



**namoi water**

*Securing our water future*

## **SUBMISSION**

**Northern Basin First Flush Assessment 2020**

09/08/20

PO Box 548, NARRABRI NSW 2390

Web: [www.namoiwater.com.au](http://www.namoiwater.com.au)

## **Introduction**

Namoi Water is the peak industry group for irrigated agriculture in the Peel, Upper Namoi and Lower Namoi Valleys in the North West of NSW. We appreciate the department seeking an independent panel to assess the management of the 2020 Northern Basin First Flush. As outlined in the report 2020 Northern Basin first flush brought a number of positive outcomes to communities, it was able to secure a number of town water supplies, as well as provide Menindee Lakes with enough water to enable a pulse release. Namoi Water supports these positive outcomes however we do not support the way in which they were achieved.

It is our opinion that the timeline for the First Flush began when the Water Management (General) Amendment (Exemption for Floodplain Harvesting) Regulation was Tabled. Namoi Water understands that it is not feasible nor a legal requirement for Government to publicly consult on every single regulatory change made. However, it is an accepted practice to engage with stakeholders on changes that impact their ability to comply with new regulatory requirements.

That the Department intended to implement a State-wide exemption as an interim measure prior to licencing is not an issue for Stakeholders in the Namoi. This was clearly communicated in multiple state-wide public consultation meetings. Take under the Water Act 1912 (NSW) via Part 8 and 2 approvals was exempt from requiring a licence (as are many other legitimate water use activities) and the transitional arrangements provided that until licenced through the Healthy Floodplains Project, the exemption would continue. However, the timing and implementation of the exemption, and the immediate removal via a Section 324 Temporary Water Restriction (TWR) caused substantial distress for water users.

TWR in the northern basin were put in place in the following time frames;

- 20 December 2019 – 5 January 2020 – a pre-emptive TWR was put in place within the Northern Murray Darling Basin for unregulated and some regulated water users.
- 20 January 2020 – 17 February 2020 (amended to 28 February 2020) – TWR on Northern Murray Darling Basin for unregulated and some regulated water users.
- 7 February 2020 – 28 February 2020 – (Friday at 4.04pm) TWR on Northern Murray Darling Basin Floodplain Harvesting order was placed on floodplain harvesting, other than rainfall collected in tailwater return systems and passive take that could not reasonably be prevented. The TWR on floodplain harvesting was the first-time this type of restriction had been made by NSW.

Namoi Water supports the use of TWRs when reasonably needed. However, during the 2020 Northern Valley First Flush there was data available and provided directly to the Department that quantified flows from Queensland, the Castlereagh River and Marthaguy Creek far earlier than were included in the Departments modelling. The Department disregarded data provided from outside sources, which would have informed the modelling earlier and created a better outcome for all. Upstream License Holders missed out while downstream users benefited when Department modelling finally caught up.

We appreciate that the Panel recognised that there was insufficient planning and preparation undertaken for the event. Specifically, in regard to the lack of informing and engaging water users and the community when preparing the objectives, targets and principles. However, we disagree that real-time management of uncontrolled flows to provide for critical water needs through the basin is a new approach of managing water for the NSW Government.

Namoi Water disagree that WaterNSW made substantial effort to use the best available data to make decisions. As aforementioned data was provided to departments and WaterNSW which went unnoticed. We agree that the community was not clear on who was doing what or why which lead to communication and confidence issue and frustrations. However, we strongly disagree that it was merely a perception that the “goal posts” shifted. The Goal posts clearly shifted, the initial requirement for the Namoi Valley was to supply 20GL however there was **84GL** went out the end of our system. This is a blatant disregard to the contribution our valley made and the sacrifice water users in our valley gave in vain due to the department not acknowledging until too late flows from Queensland and other tributaries. It is insensitive to users to imply that there was a clear target set during the event.

Namoi Water’s members support the use of temporary water restrictions to ensure that critical human needs will be met before access is granted. This is clear as during the event in March 2019 irrigators in the Namoi self-imposed the Section 324 days before the department imposed the official Section 324. However, it is also important to note that in this event the Section 324 was delivered incorrectly yet a paper was still published showing changes in storage dams. This shows that the water space has become toxic and water users are being unfairly punished for the Department’s mismanagement.

It is frustrating that peak irrigation bodies conveyed that the proactive and pre-emptive approach, provided to representatives in July 2019, would lead to restrictions not being lifted in a timely manner leading to lost opportunities for consumptive water users. This was exactly what occurred

during the 2020 First flush event. This approach coupled with total disregard of information provided to the Department lead to inequitable water sharing. License Holders in the Northern Valleys lost access to water and therefore the opportunity to secure their businesses for a further year's production. Downstream License Holders were able to access water as well as those downstream of Menindee receiving a general security allocation. This is inequitable and has caused extreme stress and anxiety for Northern Valley water users.

Namoi Water strongly disagree with the comment *“Unlike the 2020 Northern Basin First Flush event, there was reasonable advance notice of the flows entering NSW water sources from across the Queensland border”*. As aforementioned the department were provided with independent modelling that correctly quantified flows that came out of Queensland much earlier than they were adopted. The Department were ignorant and continually disregarded modelling provided to them that could have allowed Section 324 to be removed to allow access to upper northern valley License Holders. A direct example is the information readily available on the 19<sup>th</sup> February 2020:

- From the Queensland Water Monitoring Information Portal:
  - At 9am 62GL had flowed through the Balonne River Gauge in St George and the river was rising
  - At 9am 175GL had flowed through the Balonne River Gauge at Weribone (next gauge upstream from St George) and the river was rising
- Documented flow predictions from QLD industry professionals were predicting 260GL through St George on 18<sup>th</sup> of February, with this information available in a single phone call
- From NSW Real Time Water Data:
  - 21 GL had flowed through the Binnaway Gauge on the Castlereagh and the downstream catchment had received significant rainfall in the preceding 2 weeks. Coonamble AWS had recorded over 130mm for the month of February up to the 19<sup>th</sup>.
  - 12 GL had flowed through the Carinda Gauge on the Marthaguy River with significant flows still to come, evidenced by local observations, again available with a single phone call

Additional inflows should have been considered by WaterNSW at this date from these sources but were not. Very conservative estimates of additional inflows would have been:

- 10% of gauged flows from Condamine Balonne at Weribone, an additional 18GL

- 30% of gauged flows in the Castlereagh, an additional 6GL
- 50% of gauged flows in the Marthaguy, an additional 6GL

This additional 30GL, based on very conservative estimates with information readily available at 9am on the 19<sup>th</sup> of February, would have lifted the WaterNSW forecast from 30-60GL to 60-90GL. This would have exceeded the target of 40-60GL in Appendix E. This would have allowed the lifting of restrictions on Unregulated access and Floodplain Harvesting that were applied on the 21<sup>st</sup> of February to be applied on the 19<sup>th</sup> of February. Two days may not seem like much but it maybe the entirety of access opportunities for some water users. The state border with Queensland appears to have been a convenient excuse to extend the denial of access to water users. The commentary in the report around the variability of inflows to the Barwon from the Condamine Balonne disregards a key trend. That is that the percentage of flow that reaches the Barwon is generally largest in smaller flow events. Larger flows where there is more floodplain wetting deliver a lower percentage of the total flow. Adopting the lower end of the observed percentage range (10%) and applying it to observed flows is very conservative. WaterNSW had still not included any volume in their forecast on the 24<sup>th</sup> of February, despite including a comment that “*We can expect at least 10-15% as a minimum*”. The continued refusal to include this water in the modelling cost Northern Valley License Holders significant access.

As previously mentioned, Namoi Water welcomes an independent review of the 2020 Northern Basin first flush. This report however misses key definition’s and does not represent a real-world way forward. Allowing flow triggers not to be specified and instead only lifting TWRs if sufficient supply for towns for the next few months, is completely inequitable and causes a reductions of property rights for those License Holders higher up in the valleys. Water Sharing Plans (WSP) were never designed to work in this manner, they were designed to create equitable sharing of water. Further the report does not transparently quantify the results of the event if valley by valley individual WSP had of been in place. This is the purpose of our WSP. In our opinion it is not an acceptable explanation to say that if WSPs had been in place up to 100,000ML of Supplementary Water “*could have been accessed*” in the Northern Basin, as stated in the Assessment of take and protection during first flush flows Report (2020). We feel it is necessary in order to promote a healthy water environment that detailed findings of the results of alternate management strategies, including earlier lifting of restrictions, be included in this report.

Namoi Water estimates that license holders in the Namoi Valley alone were denied access to 30GL of irrigation water after restrictions should have been lifted on the 19<sup>th</sup> February. This water

would have driven more than \$20M of productivity at the farm gate, not to mention the multiplying benefits to the wider Community.

In line with the first recommendation of the review;

- Ensure that water management provides for and promotes connectivity between water sources.

Namoi Water requests that the definition of connectivity in the Northern Valleys be clearly defined and included in this report. We agree that we are likely to see similar events to this into the future therefore it is critical that when the Department are attempting to achieve connectivity users have a clear understanding of what the Department are genuinely trying to achieve. This in turn will create further transparency and confidence in the Department rather than what is seen now as smoke and mirrors on the Department's behalf.

Recommendation 2;

- Make any TWR required to manage first flush events on a proactive basis (that is, prior to specific forecasts of rain).

This method of managing water will as aforementioned lead to increased delayed timing responses when removing restriction. Leading to inequitable sharing of water, and the depletion of Northern Valley water users' property and water rights. The use of restrictions prior to events to secure critical human need is welcomed however blanket restriction's as used in the 2020 event are clearly not an appropriate method of handling these situations.

Namoi Water supports recommendations Three, Four, Five and Six.

Recommendation 7;

- Embed the management of first flush events in the regulatory and policy framework for managing drought. An example of the types of matters that could be incorporated into the WM Act, Extreme Events Policy, WSP and incident response guides is set out in the table below. However, any framework adopted should be developed in discussion with Communities and water users.

The principles of Recommendation 7 create unimaginable favourable outcomes for downstream licence holders. Reducing reliability for upstream users, therefore degrading their property and water rights.

Namoi Water strongly supports recommendations Eight, Nine and Ten.

Namoi Water appreciates the inclusion of limited Flow Data in this report. It is crucial that it is understood that water users only accessed a small percentage of flows during the event. Further reference to the actual numbers would provide greater clarity for all parties. However, we feel that the inclusion in the referenced document, Assessment of take and protection during first flush flows Report (2020) *“if the restrictions weren’t in place and the standard water sharing plan arrangement were followed an additional 100,000ML of Supplementary water could have been accessed”*, paints an unfavourable picture for irrigators. Following this *“we therefore estimate an increase in stored water of approximately 220GL between February and April 2020”* creates further toxicity in the water environment and has caused enormous backlash for Floodplain Harvesting as it has been publicly assumed all of this water was harvested via this form of take. We recommend that this report be more specific in the forms of take that contributed to this increase in stored water across the Northern Valley.

Finally, although we support the overall tone of the report. This report does not acknowledge that the Department were provided with modelling that quantified Queensland and other tributary flows and predicted targets much earlier than their own modelling. It is disrespectful to water users of the Namoi that this work is not recognised in this report as users could not access water that downstream users accessed. That water would have secured the financial position of farmers and our wider Community. By not recognising this independent modelling, it gives little hope that the Department will take initiative to seek available data and observations to better inform models. Better informed models would then promote equity amongst all extractive users. Although this report provides transparency around the handling of the event it does recognise all of the shortfalls of the Department during the event. It does not necessarily provide a practical management recommendation for further events.

**Submission End.**