting. This will ensure that it does not result in an overall reduction of rightful access to other licence holders or planned environmental water.

One submission noted that we should analyse forecasting and access data to determine where the distribution of water is most inaccurate compared to full hindsight. It also suggested that we should aim for continuous improvement.

One submission noted engagement with WaterNSW will be needed to ensure the proposed change can be put into practice.

**Response:** Support for the proposed change is noted.

WaterNSW will continue to publish access announcements on its website and make them in keeping with existing processes. The proposed change will allow WaterNSW to respond to any mismatches in observed and forecast flows that result in more water being available for the management zone.

WaterNSW will only amend announcements to increase access. This is because changing announcements to reduce access could result in water users breaking access rules inadvertently. If any forecasts over-estimate the available volume, WaterNSW would correct this by reducing access the next day, where necessary, to protect active environmental water.

The department will work collaboratively with WaterNSW to develop the systems we need to carry out the proposed changes to the water sharing plan.

### Explaining how relaxing the resumption-of-flows rule works

Two submissions supported the proposed change to make the resumption-of-flows rule clear. One submission noted that new wording should explain key aspects of the trigger and how we will apply it. One submission asked for more details about the flow trigger for relaxing the rule.

**Response:** Support for the proposed amendment is noted.

The proposed change to the resumption of flow rule alters the wording to explain how the flow trigger at Bourke operates. The trigger at Bourke turns off the access restrictions imposed by the resumption of flows when certain conditions have been met. The change will make it clear that the flow trigger of 30,000 megalitres (ML) in the Darling River at Bourke is a cumulative total flow. It will also make clear that flows start contributing to the 30,000 ML target from the start of the most recent low-flow or dry period, when flows have been less than 200 ML/day for more than 90 consecutive days at Wilcannia.

### Flow-class announcements when one of 2 reference gauges is not working

Three submissions supported the change to flow-class announcements. One submission noted the need to ensure that additional upstream flow data and the forecasting model are available and operational.

**Response:** Support for the proposed change is noted.

## Other comments

### Account management rules

#### Errors in schedule 1A

One submission raised concerns that changes made in the draft policy documents presented at the Bourke community consultation meeting contained several errors about the submitter's water licence.

**Response:** The department recognises there were errors in schedule 1A of the draft water sharing plan on public exhibition. This schedule lists water access licences temporarily exempt from volume limits on the sale of account water under clause 42(3A) for a specified period. We will correct these errors before the water sharing plan is amended.

#### Annual take limit

One submission requested that we replace the 300% take rule with a rule allowing for 450% use over 3 years, as recommended by the 2019 Natural Resource Commission's *Review of the Water Sharing Plan for the Barwon–Darling Unregulated and Alluvial Water Sources 2012*.

**Response:** The department discussed this with the Barwon–Darling Stakeholder Advisory Panel during development of the water resource plan in 2020 and it will not be progressed. Modelling we did while developing the water resource plan supports the existing understanding. That is, the annual take limit of 300% in a single year does not seriously affect the flow regime and is not a significant limiting factor on irrigation. We are defining upper limits to annual take in practice by the size of on-farm storage and developed area.

The modelling also showed that there would be minimal improvement to flow regimes but large effects on water users if the take rule was changed to 450% over 3 years.

### Connectivity

The department received several comments about connectivity. Stakeholders raised concerns that the Barwon–Darling and upstream water sharing plans do not recognise connectivity to the extent necessary to ensure enough flows across the whole system.

Two submissions requested stricter legislation in the Barwon–Darling to ensure connectivity between valleys during dry periods and drought.

Stakeholders also raised concern that resumption of flow rules in the Barwon–Darling and the connectivity targets proposed in the Western Regional Water Strategy are too low.

**Response:** We have given submissions about connectivity to the Western Regional Water Strategy team for consideration. The department will consider and consult on implementation of any water sharing plan changes that result from this program as part of the replacement of the Barwon–Darling water sharing plan in 2023.

### Consultation

The department received multiple comments about consultation, including concerns that the NSW Government is failing to engage with First Nations people and that the government ignores the views and advice of stakeholders heard during consultation.

**Response:** The department is committed to collaborating and engaging with our stakeholders. We consider the views and advice we hear during consultation when we finalise recommendations for the water sharing plan. The department met with Aboriginal stakeholders in Wilcannia and Brewarrina during public exhibition of the proposed changes to the water sharing plan.

The NSW Government is working with peak Aboriginal bodies and communities on a framework for engagement. It intends to consult on a range of water-related issues including regional water strategies and water sharing plans. The government anticipates that consultation will also happen with local Traditional Owners, local Aboriginal land councils and other local Aboriginal groups under the Aboriginal Water Strategy.

This consultation will include sharing knowledge on water sharing plans and identifying opportunities to improve Aboriginal involvement in water management in NSW. It will draw on existing information to identify and protect known high-value cultural sites, where appropriate. The water sharing plan can be amended at any time if it is in the public interest to do so.

### Cultural water

The department received feedback that it needs to develop a cultural water policy to address cultural water allocation and licences, as well as cultural flow targets.

**Response:** The department is working with Aboriginal groups to co-design and deliver an Aboriginal Water Strategy. The design of the strategy will consider these matters, including access to water. The department will ensure ongoing engagement with Traditional Owners, communities and relevant stakeholders for the best possible outcomes on Country.

We are investigating different options for providing access to water as part of the Aboriginal Water Strategy. This includes repurposing licences that may have lapsed or have been surrendered, creating water allowances, and changing Aboriginal cultural access licences to allow use for broader purposes.

We have released an implementation plan to support the priorities set out in the State Water Strategy, together with an action plan outlining what we will deliver.

The Barwon–Darling water sharing plan currently allows for supplementary water (Aboriginal environmental) access licences.

### Environment

The department received several comments about the health of the Barwon–Darling River. Stakeholders raised concerns that water extractions are having environmental impacts such as water quality issues, algal blooms, fish deaths, declining ecological diversity, decreased habitat connectivity and degradation of ecosystem services in wetlands and riparian environments.

One submission raised concerns that the NSW Government has not altered policy following the fish kills at Menindee, the 2 reports that investigated the fish kill, and Ken Matthews' recommendations on water management in NSW.

**Response:** The Barwon–Darling water sharing plan was amended in 2020 to implement several new reforms. This was in response to the Natural Resources Commission's review of the water sharing plan and outlined in the Water Reform Action Plan. The Water Reform Action Plan was developed in response to several reviews including Ken Matthews'. The changes to the Barwon–Darling water sharing plan in 2020 focused on improving protection of low-flows for better environmental and social outcomes and included:

- adoption of revised A-class flow thresholds
- implementation of IDECs
- introduction of daily announcement of flow classes and updated licence conditions
- introduction of a resumption-of-flow rule
- introduction of active management of environmental water
- removal of access to imminent flows.

The Barwon–Darling water sharing plan was also amended in 2018 to change the annual take limit to make it clear that the limit includes net water allocation trades.

More work to improve connectivity outcomes, including water quality, in the Northern Basin, is underway as part of the Western Regional Water Strategy.

### Floodplain harvesting rules

Several submissions raised concerns about proposed floodplain harvesting rules and the effects downstream, including effects on Murray General Security water users. Two submissions raised concern about meeting the sustainable diversion limit once floodplain harvesting licences are introduced. Comments suggested the Northern Basin needs to commit to delivering flow downstream with stronger targets.

**Response:** We have given submissions about floodplain harvesting to the Healthy Floodplains team for consideration.

### Recalibration of the Barwon–Darling water model

One submission expressed disappointment that the recalibration of the Barwon–Darling meters and the recalibration of the Barwon–Darling hydrology model has not happened, as the recalibration of meters would resolve the issue of exceeding the sustainable diversion limit.

**Response:** A project to recalibrate the Barwon–Darling water models using more accurate water metering records is underway. For more information about this project, visit our website, [www.industry.nsw.gov.au/water/allocations-availability/tracking-surface-water/reasonable-excuse-faqs](http://www.industry.nsw.gov.au/water/allocations-availability/tracking-surface-water/reasonable-excuse-faqs)

The department will consider implementation of any changes to the water sharing plan resulting from this program as part of the replacement of the Barwon–Darling water sharing plan in 2023.

### Town water supplies

One submission raised several concerns about security and water quality issues for town water supplies in the Barwon–Darling. The submission recommended the water sharing plan include water quality targets for town water supplies as well as improved objectives and performance indicators.

The submission also requested improved data transparency and public data accessibility when reporting water quality of town water supplies.

**Response:** The 4 local water utilities (Bourke Shire Council, Brewarrina Shire Council, Walgett Shire Council, and Central Darling Shire Council) in the plan area have water treatment plants that treat drinking water to Australian Drinking Water Guidelines standards.

Local water utilities' operational plans for their water treatment plants allow for monitoring of raw water quality so they can decide on drinking water treatment (for example, flocculant dosing) to meet Australian Drinking Water Guidelines.

The Safe and Secure Water Program is the NSW Government's key infrastructure program for priority town water security, water quality and environment (sewerage) risks in regional NSW. Where expansion is necessary to address water security and water quality issues, the program can help with funding to meet community and regulatory requirements, which can include new or improved environmental flow conditions, where appropriate.

The department's regional water utilities teams work closely with local water utilities to help with these discussions and negotiations. The outcomes may include ensuring work is done to upgrade infrastructure or reviewing conditions on licences and approvals.

NSW Health is the agency for reporting against the Australian Drinking Water Guidelines. To get drinking water management systems, contact the local water utilities directly.

The department provides and maintains the Local Water Utility Performance Dashboard. This allows NSW regional water utilities to annually report their current water supply and sewerage data, which includes annual figures on microbial (E. coli) compliance and chemical compliance. The dashboard gives valuable data for determining the current position and assessing future water supply and sewerage needs for regional areas. This ensures an appropriate focus and that programs are targeted to help local water utilities. Performance monitoring is also important for the public and gives the NSW Government assurance that local water utilities are meeting the requirements of the *Water Management Act 2000* (that is, each local water utility is performing satisfactorily).

The department will review water sharing plan objectives and performance indicators as part of the replacement of the Barwon–Darling water sharing plan in 2023.



## Water sharing plan for the Lower Darling

One submission raised concerns that the Lower Darling has no water sharing plan and stated the department should restart the process of creating one.

**Response:** This issue is out of scope for the Barwon–Darling water sharing plan changes. Two surface water sharing plans apply in the Lower Darling: the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016* applies in the regulated river, and the *Water Sharing Plan for the Lower Murray–Darling Unregulated River Water Source 2011* manages water sharing in the unregulated rivers.

---

## More information

More information about the Barwon–Darling water sharing plan can be found at <https://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/status/barwon-darling-west-region>.