Independent panel assessing the management of the
2020 Northern Basin First Flush event
independentpanel.firstflush@dpie.nsw.gov.au

TOLARNO STATION 1851 Pty Ltd
[redacted]
www.tolarnostation.com.au

Sunday, 9 August 2020

RE: Submission on Draft Report - Independent Panel Assessment of the Management of the 2020 Northern Basin First Flush Event

Thank you for the opportunity to review the draft report by the independent panel assessing the management of the 2020 Northern Basin First Flush event.

We are pastoralists who own and run 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 and rangeland goats.

The Lower Darling catchment has minimal runoff and is entirely dependent on upstream tributaries. When the first flush event occurred in early 2020, the providing restoration of flow to the Lower Darling was critical for the environment, cultural and socio-economic health of our communities.

Any management of flows should adopt the aim to enable flow events to be shared between all users along the length of the river. This requires interconnectedness and a consistent prioritisation of water needs, and is consistent with section 60(3) of the NSW Water Management Act 2000 and the Water Act 2007.

We support in general the findings and recommendations of this draft report and commend the independent panel on their report. We recognise that the management of this first flush event was the first of its kind; and that there were clear cultural, social and environmental benefits in protecting the first flush. However, the agencies involved were under-prepared for an event and there is a demonstrated need for improvements in the decision making framework and enhanced transparency and communication in decision making. There was also a lack of quality data to inform decisions, particularly within short timeframe available.

We would suggest that protection of first flush events in the short and long term (prior to implementation within regulatory and policy frameworks and then within these frameworks) is critical to ensure that there is environmentally sustainable sharing of water between the river and its users, and that the river's health is protected first and foremost. Many of the recommendations are enablers for this to occur, which should be secondary to achieving protection of flow.

We make the following specific comments in regard to the draft report:

OVERALL COMMENTS

The need for transparent, science based, peer reviewed targets

The changing targets during this event reflected an inability of the Department to set targets which realistically met downstream environmental and critical human water needs. A target of 80GL would not have provided critical human need. It is essential that targets are set which realistically reflect prioritised need under the Water Management Act 2000.

On page 51, the report states: *To be clear, the Panel does not consider it appropriate to 'negotiate' science based, peer reviewed targets.*

We fully support this statement, however raise concerns that the science is not being fully regarded and properly applied in setting current targets. There is also a need to build on the science using knowledge from this event. For example, there is a need to review the science in regard to the target at Menindee for what is required for an environmentally protective restart. The figure used in this event was vastly inadequate, as now demonstrated, and should be updated on the latest science to be more realistic in the event of such an extended dry period.

Flow targets for whole of system connectivity

The focus on northern basin fails to ensure connectivity of the river system. The river does not simply stop above Menindee Lakes, and the ecology of the system cannot function under such arbitrary borders. It is noted in Appendix F, Flow Targets for the 2020 Northern Basin First Flush Event, that the was not a volumetric target for Wentworth, which would ensure connectivity of the Darling and its tributaries. The Darling River does not stop above the Menindee Lakes, but plays a critical role for the lakes, the Lower Darling, and the Murray from its confluence to the mouth. It is therefore critical that the whole river be considered in flow targets.

This should be integrated into Recommendation 1.

RECOMMENDATION 1

We strongly support in principle this recommendation. However, there is a lack of clarity on what this recommendation actually means and how it can be achieved.

The draft report states on page 64: *Further policy work is required to determine how competing needs across the system are balanced, and what measures need to be in place in order to share risks transparently and equitably between water users and between communities along the length of the system, especially in times of drought*.

We would argue that there should not be equitable sharing of risk between water users if the environment and Aboriginal communities are indeed to be considered 'water users'. We would argue that there must be transparent prioritisation of certain 'water users', placing the environment at the first priority, and critical human needs and Aboriginal cultural access to water (which could be

referred to as 'cultural flows') above the risk posed to other water users such as irrigation. This prioritisation is already reflected in the Water Management Act 2000.

RECOMMENDATION 3

Given that the incorporation of rules into statutory frameworks will not occur immediately, we support this recommendation for the development, communication and implementation of first flush guidelines.

RECOMMENDATION 7

Inclusion of first flush management arrangements in the regulatory and policy frameworks

We strongly support the inclusion of first flush management arrangements in the regulatory and policy frameworks*. As* highlighted in the report: *the general reliance on section 324 orders relies on the courage of the decision-makers of the day to make conscious decisions to protect the first flows after extended dry periods and the burden of making the 'right' decisions falls solely on their shoulders. This is not an ideal situation for the community, water users or agencies. (page 61)*

It is well and truly time to move beyond such an unreliable and political form of protection of flows.

The importance of multiple flow events and striving for downstream targets even if not achievable within a single event

The Panel rightly identify:

When rain did finally fall in early 2020, it did not do so in a single event. The 2020 Northern Basin First Flush event was the product of a number of rainfall and flow events in many locations, in a large and complex basin. (Page 1)

And later, *As indicated in Chapter 5 of this draft report, when the rainfall event began in early February (and in planning for the event throughout 2019) there was no expectation by the NSW water agencies that flows would reach Wilcannia, let alone the Menindee Lakes. (Page 43)*

In light of the recognised importance of 'building on' the benefits of multiple flow events, statements in Recommendation 7 contradict this position. In particular, the principles set out for extreme events policy state:

Consider providing access to upstream water users under normal rules if the nearest downstream targets are met or forecast to be met and there is an assessment that this event will not meaningfully contribute to meeting any other downstream targets.(Page 69)

Treating each rain/flow event individually will significantly reduce the opportunity to achieve environmental, cultural and socioeconomic benefits. Often these major flow events are a result of cumulative events, each in their own right not achieving downstream targeted but collectively making a meaningful and significant effect.

It is therefore crucial that this principle be removed. Water should not be used for non-critical needs upstream until there is high confidence that environmental and critical human needs are met along the length of the river system.

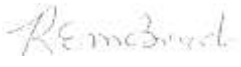
Connectivity across valleys and Water Sharing Plan areas

Within the recommendations relating to the Extreme Events Policy, Water Sharing Plans and Incident Response Guides, there is a need to clearly state that the sharing of water is required across valleys/WSP areas as well as within each valley/WSP area. This is required for whole of system connectivity.

- Extreme Events Policy: a principle which states that allocation of water should be shared within a valley and across valleys.
- Water Sharing Plans: should include targets for flow outside of the WSP area. Currently, WSPs fail to recognise environmental, cultural or social need outside of the WSP area. This is a significant failing of the latest revision of the Barwon-Darling WSP. We would recommend that the trigger for protection of first flush rules should be expanded to apply to all downstream WSP areas, and when there is risk to critical environmental and human needs.
- Incident Response Guides: These guides should include targets beyond the scope of the WSP area to consider downstream WSP areas. Example targets should also include volumetric targets at the end of system. We would suggest this would be a volumetric target at Wentworth as well as a storage target at Menindee.

We would be happy to expand further any of our above comments.

Kind regards,



Robert McBride **Katharine McBride**

Tolarno, Peppora and Wyoming Stations

[redacted]

[redacted]

www.tolarnostation.com.au