

<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>	Organisation
<b>Organisation or Business Details</b>	
<b>Name of Organisation</b>	AGnVET
<b>Who are you representing?</b>	Water related industry
<b>Proposed changes to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</b>	
<b>Do you have any comments on the proposed changes to allow the operation of Pre-requisite Policy Measures (PPMs) for held environmental water in the Murrumbidgee Regulated River Water Source?</b>	no
<b>Do you have any comments on the proposed change to the Lowbidgee Distribution Rules?</b>	No, provided removing Nimmie Caira from the rules doesn't allow them to extract water without limit
<b>Do you have any comments on the proposal to codify NSW Southern Basin Inter-Valley Trade (IVT) and refer to the IVT procedures in the WSP?</b>	There should also be analysis on whether 100GL is the appropriate (and justifiable) limit
<b>Do you have any comments on the proposal concerning crediting and debiting</b>	No

<p><b>rules for Provisional Storage Volume 1 in the water source?</b></p>	<p>Yes. I think the carryover allowance (30%) on General Security licences needs to be increased, or the Minister be given discretion to vary it. My reasons are as follows. The 2016/17 water year was wet such that allocations to GS &amp; HS were at 100% by 15 November 2016. As we approached the end of the water year, carryover accounts were full and consequently there was no demand for water. Prices ended at about \$3-\$5/ML. Water was being wasted as it effectively had no value. However, at the start of the 17/18 prices immediately spiked to around \$80 - \$100/ML. Had people been able to carryover more water, wastage would have been significantly reduced.</p>
<p><b>Proposed changes to the Water Sharing Plan for the Murrumbidgee Unregulated and Water Source 2012</b></p>	<p><b>Do you have any other comments on the proposed amendments to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016?</b></p>
<p><b>Do you have any comments on the changes proposed to the Water Sharing Plan for the Murrumbidgee Unregulated Water Source 2012?</b></p>	<p>No</p>
<p><b>How did you hear about the Public Exhibition of this plan?</b></p>	
<p><b>Please let us know how you heard about the opportunity to make a submission?</b></p>	<p>Department of Industry website Social media</p>
<p><b>Additional Information</b></p>	
<p><b>Please tick the relevant boxes</b></p>	<p>I consent to my “submission” being published on the department’s website and wish to maintain my privacy by having my name withheld from the submitter’s list. Please note that any emailed attachments you may have provided and any personal information that has been included in the attachment will be published.</p>

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## SUBMISSION

# Murrumbidgee Surface Water Resource Plan

July 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 over 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 share 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.

This submission represents the views of the Members of NSWIC with respect to the Murrumbidgee Surface Water Resource Plan (WRP). 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.



## NSW Irrigators' Council's Guiding Principles

Integrity	Leadership	Evidence	Collaboration
<p>Environmental health and sustainable resource access is integral to a successful irrigation industry.</p>	<p>Irrigation farmers in NSW and Australia are world leaders in water-efficient production with high ethical and environmental standards.</p>	<p>Evidence-based policy is essential. Research must be on-going, and include review mechanisms, to ensure the best-available data can inform best-practice policy through adaptive processes.</p>	<p>Irrigation farmers are stewards of tremendous knowledge in water management, and extensive consultation is needed to utilise this knowledge.</p>
<p>Water property rights (including accessibility, reliability and their fundamental characteristics) must be protected regardless of ownership.</p>	<p>Developing leadership will strengthen the sector and ensure competitiveness globally.</p>	<p>Innovation is fostered through research and development.</p>	<p>Government and industry must work together to ensure communication is informative, timely, and accessible.</p>
<p>Certainty and stability is fundamental for all water users.</p>	<p>Industry has zero tolerance for water theft.</p>	<p>Decision-making must ensure no negative unmitigated third-party impacts, including understanding cumulative and socio-economic impacts.</p>	<p>Irrigation farmers respect the prioritisation of water in the allocation framework.</p>
<p>All water (agricultural, environmental, cultural and industrial) must be measured, and used efficiently and effectively.</p>			<p>Collaboration with indigenous nations improves water management.</p>



## Overview

The NSWIC welcomes the public exhibition of the draft *Murrumbidgee Surface WRP*. WRPs, as well as the subsequent changes to Water Sharing Plans (WSPs), are of critical importance for the irrigation industry and rural communities. 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 presents NSWIC's key recommendations, specifically:

### **Recommendation 1) Collaboration with Water Users:**

A) Ensure meaningful engagement with water users in development of WRPs, by working with water users from the earliest possible stage through a participatory process – rather than just consultation at a later stage.

B) Ensure a feedback mechanism is developed for Stakeholder Advisory Panels so that representatives understand how their input is incorporated (or not incorporated).

**Recommendation 2) Readability:** Reduce the complexity of the WRP and improve the readability. NSWIC encourages the Department to provide hyperlinks to more easily guide the reader. Explanatory materials should be plain English, and prioritise key principles of accessibility, clarity, comprehension and simplicity.

**Recommendation 3) Objectives:** The objectives must be measurable, and ordered to reflect their priority or importance, with *"to improve water security for all uses of Basin water resources"* being the key overarching objective.

**Recommendation 4) Pre-requisite Policy Measures:** Further develop the proposed "procedures manual" for managing Pre-requisite Policy Measures (PPMs) in the Murrumbidgee, to ensure transparency and accountability in the implementation of PPMs, and to ensure the reliability of supply to water entitlement holders is not impacted.

**Recommendation 5) Economic Objectives:** Further work is needed to expand the indicators used to measure the economic objectives (other than just trade), to ensure the multiplier effects of socio-economic development of regional communities and related industries are included. This should include measures of impacts on reliability.

**Recommendation 6) Inter-Valley Trade:** Ensure transparency and that public consultation occurs prior to any changes to arrangements for IVT, or the conditions under which it operates.

**Recommendation 7) Trade within and between water sources:** Provided further information to clearly outline the exact changes to trade rules including both explanation and justification of the changes and seek feedback from water users (and others) to ensure the ramifications are fully understood.

**Recommendation 8)** Our Murrumbidgee members advise they do not support the proposal to convert regulated river water access licence to unregulated river water access licences. In addition, our members note and raise concerns with Part 12 clause 85 which allows the Plan to be amended to permit conversion. NSWIC seeks that further information is provided outlining the nature of the proposal for trade between regulated and unregulated water sources, and the reasons for the proposal, as well as



providing certainty that the proposed changes will undergo public consultation when more information is available, before progressing

**Recommendation 9) Actual water usage and the SDL:** NSWIC recommends that flexibility is retained, in regard to decreases in actual water use below the SDL. A clause should be inserted into the WSP to allow actions taken to bring extractions into compliance with the SDL to be reversed.

**Recommendation 10) Compliance assessment advisory committees:** NSWIC supports in-principle measures to enhance the engagement of water users in policy development, and seeks further information about how water users can engage in these committees.

**Recommendation 11) Nature of amendments:** Clearly outline the processes moving forward with the finalisation of the WSP and WRP, as well as for future reviews and amendments to the WSP and WRP.

**Recommendation 12) Incident Response Guide:** Clarify the prioritisation of water access between carryover water, supplementary water and high-security water.

**Recommendation 13:** NSWIC recommends that mechanisms to monitor and respond to changing socio-economic conditions as a result of implementing the Basin Plan at a local and valley-level are put in place. This should include regular Socio-Economic Impact Assessments, with flexibility to implement measures in response to the findings.

## Submission

### *Consultation with Water Users*

Water users hold incredibly valuable local knowledge on local river systems and water management. Participatory policy development is required to best utilise that knowledge. With the fundamental purpose of the Basin Plan being to shift water away from agriculture, it is critical that water users are involved with the process of implementing the Plan during WRP development, to ensure that transition does not have adverse impacts on the industry or rural communities.

NSWIC has received feedback that, whilst processes are in place to engage water users in the development of WRPs (e.g. Stakeholders Advisory Panel (SAP)), there is a lack of up-take and responsiveness to the knowledge provided. The SAP are dominated by Government representatives and interagency discussion and consultation occurs before SAP meetings. Our members who have participated in the SAP process believe the process has not been an effective forum for consideration of their views and has been a wasted opportunity for considering improvements to valley WSPs. This then becomes a major loss of opportunity to capture valuable local knowledge which would make a significant contribution to the WRP, particularly in the local community. A particular concern raised is the lack of feedback mechanism to 'close-the-loop' on how the input provided by the SAP was progressed.

**Recommendation 1:** Ensure meaningful engagement with water users in development of WRPs, by working with water users from the earliest possible stage through a participatory process – rather than just consultation at a later stage.



Ensure a feedback mechanism is developed for Stakeholder Advisory Panels to ensure that representatives understand how their input is incorporated (or not incorporated).

*Improved readability is needed to ensure clarity and reduced likelihood of misinterpretation of the WRP*

The Murrumbidgee Surface WRP (and other WRPs) are overly complex, requiring extensive cross-referencing. There is concern that this risks the clarity of the document, whilst also broadening the scope of interpretation. Whilst it is understood that the intended audience of this document is largely for accreditation by the MDBA, in the interests of transparency and clarity, a core principle of WRPs should be accessibility and comprehension by a broader audience. NSWIC raised this concern in the first tranche of WRPs that were on public exhibition earlier this year. NSWIC understands that the reason for this approach was to allow flexibility for supporting documents to be amended as required, without needing to amend the WRP itself. However, greater attention is needed to simplify the information. Hyperlinks may offer one method of allowing flexibility for the modification of supporting documents whilst reducing the complexity of the document. The colour-coding system is useful, but further steps are required to ensure clarity.

**Recommendation 2:** Reduce the complexity of the WRP and undertake to improve the readability. NSWIC encourages the Department to provide hyperlinks to more easily guide the reader. Explanatory materials should be plain English, and prioritise key principles of accessibility, clarity, comprehension and simplicity.

*Overarching Objectives*

NSWIC recommends that the Overarching Objectives (Box 1-1) that are recognised by this WRP must be measurable, are re-ordered to reflect the priority or importance of the objectives. Measurable objectives, with a well-defined baseline, are required to assess the degree of change.

Further, the current leading objective regarding giving effect to relevant international agreements (whilst fundamental to the legal architecture of the Basin Plan) appears as a weak objective, particularly given the context of a relatively water insecure region to which this WRP applies. NSWIC recommends that the final objective “*to improve water security for all uses of Basin water resources*” should be the priority objective. That objective is critical for all within the Basin, and spans the agricultural sector, the environment and communities.

NSWIC further recommends that it is important that the objectives of this WRP align with the objectives of the WSP.

**Recommendation 3:** The objectives must be measurable, and ordered to reflect the priority or importance, with “*to improve water security for all uses of Basin water resources*” being the key overarching objective.

*Pre-requisite Policy Measures*





NSWIC notes that a number of changes to the WSP will be required as a result of the WRP. One proposed change to the WSP will be an amendment so that NSW can implement the Pre-requisite Policy Measures (PPMs).

PPMs must not impact on the reliability of supply to other water entitlement holders. Transparency and accountability in the implementation of PPMs is essential to provide confidence that water entitlement holders are not being negatively impacted. NSWIC questions the adequacy of the proposed procedures manual for managing Pre-requisite Policy Measures (PPMs) in the Murrumbidgee, and seeks that further work is undertaken to improve the framework for implementing the PPMs.

NSWIC Members seek involvement and public consultation in the annual review.

**Recommendation 4:** Further develop the proposed procedures manual for managing Pre-requisite Policy Measures (PPMs) in the Murrumbidgee, to ensure transparency and accountability in the implementation of PPMs, and to ensure the reliability of supply to water entitlement holders is not impacted.

### *Economic objectives*

There is subdued mention of economic outcomes in the draft WRP. The WRP needs a clear and well-defined statement of desired economic outcomes. Further credence is given to economic objectives in Section 9 of the draft WRP, which is to “*optimise economic benefits for irrigation, water dependent industries and local economies*”. Despite this, the indicators used to measure the economic objectives require expansion to reach beyond just market indicators and trade.

Broader economic indicators are required to understand the flow-on, or multiplier effects, arising from water use in a region. Economic objectives should include indicators of economic and social development in a region. These may include employment, average household incomes, and Gross Regional Product. Consideration should be given to both the economic objectives for the agricultural industry, but also the supporting industries and rural communities supported by agricultural water use.

There is currently work being undertaken by the Australian Farm Institute (AFI) looking at how the economic value of irrigated agriculture in NSW can be quantified. NSWIC encourages the Department to liaise with AFI to investigate measures/indicators to better understand and quantify the economic objectives of WRPs.

Furthermore, there needs to be a measure of impacts on reliability, with metrics such as General-Security allocation in July, October, February and June.

**Recommendation 5:** Further work is needed to expand the economic indicators used to measure the economic objectives, to ensure the multiplier effects of socio-economic development of regional communities and related industries is included, as well as impacts on reliability.

### *NSW Southern Basin Inter-Valley Trade (IVT)*



Arrangements for the IVT are embedded in IVT trade procedures (not publicly available) and the Rules in Schedule D. These arrangements could open and or close IVT trade or change the conditions it operates under, with no consultation.

NSWIC is concerned that water users have been restricted from accessing information on this matter due to apparent market sensitivity of the information. For example, the Ministers protocols are not publicly available and lack transparency. NSWIC believes this demonstrates a fundamental misunderstanding of “market sensitivity” as this information would not give water users any market advantage.

One of the key principles of IVT is that government adequately manages the third-party risks to parties not involved in the trade, including environmental externalities and impacts on river operations. In-principle, opportunities to improve IVT are welcomed as it is in the interest of all involved for this to be improved.

**Recommendation 6:** Ensure transparency and that public consultation occurs prior to any changes to arrangements for IVT, or the conditions under which it operates.

#### *Trade within and between water sources*

A number of changes have been made to *Part 9 (Rules for managing access licences)* with government opting to use “tagged” licences in preference to assignments. The explanation and justification for the changes is inadequate.

In-principle, there is support for tagged trade provided the trade is within the IVT rules for annual assignment.

NSWIC Members seek further information on the reason for these changes, as there is generally a lack of clarity about the exact nature of the proposed changes. Water users express disappointment at not being included in the process of developing these rules, which has now resulted in the lack of understanding of both the reason for the changes, and the nature of the changes itself.

**Recommendation 7:** Provided further information to clearly outline the exact changes to trade rules including both explanation and justification of the changes, and seek feedback from water users (and others) to ensure the ramifications are fully understood.

#### *Trade between regulated and unregulated water sources*

NSWIC understands that a Minister’s note has been added to Part 9 Access Licence Dealing Rules seeking feedback from stakeholders to understand if there is an appetite for a potential option to allow conversion of regulated river (high security) entitlements from downstream regulated river water sources to access licences in connected upstream unregulated water sources. NSWIC understands that discussions with stakeholders has not yet commenced, but seeks further information about the reasons for the proposal.



Whilst NSWIC understands that this note does not constitute a change to trade rules, we seek clarification as to whether under *Part 12 Amendment of this Plan - Clause 85 - Part 7*<sup>1</sup>– the Minister may vary the provisions at a later date.

NSWIC note that “an assessment of the impacts on water users and the environment will be conducted and stakeholder *engagement* will be undertaken to review different options”<sup>2</sup>, however, NSWIC seeks confirmation that public consultation will occur when further information is provided *before* this change progresses.

NSWIC expresses concern about the potential risk from growth in use in both regulated and unregulated systems from plantation forestry. NSWIC notes the importance of ensuring this only occurs in the unregulated system to ensure there is no ‘double-dipping’.

A number of our Members do not support this option, on the grounds that increased interception should firstly be managed prior to development through the purchase of an unregulated licence, then if there are no unregulated licences available, a regulated high-security licence would then be required. However, as conversion is subject to modelling error and changes of time, conversion should not be permitted in this circumstance.

**Recommendation 8:** Our Murrumbidgee members advise they do not support the proposal to convert regulated river water access licence to unregulated river water access licences. In addition, our members note and raise concerns with Part 12 clause 85 which allows the Plan to be amended to permit conversion. NSWIC seeks that further information is provided outlining the nature of the proposal for trade between regulated and unregulated water sources, and the reasons for the proposal, as well as providing certainty that the proposed changes will undergo public consultation when more information is available, before progressing.

#### *Actual water usage and the SDL*

NSWIC seeks further information about what happens if a situation arises whereby actual water usage is below the SDL. Specifically, if the current model keeps the SDL fixed, but actual water usage decreases.

**Recommendation 9:** NSWIC recommends that flexibility is retained, in regard to decreases in actual water use below the SDL. A clause should be inserted into the WSP to allow actions taken to bring extractions into compliance with the SDL to be reversed.

#### *Compliance assessment advisory committees (CAACs)*

NSWIC seeks further information about CAACs. NSWIC notes that the major changes involve replacing detailed provisions with simple ones which allow the Minister to consult with water user representatives when assessing compliance with the extraction limit. NSWIC supports measures, in-principle, which enhances the engagement of water users in policy

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<sup>1</sup> Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016, *Part 12 Amendment of this Plan - Clause 85 - Part 7*.

<sup>2</sup> [https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0010/230230/proposed-amendment-draft-wsp-murrumbidgee-regulated-river-water-source-fact-sheet.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0010/230230/proposed-amendment-draft-wsp-murrumbidgee-regulated-river-water-source-fact-sheet.pdf)



development. NSWIC emphasises the importance of not just consultation with water users, but engagement with water users from the earliest opportunity to utilise their knowledge.

**Recommendation 10:** NSWIC supports in-principle measures to enhance the engagement of water users in policy development and seeks further information about how water users can engage in these committees.

#### *Clarification is sought regarding nature of amendments to the WSP*

NSWIC recommends that clarification is provided to explain that this process is not equivalent to renewing the WSP for another 10-year period, but that the changes are simply amendments to the existing WSP and relevant timeframes, so that the current WSP from 2016 will still be reviewed in 2026.

**Recommendation 11:** Clearly outline the processes moving forward with the finalisation of the WSP and WRP, as well as for future reviews and amendments to the WSP and WRP.

#### *Incident Response Guide*

Within the Incident Response Guide, NSWIC seeks clarification of the prioritisation of water access, for example, between carryover water, supplementary water and high-security water. It is crucial that this is clearly defined and communicated and understood by water users and the general public to avoid confusion.

**Recommendation 12:** Clarify the prioritisation of water access between carryover water, supplementary water and high-security water.

#### *Socio-Economic Assessment*

It is widely documented that water recovery under the Murray-Darling Basin Plan, has significant impacts on rural communities and economies. These real human impacts cannot be overlooked, and strategies must be in place at all levels to understand and minimise these impacts. Continual monitoring of socio-economic conditions, with adaptive management principles in place, is essential to ensuring the Basin Plan can be implemented with the least possible negative impacts on communities.

At present, the Commonwealth Government is undertaking the Independent Assessment of Social and Economic Conditions in the Basin. NSWIC recommends that flexibility is maintained so that the findings from this assessment, and other identified socio-economic impacts, can be incorporated into water resource planning at a local and valley level.

**Recommendation 13:** NSWIC recommends that mechanisms to monitor and respond to changing socio-economic conditions as a result of implementing the Basin Plan at a local and valley-level are put in place. This should include regular Socio-Economic Impact Assessment, with flexibility to implement measures in response to the findings.



## Conclusion

NSWIC strongly welcomes the progression of the WRPs to public consultation, noting the critical importance they have for the irrigated agricultural sector and rural communities in NSW.

We welcome further engagement to coordinate and articulate views from our members throughout the WRP process.

A handwritten signature in black ink, appearing to read 'J. Hurst'.

Kind regards,

NSW Irrigators' Council.



## **SUBMISSION: MURRUMBIDGEE SURFACE WATER RESOURCE PLAN**

### **Context**

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

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

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

### Mitigating future risks

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

### Structure of the submission

#### **Part A: Catchment specific issues**

1. Planned environmental water
2. Operational strategies and transparency
3. Other matters

#### **Part B: State-wide issues**

4. Public assurance of best available information
5. SDL Compliance
6. Monitoring, reporting and accounting
7. Extreme events
8. Water quality
9. Clarification of environmental water

#### **Part C: Clarifications and corrections**

## **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 targeted outcomes in the Murrumbidgee catchment. To provide certainty to the management and protection of environmental water, further refinement of operational arrangements, improved transparency and clarification may be necessary. Suggestions to this effect are provided below.

#### ***Environmental water allowance***

The draft regulated Murrumbidgee WSP (draft regulated WSP) removes the stated objectives of the environmental water allowance (EWA). This introduces uncertainty in the long-term protection of PEW for its intended purpose to support environmental objectives in the Murrumbidgee catchment.

The draft regulated WSP states that “unless the operator otherwise determines, the operator is to release/credit water...on the request of the NSW Environmental Water Manager”<sup>1</sup>. This terminology provides too broad a discretion for river operators to ‘determine otherwise’ and not release/credit EWA. This has the potential to affect the designed outcomes from PEW delivery. The CEWO believes the circumstances for the operator to not release/credit EWA should be made specific, for instance, it should be available unless deemed inconsistent with the Incident Response Guide (IRG) (extreme event management) or operational capacity limits, and should occur in consultation with the Environmental Water Advisory Group (EWAG).

It is requested that:

- the discretionary treatment of the EWA be removed from the regulated WSP, with the text amended to require the release of the EWA as per the flow rules, with any operational changes to the ordered release subject to agreement by the NSW Environmental Water Manager, with advice by the EWAG;
- an annual review process is formalised within the regulated WSP to provide public assurance in discretionary management of PEW provisions; and
- the objectives of the EWA are included in the regulated WSP to provide assurance in the protection of PEW.

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<sup>1</sup> Draft Murrumbidgee Regulated WSP – Clause 62(2), Clause 65(1)

### ***Provisional Storage Volume***

The EWA rules are complex and rely on the knowledge of individuals in the interpretation of rules and knowledge of the original intent. There is merit for amendments to provide clarification in the application of rules provided that the amendments do not result in a net reduction in the volume and effectiveness of PEW.

The complex rules regarding management of the Provisional Storage Volume (PSV) accounts have been restructured in the draft regulated WSP<sup>2</sup> with the intent of aligning the rule with practice<sup>3</sup>. It is requested that additional explanation be provided on the original intent and rationale for any difference that has arisen over time between the written rule and operational practice. Modelling should also be undertaken and shared with the SAP to demonstrate that there would be no net impact on PEW from the amended provision that would result in forfeiting the account balance of PSV1 at the end of each year.

It is requested that changes to the rules for the PSV is supported by a more detailed rationale and modelling evidence to demonstrate no net change to PEW.

### ***Transparent and translucent flows***

Transparent and translucent flows are linked to natural triggers. Maintaining natural cues and natural flow integrity is important to provide flows to achieve ecological objectives.

The inclusion of text within the draft regulated WSP<sup>4</sup> increases the discretionary management of PEW which may result in smaller translucent peaks being released from storages rather than delivered in large pulses (i.e. up to the limit of system operation constraints). This form of PEW is intended to maintain a proportion of the natural high flow events. It is acknowledged that the rule amendment is not intended to affect the volume of PEW, however the proposed changes may diminish the effectiveness of these operational rules to provide for the environmental watering requirements of priority ecological assets and functions (Basin Plan s10.17).

The draft WRP Risk Assessment and Water Quality Management Plan (WQMP) identifies transparent and translucent flows as strategies for mitigating risks to the water resources. The draft WRP<sup>5</sup> and the draft regulated WSP do not quarantine translucent flows for environmental purposes, with the absence of protective measures in the draft regulated

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<sup>2</sup> Draft Murrumbidgee Regulated WSP – Clause 67-69

<sup>3</sup> Draft Murrumbidgee WRP – s4.5.2

<sup>4</sup> Draft Murrumbidgee Regulated WSP – Clause 60(12) “if some or all of the releases required under subclause (8) or (10) cannot be made due to system operation constraints, then the operator must add the water not released to future releases that will be made on succeeding days under subclauses (8) or (10)”

<sup>5</sup> Draft Murrumbidgee WRP – s4.1.1



WSP that may result in the extraction of translucent releases for other purposes<sup>6,7</sup>. Planned environmental water that is not protected from extraction cannot be expected to be effective in mitigating the identified medium and high risks or providing for the environmental watering requirements of the Long-Term Watering Plan.

The CEWH is seeking the reinstatement of protections within the WSP and WRP for the protection of transparent and translucent flows to the end of the Murrumbidgee system, to enable the watering of downstream priority ecological assets and functions, as per the stated purpose in the draft WRP<sup>8</sup>.

The following amendments are requested to provide protection for transparent and translucent flows to ensure the intended outcomes (including risk mitigation) are achieved:

- inclusion of text in the regulated WSP to ensure that the delivery of peak translucent flows occur to the full extent allowable under the rules, subject to an assessment of potential impact on private and public property; and
- inclusion of clauses in the regulated WSP (Division 1) to protect transparent and translucent flows from extraction to the end-of system.

If the above changes are not able to be accommodated, the effectiveness of transparent and translucent flow provisions should be reassessed in the mitigation of medium and high risks identified in the WRP Risk Assessment.

## **2. Operational strategies and transparency**

### ***Channel capacity constraints***

The channel capacity constraints, included in the current regulated WSP, have been removed from the draft regulated WSP<sup>9</sup>. It is recognised that these operational limits are subject to work being conducted by the Department to implement the SDL adjustment supply measure projects (i.e. relaxation of flow constraints), however full transparency of the current operational limits and how these limits have been determined and are being applied is necessary to demonstrate the consistent application of rules to all water license holders.

It is important to note that the relaxation of operational constraints have been identified within both the WRP risk assessment and the WQMP as key risk mitigation strategies. The work being conducted by the Department to relax constraints, to give effect to this risk strategy, is not outlined within the draft WRP in a manner that would demonstrate its effectiveness for mitigating the medium and high risks reported.

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<sup>6</sup> Draft Murrumbidgee Regulated WSP – Clause 59(5)

<sup>7</sup> Draft Murrumbidgee Regulated WSP – Clause 60

<sup>8</sup> Draft Murrumbidgee WRP – s4.1.1

<sup>9</sup> Draft Murrumbidgee Regulated WSP – Clause 72

It is requested that:

- the list of current channel capacity constraints is re-established within the regulated WSP;
- the process for determining and communicating current and future operational channel capacity constraint limits is outlined within the WRP, with respect to planning for environmental watering and/or enabling environmental watering between connected water resource areas (Basin Plan Chpt 10, Part 6); and
- the WRP include an overview of the Department's program of work, under the SDL Adjustment Supply Measure projects, to relax operational constraints and the new flow limits being targeted, as a means of supporting its inclusion as a future risk treatment and to provide public transparency for how this work will be conducted.

### ***Pre-requisite Policy Measures***

Implementation of Pre-requisite Policy Measures (PPMs), referred to as unimplemented policy measures under the Basin Plan (s7.15) are a fundamental component of the SDL adjustment mechanism (supply measures). The objective of these measures are to provide for better environmental outcomes using less held environmental water (HEW) than would otherwise have been necessary to recover; they allow for the efficient and effective use of HEW. Assessment that there has been effective implementation of PPMs is expected to be a matter for consideration in the 2024 SDL Reconciliation, required under the Basin Plan (s7.21).

The Murrumbidgee PPM Procedures Manual (Procedures Manual) has the intended purpose to outline the detailed operating arrangements that would give practical effect to the policy objective of the PPMs. The CEWH has welcomed the Department's active engagement of the CEWO in its process for developing the Procedures Manual and recognition of our continued involvement in the on-going process of improvement.

The Procedures Manual provides a useful framework for adaptive management and includes initial operational settings that on paper provide a basis for the future practical implementation of effective measures. Commitment to a resourced program of work is essential to provide the CEWH confidence in on-going improvement; to ensure the efficient and effective use of water held for the environment; and to ensure a balanced approach to the management of operational risks.

To support the development of a work program, we list below the following issues arising from our review of the Procedures Manual:

- The accounting of environmental water use through the Murrumbidgee River and into the River Murray debits the environment for a portion of total system losses that historically would have been part of standard conveyance loss. The efficient use of HEW requires an approach that applies only the losses incurred that are greater than under baseline system operations, and that can be directly attributed to the use of HEW i.e. incremental loss.

## COMMONWEALTH ENVIRONMENTAL WATER OFFICE

- Losses applied to environmental water that are overly conservative do not provide the intended protection from extraction, substitution or re-regulation. Opportunity for the extraction of environmental water may result in an exceedance of the SDL and resulting compliance issues.
- The treatment of risk should be commensurate with the actual risk relating to calculating use/loss of HEW. In cases, conservative approaches to minimise the chance of risk to other water users may be warranted, however there are currently no procedures outlined within the Procedures Manual for how risks are assessed or how the Department determines the appropriateness of risk treatments without the environment being disproportionately impacted. The application of risk treatments must be supported by credible evidence.
  - Evidence has not been available to support either the current approach being applied by the Department to determining losses (environmental water use) or the 'tributary factor' that has been proposed for piggyback environmental watering events.
  - Additional risk treatments are required to be developed that aim to provide an equitable approach to the management of risks for all water users.
- We are encouraged to see within the Procedures Manual a review process proposed. The Department is encouraged to provide further detail on this process in the proposed work plan, ensuring independence of review, collaboration with environmental water holders, public transparency and reporting, and to provide an enduring process that engenders innovation and improvement.

Effective PPM implementation is essential for public confidence and for the CEWH to discharge its statutory responsibilities under the Water Act, the Basin Plan and the PGPA Act.

The CEWH is seeking a high level of assurance in the pathway for resolving the issues raised above in collaboration with the Department, and looks forward to continuing to collaborate with the Department on the joint work program to ensure the implementation of fully operational and effective PPMs by 2024.

It is requested that:

- a) a commitment to a work program to support environmental watering between resource plan areas is documented within the WRP (section 4.4), for the purpose of building confidence in the on-going improvement of measures to enable environmental watering to occur, for the successful implementation of the SDL adjustment mechanism, and to support the statutory responsibilities of the CEWH.

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

The Department is considering an option to allow the limited conversion of high security licences in the regulated river system to upstream unregulated access licences in water

sources upstream of Burrinjuck Dam or Blowering Dam<sup>10</sup>. We ask whether changes of this nature are likely to have an effect on water availability within the storages, impacting allocation determinations for downstream licence holders and planned environmental water provisions.

Without further detail on the proposal, such as clarity on the rationale, potential impacts on other water licence holders and assessment of risks to the capacity to meet downstream environmental watering requirements, the CEWH does not support this proposal.

The CEWH supports the Department's commitment to undertake further assessment of the environmental impacts of this proposal and continue stakeholder consultation to inform the consideration of this provision. Specific analysis should be conducted on potential impacts on PEW, reliability of water licences, and impacts on hydrological connectivity between unregulated and regulated systems within the Murrumbidgee.

### ***End of system flows and risks to meeting environmental watering requirements***

End of system flows provide an important source of water for environmental assets within the Murrumbidgee regulated water source, and are critical for maintaining water quality during extreme dry and hot periods. The recent severe water quality issues experienced during January 2019 and the fish kill in Redbank weir pool indicate that current risk mitigation strategies are not completely effective in addressing current or future risks.

The draft Murrumbidgee WRP Risk Assessment identifies high and medium risks for water quality and the capacity to meet low flow environmental water requirements (e.g. base flows) at multiple instream locations along the Murrumbidgee River, including at Balranald Weir.

Since 2009 there have been significant changes in the pattern of water demand across the southern connected basin, including significant trade into the Murrumbidgee to support agricultural production. Change in water use behaviour has had a direct effect on the volume of IVT passing through the Murrumbidgee and contributing to end-of-system flows. In 2018, this change in behaviour was evident as a bias of water trade into the Murrumbidgee valley that resulted in no delivery of IVT into the River Murray for the first time in 14 years. An evaluation of the January 2019 fish deaths in the Murrumbidgee identified changes in IVT from the Murrumbidgee to the River Murray as a contributing factor to the decline in water quality, as these flows previously provided a mitigation to the onset of weir pool stratification<sup>11</sup>. The future risk to the environment associated with changes to river operations and change in water use behaviour has not been considered within the risk assessment.

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<sup>10</sup> Draft Murrumbidgee Regulated WSP – Clause 52, Clause 85

<sup>11</sup> Baldwin DS (2019). Weir stratification and hypoxic water management - Murrumbidgee River 2019. A report prepared for the Commonwealth Environmental Water Office. 45 pp.

The assessment of climate change related risks presented in the draft WRP Risk Assessment indicate that flow related risks are expected to increase in severity and occurrence, further exacerbating impacts from changes in system operations. The draft WRP and Risk Assessment does not provide strong evidence that the existing strategies will effectively treat the flow related risks. The 2019 severe water quality event provides an early indication that the operation of the plan with current rules may not support basic river health.

The Basin Plan (10.51(3)) states a WRP must provide that, if new scientific information suggests a change in the likelihood of an event of a type listed in subsection (1) occurring (for example, due to climate change), consideration must be given to whether, as a result of this new information, the water resources should be managed differently. On the basis of recent events, the evaluation of the 2019 water quality event, and emerging trends associated with tagged trades, a reassessment of the effectiveness of current end-of-system flow rules may be warranted to show consistency with this Basin Plan requirements.

It is requested that:

- a) an assessment of risk associated with changes in system operations is undertaken and appropriate risk treatments assigned, including the effectiveness of current end-of-system flow rules for supporting basic river health and priority assets and functions;
- b) the establishment of a new critical response end-of-system flow rule that enables a temporary increase in the minimum flow during November to March, triggered by a severe water quality incident, to be defined within the IRG;
- c) evaluation of the effectiveness of existing risk treatments (strategy B) is assigned against the risk to water availability for the environment, for the purpose of determining whether new rules or rule amendments are required to be enabled within the WSP; and
- d) the draft WRP outlines within section 3.3 the process that will be undertaken to implement risk strategies relating to evaluation and filling knowledge gaps (B) and investigating the need for amendments (D) or establishment of new rules (F), to provide confidence that risk treatments will be actively reviewed to avoid negative impacts on environmental health.

Also relevant is the discussion on water quality below.

### ***Management of water quality risks to water dependent ecosystems***

The draft WRP Risk Assessment reports on the risks to the environment from the deterioration of various water quality factors including low dissolved oxygen (DO) concentrations. The final risk ratings for DO for Hay, Maude and Waldaira were all assessed as Low<sup>12</sup>. In the context of the issues noted above regarding water quality issues, weir pool

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<sup>12</sup> Draft Murrumbidgee WRP Risk Assessment – Table 5-11

temperature stratification observed at Hay, Maude, Redbank and Balranald weirs during January and February 2019, and the enhanced risk under climate change and change to system operations (e.g. IVT), the risk assessment and adequacy of mitigation measures at these locations should be re-assessed.

The treatment of water quality risks relies on the strategies contained within the WQMP and the operation of the IRG. The persistent and severe water quality event in 2019 provides a means of reviewing the effectiveness of management strategies and procedures prior to the WRP finalisation. The goodwill of all individuals involved in the management of the incident was positive and constructive.

The IRG did not have sufficient detail to properly support the management of the 2019 water quality issue. The lack of detailed information on what would trigger the implementation of the IRG (i.e. moving into stage two) resulted in uncertainty and delayed action. HEW was eventually used in the absence of effective rules within the context of the WSP and WRP to manage the water quality risks.

The operation of the WRP/WSP to manage resource risks to both the environment and communities should contain effective risk management strategies and procedures that do not rely upon HEW to underpin the operation of the WSP.

The CEWH, in collaboration with NSW Office of Environment and Heritage and the MDBA, recently commissioned a report assessing the Lowbidgee water quality event (Baldwin 2019) that presents numerous practical risk treatments directly relevant for the WSP and WRP. This report will be provided to the Department for information.

It is requested that:

- a) the water quality risk assessment should be re-assessed for areas downstream of Hay weir, in the context of observed water quality issues and climate change risks;
- b) investigation of new rules are acknowledged as part of the identified risk strategies with a focus on operating rules related to the end-of-system flow rules (specific to critical response), management of rainfall rejections, the management of IVT and trade restrictions (consistent with Basin Plan Trade rules s12.18);
- c) the WQMP identifies a process for investigating new operating strategies such as weir pool draw down and specific monitoring and assessment procedures; and
- d) the IRG includes specific water quality triggers and thresholds to provide clarity on the responsibilities of parties in the management of critical water quality events and enable timely responses as events arise.

### ***Interception activities (floodplain harvesting)***

The WRP risk assessment indicates that floodplain harvesting is in the process of being converted to a licensable right and is therefore not considered an interception activity. This provides an acknowledgment that floodplain harvesting does occur however the WRP does

not provide an assessment of the volume of take by floodplain harvesting<sup>13</sup>, assess the risk from this form of interception, or provide a timeframe for proposed activities that aim to bring floodplain harvesting into the SDL regulatory framework.

Floodplain harvesting or the interception of overbank unregulated flow events is a form of take that has the potential to compromise the environmental watering requirements within the Murrumbidgee and connected water resource plan areas; impacting PEW and HEW (to the extent that operational constraints are relaxed).

The WRP risk assessment identifies high and medium risks to water available for the environment and capacity to meet the environmental watering requirements at multiple locations throughout the Murrumbidgee. There are no risk mitigation strategies identified for the management of unlicensed floodplain harvesting in the interim, to avoid the operation of the plan compromising the environmental water requirements of priority environmental assets across the southern connected basin.

The Basin Plan<sup>14</sup> requires WRP to specify types of interception activities that have the potential to significantly impact on the Murrumbidgee water resources, the water resources of hydrologically connected resource areas, and have regard to the environmental risks<sup>15</sup>. Without floodplain harvesting being fully licensed, this form of interception presents significant risks that would remain unmitigated under the proposed WRP.

The CEWH requests an assessment of risks associated with interception (unlicensed floodplain harvesting) is conducted, with appropriate monitoring and actions (short and long term) to be outlined within the WRP consistent with Part 5, Chapter 10 of the Basin Plan.

### ***Inter-Valley Transfers and trade***

The Basin Plan Trading Rules were introduced under the Basin Plan with the aim of reducing restriction on trade, improving transparency and supporting an effective water market. The trading rules requires water ordered under a licence to be subject to the same restrictions that are applied to any other allocation trade<sup>16</sup>; this includes tagged trades that were in effect on or after 22 October 2010. Restrictions to trade are permissible to address hydrological connection and supply considerations (connected water resource areas), and to protect the needs of the environment<sup>17</sup>.

The trade of water licences and allocation into and out of the Murrumbidgee valley has a direct effect on the balance of the Murrumbidgee IVT account. The Murrumbidgee trade

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<sup>13</sup> Draft Murrumbidgee WRP - s5.1, Table 5-1, p56

<sup>14</sup> Basin Plan – s10.23

<sup>15</sup> Basin Plan – s10.41

<sup>16</sup> Basin Plan – s12.23

<sup>17</sup> Basin Plan – s12.18

limits were established with the intent to avoid unacceptable impacts to water licence holders.

Under circumstances where the IVT account balance (and therefore volume of water transfers from the Murrumbidgee) is very low or zero (as was the case in 2017-2018 and 2018-19), impacts on the environment and supply constraints within the River Murray become evident (environmental issues associated with end-of-system flows and water quality risks are discussed earlier within this submission). Supply constraints with the connected River Murray are well published and have an interrelationship with the management of IVT. The related environmental and connectivity issues are not assessed within the draft WRP Risk Assessment (Basin Plan s10.41, s10.43), are not considered with regard to other water resources (Basin Plan s10.05), and regard has not been demonstrated that the operation of the trade rules represent sustainable water resource management that will not compromise the environmental watering requirements of priority environmental assets and functions (Basin Plan s10.17, s10.22).

There is not currently full transparency in the operation of IVT, particularly with regard to tagged trades. The draft WRP<sup>18</sup> specifies that the IVT Procedures<sup>19</sup>, are being formalised to codify and make publicly available the management policy for the operation of this account. The CEWH supports the open and transparent codification of these rules as they have a significant impact on the movement of environmental water to target local and basin watering priorities. The Department is encouraged to also outline the policy and method for assessing and applying allowable trade restrictions on the basis of significant effect on hydrological connection and to protect the needs of the environment.

The matter of tagged trades is of increasing concern as there appears to be no limitation on the volume of licences that can be tagged into or out of the valley. Tagged trades appear to allow a small number of market participants to take advantage of limited trade opportunities, prior to other market participants being given access to trade water within the IVT limit.

The current Murrumbidgee trade limit rules do not sufficiently address the unintended environmental and supply risks noted above. Alternative rules that serve a broader suite of water management objectives should be developed. The CEWH encourages the Department to establish a set of trade rules that support more active management of IVT.

The CEWH encourages the Department to codify transparent Murrumbidgee IVT management rules.

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<sup>18</sup> Draft Murrumbidgee WRP – Section 2.2 (pg. 27)

<sup>19</sup> Draft Murrumbidgee Regulated WSP – Clause 55(2)(b), Clause 56(1)(g), Clause 57(2)(e)(ii), Clause 65(3)(b)



It is also requested that the Department:

- a) describe within the WRP (s2.2) how regard has been had for hydrologically connected water resource plan areas (with respect to Basin Plan s10.05), with reference to the effect of IVT on the management of connected water resources within the River Murray;
- b) initiate a review of IVT and the impact of current rules on the equitable operation of the water market, downstream hydrological connectivity and supply constraints, and environmental impacts, for the purpose of identifying options for refined/alternative trade rules;
- c) include text within Part 2 of the WRP that provides for the public disclosure of tagged trades and the assessment of impacts on the IVT account; and
- d) to identify within the WRP (section 2.2) mechanisms the Department may apply to address the impact from water trade including, but not limited to, trade restrictions (consistent with the Basin Plan Trading Rules).

### ***Implementation of the SDL Adjustment Mechanism Supply Measures***

SDL Adjustment Supply Measure Projects are intended to provide equivalent environmental outcomes with reduced water recovery for the environment. Operational efficiencies from the changes to the regulating capacity of flow into Yanco Creek and improved efficiency of river operations in the Murrumbidgee River (through the application of the Computer Aided River Management system (CARM) present an opportunity, but may also carry risk.

The draft WRP Risk Assessment identifies high and medium risks to the capacity of regulated and unregulated parts of the system to meet the environmental watering requirements in both Yanco Creek and zones within the Murrumbidgee River channel. The future risks associated with the water supply areas affected by these supply measure projects have not been considered within the draft WRP.

The mitigation of risks associated with the implementation of these projects, for the purpose of providing an SDL adjustment, should not rely on HEW. The identification of the foreseeable risks and the risk strategies should be considered within the WRP, providing guidance to the future SDL adjustment work program.

It is requested that, for the purpose of public transparency and building confidence in the implementation of the SDL Adjustment measures, that the WRP (section 3.2) identify the potential risks and proposed strategies for the management of risks, demonstrating that the operation of measures will not compromise the environmental watering requirements of ecological assets and functions.

### 3. Other matters

#### ***Aboriginal cultural access licence***

The CEWH supports improving water access and outcomes for Indigenous people and addressing the social and economic impacts of the Murray Darling Basin, in accordance with the Basin Plan Commitments Package<sup>20</sup>.

The CEWO notes the inclusion of a new rule within the draft regulated Murrumbidgee WSP that restricts regulated river (high security) (Aboriginal cultural) access licence allocations at 10 ML/year per person<sup>21</sup>.

Under current water sharing arrangements, an Aboriginal person or Aboriginal community's access to the cultural access licence is not limited to 10 ML/year per person. Without further background, it is not possible to ascertain whether this limit on cultural access rights is consistent with New South Wales' commitment to the Basin Plan Commitments Package.

To improve water access and outcomes for Indigenous communities in the Murray-Darling Basin, as specified in the Basin Plan Commitments Package, the CEWH encourages further consideration of the opportunities being provided through the WSP to provide Indigenous communities access to water for self-determination. At least, and in particular, the CEWO requests the Department clarify within the WSP whether 10ML/year per person is in addition to the 2,150 ML/year currently available.

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<sup>20</sup> Basin Plan Commitments Package – Clause 3

<sup>21</sup> Draft Murrumbidgee Regulated WSP – Clause 45(1)

**PART B: STATE-WIDE ISSUES****4. 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 the resulting information. 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 models (e.g. BDL and SDL model scenarios) being used to support consideration of key policy and operational issues would provide increased confidence in the modelling information, and importantly minimise dispute in instances of SDL non-compliance. The evaluation should be consistent with the criteria provided within the MDBA WRP position Statement 3C.

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

**5. Make good actions in response to SDL non-compliance**

The draft regulated WSP<sup>22</sup> specifies that the take of environmental water through licences managed by the CEWH are not to be included in the assessment of Annual Permitted Take (SDL).

The draft regulated WSP<sup>23</sup> also specifies the actions to be taken following the non-compliance with either the ‘long-term average annual extraction limit’ or the ‘long-term average Sustainable Diversion Limit’. The restorative actions specified in the draft regulated WSP<sup>24</sup> provides the Minister with the authority to restrict the available water determinations of particular entitlement classes following breach of extraction limits. The CEWO notes that the application of restorative actions for SDL compliance that restrict allocation against HEW may not be effective in bringing extractive take back into compliance with the SDL. Rather, it may constrain the ability of the CEWH to access water and mitigate the environmental impacts from any growth in water extraction. As a principle we believe restorative actions should target the source of SDL non-compliance. Treatments applied to address non-compliance should be demonstrated to be effective in returning take under the SDL back into compliance.

It is requested that:

- The Department consider whether the restorative actions specified in Clause 36 of the draft regulated WSP should be revised to explicitly refer to entitlements within the SDL.
- The CEWH be consulted and engaged (within the definition of a water user representative) regarding non-compliance actions. An amendment to clarify this should

<sup>22</sup> Draft Murrumbidgee Regulated WSP – Clause 34

<sup>23</sup> Draft Murrumbidgee Regulated WSP – Clause 36

<sup>24</sup> Draft Murrumbidgee Regulated WSP – Clause 36

be made to Clause 36(5) of the draft regulated WSP that currently states “the Minister *may* consult with water user representatives...”

## 6. Monitoring, Reporting and Accounting

The Basin Plan requires monitoring and formal reporting on the use of environmental water, relating to both planned and held environmental water<sup>25</sup>. This responsibility for reporting water accounting information extends to both state governments and environmental water holders.

The CEWH notes that the Transition Period Water Take report 2017-18 has identified ‘inaccuracies in environmental data’, issues with environmental water accounting and supports further work towards building a best practice in environmental water accounting<sup>26</sup>.

The methods used for environmental water accounting reflect the type and scale of operations for the management of environmental water delivery. Environmental water extracted from the river and pumped into a wetland is metered in the same manner as irrigation water take. Environmental water delivered through irrigation channels is accounted to the same standard as required by irrigation water delivery. The accounting of environmental flows through the river system are reliant on the same services and standards as applied to bulk water management. Environmental water accounting, irrespective of the method used is reliant on the services provided by external parties and the oversight provided by the Department as the state regulatory authority.

As with all forms of water take, we encourage on-going improvement in the accuracy, reliability and credibility of environmental water accounting information. We look forward to continuing to collaborate with the Department to establish a program of work for improving the monitoring, reporting and accounting of environmental water use, related to the on-going improvement in PPM implementation.

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).

It is requested that text within the WRP (with respect to Basin Plan s10.46) is included that outlines a commitment by the Department to the on-going improvement in the methods and practices underpinning environmental water accounting, to provide public accountability in the management of all water resources.

## 7. Extreme events

The draft Murrumbidgee WRP includes an IRG that aims to provide transparency in water resource sharing during extreme events<sup>27</sup>. The IRG outlines the priorities and the

<sup>25</sup> Basin Plan - s10.46, Schedule 12, s13.14,

<sup>26</sup> MDBA Transition Period Water Take Report 2017-18, p. 163-164

<sup>27</sup> Draft Murrumbidgee Incident Response Guide - Table 2-1 Stages of the IRG framework

management responses for each critical level. The “environment” has been identified as a high priority during extreme events.

We believe that the critical environmental needs that would be supported by operational procedures during critical dry periods are not sufficiently defined to guide water resource priorities relevant to each critical stage and to enable an assessment of residual risk from operational decisions.

The Murrumbidgee LTWP could support the implementation of the IRG by defining the critical environmental needs, and by including explicit cross references between both documents. Further, including a reference to how PEW would be treated during periods of water shortage and WSP suspension would create certainty how critical environmental needs are met during critical dry periods. Stage 2 management actions outlined in the IRG include the use of measures such as block water deliveries. Operational measures under extreme conditions are necessary to maintain security of supply, however these may have undesirable environmental consequences by reducing hydrological connectivity and water quality within refuge habitat. Procedures for the management of block releases and other operational measures would benefit from being documented within a procedures manual, in association with strategies for mitigating potential environmental risks under extreme events.

The following inclusions are suggested to strengthen the Murrumbidgee IRG and implementation of the NSW Extreme Events Policy:

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

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

- that the communications and engagement plan is disseminated at the earliest opportunity indicating how water licence holders will be consulted during critical periods; and
- detailed information is included in the IRG that outlines the process for reinstating resource allocations as conditions improve and criticality decreases.

## 8. Water Quality Management Plan

The WQMP aims to provide a framework to protect, enhance and restore surface water quality, supporting the draft Murrumbidgee WRP and Murrumbidgee LTWP.

The CEWH notes that various risk assessments have not been undertaken for several types of water quality degradation outlined in the Basin Plan<sup>28</sup> due to insufficient information<sup>29</sup>, including hypoxic low flow and blackwater events, water temperature above natural ranges, elevated pathogen counts, 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>30</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.

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

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

- include mechanism for the periodic review of emerging and existing risks to provide for the effective treatment of risks; and
- include explicit links between the WQMP and other WRP documents, i.e. IRG and LTWP.

## PART C: CLARIFICATIONS AND CORRECTIONS

Below are several minor clarifications and corrections for consideration in finalising the WRP and WSP:

*Draft Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016 (amended 2019)*

- Amendment: Clause 77(1) (pg. 54)—currently states 'The Minister *may* make a Murrumbidgee Pre-requisite Policy Measures (PPM) Procedures Manual which sets out Environmental Flow Reuse Procedures and Piggybacking Procedures for the purposes of

<sup>28</sup> Basin Plan 2012 – Chpt 9, s9.02

<sup>29</sup> Water Quality Management Plan – Table 3-1, Table 4-3

<sup>30</sup> Water Quality Management Plan – Table 4-3, pg. 23-24, 26-27, 30

implementing the NSW Prerequisite Policy measures Implementation Plan (NSW Department of Primary Industries – Water, May 2017) in the water source.’ The text should be changed from “may” to “will” to reflect the Department’s responsibility in demonstrating how PPMs will be given effect in the Murrumbidgee system.

*Schedule D Murrumbidgee Risk Assessment*

- Table 8-5 (p. 209)—regarding the ‘Description’ cell, we suggest the inclusion of a second risk driver addressed being ‘the risk of insufficient water being available to support the ecological character of Fivebough and Tuckerbil Swamps Ramsar site.’
- Table 8-7 (pp. 213-215)—an additional dot points should be added in regards to Strategies 3, 5 and 6 stating “protect the ecological character of the Fivebough and Tuckerbil Swamps Ramsar site”.
- Amendment: 4.2.3 Consequence Score (pp. 111-112)—the opening paragraph lists ‘Key aquatic ecological assets...’ The first two dot points describe ecological assets, however the remaining refer to species that these ecological assets support. It is suggested to place dot points 3-6 under the heading “water dependent ecosystems that support:”, and re-phrase the final point to “water dependent ecosystems that include significant areas of river red gum woodland and box-gum woodland.” Additionally, these points should be explicitly referenced to the criterion in Schedule 8 of the Basin Plan to be included as a defining part of a key aquatic ecological asset.

*Murrumbidgee PPM Procedures Manual*

- Additions to Table 4:
  - Junction wetlands: these wetlands would operate similarly to the mid Murrumbidgee for return flow purposes.
  - North Redbank system: additions of watering through the North Redbank channel via private regulators (e.g. Narwie, Athen etc.). This is important as environmental water holders deliver water to these wetlands and then run return flows back into the river via the escapes (i.e. Wynburn, Baupie etc.).
  - Lowbidgee: Redbank South doesn’t include all regulators—Tala Lake regulators and those in the Woolshed Creek areas should be included.



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



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# 1. INTRODUCTION: WHY WATERNSW IS MAKING THIS SUBMISSION

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

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

- Murrumbidgee Surface Water Resource Plan;
- Murrumbidgee Regulated River Water Sharing Plan; and
- Murrumbidgee 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 Planning, Industry and Environment (Water) (**DPIE-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 and, while many of its operational aspects commenced on 1 April 2019, there is a public submission period now open with respect to amendments to the metering regulations. We encourage end-users to take note of the Murrumbidgee Surface Water Package aspects relating to the metering framework and the implications for their water use.

## 1.1. PRINCIPLES UNDERPINNING THIS SUBMISSION

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

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

## Market certainty

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

## Operational flexibility

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

### 1.2. 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;**
2. **allow greater flexibility for new water infrastructure or configuration solutions** that address customer levels of service issues such as security and reliability issues; and
3. **create a prescribed rule-change process** that allows market participants to submit proposed changes during the life of a WSP where current rules are not achieving the desired outcomes.

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

The electricity market (through the Australian Energy Market Commission (**AEMC**)) is a useful analogy in this regard. The AEMC, as rule-maker, contains an official process that allows customers to submit rule changes to ensure the continuous improvement of the electricity market. Submissions must detail the proposed new rule; how it affects or addresses the perceived deficiencies of an existing rule; how the proposed new rule will achieve relevant energy objectives; the expected or potential impacts of

the new rule; and, where a proposal is submitted by a regulatory body, a summary of the consultation conducted by that body. Critically, stakeholders (including customers) have the opportunity to comment on any proposals.

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

Flexibility in the rule-making process would also enable the implementation or maximised benefit of proposed asset changes. This would:

- a. allow major water infrastructure changes to occur during the operation of a plan and improve levels of service to water users, in particular the reliability and security of supply; and
- b. allow for rapid response to certain situations such extreme drought or water shortages.

A framework for flexible rule changes is critical for long-term planning as it would provide guidance on how WaterNSW assess the rule and water sharing plan implications of major asset changes.

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

## 2. MURRUMBIDGEE REGULATED RIVER WSP

### 2.1. WATERNSW AS THE OPERATOR

The new WSP template, interaction with WRPs and review of the Murrumbidgee 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 Murrumbidgee Regulated River WSP of WaterNSW as "the Operator"** from its future commencement. 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, this 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 DPIE-W as the policy and rule maker. Consequently, DPIE-W is the party best placed to ensure that the WSPs are being implemented to achieve their stated outcomes. The mechanism for DPIE-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 DPIE-W set the rules it is best placed to regulate our implementation of same.

## 2.2. FUNCTIONS OF THE OPERATOR

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

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

On this point it is relevant to restate part of our submission to the [Murrumbidgee 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 (which would be a matter for the Minister to determine). 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 Murrumbidgee Regulated Rivers WSP through rules pertaining to supplementary access, minimum flows, translucency and the Environment Allowance rules.

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

Consideration should also be given to developing flood operations and airspace operation rules to appropriately prioritise protection of life and property. The interaction of environmental flow rules should not increase flood risks, and rather, should be managed adaptively to firstly protect life and property while providing environmental benefits where reasonably possible. An ability to pre-release planned environmental water is an example of such management.

We also reiterate the comments in our 2016 Murrumbidgee Status and Issues Paper **recommending** improving the Burrinjuck translucency rules and the minimum daily rules at Balranald.

While the inclusion of WaterNSW as the Operator in the Murrumbidgee 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 this WSPs as a function of the Minister (allowing it to be exercised by the Department). Similarly, the operator should administer the Ministerial functions associated with account limits and carryover, where those functions are not resource management or compliance based (clause 47 of the draft replacement Murrumbidgee 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 79(2) of the Murrumbidgee Regulated River WSP). Specifying this requirement as a mandatory condition for supplementary licences will improve WaterNSW's ability to actively manage these events.

The proposed **announcement procedures for uncontrolled flows and supplementary events** (clauses 48 and 50) 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 administration 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 DPIE-W audits. Under such a protocol WaterNSW would report event outcomes to DPIE-W after the fact. These arrangements would be auditable by DPIE-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 Murrumbidgee Regulated River WSP.

In all its dealings involving water, **WaterNSW advocates for its role to be clear, consistent, efficient and driven towards achieving practical and long-term solutions for end-users**. More broadly, we also endorse the roles of water agencies as being non-duplicative and easy to understand.

**It is critical that the Murrumbidgee 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. PRE-REQUISITE POLICY MEASURES

Pre-requisite Policy Measures (PPMs) allow for crediting environmental return flows for downstream environmental use, and the call of Held Environmental Water (**HEW**) from storage during unregulated flow events. The confirmed approach with PPMs is essentially "dam wall debiting" and we understand that the intention of PPMs is to be consistent with this practice. Since 2017, WaterNSW has been implementing the trial actions associated with the PPMs in the Murrumbidgee, and will continue to operate in accordance with these actions. Nevertheless, full implementation of the PPMs requires consideration of the below measures, which we look forward to resolving with DPIE-W and other relevant agencies:

- a. payment arrangements for beneficiaries of these measures; and
- b. risk assessment frameworks and related arrangements before WaterNSW can release water that has the effect of inundating third party land. We understand this is separate, but related, to the Landholder Negotiation Framework that requires finalisation.

### 2.4. DROUGHT RESPONSIVE WATER SHARING PLANS

The current drought conditions experienced over the north of the state present an opportunity to reconsider the drought responsiveness of the *Water Management Act 2000* and its whole framework, including water sharing plans like the Murrumbidgee Regulated River WSP. Although this catchment is not yet in a drought of record, there are important lessons that can be learned from

the north's experience over the last few years. The remake of this WSP presents a prime opportunity for DPIE-W as the resource planners and managers to actively consider how to make these frameworks more robust. We recommend consideration be given to the following measures.

1. **Give WaterNSW the flexibility to manage the resource efficiently and maximise delivery benefits** with regard to water orders. This can be in accordance with procedures approved by the Minister, but it is critical that the river operator – who holds the relevant up-to-date information on the river system – is able to reject water orders in certain circumstances. These may be where there is a water shortage or water must be conserved in order to supply critical human water needs (see point 3) or where delivering water would have adverse water quality consequences, such as a blackwater event.
2. **Clarify the rules of priority in drought circumstances** where supply capability is insufficient and better align these with the *Water Management Act*. Water sharing plans may not need to be suspended in times of drought if these rules clearly define that, when drought is identified (for example in a policy document), the first priority is critical human water needs. This will also better align the WSP with the Extreme Events Policy and individual valley's Incident Response Guides. A useful analogy is clause 73, which describes new priority rules in circumstances of insufficient channel capacity; our proposal would be similar but apply for circumstances of drought or severe water shortages.

### 3. MURRUMBIDGEE UNREGULATED RIVER WATER SHARING PLAN

#### 3.1. ROLE OF OPERATOR

Like other replacement unregulated WSPs, the replacement Murrumbidgee 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. WaterNSW **recommends that a consistent framework applies across all WSPs** that makes clear our 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 flow conditions “traffic light” system in the Barwon-Darling. We are currently exploring how a similar type of system can be rolled out to other unregulated systems, including those (like the Murrumbidgee) where active management is not being trialled at this stage.

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

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



operations in unregulated systems alongside our current role of administering the regulatory framework.

There are some key measures that are clearly the **role of WaterNSW as rule implementer** and should be specified as such (as opposed to subsequently conferring these functions to WaterNSW through our Operating Licence, for reasons highlighted above). In particular, clause 56(4) of the replacement WSP provides for the Minister to determine and notify the licensee of the flow classes that apply for days where accurate flow data is not available. Further, the notification to affected licensees includes publishing a notice on the Department's website.

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

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

### 3.2. FIT-FOR-PURPOSE FLOW MONITORING SITES

WaterNSW hydrographic input into the drafting of WSPs is critical to ensuring that sites chosen for monitoring are fit-for-purpose. In order to achieve, WaterNSW suggests the following principles to guide site selection, including (but not limited to) the Murrumbidgee Unregulated River WSP. Sites chosen for water monitoring must:

- ensure that the assumptions for which sites are chosen are accurate and have been reviewed by the operator;
- avoid ambiguous language, to ensure consistency in how the rules are understood by users, and their application by all relevant agencies (DPIE-W, WaterNSW and the Natural Resources Access Regulator);
- refer to streamflow rather than using language relating to river height;
- limit reliance on small measurements;
- to the extent possible, gauges should be chosen with no upstream influence; and
- ensure that sites chosen are operated by WaterNSW (rather than another agency or jurisdiction).

WaterNSW supports greater collaboration between DPIE-W's water planners and our Water Monitoring Team on the review of monitoring sites chosen for water sharing plans, including the Murrumbidgee.

## 4. MURRUMBIDGEE SURFACE WATER RESOURCE PLAN

WaterNSW has previously made public submissions to both the Murrumbidgee 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 Murrumbidgee 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 12 of the Murrumbidgee Surface WRP should mirror the description of WaterNSW on page 14 of the Murrumbidgee 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.

17 July 2019

Department of Planning, Industry & Environment  
Ashley Senn [ashley.senn@dpi.nsw.gov.au](mailto:ashley.senn@dpi.nsw.gov.au)

Dear Ashley

## **Coleambally Irrigation Co-operative Limited Response to the Draft Murrumbidgee Surface Water Plan Component for Consultation**

### **Introduction**

1. Coleambally Irrigation Co-operative Limited (CICL) welcomes the opportunity to provide comment on the draft Murrumbidgee Surface Water Resource Plan (WRP) components for consultation.
2. The WRP and the Water Sharing Plan (WSP) for the Murrumbidgee Regulated River water Source 2016 (amended 2019) are important documents which underpin the integrity of Water Access Licence holders' property rights.
3. CICL has participated in good faith in the Stakeholder Advisory Panel established by Government to provide input to the development of the WRP and WSP. CICL viewed the process as an opportunity to bring improvements to the Murrumbidgee WSP whilst respecting the different interests in the catchment.
4. The reality is that the non-government stakeholders have not made any material improvements to either the draft WRP or the draft WSP and this is disappointing.
5. In preparing its response to the WRP package of documents which are extensive, CICL's primary focus is on the WSP and the documents which CICL considers are likely to have direct impacts on CICL and its member's access to water.

### **Background**

6. CICL is based in the Riverina and supplies irrigation and drainage services to nearly 500 farms via an open, earthen, gravity fed, channel network. Coleambally Irrigation has a dual governance arrangement, CICL and Coleambally Irrigation Mutual Co-operative Limited (CIMCL). Coleambally Irrigation's infrastructure (excluding its earthen channel and drainage network) has a modern engineering equivalent asset value of \$168M.<sup>1</sup>
7. The CICL area of operations is 456,821 ha including 317,281 ha which is serviced by the West Coleambally Outfall Channel. The intensively irrigated area is approximately 80,000 ha. We supply water to 350 farms operated by 295 farm business. Our members grow a range of irrigated crops, their farming systems are predominately annual production, and there is some investment in permanent plantings. WaterNSW also requests CICL deliver water to the Yanco Creek to assist with water supply to their Yanco Creek customers with WaterNSW placing orders for delivery to the Yanco Creek from two of CICL's escapes.
8. CICL operates and maintains the irrigation supply and drainage system and delivers a range of corporate services on behalf of its members. CIMCL has responsibility for the future replacement of the major assets within/under/over the supply and drainage systems.

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<sup>1</sup> Jacobs Coleambally Irrigation MEERA Valuation, November 2016.

9. CICL's water access licences are held in the Murrumbidgee Regulated River Water Source. Our [website](#) contains more detailed information about our operations.

### **Water Sharing Plan**

10. There are extensive changes in the structure and wording between the draft WSP and the current WSP. In general CICL finds these drafting changes have improved the clarity of the WSP which is positive, in parallel the changes have made direct comparison of the current and draft WSP not a straightforward task.

#### *Part 1 Introduction*

11. The commencement date for the WSP remains the 1 July 2016 i.e. it is not a new 10 year WSP. This point is not widely appreciated by industry and CICL encourages the Department of Planning, Industry and Environment (the Department) to clarify in the public arena the replacement is not for 10 years.

#### *Part 2 Vision, objectives, strategies and performance indicators*

##### General comments

12. CICL considers it is imperative that the objectives identified and performance indicators are achievable and not aspirational. It is also important that the evidence base for the starting point is sound; given many of the objectives involve 'protecting and enhancing.' To do this there needs to be transparency and confidence in the starting point. There also needs to be confidence in the monitoring and evaluation strategies.
13. As a general comment CICL considers a number of the objectives are either subjective or difficult to quantify. It is CICL's view that the objectives and performance indicators need to be robust and can be measured by the proposed monitoring strategy. It is also essential that there is a strong linkage between the rules in the WSP and the environmental objectives. CICL is not confident that these two requirements are met.
14. It is also CICL's view that a number of the objectives can be achieved or maybe achieved by investing in complementary measures, such as fish passage, carp control. The evaluation framework needs to acknowledge the importance of investment in actions other than flow measures to achieving the WSP outcomes.

##### Vision statement

15. The vision statement does not directly refer to economic benefits that result from a 'working river' which is managed sustainably, in contrast the clause 7 (d) of this part is a new clause which strengthens the vision for Aboriginal communities and this includes economic benefits.
16. CICL notes that the environmental objectives seek to where possible enhance the ecological condition, in contrast the economic objectives only seek to maintain access to water to optimise economic benefits. It is CICL's view that the objectives in the WSP should not seek to improve one element and not another.
17. Clause 7(b) *the productive and economically efficient use of water resources* should be enhanced by adding *achieving economic benefits to society*.

##### Environmental objectives

18. In clause 8 there are drafting errors where notes refer to definitions in the dictionary, and the dictionary does not contain the definitions, for example broad objective, targeted objectives, and target ecological populations.
19. Clause 8 subclause (3) (a) reserves all water in excess of the long-term average annual extraction limit and cumulative annual extraction limit for the environment.

CICL considers it needs to be clarified in the WSP the status of the volume of water associated with delivery. CICL understand this clause is drafted to be consistent with the Water Management Act 200 (NSW) where operational losses outside of conveyance licences are considered system water and that this water is not directly described in the WSP. It is CICL view that a note or supporting material is provided to ensure this clause does not lead to erosion in the flexibility of river operations.

20. The volume associated with system losses on average is a material volume with significant inter-season variability. The Department should ensure drafting of the WSP does not further reduce flexibility in river operations. It is important the revised WSP does not cause the same restrictions which the Basin Plan requirements have imposed on modification to the Planned Environmental Water (PEW) provisions. These provisions have stopped any discussion of rules changes which improve environmental outcomes without impacting on the consumptive pool in the WSP. Reinforcing the focus on volume rather than outcomes.

#### Economic objectives

21. CICL believes further work is required on the economic objectives. CICL does not understand the focus on where possible improving water trade opportunities. CICL supports trade but it also requires any enhancement of trade does not causes negative externalities on the environment, system losses or on the water access of those not involved in the trade. To this end clause 9 subclause (3) (d) should include minimisation of third party impacts.
22. CICL recommends the targeted economic objective should include an objective to maintain the yield and reliability of the consumptive pool.
23. CICL recommends performance indicators are developed to measure the yield and reliability of the different water products, with a focus on regulated river general security. Metrics such as announced general security allocation in July, October, February and June would be suitable metrics to be included.
24. CICL recommends a performance metric is added under clause (5) of this part which is the volume extracted relative to the sustainable diversion limit.
25. CICL supports clause 9 subclause (5) (a) and the measurement of the economic benefits of water extraction and use, but question why including the movement of water to higher value uses is included, primarily because higher value use is exposed to commodity price risk, for example a high value use in 2019 may not be a high value use in 2024. Measurement of economic benefits is important; however there is no need to specify higher value uses.
26. Clause 9 subclauses (6) (a) (c) and (d) of this part are examples of subjectivity being used in the evaluation of strategies to achieve the objectives.
27. Clause 9 subclause (6)(b) of this part, CICL agrees the volume made available for extraction during the term of the Plan is relevant, however CICL questions the relevance of granting new licences as a measure of effectiveness.

#### *Part 3 Bulk access regime*

28. No specific comments

#### *Part 4 Environmental water provisions*

29. Clause 16(c) establishes that water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act in accordance with the provision in Part 6 and Part 8 is PEW. CICL seeks assurance that system operational water is not defined as PEW therefore imposing restrictions on opportunities to reduce system operational losses (refer point 19 and 20 above).
30. The former WSP contained a note under clause 16 (1) (b) that stated approximately 50% of the long term average inflow will be preserved for the environment. Under the new Sustainable Diversion Limit (SDL) a larger percentage of average annual inflows

are preserved for the environment. It is CICAL's view that a metric reflecting the long term average annual take compared to inflows under the new SDL is publically available.

#### *Part 5 Requirements for water*

##### Division 1 General

31. No comments

##### Division 2 Requirements for water for basic landholder rights

32. This section has been modified and no longer refers to the volume of native title rights at the commencement of this Plan. What is the reason for this change?

33. Clause 20 of the current WSP, *harvestable rights* has been removed. What is the reason for this change?

##### Division 3 Requirements for water under access licences

34. The notes detailing the volumes of licensed environmental water and shares of water access licences that are intended to be used for environmental purposes is a positive addition to this division.

#### *Part 6 Limits to the availability of water*

35. CICAL understands calculation of the long term average annual extraction limit is inclusive of use of the majority if not all of the held environmental water entitlements.

##### Division 2 Long-term average annual extraction limit

36. Clause 30 (3) (iii) includes the level of development for plantation forestry that existed on 30 June 2009 in the long-term average annual extraction limit. Whilst CICAL does not want to see the long-term average annual extraction limit reduced, it is important plantation forestry impacts are not double counted in either the long-term average extraction limit or the new SDL in the WSPs for the Murrumbidgee regulated and unregulated river WSPs.

37. CICAL is of the view that the interception from plantation forestry should be accounted for in the unregulated plan as it is effectively an interception upstream of the storages.

38. CICAL notes that the current WSP does not specifically reference interception.

39. CICAL notes there is no reference to harvestable rights in the long-term average annual extraction limit and seeks an explanation for the reason harvestable rights have not been included when this is a legitimate form of take and the volume of take which existed at June 2009 forms part of the Basin Plan baseline diversion limit.

40. Note 2 is not populated, this is an important metric for stakeholders to quantify any changes between the proposed new WSP and the current WSP. It is CICAL's expectation that the model results do not result in a material reduction to the long-term average extraction limit of 1,925,000ML/year as noted in the current WSP.

##### Division 3 Long-term average sustainable diversion limit

41. CICAL understands this division is consistent with the Basin Plan and that in clause 33 (c) the reference to section 6.05 adjusts the long term sustainable diversion limit consistent with the sustainable diversion limit adjustment mechanism, which currently apportions 162.0GL of supply contribution to the Murrumbidgee sustainable diversion.

42. The inclusion of a note referencing the 162.0GL of supply contribution would be beneficial.

#### Division 4 Compliance with extraction limits

43. CICL understands the actions following compliance are consistent with the current WSP and supports the hierarchy of reduced access.
44. The current WSP clause 56 subclause (5) allows for actions taken to bring extractions into compliance with the long term average extraction to be reversed. CICL understands the drafting of the new WSP allows for annual announcements of supplementary water access to be varied. However CICL recommends that the draft WSP is modified to ensure that any reduction in general security available water determinations can be reversed, if no longer required to ensure compliance with the new SDL.

#### Division 5 Available water determinations

45. CICL is satisfied this division is consistent with the current WSP allocation policy and the Water Management Act 2000 (NSW).

#### *Part 7 Rules for granting access licences*

46. No comment.

#### *Part 8 Operation of water allocation accounts and managing access licences*

#### Division 1 Accounting for water allocation accounts

47. CICL is satisfied the account management rules including limits and carryover are consistent with the current WSP and supports the continuation of the established account management rules, this approach maintains certainty which is important to the consumptive sector, which is fatigued by water reform. Business decisions have been made based on the current account management rules. CICL does not believe there is any evidence that supports the need to change these rules. In fact our members support the flexibility to manage their access to water provided by the current carryover provisions and do not support a reduction.
48. CICL believes the insertion of **all** in clause 48 (1) (a) changes the access arrangements for taking of uncontrolled flows without debit. The current rule clause 71 is applied based on effective available for individual regulated river (general security) access licences. CICL seeks continued application of the current arrangements in the new WSP and believes the application of this rule on an individual licence basis is the only effective method of applying this rule. CICL recommends all is removed from clause 48 (1) (a).

#### Division 2 Supplementary water events

49. CICL considers the revised wording is clearer but also consistent with the current arrangements.

#### *Part 9 Access licence dealing rules*

#### Conversions of access licence to new category

50. Feedback is sought on the proposal to allow limited conversion of regulated river (high security) access licences to access licences in a connected upstream unregulated river water source. CICL understand this option is being considered to assist government manage the impact of increased interception by plantation forestry.<sup>2</sup>
51. CICL has the following comments on this option:
- In principle CICL does not support conversion of different classes of access licences to another class. Conversion is reliant on modelling at a point in time and uses long term averages. CICL believes the output from models is not static but subject to a

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<sup>2</sup> Peter Hyde, personal communication Friday 5 July 2019.



- range of factors including changes in climate and irrigator behaviour that impact on the relevant conversion.
- In addition growth in interception should firstly be managed as part of the planning process not after the event, with new developments required to acquire water entitlements in the unregulated system where the plantation is based to off set the impact of plantation forestry increased interception.
  - Only in the event of a market option for unregulated water entitlements has been fully exhausted, the investor should have the option of purchasing high security water entitlements, however these entitlements **should not be** converted but the yield remains exactly as for high security regulated river water entitlements.
52. CICL recommends that the note after clause 76 subclause (4) to clarify the IVT limit of 100,000ML obligation to Murray is inserted in this division. Whilst a note has not legal meaning it clarifies the intent. CICL supports the current limit on the IVT of 100GL and the operational arrangements current in place for managing compliance with this limit.
  53. CICL notes that the inter-valley trade procedures referred to in clause 55 (b) are yet to be written, with water access licence holders solely reliant on a government fact sheet to explain the IVT arrangements, this circumstance exposes water access licence holders to on-going changes to the IVT arrangements.
  54. CICL is extremely concerned that clause 57(e) (ii) and (iii) allow the Minister to agree to significant changes to the inter valley trade without any consultation from water users. A mechanism for seeking water user input to options being considered as part of Schedule D of the Murray Darling Basin Agreement and the IVT procedures is required, to build confidence that any third party impacts of trade are not exacerbated by changes to the IVT arrangements.
  55. CICL's view is the Minister needs to address the weaknesses in the current arrangements that allow a small number of linked licences to operate outside of the IVT policy. CICL believes this is inequitable and should be rectified for all of the linked licences which are exempt not just those held by NSW water access licence holders.
  56. CICL believes the 31 May deadline for assignment of water allocation dealings for the Murrumbidgee does not have a material impact on the annual market, particularly as by the end of May the irrigation will have ceased in most farm businesses and the final available water determination will have been made. For organisations like CICL closing assignments to and from its licence at the end of May allows the Co-operative time to finalise its members allocation accounts, prepare invoices and "roll over" individual member water allocation accounts in preparation for the new water year and the commencement of allocation trade on 1 July. In a system where there is annual accounting having no transition between the end of one water year and the commencement of the next water year will make administration more difficult.
  57. CICL requests the new WSP retains the 31 May deadline for allocation assignments and recommends a 31 May deadline is re-instated in the Murray. Extending the deadline for allocation trade may further delay finalisation of account balances in the new water year, confirmation of catchment carryover volumes in the new water year is more commercially relevant to irrigators than shifting trade deadlines.
  58. In general the explanation for the changes to the trading arrangements is inadequate given the extent of changes.

### *Part 10 System operation rules*

#### *Division 1 Environmental flow rules for the water source*

59. CICL supports the retention of the minimum daily flows for Balranald and Darlot.
60. CICL understands while the wording of the environmental flow rules have been modified their meaning has not, this statement also applies to Division 2 Environmental water allowance rules.
61. In the case of Division 3 Provisional storage volumes, CICL supports the corrections proposed.

#### Division 4 Consultation

62. This is a new division and it is not clear to CICAL what it adds to the WSP and the requirement for the NSW Environmental Water Manager to consult. It only states the NSW Environmental Water Manager **may** consult. CICAL suggest this clause is strengthened to require the NSW Environmental Water Manager to consult with the Environmental Water Advisory Group.

#### Division 5 General system operating rules

63. The note under clause 43 (2) of the current WSP which details the capacities at the commencement of the plan has been removed. CICAL considers definition of channel capacity constraints in numerical terms is important and requests these capacities are re-inserted.

64. CICAL supports the requirement for consultation when determining priority for extraction in clause 73(c).

65. CICAL questions why clause 75 (b)(iii) has been added in, what does seek to lessen downstream flooding mean? Is it necessary and how does it interact with 75(b)(1). CICAL recommends this clause is removed.

66. The note describing the Blowering Airspace Deed has been removed under clause 76. CICAL recommends this note is reinserted into the WSP as it improves the readers understanding of clause 76 (2).

#### Part 11 Mandatory conditions

67. CICAL has no comments on this part.

#### Part 12 Amendment of this plan

68. CICAL does not support the inclusion of clause 84 relating to part 8 (a) or (b) as CICAL does not support increasing the carryover provisions to 0.5 ML/unit share. Any consideration of changes to the carryover provisions must include public consultation. Water users seeking a more security water supply should use the market.

69. CICAL does not support the inclusion of clause 85 which allows the WSP to be amended to allow conversion of a regulated river high security licence to an unregulated river water licence in the Murrumbidgee.

70. Clause 90 refers to Schedule 5 however there is no Schedule 5.

71. CICAL supports flexibility to review Part 10 Division 1, 2 and 3 **after** consultation with all stakeholders being including the draft WSP. The priority issue for stakeholders for over a decade has been to review the Murrumbidgee Regulated River WSP complex environmental flow rules, it is important this opportunity remains open during the life of the revised WSP.

#### **Prerequisite Policy Measures (PPM) Procedures Manual for the Murrumbidgee Regulated River**

72. CICAL's view is the implementation of the PPM must not impact on the reliability of supply to other water entitlement holders and that transparency and accountability in the implementation of the PPMs is essential to provide confidence that water entitlement holders are not being negatively impacted by the new arrangements.

73. At this point in time CICAL supports the manual only including trial actions. Further work is required including information being provided in the public arena which demonstrates the effectiveness of the methods used to ensure the reliability of supply to other water entitlement holders has been protected.

74. It is CICAL's view that the minimum consultation requirements must be strengthened to require water user involvement and public consultation in the annual review.

75. It is also CICAL's view that any changes to the agreed actions should involve public consultation. The Manual refers to the assumed use methods based on watering events



conducted in 2016 and 2017, apart from a brief presentation to one Stakeholder Advisory Group meeting. These actions, their results and any mitigations required have not been discussed with non-government stakeholders. As far as CICAL is aware there is no information in the public arena on or about these actions. There needs to be much greater public transparency around the implementation of these new arrangements than what is proposed in the PPM. This is the only way governments will be able to build trust in their process.

76. It is concerning that of the 11 environmental sites identified only three are identified as sites satisfying category one with the remaining eight to be determined. Does this mean that the other sites will be subject to the assumed use method?
77. The annual review should require reporting on the quality assurance of the accuracy of the gauging stations used to measure take, return flows and steam gauges, to demonstrate confidence in the data.

### **Draft Incident Response Guide**

78. It is CICAL's view the Guide needs to explicitly provide for input from CICAL and Murrumbidgee Irrigation (based on the assumption that Murrumbidgee Irrigation shares our view). The primary argument for our inclusion is that in event of restrictions on water availability (and or a significant water quality event) we will be responsible for managing deliveries to our customers. It is important that our challenges and the potential solutions to them are brought clearly to discussions. It is our view that direct interaction, rather than via a third party, is the most effective way of achieving this. In addition, direct interaction will allow the risks/benefits for our business and our delivery to customers of proposed options being considered by the Panel to be articulated and considered directly, without reliance on third parties or iterative communications via a third party.
79. Issues associated with conflict of interest and market sensitive information which CICAL understands is the government's argument for restricting membership to government organisations can be managed with appropriate policy and procedures. Directors and staff of irrigation corporations are required to do this as part of their operations.
80. In addition, CICAL believes the Government Environmental Water Holder has the same conflicts as irrigators as it holds entitlement and is the decision maker in terms of planned environmental water. If water users are to be excluded based on market sensitive information being discussed, then so should the government's environmental interests.

### **Permitted take and other modelling**

81. Coleambally net take should not include any diversions for WaterNSW into Tombullen.
82. CICAL clarifies that CICAL's measured discharge points are also follows:
  - Western Outfall Drain
    - a. The WaterNSW gauging station a few km upstream of the confluence with the Billabong Creek (off the Wanganella-Moulamein road). The Daily River Report from WaterNSW names it as Coleambally DR Bundy (410133).
  - Southern Outfall Drain
    - b. Is what CICAL refers to DC800
    - c. There is a WaterNSW gauging station about 5 km upstream of the discharge point into Yanco Creek. The Daily River Report from WaterNSW names it as DC800 @ outfall (410108)
  - Coleambally Escape
    - d. Is what CICAL refers to as the CCD.
    - e. There is a WaterNSW gauging station just upstream of the discharge point into Yanco Creek. The Daily River Report from WaterNSW names it as CCD @ outfall (410191)

83. CICL in recent years has delivered environmental water for the Office of Environment and Heritage to sites within its footprint. This water has historically been sourced from the Environmental Water Accounts. It is important modelling takes this volume into account, historically the volume supplied is between 3,000-5,000ML per year.

### **Post public exhibition processes**

CICL requests the Department clarify its processes for finalisation of the WRP and WSP.

There are three important stages in this process:

1. A number of the documents are not complete, for example Murrumbidgee water resource consultation report, pre requisite policy and procedures manual. Will the incomplete documents be placed on public exhibition? If not will the finalised documents be publicly released?
2. What is the Department's process for considering the feedback received during the public exhibition process and incorporating any changes to either the WRP or WSP? Will the Stakeholder Advisory Panel be exposed to the outcomes of the public exhibition and asked for comment?
3. What is the Department's process for providing feedback to stakeholders, including the Stakeholder Advisory Panel on the Murray Darling Basin Authority's feedback on the WRP and WSP?

If you have any questions about the content of this submission please contact Jenny McLeod on E. [REDACTED]

Yours sincerely

*Jennifer McLeod*  
per

Clifford Ashby  
CEO

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## Murrumbidgee Surface Water Plan

2 messages

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Cadman <[REDACTED]>

Tue, Jun 18, 2019 at 9:06 PM

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

To whom it may concern,

My name is Cadman Ham and I am a resident of Jerilderie, and I farm with my family east of town on the Billabong creek.

I attended the Surface water resource plan information session today at the civic hall in town.

I came away with a few quick questions I thought I could ask and some opinions of mine I was hoping to share.

Firstly, we are always being asked to do more with less. The topic of the MDBA wanting to take more water from our billabong and Yanco creeks (eg minimum flow of 50megs/day at Darlot) was barely discussed.

**I don't think the MDBA are using the environmental water it has, smart enough, to ask for more.**

The billabong where we are is heavy clay and doesn't leach much water, it has kilometers after kilometers of environmental benefits. Why reduce it to a trickle to fill a dry lake out the back of Balranald? On red dirt, in the middle of a drought! Its insane!

Secondly I wonder if for instance, all our neighbours sold the small amount temporary water allocation at the high prices to corporate almond plantations, and given that there a lot more river losses to deliver a megaliter of water down to Mildura/South Australia than up here at Jerilderie, **do those river losses come straight off our general security allocation?**

Also it doesn't do anything for our already dying local economy. You would think it would be easy for young people in our irrigation district to get jobs, but it isn't. Our towns aren't what they used to be and once something goes, it usually doesn't come back.

Finally, If the decision comes up again, I don't agree with the government buying anymore supplementary water licenses. (or any more water licenses for that matter)

Farmers in our area, have worked very hard to buy into irrigation farms, irrigation water, irrigation infrastructure at high rates and are expecting yield on their allocations, and off allocation events to last as long as the times when they bought in.

Having extra pressure from the government to compete against, devalues those assets.

Side note.

We also farm in the NSW Murray Irrigation district.

The more we all look into river management and the changes that have been made in water management, the more we all realise what mess we have let the murray darling basin get into. (top to bottom)

**I cant stand wasted water, and Im not big on mistakes either.**

Im all for healthy rivers, but I think there is not enough emphasis on the social and economical health of our upstream river communities. Whats the point of having a healthy river if all the country towns cant produce anything, no one has jobs, people wont be there to see the environmental benefits.

Politics has gotten in the way of best practice, whilst people are leaving our towns in droves, we find ourselves politically irrelevant.

I hope this helps, because if we don't clean up this mess, this country is in for a lot more tough times.

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**Murrumbidgee SW WRP** <murrumbidgee.sw.wrp@dpi.nsw.gov.au>

Tue, Jun 18, 2019 at 9:06 PM

To: [REDACTED]

Thank you for your email. If required we will respond as soon as possible.

--  
Kind regards,

**The Murrumbidgee Surface Water team**  
[murrumbidgee.sw.wrp@dpi.nsw.gov.au](mailto:murrumbidgee.sw.wrp@dpi.nsw.gov.au)

For more information regarding the Public exhibition of the Murrumbidgee Surface Water Plan, please visit  
<https://www.industry.nsw.gov.au/murrumbidgee-surface-wrp>

<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Joanne Petterson
<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 Murrumbidgee Regulated River Water Source 2016</b>	
<b>Do you have any comments on the proposed changes to allow the operation of Pre-requisite Policy Measures (PPMs) for held environmental water in the Murrumbidgee Regulated River Water Source?</b>	<p>John and I are very concerned about the proposed piggybacking of environmental flows on top of increased tributary inflows caused by rainfall events. This seems like a risky proposition given that tributary inflows can be extremely erratic, highly localised and impossible to measure accurately - despite all the telemetry. This combined with BOM forecasts which are often way off the mark could potentially lead to, or exacerbate, a flood situation very much above the intended environmental flow. John and I have a river property at Collingullie west of Wagga and overbank flows are of great concern to us. Presently the WSP rules - no more than 32,000 ML/day through Gundagai largely prevent this happening. These rules have been developed through a hundred years of expert river knowledge and are there primarily to keep communities safe.</p> <p>But for how long? We know that planning has started to raise the height of the Mundarlo Bridge so we expect the rules to be changed after 2024 (if not before) and much bigger environmental flows to be planned. This is a severe problem because it will definitely cause flooding of private property. But the authorities still talk of reaching agreements with property owners to flood their land. This will never happen - river property owners have repeatedly and strongly stated their opposition to this. My husband had a meeting last year with Phillip Glyde, chairman of the MDBA and Senator Anne Ruston, Federal Water Minister and re-iterated this - they seemed surprised.</p> <p>The powers-that-be absolutely have their head in the sand over this issue and are not listening to river property owners. We accept natural flooding but not flooding that is caused by, or made much worse by, water management decisions. Piggybacking has the potential to do just this. We now know that governments have apparently absolved themselves of any obligation to pay compensation to farmers for flooding their land if it was done 'in good faith'.</p> <p>But what happens if someone is killed as a result of water management decisions? I don't think the Coroners Court would absolve the relevant authorities quite so quickly. Especially if</p>

they were warned before hand. As happened in 2010, 2012 and 2016 when Burrinjuk Dam was over 100% full, and despite pleading from land holders, water was held back causing the eventual emergency releases to do a lot of damage. No loss of life thankfully. 15% airspace in dams used to be standard practice, but no longer. The excuse being that the water HAS to be held back for irrigation purposes. Except this is no longer valid because of the large percentage of environmental water that is now held.

**Do you have any comments on the proposal to codify NSW Southern Basin Inter-Valley Trade (IVT) and refer to the IVT procedures in the WSP?**

Inter valley trade is becoming a problem because of the way irrigation areas are now being skewed. For example, more and more huge corporate nut plantations in SA - which has 100% allocation - are being developed. They can afford exorbitant prices for water to the detriment of more traditional, well established irrigation areas which are shrinking because of lack of allocation and high water prices. The huge transmission losses just getting the water to SA as well as the damage that has been done to the Murray and the Barmah Forest on the way through is causing a great deal of anger and sparked a class action brought by Murray Irrigation against the MDBA for their negligent water policy.

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

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

Department of Industry website

**Additional Information**

**Please tick the relevant boxes**

I consent to my "submission" being published on the department's website and my name will be included with my suburb or town in a list of submitters with a link to my submission. Please note that any attachments you may have provided and any personal information that has been included in the submission will be published.

I consent to my "submission" being published on the department's website and wish to maintain my privacy by having my name withheld from the submitter's list. Please note that any emailed attachments you may have provided and any personal information that has been included in the attachment will be published.

<b>Email address</b>	████████████████████
<b>Name of respondent</b>	Paul Connellan
<b>Address</b>	██████████
<b>Contact phone number</b>	██████████
<b>Are you an individual or representing an organisation?</b>	Individual
<b>Proposed changes to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</b>	
<p>Pre-requisite Policy Measures</p> <p>The adoption of operational pre-requisite policy measures is welcomed. The focused adoption of these measures in the Lowbidgee will provide the most significant ecological outcomes, in the most efficient manner possible, anywhere in the Murrumbidgee catchment. In particular the adoption of these measures in the Red Bank System in combination with the provision of suitable infrastructure in the Murrumbidgee levees (replacing the current block banks in natural flood runners/natural cuttings) above and below the Murrumbidgee Choke at Chaston's Cutting will allow the Murrumbidgee Choke to be bypassed in environmental flow events, to the environmental benefit of the Junction wetlands, the Murray River system and the Red Bank wetlands. These policies (PPMs) in combination with this infrastructure will also allow interactions to occur between the Red Bank floodplain and the Murrumbidgee River in a control and measurable manner. It is noted that one of the original drivers of the Nimmie-Caira purchase was the aim of using the Nimmie-Caira system to bypass the Murrumbidgee Choke at Chaston's cutting. This was subsequently proven to be physically impossible to achieve.</p> <p>It is also noted that:</p> <p>Upstream of Balranald there is a natural choke in the Murrumbidgee River with a river channel capacity of around 9,000 Mega litres of flow per day (called the Choke at Chaston's Cutting). This compares to Wagga's 80,000 MI/day, Hay 40,000 MI/day, Maude 20,000 MI/day Red Bank Weir 12,000 MI/day and downstream Balranald's 12,000 MI/day.</p> <p>This choke is listed in the Constraints Management Strategy as 9,000 MI/day. The Commonwealth's desired outcome is to get 12,000 MI/day passed the choke to allow adequate flooding in the Junction Wetlands downstream of Balranald and other positive environmental effects further down in the Murray.</p> <p>The removal of artificial block banks and levees along the Murrumbidgee River upstream and downstream of the choke (and replacement with suitable regulators including meters) would result in the river and floodplain operating naturally in this area and would allow the water required by the Commonwealth (the 3,000 MI/day above the chokes capacity) to flow around the</p>	

**Do you have any comments on the proposed changes to allow the operation of Pre-requisite Policy Measures (PPMs) for held environmental water in the Murrumbidgee Regulated River Water Source?**

choke by going out on the floodplain above the choke and back into the river below the choke.

These artificial levees and block banks are part of Water NSW's Lowbidgee Flood Control and Irrigation District infrastructure. This infrastructure was built in the 1940's to allow Red Bank Weir to inundate the forest floodplain on both sides of the river under low river flow conditions, from Red Bank to Balranald, without flows running back into the river through the many natural flood runners that connect the river and floodplain in this area. This infrastructure has broken the connectivity between the floodplain and Murrumbidgee River in this area, except in years of Valley wide major flooding events. It should be noted that Red Bank Weir was built (as result of the River Murray Act of 1919) as a compensating work for the loss of flooding in this area due to the construction of Burrinjuck Dam.

In August 2017 the Commonwealth and NSW Governments initiated an environmental flow of approximately 22,000 ML/day at Wagga which was targeting the Mid Murrumbidgee billabongs and lower level wetlands in that area of the River. The flow then progressed into the lower section of Murrumbidgee River. The size of the flow between Red Bank Weir and Balranald was reported to be 9,000 ML/day and remained at this level for approximately 10 days. The 9,000 ML/day flow caused a small amount of overbanking onto Red Bank South (Yanga National Park), there was little or no overbanking onto the Red Bank North floodplain.

The artificial block banks and levees in the Red Bank area held the water out. The river water level was between at 60 to 100 cm higher than the surrounding floodplain/wetlands. (Photographic evidence attached) If the block banks in the river levee were removed (and replaced with appropriate water infrastructure i.e. regulators with meters) the floodplain and river would operate in a natural manner during environmental flow events. Allowing water to exit the river above the choke and flow out onto the flood plain, then flow passed the choke and then back into the river below the choke where the river increases in capacity again.

This would not only have provided a substantial flood event through the Red Bank system, but also would have substantially improved the flooding achieved in the Junction Wetlands.

The residual water of this environmental flow event was then diverted into Lake Victoria, which enabled NSW to the use it to supply its' South Australian commitment under the River Murray Act. This enable NSW to use environmental water to improve the NSW general security allocation levels.

It is now apparent that the Commonwealth Water Holder can initiate an environmental flow that would provide substantial flooding in both the Red Bank and Junction wetlands, with the removal of block banks in the river levee in the Red Bank system and replacement with appropriate water infrastructure.

That the flow can be initiated in a year of low allocation levels (approximately 30% plus carry over) and can be done without impact on the constraints further upstream in the Murrumbidgee Valley. And this flow would have positive environmental effects in the Murray.

It follows from this that;

The continued failure of the NSW Minister for Water to direct the



removal of these block banks (and replace with appropriate infrastructure) appears to place the Minister in breach of the NSW Water Act 2000 (and possibly other Acts), as it is the duty of the Minister to protect and where possible restore the River and its dependant ecosystems under the Water Act 2000.

The Murrumbidgee River, including the Lower Murrumbidgee Floodplain, is an endangered ecological community under the NSW Fisheries Management Act 1994.

The Red Bank flood plain, which forms part of the Lowbidgee, is part of the Regulated Murrumbidgee River under the Murrumbidgee Water Sharing Plan.

The installation and operation of in-stream structures and other mechanisms that alter natural flow regimes of rivers and streams has been listed as a key threatening process under the Fisheries Management Act.

The floodplain ecosystem is a dynamic integrated system which relies on connectivity between the river channel and the floodplain to drive essential ecosystem services and maintain biodiversity (Natural Resources Council 2009).

The failure to replace these block banks in the Red Bank system will see environmental flow events largely shepherded through this area to minimal environmental benefit to either the Red Bank wetlands or the Junction wetlands only to be put into Lake Victoria to the benefit of General Security License holders in the Murrumbidgee. This is a direct cross subsidy of environmental water to the irrigation industry against the objectives of the Basin Plan.

**Do you have any comments on the proposed change to the Lowbidgee Distribution Rules?**

Changing Lowbidgee Distribution Rules.

The impression given by the Department is that there is only one Lowbidgee Supplementary License relevant to the Nimmie Caira (held by the Commonwealth) and therefore internal distribution rules are no longer necessary for this area of the Lowbidgee. Firstly this area forms part of the Murrumbidgee Water Source under the Murrumbidgee Water Sharing Plan and the change reduces Ministerial oversight of the area, this alone demands a detail public explanation of what is intended in this area, which to date has not been forthcoming. Secondly, I am of the understanding that other Lowbidgee Supplementary Licenses have been introduced to this area, which negates the reasoning behind a change. The public needs to be informed about the Governments intentions in this area since a considerable amount of public funds have been committed to the area. I specifically wish to know if it is intended to channel the "water savings" achieved under the proposed Yanco Creek Sustainable Diversion Limit project through the Nimmie Caira channels and into Yanga and Tala Lakes, which then will be used as on route storages to supply the Murrumbidgee commitment to S.A. under the River Murray Act. This in turn would reduce the need to supply this commitment from the main storages and improve the allocation levels for irrigators. This would also see further demands put on the environmental water holdings to negate the effects of such on route storages on the river system and its associated ecosystems. This would represent a direct cross subsidy from the environment to consumptive use in direct conflict with the intention of the Basin Plan.

The Murrumbidgee Water Sharing Plan 2016

The Lowbidgee Supplementary Access Rules need to be reviewed to actually reflect the “history of use” work up by Lowbidgee over many years and represented in the Murray Darling Basin Cap and the 2016 Murrumbidgee WSP as an average annual diversion of 296,000 mega litres. I consider that the current set of rules are a reduction and dilution of entitlement and were a result of a false and incorrect characterisation of the 296,000 MI as the abstraction limit (in 2004 WSP) and not as the average annual diversion. The IQQM model set to the correct parameters should be run to ascertain what the correct access rules are that reflect accurately the entitlement: that is; 296,000 MI of average annual diversion. Around ¾ of the Lowbidgee Licenses are now held as Environmental Licenses. Incorrect access rules devalue and degrade the Lowbidgee Supplementary Licenses.

It should be note that prior to 2012 (when the granting of the Lowbidgee Licenses occurred) the Lowbidgee District operated under Ministerial discretion under the 1912 Water Act (from 1945 to 2012) and that the 296,000 MI listed under the Murray Darling Cap represents the annual average diversion over that period and not the extraction limit as is the case with all other entitlements on the Murrumbidgee.

**Do you have any other comments on the proposed amendments to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016?**

The Murrumbidgee Water Sharing Plan 2016

The access rules for the Murrumbidgee Supplementary Licenses need to be review. Originally Murrumbidgee Supplementary (or off-allocation) use was part of a Murrumbidgee General Security Entitlement and was limited by pump size and access constraints and was denoted as 120% of the allocation right. Over time these entitlements were broken into 2 entitlements i.e. Murrumbidgee General Security and Murrumbidgee Supplementary and all access restraints such as pump size were removed from the Murrumbidgee Supplementary Licenses. The entitlement and extraction limit of the Murrumbidgee Supplementary Licenses are listed in the Murray Darling Basin Cap as 196,000 Mega Litres per annum (2016 Murrumbidgee WSP). It is a matter of urgency that daily extraction limits are imposed on these licenses that reflect the extraction limit imposed under the Murray Darling Cap. Without such limits there is an immediate and present danger that these licenses will exceed their extraction limits .It is also relevant that under the NSW Water Management Act 2000 licenses of the same category are to receive equal treatment. There is a current danger that well-resourced early birds could grab more than their fair share of the available resource through their ability to fund huge dams and other infrastructure. Without timely regulatory intervention there exists the real risk of a resource conflict that could result in substantial investor losses (particularly with the current swing to perennial crops), particularly when the worsening effects of climate change are considered.

## Water Resource Plan

**Do you have any comments on how the Department of Industry - Water can improve the consultation process undertaken?**

There has been inadequate consultation with the lower end of the Murrumbidgee River and a failure to properly alert this community to these plans.

**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?**

From concerned neighbor

## Additional Information

**Please tick the relevant boxes**

I consent to my "submission" being published on the department's website and my name will be included with my suburb or town in a list of submitters with a link to my submission. Please note that any attachments you may have provided and any personal information that has been included in the submission will be published.

## Submission to Murrumbidgee WRP July 2019

### Changing Lowbidgee Distribution Rules.

The impression given by the Department is that there is only one Lowbidgee Supplementary License relevant to the Nimmie Caira (held by the Commonwealth) and therefore internal distribution rules are no longer necessary for this area of the Lowbidgee. Firstly this area forms part of the Murrumbidgee Water Source under the Murrumbidgee Water Sharing Plan and the change reduces Ministerial oversight of the area, this alone demands a detailed public explanation of what is intended in this area, which to date has not been forthcoming. Secondly, I am of the understanding that other Lowbidgee Supplementary Licenses have been introduced to this area, which negates the reasoning behind a change. The public needs to be informed about the Government's intentions in this area since a considerable amount of public funds have been committed to the area. I specifically wish to know if it is intended to channel the "water savings" achieved under the proposed Yanco Creek Sustainable Diversion Limit project through the Nimmie Caira channels and into Yanga and Tala Lakes, which then will be used as on route storages to supply the Murrumbidgee commitment to S.A. under the River Murray Act. This in turn would reduce the need to supply this commitment from the main storages and improve the allocation levels for irrigators. This would also see further demands put on the environmental water holdings to negate the effects of such on route storages on the river system and its associated ecosystems. This would represent a direct cross subsidy from the environment to consumptive use in direct conflict with the intention of the Basin Plan.

### The Murrumbidgee Water Sharing Plan 2016

The Lowbidgee Supplementary Access Rules need to be reviewed to actually reflect the "history of use" work up by Lowbidgee over many years and represented in the Murray Darling Basin Cap and the 2016 Murrumbidgee WSP as an **average annual** diversion of 296,000 mega litres. I consider that the current set of rules are a reduction and dilution of entitlement and were a result of a false and incorrect characterisation of the 296,000 ML as the abstraction limit (in 2004 WSP) and not as the average annual diversion. The IQQM model set to the correct parameters should be run to ascertain what the correct access rules are that reflect accurately the entitlement: that is; 296,000 ML of average annual diversion. Around  $\frac{3}{4}$  of the Lowbidgee Licenses are now held as Environmental Licenses. Incorrect access rules devalue and degrade the Lowbidgee Supplementary Licenses.

It should be noted that prior to 2012 (when the granting of the Lowbidgee Licenses occurred) the Lowbidgee District operated under Ministerial discretion under the 1912 Water Act (from 1945 to 2012) and that the 296,000 ML listed under the Murray Darling Cap represents the annual average diversion over that period and not the extraction limit as is the case with all other entitlements on the Murrumbidgee.

## **The Murrumbidgee Water Sharing Plan 2016**

The access rules for the Murrumbidgee Supplementary Licenses need to be review. Originally Murrumbidgee Supplementary (or off-allocation) use was part of a Murrumbidgee General Security Entitlement and was limited by pump size and access constraints and was denoted as 120% of the allocation right. Over time these entitlements were broken into 2 entitlements i.e. Murrumbidgee General Security and Murrumbidgee Supplementary and all access restraints such as pump size were removed from the Murrumbidgee Supplementary Licenses. The entitlement and extraction limit of the Murrumbidgee Supplementary Licenses are listed in the Murray Darling Basin Cap as 196,000 Mega Litres per annum (2016 Murrumbidgee WSP). It is a matter of urgency that daily extraction limits are imposed on these licenses that reflect the extraction limit imposed under the Murray Darling Cap. Without such limits there is an immediate and present danger that these licenses will exceed their extraction limits .It is also relevant that under the NSW Water Management Act 2000 licenses of the same category are to receive equal treatment. There is a current danger that well-resourced early birds could grab more than their fair share of the available resource through their ability to fund huge dams and other infrastructure. Without timely regulatory intervention there exists the real risk of a resource conflict that could result in substantial investor losses (particularly with the current swing to perennial crops), particularly when the worsening effects of climate change are considered.

## **Pre-requisite Policy Measures**

The adoption of operational pre-requisite policy measures is welcomed. The focused adoption of these measures in the Lowbidgee will provide the most significant ecological outcomes, in the most efficient manner possible, anywhere in the Murrumbidgee catchment. In particular the adoption of these measures in the Red Bank System in combination with the provision of suitable infrastructure in the Murrumbidgee levees (replacing the current block banks in natural flood runners/natural cuttings) above and below the Murrumbidgee Coke at Chaston's Cutting will allow the Murrumbidgee Choke to be bypassed in environmental flow events, to the environmental benefit of the Junction wetlands, the Murry River system and the Red Bank wetlands. These policies (PPMs) in

combination with this infrastructure will also allow interactions to occur between the Red Bank floodplain and the Murrumbidgee River in a control and measurable manner. It is noted that one of the original drivers of the Nimmie-Caira purchase was the aim of using the Nimmie-Caira system to bypass the Murrumbidgee Choke at Chaston's cutting. This was subsequently proven to be physically impossible to achieve.

It is also noted that:

Upstream of Balranald there is a natural choke in the Murrumbidgee River with a river channel capacity of around 9,000 Mega litres of flow per day (called the Choke at Chaston's Cutting). This compares to Wagga's 80,000 MI/day, Hay 40,000 MI/day, Maude 20,000 MI/day Red Bank Weir 12,000 MI/day and downstream Balranald's 12,000 MI/day.

This choke is listed in the Constraints Management Strategy as 9,000 MI/day. The Commonwealth's desired outcome is to get 12,000 MI/day passed the choke to allow adequate flooding in the Junction Wetlands downstream of Balranald and other positive environmental effects further down in the Murray.

The removal of artificial block banks and levees along the Murrumbidgee River upstream and downstream of the choke (and replacement with suitable regulators including meters) would result in the river and floodplain operating naturally in this area and would allow the water required by the Commonwealth (the 3,000 MI/day above the chokes capacity) to flow around the choke by going out on the floodplain above the choke and back into the river below the choke.

These artificial levees and block banks are part of Water NSW's Lowbidgee Flood Control and Irrigation District infrastructure. This infrastructure was built in the 1940's to allow Red Bank Weir to inundate the forest floodplain on both sides of the river under low river flow conditions, from Red Bank to Balranald, without flows running back into the river through the many natural flood runners that connect the river and floodplain in this area. This infrastructure has broken the connectivity between the floodplain and Murrumbidgee River in this area, except in years of Valley wide major flooding events. It should be noted that Red Bank Weir was built (as result of the River Murray Act of 1919) as a compensating work for the loss of flooding in this area due to the construction of Burrinjuck Dam.

In August 2017 the Commonwealth and NSW Governments initiated an environmental flow of approximately 22,000 MI/day at Wagga which was targeting the Mid Murrumbidgee billabongs and lower level wetlands in that area of the River. The flow then progressed into the lower section of Murrumbidgee River. The size of the flow between Red Bank Weir and Balranald was reported to be 9,000 MI/day and remained at this level for approximately 10 days. The 9,000 MI/day flow caused a small amount of overbanking onto Red Bank South (Yanga National Park), there was little or no overbanking onto the Red Bank North floodplain.

The artificial block banks and levees in the Red Bank area held the water out. The river water level was between at 60 to 100 cm higher than the surrounding floodplain/wetlands. (Photographic evidence attached) If the block banks in the river levee were removed (and replaced with appropriate water infrastructure i.e. regulators with meters) the floodplain and river would operate in a natural manner during environmental flow events. Allowing water to exit the river above the choke and flow out onto the flood plain, then flow passed the choke and then back into the river below the choke where the river increases in capacity again.

This would not only have provided a substantial flood event through the Red Bank system, but also would have substantially improved the flooding achieved in the Junction Wetlands.

The residual water of this environmental flow event was then diverted into Lake Victoria, which enabled NSW to use it to supply its' South Australian commitment under the River Murray Act. This enable NSW to use environmental water to improve the NSW general security allocation levels.

It is now apparent that the Commonwealth Water Holder can initiate an environmental flow that would provide substantial flooding in both the Red Bank and Junction wetlands, with the removal of block banks in the river levee in the Red Bank system and replacement with appropriate water infrastructure.

That the flow can be initiated in a year of low allocation levels (approximately 30% plus carry over) and can be done without impact on the constraints further upstream in the Murrumbidgee Valley. And this flow would have positive environmental effects in the Murray.

It follows from this that;

The continued failure of the NSW Minister for Water to direct the removal of these block banks (and replace with appropriate infrastructure) appears to place the Minister in breach of the NSW Water Act 2000 (and possibly other Acts), as it is the duty of the Minister to protect and where possible restore the River and its dependant ecosystems under the Water Act 2000.

The Murrumbidgee River, including the Lower Murrumbidgee Floodplain, is an endangered ecological community under the NSW Fisheries Management Act 1994.

The Red Bank flood plain, which forms part of the Lowbidgee, is part of the Regulated Murrumbidgee River under the Murrumbidgee Water Sharing Plan.

The installation and operation of in-stream structures and other mechanisms that alter natural flow regimes of rivers and streams has been listed as a key threatening process under the Fisheries Management Act.

The floodplain ecosystem is a dynamic integrated system which relies on connectivity between the river channel and the floodplain to drive essential ecosystem services and maintain biodiversity (Natural Resources Council 2009).

The failure to replace these block banks in the Red Bank system will see environmental flow events largely shepherded through this area to minimal environmental benefit to either the Red Bank wetlands or the Junction wetlands only to be put into Lake Victoria to the benefit of General Security License holders in the Murrumbidgee. This is a direct cross subsidy of environmental water to the irrigation industry against the objectives of the Basin Plan.

Photos of environmental flow event through the Red Bank System in 2017, 14<sup>th</sup> August.















I N L A N D  
R I V E R S  
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Friday 12 July 2019

### **Comments on Draft Murrumbidgee 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 Murrumbidgee Surface Water Resource Plan (draft WRP).

#### **Background**

IRN submitted substantial comments to the Status and Issues Paper on the Murrumbidgee Surface Water Resource Plan released in 2017.

We noted that the Murrumbidgee River system supports very important wetlands and ecological values in the Basin including 16 wetlands listed on the Directory of Important Wetlands and 2 wetlands listed under the Ramsar Convention. Many of these environmental assets have considerable significance in providing habitat for migratory bird species protected under international agreements.

The WRP area also supports a significant number of threatened animals, fish and ecological communities. Many are listed for protection under the Federal Environment Protection and Biodiversity Conservation Act 1999 and the IUCN Red List.

The draft WRP fails to recognise the obligations of the NSW and Commonwealth Governments under international treaties to provide adequate water for Ramsar listed wetlands and migratory water bird breeding events.

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

These included:

- medium to high risk of damage to ecological values on the regulated system from water take and regulation across a broad range of flow conditions.
- medium to high risk in the unregulated systems. It was noted no adequate data was provided on the impact of consumptive extraction on unregulated rivers in the WRP area.
- high risk from cold water pollution, elevated turbidity, elevated phosphorus, increased dissolved oxygen and algal blooms.

The draft WRP does not adequately mitigate these key risks.

We also noted that the objectives and strategies for the WRP will not achieve the necessary outcomes required by the Basin Plan.

### **Risk Assessment**

The risk assessment for the draft WRP identifies an alarmingly high level of risk to the availability of environmental water and capacity to meet environmental watering requirements in the regulated Murrumbidgee River and many in the unregulated system.

The risk assessment identifies that many high risks will not be mitigated. This is a failure of the WRP process.

These include high risk to water available for the environment downstream of Burrunjuck Dam:

- Base flow or low flows – no change can be predicted due to dam operations
- Fresh flows – no change can be predicted due to consumptive water ordering
- High and infrequent flows, bank full - volumes of PEW available as transparent, translucent or EWA are insufficient to mitigate risk.  
IRN does not support the conclusion that this risk is tolerable because the ability to mitigate the likelihood is low. An increase in EWA should be a recommendation of the risk assessment.

Medium risks have also been identified for larger bankfull high and infrequent flows downstream of Burrunjuck Dam. Again, these risks are identified as tolerable due to low ability to mitigate river regulation, water ordering patterns, and third party inundation risks. IRN does not support this conclusion.

It is noted under current critical mechanisms that CEWH and NSW OEH held environmental water entitlements are discretionally used for environmental flow outcomes. A recommendation for constraints management should be included as a key mitigation tool.

We note that high and medium risks have not been adequately mitigated for all flow characteristics at:

- Tumut River at Oddys Bridge
- Murrumbidgee River at Wagga
- Murrumbidgee River at Narrandera
- Murrumbidgee River downstream of Yanco Weir
- Murrumbidgee River at Darlington Point
- Murrumbidgee River downstream of Maud Weir
- Murrumbidgee River downstream of Balranald

- Beavers Creek at Mundowey
- Old Man Creek at Kywong (Topreeds)
- Yanco Creek at offtake
- Yanco Creek at Yanco Bridge for zero flows, base flows, freshes
- Billabong Creek at Darlot for some flows

We also note that many of the unregulated streams have been assessed as low risk and that a number of the high risk areas have been identified as not tolerable with a recommendation to review strategy during the WRP development.

IRN considers that all high risk to environmental outcomes is not tolerable and all should be reviewed during the WRP development process.

We note that all high and medium risks associated with water quality are referred to the Water Quality Management Plan (WQMP).

### **Water Quality**

IRN does not consider that the WQMP adequately manages the identified medium and high risks of water quality degradation in the Murrumbidgee WRP area.

We note that the key water quality objective, WQ1, Protect, maintain or enhance water quality to ensure it is fit for purpose, is to be managed entirely through the regulated and unregulated Water Sharing Plans (WSP). The emphasis on minimal change to the WSP rules in the draft WRP raises key concerns that the high and medium risks to water quality will not be adequately mitigated.

Knowledge gaps have been identified for the assessment of elevated pesticides, other contaminants and pathogens. The WQMP fails to recommend a strategy to measure these possible significant impacts on water quality in the Murrumbidgee River system.

Also there is a knowledge gap for the protection, maintenance or enhancement of connectivity between water sources to support downstream processes including priority carbon and nutrient. There is no strategy measure provided to improve this knowledge.

The WQMP states that *‘It is not the intent of this plan to propose the use of environmental water to address water quality issues. However, the release of environmental water for designated purposes may provide additional water quality benefits for the Murrumbidgee. These include breaking up stratification in pools, diluting salts and making conditions less favourable for harmful algal bloom development’*. (p 21)

However, many of the management strategies outlined in Table 4-3 (p 22) consider the use of environmental water to improve water quality risks:

- WQ2 turbidity, nitrogen and phosphorous at 3(d), 4 (a) and (b), 5
- WQ4 dissolved oxygen and PH at 2 (a) and (b)
- WQ5 black water at 1 (a)
- WQ6 algal blooms at 3 (a), (b) and (c)
- WQ10 connectivity to support downstream processes at 2 (a) and (b), 3 (a), 4 (a)  
[NB the table has a numbering anomaly for this WQ measure]

WQ7 cold water pollution is identified as a high risk downstream of Burrunjuck and Blowering Dams and for 300kms downstream in the Tumut River. The NSW Cold Water Pollution Strategy is identified as a management plan. However, reports on the implementation of this strategy do not appear to include updates on activities related to Burrunjuck and Blowering Dams. The multiple fixed level offtake at Burrunjuck Dam should be implemented to improve the risk of cold water pollution from this water storage

The proposed objectives in the WQMP will not be met under the proposed WSP rules.

## **Proposed WSP Rule Changes**

### **1. Prerequisite Policy Measures (PPMs)**

#### **1.1 Clause 77**

IRN notes that a new clause 77 under Part 10 Division 5 General system operation rules has been included to allow for the establishment of environmental flow reuse and piggybacking operation rules (PPMs)

Clause 77 (1) refers to the *NSW Prerequisite Policy Measures Implementation Plan* (PPMIP) We note that in the PPMIP, NSW has made a commitment that PPMs will only be implemented to the extent that third party impacts relating to water supply reliability can be negated, offset, or are acceptable to the community.

IRN strongly objects to this far reaching restriction on the use of environmental water under the Basin Plan. The use of environmental water must be based on science and outcomes that improve the health of the river, wetlands and aquifers.

The undue emphasis in NSW on third party impacts is creating an unbalanced approach to the implementation of the Basin Plan.

#### **1.2 Draft WRP Appendix D: PPMs Procedures Manual**

The PPMs Procedures Manual (the manual), outlines the processes for implementing the Murrumbidgee PPMs under Clause 77 subclauses (2), (4) and (5).

IRN considers that the manual has a built in bias towards extractive users. It allows for a number of restrictions on the use of PPMs through decisions by the river operator (NSW Water) that create an imbalance between environmental water licence holders and extractive licence holders.

The manual allows for the river operator to reject an environmental water order. There needs to be more descriptive examples of when this may occur to demonstrate that all water orders would be equally affected eg works program on water storages.

IRN considers that all licence holders, whether environmental water or extractive licences, should be treated equally by river operators when making water orders. It is inappropriate for the river operator to have sole responsibility for accepting or rejecting orders placed through environmental water licences.

The manual outlines that a more conservative or higher loss rate will be applied to the use of environmental water to ensure no detrimental impacts to reliability for licensed water users.

IRN considers that all licence holders, whether environmental water or extractive licences, should be treated equally by river operators when calculating delivery losses.

The manual requires the river operator to consult with licensed water users or their representative groups prior to submitting the Annual Environmental Releases River Operations Report. The river operator should also be required to consult the Environmental Water Advisory Group (EWAG)

The manual also requires the regulator (DoI-Water) to consult with licensed water users or their representative groups regarding any proposal for change to the agreed actions, or to implement any new trial actions. The regulator should also be required to consult the EWAG.

IRN supports that both positive and detrimental effects of PPMs will be taken into account when considering any potential impacts and their mitigation measures to achieve an appropriate balance between allowing for the efficient and effective use of held environmental water licences to achieve the environmental outcomes and providing protection for other water licence holders.

The protection of environmental flows through PPMs is a requirement of the Basin Plan and must be implemented in a balanced manner that does not give undue influence to extractive users in the decision-making process.

### 1.3 Clause 46

IRN notes that clause 46 under Part 8 Division 1 Accounting for water allocation accounts has additional subclauses:

- (4) in accordance with Environmental Flow Reuse Procedures
- (5) in accordance with Piggybacking Procedures

IRN objects to the note under subclause (5) that: *‘A protocol may be developed to increase or decrease the amount of water to be debited, to offset the impact on reliability to other licence holders caused by the release of water under the Piggybacking Procedures.’*

As outlined above, IRN considers that water debiting should occur in the same or equal manner for all water licence orders.

### 1.4 Clause 86

IRN notes that clause 86 under Part 12 Amendments under this Plan allows for amendments to change debiting rules and operational rules for Environmental Flow Reuse and Piggybacking orders.

There appears to be no specific rules within the WSP other than reference to the procedures manual. The intention of this amendment is unclear.

## 2. Lowbidgee Distribution Rules

Clause 51 under Part 7 Division 2 Supplementary water events allows for the Lowbidgee Distribution Rules to be established across, or within any part of the Lowbidgee.

The fact sheet outlining proposed amendments to the WSP rules describes the removal of the Nimmie-Caira supply measure site from the Lowbidgee Distribution Rules.

It is unclear whether this will then increase the available supplementary water to the Redbank North and Redbank South areas of the Lowbidgee.

It is also unclear how the Nimmie-Caira supplementary water licences (381,000 shares) transferred to the Commonwealth to help 'bridge the gap' to meeting Sustainable Diversion Limits under the Basin Plan will be accessed if no longer covered by the Lowbidgee Distribution Rules.

Clause 51 is not explicit in regard to the Lowbidgee areas included in the distribution rules.

IRN has major concerns about the proposed ongoing management of supplementary water access in the Lowbidgee.

### 3. NSW South Inter-Valley Trade (IVT)

Clauses 55, 56 and 57 under Part 9 Access Licence Dealing Rules refer to the IVT Procedures established by the Minister while not including these in the WSP rules.

The fact sheet outlining proposed amendments to the WSP rules states that IVT procedures will be codified, in accordance with the principles or procedures.

IRN considers that specific rules in regard to IVT between the Murray and Murrumbidgee Rivers should be included in the WSP. These should consider the environmental impacts of IVT, particularly in dry times.

Tagged trading should not be permissible. The environmental and social impacts of this form of water use are too great and have not been assessed.

### 4. Trade within and between water sources (Access licence dealing rules)

The changes proposed to Clauses 53 – 57 under Part 9 Access Licence Dealing Rules are proposed to enable more effective use of tagged trades as the preferred method for trades between water sources.

IRN does not support the concept of tagged trading as stated above.

Clause 55 (4) (a) states that:

‘there is nor (sic) than minimal likelihood that environmental water, domestic and stock rights, native title rights and the reliability of supply to all access licences in the water source will be affected’

IRN maintains that water trade dealings should cause no impact on the reliability of supply for environmental water or other water rights.



There should also be stringent assessment of the environmental impacts of water trading on the river reach where extraction is to occur and on the river reaches where increased water transfers are required to meet the increased demand.

The issue of environmental impacts from inter-valley transfers is a key issue in the Murray River system with damage currently occurring in the Goulburn River Valley and within Ramsar listed wetlands.

Proposed rules under the Murrumbidgee Regulated WSP must take environmental impacts of IVT into account with a clear set of management rules.

It is impractical to remove all trade constraints if the outcome is to reduce reliability and cause environmental harm.

#### 5. Crediting & debiting rules for Provisional Storage Volume 1

IRN has no position on this proposed rule change other than to comment that the environmental water allowance rules for the Murrumbidgee Regulated Water Source appear to be extremely and unnecessarily complex.

#### 6. Trade between regulated and unregulated water sources (Part 9 Minister's note)

IRN strongly opposes the proposal to allow the conversion of regulated river (high security) entitlements from downstream regulated river water sources to access licences in connected upstream unregulated water sources.

This will cause a net reduction of planned environmental water in unregulated streams and reduce volumes of supplementary flows and inflows into storages.

The environmental impacts on the river reaches where converted access licences are to be extracted will be too great and too difficult to regulate.

This proposal also occurs under Part 10 of the unregulated WSP where it specifies conversions above Burrunjuck and Blowering Dams.

Increased extraction above these water storages will have a direct impact on inflows and access to planned environmental water under the rules dealing with transparent, translucent and EWA releases in the regulated WSP.

#### 7. 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 WSP rules.

Compliance assessment, particularly compliance with the extraction limit, 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.

## 8. Mandatory requirement for EWAG

Clause 70 should include the mandatory requirement to establish an EWAG in the Murrumbidgee SW WRP area with a clear list of community and government agency representation.

### **Other Issues:**

#### 1. Climate variability

Clause 13 under Part 3 Bulk access regime claims that the WSP recognises the effects of climatic variability on river flow in the water source.

However, Clause 71 (1) under Part 10 Division 5 General system operation rules states that ‘the period of lowest accumulated inflows to the water source is identified by flow information held by the Department prior to 1 July 2004.’

This is a high risk approach to water management in the context of climate change.

This clause fails to recognise the climate variability caused by the Millenium Drought and the current drought now impacting on rainfall and inflows to the water source.

For Clause 13 to be met, Clause 71 (1) must be amended so that the most recent drought of record or worst period of inflows (actual lowest accumulated inflows on record) are used to determine water supply.

#### 2. Floodplain Harvesting (FPH)

##### 2.1 Regulated WSP

In Clause 30 the calculation of the average annual extraction limit is based on development that existed in the 1999/2000, basic landholder rights on 1 July 2004, WSP rules as at 1 July 2004 and the level of development for plantation forestry on 30 June 2009.

There is no recognition of the occurrence of FPH in the Murrumbidgee regulated water source. The NSW Government has not undertaken any work to identify or assess FPH works in this WRP area.

Clause 87 allows for amendments to be made to the WSP to include rules for the management of FPH.

IRN strongly objects to this amendment rule and recommends its removal from the WSP. We do not support the issuing of FPH licences in this water source. All FPH activities should be rendered illegal under the draft WRP.

##### 2.2 Unregulated WSP

Clause 31 (c) allows for an estimation of water take under FPH and the issuing of FPH licences in the extraction management zones (EMU).

FPH is not currently included in the calculation of the total annual extraction in each EMU. As above there has been no assessment work undertaken for FPH activities in this water source.

Clause 94 allows for the unregulated WSP to be amended to include rules for the management of FPH in these water sources.

IRN strongly objects to this amendment rule and recommends its removal from the WSP. We do not support the issuing of FPH licences in this water source. All FPH activities should be rendered illegal under the draft WRP.

### 3. Protection of Held Environmental Water (HEW) in the unregulated water source

There is no reference to the existence or protection of HEW in the Murrumbidgee unregulated system.

Clause 94 allows for amendments to the unregulated WSP to allow for rules for shepherding water. However, there is no specific reference to the protection of HEW.

The WSP needs to include specific rules to protect HEW so that it will meet the objects of the Basin Plan.

### **Conclusion**

IRN does not consider that the draft Murrumbidgee Surface WRP will meet the requirements of the Basin Plan.

The proposed water sharing plan rules will not adequately protect planned or held environmental water, achieve management of risk, or improve water quality.

For more information please contact:

Bev Smiles  
President  
Inland Rivers Network

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████████████████████████████████████████

<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Brett Jones
<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>	Murrumbidgee Irrigation Ltd
<b>Who are you representing?</b>	Water related industry
<b>Proposed changes to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</b>	
<b>Do you have any comments on the proposal to codify NSW Southern Basin Inter-Valley Trade (IVT) and refer to the IVT procedures in the WSP?</b>	Submission attached
<b>Do you have any other comments on the proposed amendments to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016?</b>	Submission attached
<b>Proposed changes to the Water Sharing Plan for the Murrumbidgee Unregulated and Water Source 2012</b>	
<b>Do you have any comments on the changes proposed to the Water Sharing Plan for the Murrumbidgee Unregulated Water Source 2012?</b>	Submission attached
<b>Water Resource Plan</b>	
<b>Do you have any comments on how the</b>	

<b>Department of Industry - Water can improve the consultation process undertaken?</b>	Submission attached
<b>Response to chapter 2: Water resource plan area and other matters</b>	
<b>Do you have any comments on Chapter 2 or Appendix A?</b>	Submission attached
<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>	SAP
<b>Additional Information</b>	
<b>Please tick the relevant boxes</b>	I consent to my “submission” being published on the department’s website and my name will be included with my suburb or town in a list of submitters with a link to my submission. Please note that any attachments you may have provided and any personal information that has been included in the submission will be published.



**12 July 2019**

## **Murrumbidgee Irrigation Ltd: Submission on the Murrumbidgee Surface Water Resource Plan including the Murrumbidgee Regulated Rivers Water Sharing Plan.**

Murrumbidgee Irrigation is one of the largest private irrigation companies in Australia servicing over 3,000 landholdings owned by over 2,500 customers, the majority of whom are shareholders in the Company. Our core business is water distribution. We provide irrigation water and drainage services to the Murrumbidgee Irrigation Area (378,911 Ha). We recognise the Water Sharing Plan for the Murrumbidgee Regulated River Water Source (here after referred to as WSP) as the key regulatory instrument underpinning water sharing in our Valley.

### **General comments on the WRP and SAP**

We note that comment is being sought on the Murrumbidgee Surface Water Resource Plan (WRP) including the WSP. Our submission will focus on the WSP, however, we recognise the challenges faced by NSW in ensuring consistency across all of the State WRPs and in meeting the new Basin Plan requirements. We note the WRP format, which clearly identifies what elements are required for accreditation under the Basin Plan and how that is being demonstrated. We remain disappointed that feedback on the WRP provided by the Stakeholder Advisory Panel (SAP) although not material has been routinely ignored.

In particular, Appendix A to the WRP which describes the plan location. Section 2.2 of this Appendix is clearly out of date. This advice was provided by several members of the SAP on several occasions. No amendment has been made. We note the matter is not material to the WRP itself. We raise it as an illustration of the disrespectful treatment of the advice of the SAP throughout the review process.

With respect to the SAP as a consultation forum – this has unequivocally failed. The make-up of SAP itself was heavily weighted to Agency staff. Indeed, at any Murrumbidgee SAP meeting there may be up to 25 people in the room of which at most 6 were NOT agency staff. Issues identified in 2014, when the WSP was due to be remade and subsequently reaffirmed through the status and issues papers and public review process over several years were not able to be resolved through the limited number of SAP meetings. The continual response from Departmental staff was that they did not have the time or resources to address these issues.

We note (and support) that a separate process to ensure aboriginal engagement was completed. Yet multiple requests for additional meetings and workshops on key issues for water users (eg more effective management of translucent flows and a review of trade rules) were made to functional and agency heads within DPI – these were all rejected. With respect to translucency rules a review was conducted and not progressed by Agency members without involvement of the full SAP despite this having been the agreed process.

In addition, the proposed changes to the trade rules that have appeared in the revised plan were not mentioned throughout the review period or the status and issues paper and not even shown to the SAP prior to public exhibition. There is no transparency as to who requested these changes or why. The claims that they couldn't be discussed or viewed by the SAP because of potential market

sensitivities are nothing short of disingenuous. These are suggested changes in a pre-public exhibition draft that, according to DPI, are not changing anything. To claim market sensitivity is purely ridiculous.

### **Comments on WSP**

We note the Department's efforts in revision of language and realignment of some sections which improves readability. We also note that the content and intent of the WSP remains largely unchanged. Comments on specific sections are provided below.

- **Clarity around priority for Carry Over with respect to other licenced entitlement types (section 41).**

The priority of allocation between carryover and other High Security licence remains unclear both in the WSP and the supporting Extreme Events Policy.

Section 41 of the WSP outlines the priority of allocation for water determination to be followed by the Minister. This includes water already in accounts (including General Security and Conveyance Carry Over) but does not distinguish order priority between the various high priority uses. It would seem appropriate that unused water from a previous year should have higher priority for allocation than any new allocation, at least while determinations are being made under an active WSP. Any order of allocation priority among high priority accounts should be made clear in the WSP. We note some confusion with the NSW Water Management Act (2000) which does not allocate a priority of allocation to water already in accounts. However, we note that Section 58(4) does require priorities established in a water management plan to be followed.

Similarly, the priority of water in accounts should be made clearer in the Extreme Events Policy. Specifically, reference to "high priority account water" referred to in Stage 2 should explicitly include water already in accounts. Further, a more upfront statement around Stage 3 criticality would be helpful. We understand the intention to be that water already in accounts (such as Carry Over) would only be restricted in an announced Stage 3 event and after the WSP has been suspended. If this is the intention it should be clearly stated rather than buried in a table on p.22.

- **Changes to Part 9 with respect to IVT and other trade rules**

As noted above, the proposed changes to this part were not mentioned throughout the review period or the status and issues paper and not even shown to the SAP prior to public exhibition. There has been no discussion or justification with respect to the removal of the 31 May Intra Valley close of trade or the insertion of reference to (currently non-existent) IVT Procedures.

We note that the Department have made a statement in their [Fact Sheet](#) that the introduction of these procedures is to "increase the transparency of water trading rules". However, it is also stated that "the operation of inter-valley trade between the regulated Murrumbidgee and NSW Murray and Lower Darling Rivers will not change and the intent of relevant rules governing the IVT will not change."

We are extremely concerned that, as the procedures do not appear to exist at present, we are unable to ascertain how this will impact existing rights and trade across Valleys. Further, there is no transparency as to what rules govern the procedures themselves, how often they can be changed, any limitations there are on change, whether there will be consultation before change is implemented or if the sole discretion lies with the Minister.

The inclusion of clause 56 (g) effectively increases regulation of allocation trade by potentially prohibiting trade that does not meet the procedures. This is disappointing given that the SAP discussion challenged the need for the IVT rules and requested that the Department look for ways to increase trade opportunities between the Valleys.

Rules, including the 100GL IVT limit, the Barmah Choke trade restrictions, and pre-2010 Tagged Trade rules, were drafted in a pre-trade environment and prior to any concept of held environmental water or the Murray Darling Basin Plan. The rules are intended to support Murray River operations and are restrictive on Murrumbidgee water users. Murrumbidgee Irrigation maintains that they are an impediment to trade between connected systems. We are seeking the review of these rules to determine if they can be relaxed or removed not an addition of procedures to protect them.

- **Request for feedback on Conversion of access licence from regulated to unregulated (Section 52)**

We note the included statement that this has had no discussion or review by the SAP despite the WSP review process spanning several years. Murrumbidgee Irrigation does not support the conversion of regulated river access licence to upstream unregulated river water sources. It is unclear how any such conversion and subsequent reduction in regulated river access licences would not have impacts on regulated users. Any further review should focus on enabling trade between connected regulated and unregulated systems rather than the arbitrary redistribution of water rights.

### **Conclusion**

Murrumbidgee Irrigation remains committed to the Murrumbidgee Regulated River WSP as the key regulatory instrument underpinning water sharing in our Valley. We note that it is one of the oldest and most comprehensive WSPs in NSW and has for the large part served the Valley well. We are extremely disappointed that the review process has not enabled effective engagement on improvements to the plan in particularly around environmental flow rules and restrictive trade practices. Specifically, we are seeking:

- Improved clarity around the allocation priority of carry over and other water in accounts under WSP provisions and in extreme events.
- Removal of the new clauses regarding non-existent IVT procedures and justification for the removal of the 31 May close of trade between Valleys.
- Further discussion on enabling trade between Valleys and systems not further regulation to reduce access licences and or restrict trade unnecessarily.
- A clear process and timeframe for unresolved issues to be addressed. It is not good enough to identify opportunities for improvements – wait 5 years – spend 3 years reviewing them and then do nothing because of limited time and resources.

Yours faithfully



**Brett Jones**  
Chief Executive Officer & Managing Director



<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Will Mooney
<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>	Murray Lower Darling Rivers Indigenous Nations
<b>Who are you representing?</b>	Peak representative organisation
<b>Peak Representative Organisations</b>	
<b>Who do you represent?</b>	Indigenous
<b>Proposed changes to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</b>	
<b>Do you have any comments on the proposed changes to allow the operation of Pre-requisite Policy Measures (PPMs) for held environmental water in the Murrumbidgee Regulated River Water Source?</b>	We support the inclusion of changes to allow the operation of PPMs. It is essential that held environmental water is able to be managed to ensure maximum benefits for water-dependent ecosystems and achieve shared benefits for First Nations. We have not been fully briefed on, or had the opportunity to comment on the detail of the proposed mechanisms.
<b>Do you have any comments on the proposed change to the Lowbidgee Distribution Rules?</b>	No comment at this stage.
<b>Do you have any comments on the proposal to codify NSW Southern Basin Inter-Valley Trade (IVT) and refer to the IVT procedures in the WSP?</b>	No comment at this stage

**Do you have any comments on the proposal concerning crediting and debiting rules for Provisional Storage Volume 1 in the water source?**

No comment at this stage

**Do you have any other comments on the proposed amendments to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016?**

No comment at this stage. We reserve the right to comment further on these changes leading up to MLDRIN's assessment of the Murrumbidgee WRPs.

**Proposed changes to the Water Sharing Plan for the Murrumbidgee Unregulated and Water Source 2012**

**Do you have any comments on the changes proposed to the Water Sharing Plan for the Murrumbidgee Unregulated Water Source 2012?**

Not at this stage

**Water Resource Plan**

**Do you have any comments on how the Department of Industry - Water can improve the consultation process undertaken?**

We have significant concerns regarding the slow progress of consultation undertaken with First Nations within the Murrumbidgee WRP area. There has not been sufficient time, resources or personnel dedicated to achieving consultation targets, meaning that a majority of First Nations' views are not included in the Draft Plan. MLDRIN does not have confidence that NSW will be able to achieve consultation requirements within the statutory timelines.

MLDRIN is concerned that the preparation of WRP content in Chapter 1 (under 1.3.2, Objectives and outcomes based on Indigenous values and uses) does not appear to comply with the requirements of the Basin Plan, Chapter 10 - Part 14.

Section 1.3.2 of the Draft WRP includes tables 1-2 and 1-4 which are included to address the requirement to identify Indigenous "Objectives" and "outcomes" as required under the Basin Plan. The accredited text box (Blue Box) on Page 4 of the WRP states that "For the purpose of sections 10.52 of the Basin Plan, the objectives and outcomes of Aboriginal people in relation to the management of water resources in the WRPA are listed in Table 1-2 and Table 1-4."

However, the text in these two tables is headed "Objectives" and "Values". It is not a requirement of the Basin Plan to identify

**Do you have any other comments on chapter 1 or the Consultation report (Schedule C)?**

"values". It is unclear why the tables list "values" rather than outcomes. This drafting error needs to be rectified and clarity needs to be achieved regarding the distinction between "Objectives", "Outcomes", "Values and "Uses".

We are concerned about the consistent use throughout the WRP of quotes, text and information arising from a study of environmental water values conducted in the Northern Basin. Views and opinions of Northern Basin Nations should not necessarily be assumed to reflect the views of all First Nations across the diverse Country of the Basin.

We are also alarmed that this Draft Plan is on Public Exhibition when consultation for a majority of First Nations within the WRP area has not been completed. The absence of material relating to Muthi Muthi, Barapa Barapa, Wiradjuri, Nyeri Nyeri, Walgalul, Wamba Wamba and Weki Weki Nations means that these Nations have effectively been excluded from an opportunity to reflect and comment on the way their Objectives, Outcomes, Values and Uses have been collated and represented by NSW Government.

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

**Do you have any comments on Chapter 3 or Schedule D?**

Chapter 3 does not address risks to the availability of water for First Nations use or cultural flows.

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

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

The accredited text box at page 46 states that the WRP "Was prepared having regard to the views of Aboriginal people with respect to cultural flows and the Aboriginal objectives and outcomes specified in Section 1.7 of this plan". This appears to be a drafting error. Section 1.7 deals with consultation but does not list the objectives and outcomes.

At page 47, the WRP text states that: "The plan provisions that allow for Aboriginal access to water that were in place when the Basin plan was made are still in place, and therefore Aboriginal values and uses in place at that time are protected." This is an erroneous statement. Aboriginal values and uses that were in place when the Basin Plan was made are subject to continuous and ongoing deterioration and pressures resulting from water management. Maintaining the same level of protection in a statutory plan does not equate to sustaining the ACTUAL protection of Aboriginal values and uses. This statement should be redrafted.

As a general comment, the commitments outlined in this section (in ot points and other text at page 48) are vague and do not appear to be binding (ie are not included as part of accredited text).

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

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

Department of Industry website

**Additional Information**

**Please tick the relevant boxes**

I consent to my "submission" being published on the department's website and my name will be included with my suburb or town in a list of submitters with a link to my submission. Please note that any attachments you may have provided and any personal information that has been included in the submission will be published.



## Healthy Rivers Dubbo

E-mail: [REDACTED]

### Submission to Draft Murrumbidgee Surface Water Resource Plan

To: NSW Government

Department of Industry

By e-mail: [murrumbidgee.sw.wrp@dpi.nsw.gov.au](mailto:murrumbidgee.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 Murrumbidgee Water Resource Plan.

#### Pre-requisite Policy Measures (PPMs)

The proposed rules to protect environmental flow reuse and piggy-backing (PPMs) are biased towards protection of the extractive industry.

The NSW PPM Implementation Plan<sup>1</sup> sets out that PPMs will be implemented only 'to the extent that impacts on third party licenced access rights can be mitigated or offset, whilst aiming to optimise environmental outcomes.' The NSW PPM Implementation Plan links the implementation of PPMs to Section 7.15 (1) (d) of the Basin Plan, which "represents a fundamental

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<sup>1</sup> [https://www.water.nsw.gov.au/\\_data/assets/pdf\\_file/0004/723334/Pre-requisite-Policy-Measure-Implementation-Plan.pdf](https://www.water.nsw.gov.au/_data/assets/pdf_file/0004/723334/Pre-requisite-Policy-Measure-Implementation-Plan.pdf)

misunderstanding of the relevant provisions of the Basin Plan” according to the South Australian Murray Darling Basin Royal Commission Report.<sup>2</sup>

## Floodplain Harvesting (FPH)

Healthy Rivers Dubbo believes there should be no provisions to allow FPH activities in the Murrumbidgee WR area.

Progress implementing FPH policy in NSW so far has been widely criticised. We refer to the findings of the Alluvium Independent Review of NSW Floodplain Harvesting Policy Implementation<sup>3</sup> which points out the serious deficiencies in the modelling used “Overall, we find that there is a lack of transparency in the steps undertaken to develop the numerical models used in the implementation process, largely because of a lack of coherent, complete and up to date documentation outlining the methodologies, calibration, verification and assessment of scenarios.”

There is currently a push to have the volumes of FPH take added to the Sustainable Diversion Limit (SDL). There is no link between the Baseline Diversion Limit (BDL) and the SDL. “ The establishment of the BDLs are part of, and relevant only to, the risk assignment provisions under the Basin Plan. The BDLs are not relevant for the purposes of establishing the ESLT or SDLs.”  
*South Australian Murray Darling Basin Royal Commission Report.*<sup>4</sup>

Healthy Rivers Dubbo is strongly opposed to implementation of FPH rules in the Murrumbidgee WRP area, and calls for the practice to be illegal in this river valley.

## Inter Valley Trades (IVT)

All IVTs should be assessed for environmental impacts. The nature of markets means that water from a source that has higher supply (lower cost) would be traded to sources with lower supply (higher value). This is how markets work. However, the natural world is not the same as a market, and applying the principles of markets to the natural world will inevitably damage it.

Rivers with less water are less able to maintain resilience and environmental integrity when water is extracted and diverted.

Tagged trades (using water from a different water source) should be prohibited.

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<sup>2</sup> <https://www.mdbrc.sa.gov.au/sites/default/files/murray-darling-basin-royal-commission-report.pdf?v=1548898371>

<sup>3</sup> [https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0019/210772/nsw-fph-policy-implementation-review.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0019/210772/nsw-fph-policy-implementation-review.pdf)

<sup>4</sup> <https://www.mdbrc.sa.gov.au/sites/default/files/murray-darling-basin-royal-commission-report.pdf?v=1548898371>

## Conversion Licences

Healthy Rivers Dubbo objects very strongly to the conversion of any regulated entitlements, high security or general security from downstream water sources to connected upstream unregulated water sources under any circumstances.

Transferring a high security licence to a creek in the unregulated upper catchment has the potential to seriously degrade the environment and negatively impact on communities in the area.

The proposal to convert regulated (high security) licences to upstream unregulated licences should be removed.

## Protection of held environmental water (HEW)

Held environmental water 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).)

Water purchased by the public to stay in rivers and wetlands, must actually stay in the rivers and wetlands. We expect to see clauses included in all water sharing plans that act as surrogates for protection of environmental water, as mechanisms such as ministerial embargoes are vulnerable to political influence and do not always provide the level of protection required. The legal protection of all publicly owned environmental water must be a rule within all the Water Sharing Plans in the Murray-Darling Basin, along with adjustments to licence conditions that completely embargo the extraction of environmental water.

Melissa Gray

Convenor



<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Richard Fitzgerald
<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 Murrumbidgee Regulated River Water Source 2016</b>	
<b>Do you have any comments on the proposed changes to allow the operation of Pre-requisite Policy Measures (PPMs) for held environmental water in the Murrumbidgee Regulated River Water Source?</b>	This submission will impact on the accounting of water allowances.
<b>Do you have any comments on the proposed change to the Lowbidgee Distribution Rules?</b>	The Lowbidgee boundary may be tightened by this submission.
<b>Do you have any comments on the proposal to codify NSW Southern Basin Inter-Valley Trade (IVT) and refer to the IVT procedures in the WSP?</b>	By using geographical terminology such as inter-valley, respect for the science of geography is expected in any ongoing codification. The transparency wanted in water trading rules comes when the rules of other disciplines are adhered to. Clauses 53, 54 and 56 and the rules for trade between regulated and unregulated water sources will be impacted by this submission.
<b>Do you have any comments on the proposal concerning crediting and debiting rules for Provisional Storage Volume 1 in the water source?</b>	No
<b>Do you have any other comments on the proposed amendments</b>	



**to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016?**

This submission will challenge the extent of the Murrumbidgee Regulated River Water Source 2016.

**Proposed changes to the Water Sharing Plan for the Murrumbidgee Unregulated and Water Source 2012**

**Do you have any comments on the changes proposed to the Water Sharing Plan for the Murrumbidgee Unregulated Water Source 2012?**

This submission will challenge the extent of the Murrumbidgee Unregulated Water Source 2012. Failure to adapt to the true boundaries of the water source risks plans being inconsistent, not being implementable and have unforeseen consequences.

**Water Resource Plan**

**Do you have any comments on how the Department of Industry - Water can improve the consultation process undertaken?**

No

**Do you have any other comments on chapter 1 or the Consultation report (Schedule C)?**

Legal framework for a water resource plan must use the geographic framework as its base.

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

**Do you have any comments on Chapter 2 or Appendix A?**

This response is the body of this submission. The current Murrumbidgee Water Resource Plan Area and associated map does not reflect the correct boundary between the Murrumbidgee Water Source and the Murray River Water Source. The secondary values connected to water sharing of regulated water crossing catchment boundaries, in this case the Yanco Creek Outfall and the Coleambally Canal, cannot override the primary value that the science of geography creates for the definition of a water catchment. Therefore, all rules, monitoring, reporting and evaluating relevant data should be consistent to the greater geographical basin. The Billabong Creek is a catchment in its own right though a sub-catchment of the Murray River water source. The catchment boundary between the Billabong Creek and the Murrumbidgee River can be provided. Solutions to this harvesting of floodplain water at this unique river delta area can be supplied. It impacts water sharing rules across inter-valley trade.

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

**Do you have any**

This submission will benefit the Murrumbidgee Water Resource

<b>comments on Chapter 3 or Schedule D?</b>	Plan Area by removing an area that has a potential need for high risk management strategies.
<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>	No
<b>Do you have any comments on cultural connections to surface water and the protection of Indigenous values and uses?</b>	No
<b>Do you have any other comments on Chapter 4, Schedule E or Appendix C?</b>	<p>The wider Basin community water management actions and mechanisms for environmental water flows must filter the objectives and outcomes of concurrent plans such as the Long-Term Water Plan for the Murrumbidgee River water source. The rigid backbone of the science of geography must be maintained for the modelling of these water plans.</p> <p>Paraphrasing from fact sheet "The utility of any model is constrained by basic limitations in our knowledge and the availability of data to build these models. They directly inform water sharing and management planning and can be used to understand and assess the behavior of a series of river systems in NSW. "</p> <p>The Floodplain Management Plan Program would also benefit the southern basin.</p>
<b>Response to chapter 5: Take for consumptive use</b>	
<b>Do you have any comments on Chapter 5 or Schedule F?</b>	No
<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>	This submission will not significantly alter the take from the water source but will require extensive re-calibration of statistics.
<b>Response to chapter 6: Water Quality Management</b>	
<b>Do you have any comments on Chapter 6 or the Water Quality Management Plan</b>	No

(Schedule H)?

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

**Do you have any comments on Chapter 7?** This submission will impact all of this chapter

**Do you have any comments on the proposed Monitoring, reporting and evaluation plan (Schedule J)?** Schedule J Appendix A provides an overview of the Murrumbidgee Surface Water Resource Plan Area and this submission means to significantly alter that area. Appendix B connects to the LTWP to inform and guide water management and environmental water dealings. This appendix will also be impacted by the submission.

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

**Do you have any comments on Chapter 8 or Schedule I?** Adherence to the primary science of geography will deliver a focus to developing a resource plan.

**Additional Responses to Schedules**

**Do you have any additional comments on the Schedules?** No

**Additional Responses to Appendices**

**Do you have any additional comments on Appendices A, C and D?** Appendix A may hold the key to the solution of water sharing across water sources with regulated and unregulated streams in the riverine delta.

**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**

**Please tick the relevant boxes** I consent to my "submission" being published on the department's website and wish to maintain my privacy by having my name withheld from the submitter's list. Please note that any emailed attachments you may have provided and any personal information that has been included in the attachment will be published.



<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Adam Harris
<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>	Ramps Ridge Pty Ltd
<b>Who are you representing?</b>	Irrigator
<b>Proposed changes to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</b>	
<b>Do you have any comments on the proposed change to the Lowbidgee Distribution Rules?</b>	<p>In addition to the proposed changes in Lowbidgee Nimmie Caira, consultation with the Redbank North licence holders needs to be undertaken. There are a number of clauses/subsections that were never disclosed or communicated during or before the commencement of the 2012 WSP that has adversely effected the access to Supplementary (Lowbidgee). Such introduced rules have effected access:</p> <ul style="list-style-type: none"> <li>• Division 2 supplementary water events; Clause 50 subsection 3 A and B</li> </ul> <p>"3) The Minister must not announce a supplementary water event that permits the taking of water by supplementary water (Lowbidgee) access licences if each of the following apply:</p> <p>(a) the sum of available water determinations for regulated river (general security) access licences in the New South Wales Murray Regulated River Water Source in the water year, plus the water carried over by those access licences from the previous water year is less than 0.6 ML per unit share,</p> <p>(b) the uncontrolled flows are, in the Minister's opinion able to be re-regulated in the New South Wales Murray Regulated River Water Source."</p> <ul style="list-style-type: none"> <li>• The inclusion of subsection 3A has greatly affected access to Supplementary (Lowbidgee) by cutting delivery at the beginning of the water year. Seasonal rains historically fall between June to September, this is when most runoff and translucent flows occur and flood through the Lowbidgee system. As a result of the inclusion of subsection 3A the rights of the Lowbidgee licence holders are being eroded and sold downstream. It's putting undue stress on businesses and family's operating in the area.</li> </ul>

- There is a lack of clarity around the re-regulation rule in subsection 3B. During past events it was advised that water was being re-regulated into Lake Victoria and there are height/volume requirements that must be met before Lowbidgee would be granted access. The requirements could not be reached as Lake Victoria was discharging a similar volume to the inflows resulting in no access to Lowbidgee water.
- Consultation with the Redbank North Lowbidgee Licence holders is recommended to address the issues around access and licence fees.

**Do you have any other comments on the proposed amendments to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016?**

Consult with Lowbidgee licence holders and Explore opportunities to trade Supplementary (Lowbidgee) outside of the Lowbidgee boundary.

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

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

If water is sought for commercial purposes it should be done in the commercial market place.

**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**

**Please tick the relevant boxes**

I consent to my “submission” being published on the department’s website and wish to maintain my privacy by having my name withheld from the submitter’s list. Please note that any emailed attachments you may have provided and any personal information that has been included in the attachment will be published.

<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Antia Brademann
<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>	Upper Murrumbidgee Demonstration Reach
<b>Who are you representing?</b>	Peak representative organisation
<b>Peak Representative Organisations</b>	
<b>Who do you represent?</b>	Environment
<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>	Yes the upper Murrumbidgee River below Tantangara Dam is classed as unregulated and as such there are no instream protections for environmental flows. However under the SWIOID the upper Murrumbidgee River below Tantangara Dam does receive environmental flows. Instream protections for environmental flows need to be in place.
<b>Response to chapter 7: Measuring and monitoring</b>	
<b>Do you have any comments on Chapter 7?</b>	For the upper Murrumbidgee River, between Tantangara and Burrinjuck Dams an environmental flow response monitoring program should be in place. This is a requirement of the Snowy Water Inquiry Outcomes Implementation Deed, 2002 which was entered into by the NSW Government. The Murrumbidgee SWRP should include this monitoring requirement and outline who is responsible for undertaking this monitoring.
<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>	Communication from peak body
<b>Additional Information</b>	
I consent to my "submission" being published on the department's website and my name will be included with my	

**Please tick the relevant boxes**

suburb or town in a list of submitters with a link to my submission. Please note that any attachments you may have provided and any personal information that has been included in the submission will be published.

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RICEGROWERS' ASSOCIATION  
OF AUSTRALIA INC

**SUBMISSION TO THE NSW  
DEPARTMENT OF INDUSTRY – WATER**

**Draft Murrumbidgee Surface Water  
Resource Plan**

*July 2019*

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## 1. INTRODUCTION

The Ricegrowers' Association of Australia (RGA) welcomes the opportunity to provide our submission to the NSW Department of Industry – Water's Draft Murrumbidgee Water Resource Plan.

To date the RGA has actively participated in the development of the Murrumbidgee Water Resource Plan, having provided a submission to the initial 'Status and Issues Paper' in March 2017, and having had representatives, being Hayden Cudmore and Rachel Kelly, participate in the Murrumbidgee Water Resource Plan Stakeholder Advisory Panel (**SAP**).

Unfortunately, the RGA has been extremely disappointed with the process for developing these Water Resource Plans. In particular the RGA feels there has not been sufficient opportunity to review many of the rules contained in the Water Sharing Plan component of the Water Resource Plan.

The Murrumbidgee Water Sharing Plan commenced in 2004 and was due for review and renewal in 2014. Due to a lack of preparedness, the NSW Department of Water postponed this review until 2016. However, despite consistent lobbying from industry, the review did not occur and the Plans were rolled over with little to no consultation in 2016. Instead the Department promised a comprehensive review of the Water Sharing Plans prior to the commencement of the Water Resources Plans this year.

The current review process commenced in early 2017 with the release of the 'Status and Issue' paper and the establishment of the Stakeholder Advisory Panel (**SAP**). The SAP has now held seven meetings, however the process has been extremely disappointing and very unproductive. Some of the key reasons for this are as follows:

- DOI Water did not have in place a suitable model (Source Model) for the Murrumbidgee valleys to enable proposed rule changes to be modelled to the degree of accuracy required to provide NSW Government staff and stakeholders with any level of confidence. Consequently the SAP was not able to consider rule changes that would potentially impact on irrigator or other water users' water availability. We understand that DOI Water is currently developing this model however this model will not be available until after the review timeframe.

- In addition to reviewing the Water Sharing Plans, the SAP's were responsible for having input into the other planning instruments being developed for the purpose of the Water Resource Plans, including the Resource Descriptions, the Long Term Environmental Watering Plans, the Water Quality Management Plans, the Land and Vegetation Management Plans, the Incident Response Guides, and the Monitoring Evaluation and Reporting Plans (and a number of sub-plans developed to implement these plans). This has meant that the time available to consider issues arising from the Water Sharing Plan in detail has been limited. The irrigation representatives have discussed with the Department on a number of occasions the need for a separate Water Sharing Plan review process.
- Furthermore, considering the NSW Government was responsible for developing 22 Water Resource Plans at the same time, the amount of resources dedicated to considering the issues specific to our valley has not been sufficient.
- Finally, there is a perceived reluctance/resistance to consider any substantial changes to the Plan rules due to these posing risks to the final accreditation of the Plan, including the requirement to meet the Murray Darling Basin Plan objectives.

The RGA together with the other Murrumbidgee Stakeholder representatives have previously written and met with both the Minister and Department to express our disappointment with this process. In response to our concerns, we have been verbally advised that Plan will be subject to an ongoing review process following commencement (and prior to the next formal review period scheduled for ten years following the commencement of the Plans).

We therefore seek a written undertaking that this will be the case, and that in particular, that this review will allow for a more comprehensive review of many of the rules contained in the Water Sharing Plan component of the Water Resource Plan. In particular, the RGA would like to see the following matters further reviewed:

1. The simplification of the Planned Environmental Water Rules;
2. Consideration of how the Planned Environmental Water Rules can be modified to allow for the achievement of improved environmental outcomes; and
3. Consideration of how the Water Sharing Rules can be improved to ensure that the level of take is at or near the Sustainable Diversion Limit (rather than on average being significantly less than the Diversion Limit, as has occurred to date – allowing for a significant 'Cap Credit' to develop in the Murrumbidgee Valley).

## **2. THE RICEGROWERS' ASSOCIATION OF AUSTRALIA**

The RGA is the collective voice of rice growers in Australia. The RGA represents the interests of around 1200 voluntary members. The main objective of the RGA is to provide members with strong and effective representation on issues affecting the viability of their businesses, their communities and their industry.

The RGA is made up of eight branches located across the Riverina rice growing regions of NSW and Victoria. Each branch annually elects representatives to form the RGA Central Executive. The Central Executive represents their respective branches in determining RGA policy and projects.

The RGA is a member of the National Farmers' Federation, National Irrigators' Council and NSW Irrigators' Council.

### 3. THE AUSTRALIAN RICE INDUSTRY

The Australian rice industry is located predominantly within the Riverina region of south-west NSW, with two small industries also situated in the Northern Rivers region of north NSW and in Northern Queensland.

The Australian rice industry is reliant upon irrigation, mainly sourced from the Murray and Murrumbidgee valleys. Provided water is available, the Australian rice industry is considered one of the world's most successful, delivering significant yields while leading the world in water use efficiency.



In a typical year the Australian rice industry produces around eight hundred thousand tonnes of paddy rice with a farm gate value of around \$350 million. About 80% of this product is exported. With value adding, the total industry worth is well over \$1 billion each year. It can be further argued that the full economic potential of the Australian rice industry has not yet been realised with rice being excluded from three recent free trade agreements: Japan, China and North Korea. These markets represent significant potential for the Australian rice.

The rice industry is a significant economic contributor to the Riverina region of NSW. The towns of Griffith, Leeton, Coleambally, Finley, Jerilderie, Deniliquin, Wakool and Moulamein are highly dependent on rice production for their social and economic wellbeing. Additionally, rice growers have individually invested over \$2.5 billion in land, water, plant and equipment and collectively invested around \$400 million in mill storage and infrastructure through SunRice.

While the Australian rice industry is very small by world standards, it remains a very competitive supplier of premium rice products into world markets.

### 4. PROPOSED CHANGES TO THE WATER SHARING PLAN FOR THE MURRUMBIDGEE REGULATED RIVER WATER SOURCE 2016

The RGA's response in the paragraphs below refers to the provisions in the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016 (amended 2019)* version of the document (**the 2019 Plan**).

At times the RGA will also refer to the previous version of the Plan, being the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016* (**the 2016 Plan**).

#### **Part 2: Vision, objectives, strategies and performance indicators**

- A. The 2019 Plan places greater emphasis on the Environmental Objectives (section 8), when compared with the Economic (section 9), Aboriginal cultural (section 10) or Social and Cultural Objectives (section 11), when compared with the 2016 Plan. In particular:
- Section 8(1) provides that the broad environmental objective of the Plan is to *‘protect and where possible enhance’* the ecological condition of the water source and its water dependent ecosystems.
  - In comparison, section 9(1) provides that the broad economic objective of the Plan is to simply *‘maintain’* access to water to optimize economic benefit for irrigation, water dependent industries and local economies.
  - In addition, section 10(1) and 11(1) both provide that the broad Aboriginal cultural and Social and Cultural objective is to *‘maintain and, where possible, enhance’* these respective outcomes.

The RGA feels that the use of these three different phrases provides the reader with the impression that the environmental objectives are of greater weight or importance than the Aboriginal cultural and social and Cultural objectives, and in particular the economic objective of the Plan. The RGA recommends that the same phrase be used for each objective to ensure that the reader understand that these objectives are all of equal importance.

- B. The note to section 8(3)(a) provides the following:

*“Note. Part 3 of this Plan reserves all water remaining above the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment.”*

The RGA is concerned that this provision provides the reader with the impression that water used for River Operations (operational losses) is to be accounted for as part of the long-term average annual extraction limit and long-term average sustainable diversion limit.

As you are aware, this is not the case, and it is critical that this matter be clarified in the Plan.

- C. A number of the strategies outlined in section 8(3) provide the following: *“reserve a portion of natural flows”* and *“reserve a share of water”* for a particular environmental purpose. It is assumed that these statements are referring to the Planned Environmental Water rules set out in Part 10 of the Plan. It is important that this is explicitly stated, as the current wording could provide the reader with the impression that a separate parcel of water is to be reserved for these purposes. The same phrase is used for the purpose of a number of the objectives in sections (9)(3), (10)(3) and (11)(3).
- D. The RGA suggests that the ‘targeted economic objectives’ listed in section (9)(2) should also include the matters addressed in sub-sections 10(1)(a) and (b) of the 2016 Plan, as follows:
- (a) support viable and sustainable water dependent industries over the long term, and*
  - (b) encourage economic efficiency in the management and use of water.*
- In addition, the RGA believes the ‘targeted economic objectives’ should include reference to maintaining the total reliability of water entitlement (licence categories) within the Murrumbidgee Water Source.
- E. The RGA suggests that the strategies listed in section (9)(3) should include *‘minimise the adverse impacts of water delivery on Economic uses’*, similar to subsection (10)(3)(e) in the 2019 Plan.

- F. The RGA suggests that the performance indicators listed in section (9)(5) should include reference to the reliability of water entitlement (licence categories) within the Murrumbidgee Water Source.

#### **Part 4: Environmental water provisions**

- A. The Note to Section 14 provides the following:

***Note.** In accordance with the Act, planned environmental water is water that is committed by management plans for fundamental ecosystem ... and that cannot, to the extent committed, be taken or used for any other purpose.*

We note however that in the Murrumbidgee there is an ability to extract Planned Environmental Water in accordance with the rules currently set out in Part 10 of the proposed Water Sharing Plan. Hence this Note must be amended to reflect this.

- B. Section 15(3) provides that all “water that is not committed after the commitments to basic landholder rights, and for sharing and extraction under any other rights, have been met” is Planned Environmental Water.

However we note that water used for the purpose of operational losses is neither a basic landholder right nor identified for the purpose of a right for sharing and extraction, and hence should be acknowledged within this provision.

- C. The RGA strongly recommends that Note 1 to section 16(1)(b) of the 2016 Plan remain within Part 4 of the 2019 Plan. This Note, as included below, sets out the original intent of the authors of the document in determining the water sharing arrangements for the Murrumbidgee Valley. Considering the rules within this Plan remain untested (i.e. have not been reviewed to determine whether they are achieving their purpose since their commencement in 2004) this Note provides a very important and clear guideline/benchmark by which the distribution between extraction and planned environmental water can be measured and monitored to ensure the rules are delivering on their original intent and are fit for purpose.

This Note also provides a mechanism by which the general public can be provided with confidence that changes to the rules (or other impactors within the river system) have not significantly altered this distribution of the water resource between the two key water uses (extraction and environment). Removing this benchmark removes the accountability of authorities to the original intent of the Water Sharing Plan. If there is a strong deviation from this sharing arrangement, then it is important that we determine the cause of this.

***Note 1** By limiting long-term average annual extractions to an estimated 1,925,000 megalitres per year, this Plan ensures that approximately 50% of the long-term average annual flow in this water source (estimated to be 4,360,000 megalitres per year) will be preserved and will contribute to the maintenance of basic ecosystem health.”*

- D. The RGA wishes to express concern about parcels of acquired water in the Murrumbidgee WSP that are not properly accounted for (including who’s paying) and neither are the environmental and/or operational outcomes they are supposedly designed to create. To have a properly functioning market mechanism in the MDB these rules need to be addressed in the interest of transparency. The water market can’t work fairly for NSW producers, when on the one hand we have consumptive licence holders who are accountable for every single drop of

water and on the other hand there are numerous State government agencies which have legislative protection with high priority water that don't have the same accountability.

The WSP and the WRP need to rationalise all these extra parcels of water so that they are almost able to 'continuously account' in the southern connected system. These would include transparent, translucent, conveyance, loss, emergency supplies, voluntary contributions, RAR, purchased entitlement and other parcels, which are all in State Government or State agency hands and protected by State Government legislation.

We understand and accept that certain volumes are needed to look after base river flows and end of system flows, but it has become clear to us that since the introduction of the Water Act 2007 and the unbundling of water from land, this has been taken a bit far by NSW in legislation and has created some unintended, highly perverse outcomes for irrigators and their support communities in NSW.

#### **Part 5: Requirements for water**

- A. Section 22 of the Plan provides that the share components of regulated river (high security) access licences in the Murrumbidgee is 382,516 unit shares, however the 2016 Plan provides that the share component for this licence category was 417,631 unit shares. The RGA questions the difference in these two figures?

#### **Part 6: Limits to the availability of water**

- A. For the reasons set out in our response to Part 4: Environmental water provisions - Point C above, the RGA recommends that Note 1 to the section 50(1)(b) of the 2016 Plan be included in the 2019 Plan.
- B. Section 30(3)(a)(iv) provides for *"the level of development for plantation forestry that existed on 30 June 2009,"* to be factored into the calculation of average annual extraction for the purpose of calculating the long-term average annual extraction limit. The RGA notes that this is an addition to the Plan, and argues that if the level of extraction by plantation forestry is of such significance that it must be factored into the calculation of long-term average annual extraction limit, then that form of water extraction should be required to obtain an Access Licence.
- C. The RGA argues that the figures to be included in Note 2 to section 30(5) should reflect the figures included in the 2016 Plan, as follows:
- "The long-term average annual extraction limit has been assessed using the Murrumbidgee IQQM computer model scenario run number '50 EWA1 plus TT'. As at 1 July 2019 the long-term average annual extraction is assessed to be **(1,925,000 ML/yr [see Note 3 to section 50 of the 2016 Plan] + 296,000 ML/yr [see Note to section 51 of the 2016 Plan] + forestry extraction) ML.**"*
- D. The RGA argues that the calculation of average annual extraction under section 31 is completely different to section 52 of the 2016 Plan, and should be modified to reflect the previous provision, as set out below:
- Section 31(a) factors in *"the water storages and water use development that existed in that water year"*, while section 52 of the 2016 Plan provides no reference to 'water storages and water use development'. The RGA is not agreeable to this addition to the

Plan and argues that in the Murrumbidgee Valley, where we are not part of a 'Designated Floodplain' and/or subject to Floodplain Harvesting provisions, 'water storages and water use development' does not impact upon the total or average level of extraction. Hence this matter should not be factored into the calculation of average annual extraction.

- Section 31(b) factors in the share component for Basic Landholder Rights and Access Licences in that water year, while the 2016 Plan factored in all water extraction under the Basic Landholder Rights and Access Licences. We note that these provisions refer to two different volumes of water, and consider the water extraction to be a much more accurate measure for the purpose of calculating average annual extraction. Not all water users will use their full share component in a given year, particular considering carry-over provisions.
- Section 31(d) factors in "*the level of development for plantation forestry in that water year*", while section 52 of the 2016 Plan provides no reference to 'plantation forestry'. The RGA argues that if the level of extraction by plantation forestry is of such significance that it must be factored into the calculation of average annual extraction, then that form of water extraction should be required to obtain an Access Licence for this extraction – and therefore this extraction should be accounted for separately (or in instances where forestry uses currently have an access licence - duplicated).
- The RGA seeks that the Notes to section 33 specify the final Long-term average Sustainable Diversion Limit figure, similar to the notes to section 50 and 51 of the 2016 Plan.
- The RGA seeks that a Note be included following sections 35(2) and 36(2)(b) setting out the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- Section 40(4)(d) provides the reader with clarity that carry-over water, being '*existing water allocation in regulated river (general security) access licence water allocation accounts*' will take priority over additional available water determinations being made for high security access licences (with the exception of high security access licences held for the purpose of aboriginal cultures, community and education, environmental, research and town water supply). For the sake of providing users with clarity, it is important that this provision is reflected in the Murrumbidgee 'Incident Response Guide'.

#### ***Part 7: Rules for granting access licences***

- A. The RGA questions the relevance of section 45(4), and in particular the reference to the Snowy Water Inquiry Outcomes Implementation Deed.

#### ***Part 8: Operation of water allocation accounts and managing access licences***

- A. The RGA refers to section 48 and notes its disappointment that there has been no change to the 0.7 ML and 0.85 ML per unit share references contained in this section. The RGA believes that both these figures should be amended to 1. The RGA raised this matter in its initial submission to the 'Status and Issues Paper' for the Murrumbidgee Water Resource Plan, however the matter has not been reviewed due to the lack of ability to model the potential impacts on water users with the current IQQM model for the Murrumbidgee valley. The RGA



notes that it has made a number of enquires as to the initial reason for these figures, and has not heard a valid explanation as to why these figures were used for this purpose.

### **Part 9 - Access licence dealing rules**

- A. The RGA refers to the 'Minister's Note' within this Part 9. The RGA agrees that it is important that this concept be subject to sufficient stakeholder consultation prior to the addition of any new rules to the Plan. The RGA however feels that other key Water Sharing Plan matters raised throughout the Water Resource Plan development process should be reviewed prior to the department expending resources on progressing this concept.
- B. The RGA argues that section 55(4) should be amended by including the following: *"Dealings under subclause **(1) and (2)** ..."*. The purpose of this amendment is to ensure that the dealings referred to in both these subclauses will be subject to the caveat that they will not impact upon the reliability of supply to all access licenses in the water source.
- C. The RGA seeks that a Note be included at section 56 explicitly referencing the Inter-valley trade limit of 100,000 ML, similar to the Note included at section 76(4) of the 2016 Plan.
- D. The RGA notes that it has not had the opportunity to review the Inter-Valley Trade procedures referred to in section 55, 56 and 57. The RGA seeks the opportunity to review these procedures prior to them being finalised. The RGA notes the significance of these procedures to the businesses of rice growers in both the Murrumbidgee and NSW Murray Valleys.

### **Part 10 – System operation rules**

- A. The RGA notes it's disappointment that there has not been an opportunity to review the environmental flow rules for the water source, the environmental water allowance rules or the provisional storage volume rules set out in Divisions 1, 2 and 3 of Part 10. The RGA feels that there is a significant opportunity to achieve the following that is yet to be explored:
  - Simplify the rules so that they are more readily understandable and therefore acceptable by the general public; and
  - Improve the operation of the rules to maximise the environmental outcomes that can be achieved through their implementation.
- B. Section 68(1) should be amended to include the following wording at the end of the provision to ensure that this provisions accurately reflects the provision of the 2016 Plan (proposed wording taken from section 41(2)(a) of the 2016 Plan):

*"prior to any further resources being made available to General Security Access Licences"*.
- C. The RGA notes the maximum account volume of 200,000 ML for PSV 1, set out in section 69(1) and (2). The RGA cannot find a reference to this account volume limit in the previous Plan and questions where this figure comes from? And whether this is likely to positively or negatively impact on water made available to other water users?
- D. The RGA refers to section 71(4). The RGA questions whether this is an addition to the 2019 Plan as it has not identified a similar provision in the 2016 Plan. If so, the RGA questions whether or not this is likely to impact upon other water user's entitlement reliability?

*“The operator must operate the water supply system in such a way as to be able to supply a minimum of 80,000 ML of Murrumbidgee Irrigation (conveyance) access licence water allocations prior to the end of February in each water year.”*

- E. The RGA recommends that section 72 be replaced with the previous section 43 from the 2016 Plan. The RGA believes that the previous section 43 provides for a better understanding of the purpose of this provision, including the reasons why the ‘maximum operating channel capacity should be defined’ (for determining numerical extraction rights, managing water releases or providing water under access licences) and the maximum capacities of the channel capacity constraints in this water source.
- F. The RGA also notes that section 45 of the 2016 Plan titled ‘Numerical specification of extraction components’ has been removed from the 2019 Plan. The RGA supports the inclusion of this provision in the current Plan, or otherwise the inclusion of a Minister’s Note specifying that the provision will be reviewed. The RGA argues that it may become necessary in the future to determine numerical extraction rights to assist with the management of restrictions and/or shortfalls in water delivery in the Murrumbidgee system. The RGA acknowledges the brief Note to section 73 regarding this matter.
- G. With reference to section 73 and section 44 of the 2016 Plan, the RGA notes the addition of the wording ‘and EWA deliveries’ at section 73(2)(c). The RGA believes that this addition fundamentally changes the access arrangements for General Security Access Licence holders, and hence could be considered an impairment of their water right.
- H. Section 77 must include a requirement that the provisions contained therein will not impact upon the reliability of Access Licences held by all other water users.

#### **Part 12: Amendment of this Plan**

- A. The RGA suggests that an additional provision be included at Part 12 to provide for amendments to the environmental flow rules for the water source, the environmental water allowance rules or the provisional storage volume rules set out in divisions 1, 2 and 3 to Part 10.

The RGA feels that there is a significant opportunity to achieve the following that is yet to be explored:

- Simplify the rules so that they are more readily understandable and therefore acceptable by the general public; and
- Improve the operation of the rules to maximise the environmental outcomes that can be achieved through the implementation of these rules.

## **5. CONCLUSION**

The RGA thanks the Department for the opportunity to provide a submission to the Draft Murrumbidgee Water Resource Plan.

However the RGA reiterates its disappointment with the process undertaken for drafting the Water Resource Plan and in particular reviewing the rules of the Water Sharing Plan. As outlined above, the RGA seek a written undertaking from the Department of Industry Water that there will be a more

comprehensive review of many of the rules contained in the Water Sharing Plan component of the Water Resource Plan in the near future.

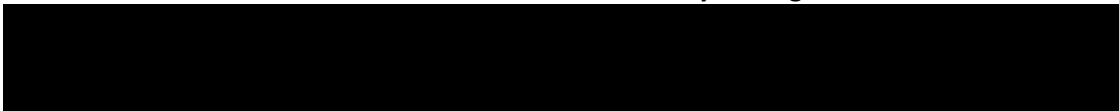
The RGA also acknowledges it's disappointment that the draft 2019 Water Sharing Plan appears to provide greater weight to achieving the Plan's Environmental Objectives, when compared to Aboriginal cultural and Social and Cultural objectives, and in particular the Economic objectives. This prioritization of environmental outcomes is reflected in a number of the amended provisions within the Plan, as identified in this submission, and is arguably a change in the intent of the water sharing arrangements within the Murrumbidgee valley, when compared with previous versions of the Water Sharing Plan.

## 6. CONTACTS

For further information please contact:

**Jeremy Morton**  
President

**Rachel Kelly**  
Policy Manager



<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Bob Crawford
<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>	YACTAC
<b>Who are you representing?</b>	Peak representative organisation
<b>Peak Representative Organisations</b>	
<b>Who do you represent?</b>	Everyone
<b>Proposed changes to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</b>	
<p>Yactac is pleased that the NSW Government has sought a submission on the effects of the proposed changes to the WSP for the Murrumbidgee regulated River water source 2016.</p> <p>Unfortunately, YACTAC finds the BP 2012 (Murray Darling Basin Plan) the source for all the troubles and dissension within the Basin community. The BP2012 deals out death to many of the Basin 's environmental icons. Death comes in many forms but the BP2012 deals it out in spades causing flooding and drowning or equally through desiccation mainly in the form of a man-made drought!</p> <ul style="list-style-type: none"> <li>• Flooding in the lower reaches, along the shores of Lakes Albert and Alexandrina and in the Coorong has wrought death to several iconic wetlands (Ban rock) and the fragile phragmites areas of the Lakes shores. Flooding caused by the raised water levels has caused significant collateral damage to other assets in the region. To mitigate the damage there are plans afoot to close and regulate the narrow entrance to Lake Albert to stop the drowning of the phragmites stands and flooding of the little township and caravan park of Lake Albert. Yactac suggests that these plans should be extended to include provision of a causeway/dyke from Tolderol point to an unidentified point downstream of Wellington on the Northern shores of Lake Alexandrina to conserve this considerable area of phragmites. Whilst planning this additional dyke a survey of the original foundations for Lock zero should be completed. But sadly, the flooding has caused the peoples of Narrung &amp; Pt McLeay to be concerned with the potential harm to their community from the</li> </ul>	

raised levels of operation in the lower Lakes.

- Flooding the Coorong with injections of fresh water may be more deleterious to the fragile Coorong environment than beneficial. The Coorong is a super saline environment and injections of freshwater may poison the critters that have adapted to this situation. The BP2012 seems to ignore this fact!
- Prior to the cap on buybacks, 4 notable buybacks raised the level of community dissension with the 2012 BP. The deals were conducted behind closed doors and details are sketchy. It is believed that a large pool of 'supplementary' water was purchased at generous rates. The people started to lose confidence in the plan at this point in its implementation.
- In the middle reaches of the Murray river at or near the Barmah choke – the World-renowned red Gum forest in Victoria and NSW are in danger of drowning whilst perversely the peoples of the nearby Murray irrigation districts are being desiccated by a man-made drought.

- In the Yanco creek system there are/ were proposals to desiccate the top sections of the system whilst flooding the lower sections with flows from the Murray river to bypass the Barmah choke.

The cardinal sin!

- Water water everywhere but not a drop to drink! I hear you say. The changed operating policies, R & R for the lower Lakes and the Coorong to keep the Mouth of the Murray river open to the sea using fresh water flows, is the cardinal reason for the mistrust, bewilderment and base contempt the peoples of the Basin hold the 2012 BP accountable. The Australian people gave license to the MDBA to 'save the MD basin" The MDBA and others chose to develop a plan that defied the dictates of climate change. It would seem also that the science behind the BP was inadequate.

- In the main stem Murrumbidgee river and other sub basins, the water market (one of the key planning outcomes of the BP2012) and the previous "Buybacks" can undo the fine balance of river operations by transferring more water into this system than was envisaged or accommodated by the River operators (Water NSW).

- The reasons listed above lead the peoples of the MD basin to lose confidence in the plan. The plan now can be described as a plan that misallocates our most scarce and precious resource – fresh water

In all, the 6 key instruments and planks of the BP2012- namely; The changed rules & regulations and operating policies for the lower lakes and the Coorong; The 'buybacks'; the operations of the unconstrained water Markets; the poorly audited and managed/monitored Farm efficiency programs; The looming SDL adjustment measures and the incorporation of the dictates of plan into 'enabling provisions' of each respective States Policies and Plans have spawned death to many environmental assets and looks set to do more damage to our fragile and finely tuned resources.

The peoples of the YCS are bewildered and perplexed by these situations. They are worried that these pernicious outcomes are spawned by the BP2012. Yet the peoples are being continually asked to submit to the outcomes and dictates of the BP2012!

The peoples of the YCS will not sanction any more 'deaths', caused by the dictates of the BP2012. The peoples of the YCS will not tolerate more freshwater flows going to the lower lakes and the Coorong just to keep the 'mouth' open to the southern seas. The peoples demand that the operational Rules & regulations and conservation principles associated with the plans for the lower lakes, Coorong and the Murray rivers mouth be reviewed and considered in the context of the whole MD basin.

Accordingly, the peoples of the YCS recommend that work on a new basin plan commence immediately -the BP2020 (using 20/20 vision and adaptive management principles)-

Given that the BP2012 is mentioned on every page of the new draft Surface WRP and every second page of the Draft Surface WSP 2019, these Plans by dint of their association with the BP2012 are condemned.

Therefore, Yactac advises the NSW Government to receive the drafts and lay them on the Table of Parliament for further review and discussion.

However, Yactac is conscious that there is a need to 'keep the wheels on' (for Government operational responsibilities) and therefore the need for an enabling Act and accompanying Legislation. Yactac therefore recommends that the Surface Water Sharing plan 2019 be redrafted back to that which existed before the enabling provisions recommended by the BP2012 were incorporated.

A new Surface Water Resource Plan and WSP for NSW. - Let us all move forward!

Yactac sees an opportunity for the NSW Government to engage with the MD Basin and NSW sub basins, communities to develop a credible 'blueprint for how water can be managed and used across the basin now and well into the future, one that has been developed with the basin communities and one that the basin states and Territories can adopt and use to guide how they meet and develop their own particular needs, policies and strategies.(Peter Millington: The Murray darling Basin Plan – a NSW perspective.

RECOMMENDATION 1: That the NSW Government does not seek accreditation from the MDBA for the Draft Murrumbidgee Basin Surface Water Resource Plan 2019,  
RECOMMENDATION 2 That the NSW Government redraft the document ( draft Surface Water sharing Plan for the Murrumbidgee regulated River water Source 2016) to that which existed before the enabling provisions recommended by the

**Do you have any comments on the proposed changes to allow the operation of Pre-requisite Policy Measures (PPMs) for held environmental water in the Murrumbidgee Regulated River Water Source?**

BP2012 were incorporated and to ensure it reflects and satisfies the needs of the peoples of the Murrumbidgee Basin consistent with 'best practice' planning concepts.

Note: It is assumed that the peoples of the Murrumbidgee basin will consider the "needs' of the MD basin, parallel with its own needs that is, in a holistic, transparent and integrated process) However, Yactac notes that there are inconsistencies within the draft surface Murrumbidgee river WRP and the WSP concerning the Yanco and Billabong creeks, 'End of System" telemetry location. These inconsistencies were evident in the 2016 WRP and the 2016 WSP.

Yactac advises:

RECOMMENDATION 3: That the NSW Government redraft the documents to read that the 'End of System' telemetry point for the YCS is that point that is the confluence of the Billabong creek and the Edward river at Moulamein NSW 2733.

RECOMMENDATION 4: That the NSW Government reform the activities of water delivery and water policy review and development, and further, oblige the newly reformed process to critically examine the development of the Basin plan 2012 and make recommendations for future natural resource management plans as they effect NSW water resources:

Summary:

Yactac has appreciated the opportunity to comment on the proposed changes. It seems that the changes and amendments are a 'bolt on' effort to satisfy the wishes of the MDBA.

The efficacy of the MDBA has been called into question and the complete MD basin was not considered when the MDBA decided on the BP2012. There appears to be a gross misallocation of a scarce resource to satisfy a 'need' to keep the Murray river mouth open with the use of fresh water.

Yactac is aware that there are credible alternative plans and options to manage this need. These options and plans use far less of 'our' scarce and precious resource.

The YCS future, as being the environmental consciousness of the Murrumbidgee river is being placed at risk because of the BP2012. The ability of the YCS to help out downstream peoples achieve their 'needs' is jeopardised by the BP2012.

Therefore, Yactac has recommended that the NSW government not seek accreditation (from the MDBA) for the Draft Surface water Resource plan 2019. In addition, Yactac has recommended that with redrafting (returning the draft amended 2016 document to its former narrative) (noted above) the Surface water sharing plan 2016 could be tabled for legislative ascent.

Yactac has recommended that a new Basin plan – the 2020 plan, be developed as a matter of urgency. Yactac also recommends that the community be involved in the development of this plan and further that all the resources of the MD basin be considered in an open, fair and equal manner.

Yactac has further noted that once the rejuvenated process has developed a new BP2020, amendments can be made to both the Surface WRP and the surface WSP governing operations, planning and the management of the natural regulated water resources in the Murrumbidgee River basin.

Thank you for this opportunity to comment. Unfortunately, Yactac was not privy to all the development (of the amendments) work. It is most unfortunate that the Murrumbidgee SAP did not 'go' to many of the issues raised in this draft amended surface WSP.  
R B Crawford. Chair of the Board of Directors and President of the Yanco and Creeks Tributaries Advisory committee. July 2019

Answer- PPMs and the notion of 'Piggyback events' plus the EWA's, HEW, translucent and transparent wall policies are only necessary in the absence of an accredited Long-Term Environmental watering plan. With the current policy measures in place and with their continued application in the WSP a situation can arise wherein the environmental allocation can exceed the 50% (of the LTAA resource) as provided in the plan. In fact, it is conceivable to have a situation develop that when these policy measures are added to the already agreed environment allocation of 50% of the LT average annual flow and further added to the CEWO holdings (1100GL) there will be no allocation for economic extractive use.  
Therefore, Yactac wishes to advise that amendments to the WSP should go to the recording of the CEWO entitlements and superimpose these additional sources of environmental allocations in the WSP in the section dealing with Planned environmental water provisions and also in the Part 2 clauses (Vision, objectives etc.). There should be no carryover provisions for PPM's EWA or Pew and HEW water.  
CEWO by dint of the WAL's held has carryover provisions therefor there is no need to have the same carry over provisions for the PPM's, EWA; HEW etc.

RECOMMENDATION 5: That the NSW Government develop the modelling for the LTEWP (Base line flow scenario) as a matter of urgency.

RECOMMENDATION 6: That the NSW Government disable (after development of the LTEWP for the Base and low flow scenarios) the PPM's and related policies such that the environment has access to a maximum of 50% of the LT Average Annual flow.

**Do you have any comments on the proposed change to the Lowbidgee Distribution Rules?**

The Low Bidgee was and still is, a floodplain. Efforts to turn it into a wetland are ill advised! Originally Water allocations were made to take advantage of 'special supplementary' (flooding), flow events. Yactac advises that there should be no change to the classification of the CEWO entitlements (gained from the acquisition of said licenses). There appears no reason for a blanket rule that captures all 'supplementary events' for use in environmental projects.  
Access to supplementary flows was applied as a property right. Therefore, any changes to this right must be carefully considered. Yactac does not recommend the NSW Government proceed at this stage (in development of a new BP 2020) with the proposed changes.



**Do you have any comments on the proposal to codify NSW Southern Basin Inter-Valley Trade (IVT) and refer to the IVT procedures in the WSP?**

Yactac advises that there is the possibility that trade could materially affect the water managers ability to supply. In other words, supply constraints may be unintentionally encountered with a 'free' market. There may be a need for restrictions/constraints on the free market.

Yactac suggests that permanent trades (applicable to any status of WAL classification) be limited to a total <10% of the original LTAAEL allocated to that classification be it High security, general or supplementary water.

Temporary trades for any WAL classification should be limited to a refined basis that refers to the Available water determinations (Division 2) of the WSP 2016 and limits the sum of the temporary transfers to not exceed the allocated announcements made under the WSP2016. Yactac advises that this amendment should be announced early, and comment invited before enactment.

Yactac further advises that Restricting trade with the above constraints will mean that the market for permanent trades will 'dry up' once the 10% rule is applied. Theoretically this will occur in the Murrumbidgee river basin when permanent trades reach approximately 180GL Yactac advises that this matter be listed for discussion asap, by the rejuvenated SAP/CC process.

**Do you have any comments on the proposal concerning crediting and debiting rules for Provisional Storage Volume 1 in the water source?**

When the LTEW plan is modelled there will be no need to have this provision within the WSP. In addition, the WSP should note that the CEWO is a new holder of WAL's dedicated to the environment needs of the basin. Under the present configuration of the WSP it is possible for water set aside for the environment to exceed the Part 2 objectives. Yactac would like to discourage this discussion for several reasons. It seems 'chance' could play a significant role in this matter. Consider the possibility of a number of 'mini events' occurring back to back in any watering year. If OEH claimed a piggy back release for event one and presumably watered the targeted environmental asset then saw another 'event' that was considered ill-timed but claimed the flow as a credit thereby not allowing it to proceed downstream as a supplementary event- those with WAL supplementary would be effectively disenfranchised.

There needs to be further work on this proposal especially with the likelihood of changes to the BP2012 and therefore the subject be listed for consideration by the reinstated Murrumbidgee sub basin SAP/CC. Yactac relies on RECOMMENDATION 1 & 2

Yactac advises that with the advent of the CEWO holdings not considered in the WSP 2016 document and not recognized in the Draft WSP 2019 the proposed amendments are ill considered without formal notification /mention of CEWO holdings in the document. Discussion and listing of environment allocations and policies in Parts 1,2,3,4,5,.6,7 and 8 of the WSP document without a mention of the CEWO holdings marginalizes the effectiveness and scope of the said parts.

The peoples of the basin expect that their local environments are carefully considered before offsite environments are further considered. The clauses allied to the old Divisions (in the 2016 document) were considered necessary to accommodate the

**Do you have any other comments on the proposed amendments to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016?**

needs of the environment within the Murrumbidgee basin on their own, without the activities or presence of the CEWO. Careful consideration should be given to the quantities of the LTAAEL that are moved offsite from the Murrumbidgee basin. Given that the objectives of the MDBA BP2012 are being challenged it would be prudent to not make any changes/amendments to the WSP2016. The changes proposed exaggerate the amounts of water held/ set aside for/ in favour of the environment. It seems that the operations of the BP2012 are piled onto the WSP 2016 without regard to the real needs of the Basin (as determined by a well-developed WRP- using good principals and protocols) and a 'blind eye' is turned to the accumulation of environmental assets by the CEWO. The BP 2012 will influence the LTAAEL (Murrumbidgee). If Yactac proposed recommendations are not accepted and work is not forthcoming on the 2020BP, careful consideration should be given to not including any amendments related to the BP2012. However; RECOMMENDATION 7: Amendments should be made recognizing the CEWO holdings.

**Proposed changes to the Water Sharing Plan for the Murrumbidgee Unregulated and Water Source 2012**

**Do you have any comments on the changes proposed to the Water Sharing Plan for the Murrumbidgee Unregulated Water Source 2012?**

There is a duty of care for the NSW administration to undertake in this matter. If a WAL /license on an 'unregulated water Source' is purchased and then attempted to be transferred to the regulated water resource a change in the LTAAEL is materially made. Constraint issues may be encountered especially if that unregulated resource never or only marginally ever reaches the regulated resource. Yactac recommends that further discussion be held with the peoples of the Murrumbidgee basin to carefully analyze the effects of bringing allocations from an unregulated source into the regulated resource. However, within 'the zone' of the unregulated resource it appears necessary to apply constraints. Perhaps the connection between the access license and the extraction point should be strengthened in the legislation. Further work on the unregulated source, Rules and regulations and conditions is recommended prior to any amendments to the WSP2016.

**Water Resource Plan**

The consultation process undertaken by the SAP committee in 2018/19 was a schmooze! At no stage did the SAP contest the BP2012, data or models. At no time was it mentioned that the operations of the Lower lakes and Coorong were contestable. At no time did the SAP measure or monitor the operating/activated MDBA programs. DPIE could improve this process by breaking up the sub basins into democratic units, largely based on Local Government boundaries with a commonality of issues within each zone. Each 'unit' could be independently chaired (lead by an appointed Commissioner), and the NSW Government departments could

provide support, information and policy documentation. Each 'unit' would be charged with developing a natural surface water resource management plan, focusing on a list of mutually acceptable needs with an overarching need to satisfy downstream needs (dilution, environmental etc) including the 'needs' of the lower lakes and the Coorong.

For instance in the Yanco Creek system (YCS) there is a focus on – a continuous flow regime that satisfies the following needs: Town water supplies; Stock and domestic household supplies; Cultural, Social and spiritual needs of the whole community; Environmental 'health' of the YCS ;Providing for endangered and threatened species and also a selection of 'indicator species' plus make sure that the system is charged ready to deliver economic diversions and prescribed Long Term watering Plans and finally to deliver flows for downstream users and needs.

Yactac suggest that the Murrumbidgee river downstream of Burrinjuck Dam to the confluence with the Murray river could be broken down into 4 units. – Burrinjuck to Wagga Wagga with the local council Wagga city involved in the process; Wagga to Berembend weir with Narrandera shire involved in the process; Berembend weir to Hay (Taking in the MIA and CICL needs) with Murrumbidgee council in the lead role and lastly Hay weir to the confluence with Balranald and Hay Shires providing joint coordination.

Each unit would be charged with the development of a list of 'needs'; establishing the environmental absorption factor; providing for flows to enable the satisfaction of downstream users, dilution flows and the needs of the lower Murray regions. Once SA and the upper States find a politically acceptable way to investigate the water needs and operational options for the lower lakes/Coorong system and transmit these needs to the upper States and upper reaches of the SA sections of the Murray including the estimated flow 'needs' for dilution purposes, the upper States can develop the sub basins Natural surface water resource environment management plans.

The NSW Government should form an umbrella committee in each sub basin e.g. the Murrumbidgee River Basin. These could take the form of the present SAP membership or a committee of commissioners (comprising the chairs of each planning 'unit').

It will be the job of the sub basin SAP/ Committee of commissioners, to ensure each sub/sub basin or / unit, functions and focuses on the objectives. The sub Basin SAP/CC will coordinate the deliberations of each group/unit into a sub basin Natural surface water resource environment management plans including a natural environment LT watering plan.

The sub basin SAP/commissioners will add the flows necessary to satisfy the interconnectedness of the MD basin (dilution flows and 'needs' of the lower lakes and Murray river reaches and the Coorong)

A key result that leads to an acceptable plan would be the participation of all the stakeholders in both determining the 'needs' and developing the LTEWP for the sub basin and ultimately the MD basin.

**Do you have any comments on how the Department of Industry - Water can improve the consultation process undertaken?**

**Do you have any other comments on chapter 1**

Nil

or the Consultation report (Schedule C)?

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

**Do you have any comments on Chapter 2 or Appendix A?** Nil

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

**Do you have any comments on Chapter 3 or Schedule D?** Nil

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

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

Yactac advises that the WSP has as a goal, the protection of 50% of the LTAAEL. In the absence of a well developed LTEWP for the Murrumbidgee River basin, and a new and authenticated operational plan for the Lower lakes and the Coorong, it cannot advise as to whether this goal is acceptable or even practicable without causing further harm to certain reaches and environmental assets. The CEWO water assets need to be considered in this issue!

RECOMMENDATION 8: That the NSW Government reinstate the processes of the SAP to develop LTEW Plans for each sub basin of the MD basin and further couple these plans with a new and rejuvenated management plan for the Lower Lakes and the Coorong and the offices of the Commonwealth Environmental Water (CEWO)

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

Yactac advises that it considers the values, cultural, social and spiritual needs as expressed by the first Australians vital in helping all Australians understand the intrinsic values, running water has on the health and well being of all peoples. Water = Life and as it has been for Historic cultural needs it is so, for Contemporary cultural 'needs. It may be necessary to think of Indigenous values in both a historic context and in a contemporary setting. The contemporary setting incorporates the social, cultural and spiritual needs of all the basins peoples and of all Australians. The amount of flow needed to satisfy Contemporary needs may be much greater than the needs of that which is classified as Historical cultural needs.!

**Do you have any other comments on Chapter 4, Schedule E or Appendix C?** Nil

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

<b>Do you have any comments on Chapter 5 or Schedule F?</b>	Nil
<b>Do you have any comments on the Incident Response Guide (Schedule G)?</b>	No; This Chapter was adequately dealt with at the SAP meetings.
<b>Do you have any other comments on this chapter?</b>	No; This Chapter was adequately dealt with at the SAP meetings.
<b>Response to chapter 6: Water Quality Management</b>	
<b>Do you have any comments on Chapter 6 or the Water Quality Management Plan (Schedule H)?</b>	Yactac advises that there appears no real monitoring of land and water management plans. All LWMP should be monitored especially in those areas where dry salinity is an issue. Water quality should be tested for those flows emanating from a corporation's asset and from 'End of System' flows and from unregulated water sources. Management plans specifically dealing with issues of water quality must be referred to in the WSP.
<b>Response to chapter 7: Measuring and monitoring</b>	
<b>Do you have any comments on Chapter 7?</b>	Nil
<b>Do you have any comments on the proposed Monitoring, reporting and evaluation plan (Schedule J)?</b>	Any sound Natural management plan should contain an element of monitoring. First identify the issue; create and establish a management plan and then monitor the effectiveness of that plan in addressing the issue. This model should be followed by the responsible parties initiating the plan or the sub-basin plans. It should not be the primary purpose of the MDBA to undertake the task of monitoring all plans in the MD basin. The MDBA must ensure that natural resource plans are monitored.
<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>	Nil
<b>Additional Responses to Schedules</b>	
<b>Do you have any additional comments on the Schedules?</b>	The schedules in large part were incorporated into the WSP to provide an allocation for environmental needs. They may be unnecessary as the WSP goes forward with the advent of the CEWO. The schedules are a complicated equation.
<b>Additional Responses to Appendices</b>	

Yactac has appreciated the opportunity to comment on the proposed changes. It seems that the changes and amendments are a 'bolt on' effort to satisfy the wishes of the MDBA. The efficacy of the MDBA has been called into question and the complete MD basin was not considered when the MDBA decided on the BP2012. There appears to be a gross misallocation of a scarce resource to satisfy a 'need' to keep the Murray river mouth open with the use of fresh water. Yactac is aware that there are credible alternative plans and options to manage this need. These options and plans use far less of 'our' scarce, and precious resource. The YCS future, as being the environmental consciousness of the Murrumbidgee river is being placed at risk because of the BP2012. The ability of the YCS to help out downstream peoples achieve their 'needs' is jeopardised by the BP2012. Therefore, Yactac has recommended that the NSW government not seek accreditation (from the MDBA) for the Draft Surface water Resource plan 2019. In addition, Yactac has recommended that with redrafting (returning the draft amended 2016 document to its former narrative) (noted above) the Surface water sharing plan 2016 could be tabled for legislative ascent. Yactac has recommended that a new Basin plan – the 2020 plan, be developed as a matter of urgency. Yactac also recommends that the community be involved in the development of this plan and further that all the resources of the MD basin be considered in an open, fair and equal manner. Yactac has further noted that once the rejuvenated process has developed a new BP2020, amendments can be made to both the Surface WRP and the surface WSP governing operations, planning and the management of the natural regulated water resources in the Murrumbidgee River basin. Thankyou for this opportunity to comment. Unfortunately, Yactac was not privy to all the development (of the amendments) work. It is most unfortunate that the Murrumbidgee SAP did not 'go' to many of the issues raised in this draft amended surface WSP. R B Crawford. Chair of the Board of Directors and President of the Yanco and Creeks Tributaries Advisory committee. July 2019

**Do you have any additional comments on Appendices A, C and D?**

**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?**

All of the above

**Additional Information**

**Please tick the relevant boxes**

I consent to my "submission" being published on the department's website and my name will be included with my suburb or town in a list of submitters with a link to my submission. Please note that any attachments you may have provided and any personal information that has been included in the submission will be published.

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<b>Email address</b>	[REDACTED]
<b>Name of respondent</b>	Brian Simpson
<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>	Wine Grapes Marketing Board
<b>Who are you representing?</b>	Peak representative organisation
<b>Peak Representative Organisations</b>	
<b>Who do you represent?</b>	Irrigators
<b>Proposed changes to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</b>	
<b>Do you have any comments on the proposed changes to allow the operation of Pre-requisite Policy Measures (PPMs) for held environmental water in the Murrumbidgee Regulated River Water Source?</b>	No
<b>Do you have any comments on the proposed change to the Lowbidgee Distribution Rules?</b>	No
<b>Do you have any comments on the proposal to codify NSW Southern Basin Inter-Valley Trade (IVT) and refer to the IVT procedures in the WSP?</b>	No



**Do you have any comments on the proposal concerning crediting and debiting rules for Provisional Storage Volume 1 in the water source?**

No

Our submission would like to address part of the WSP that are not considered as amendments but sections within it that are not adequately understood and impact negatively on High Security irrigators entitlement rights.

Importantly we believe that High Security Irrigators reliability has been taken away via the AWD of 0.95 ML per unit share is based as follows -

1. This was always meant to be a one-off provision of 5% High Security (HS) for the environment and it has since become enduring to which we object. It was then carried on by the NSW Government under the guise of the CAP but it actually was a way that representatives of General Security irrigators that sat around the River Management Committee got HS Irrigators to "share the pain". Growers have paid the fixed charges on this water regardless of HS water having a higher delivery priority that general security.

2. There is no transparent use of this water and growers believe that for the past 17 years except when HS received 100% of their entitlement these ML went to the environment.

4. If as the WSP state this water is moved into the EWA1 it should occur immediately at the commencement of the season and not when GS licence holders receive 60% allocation. If it does not then it is essentially topping up the starting allocation for General Security.

5. Growers should be informed about to which environmental benefits this water contributed to and consideration should be made back to licence holders that carry the costs of this water via fixed charges when it goes to the environment.

6. The ability of GS licence holders to carryover water was increased from 15% of licence to 30% of licensed entitlement when the WSP was suspended during the millennial drought. Whereas the 2016 WSP and the amended document 2019 being proposed through the current consultation, i.e. Part 12, Section 84 Amendments relating to Part 8 (a) provide for the Minister to simply amend the WSP to allow for up to 50% carryover of GS entitlement into the next water season. The third party impacts of such are not fully known or understood.

7. We are concerned that in Part 12, Section 84 Amendments relating to Part 8 (b) provides the Minister with the ability to "vary" the allocation maximum carryover percentage of the two main irrigation company's conveyance water. No set amount is

**Do you have any other comments on the proposed amendments to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016?**

written into the legislation and this needs to be regulated.

## **Proposed changes to the Water Sharing Plan for the Murrumbidgee Unregulated and Water Source 2012**

**Do you have any comments on the changes proposed to the Water Sharing Plan for the Murrumbidgee Unregulated Water Source 2012?**

We are not aware of any proposed changes to the 2012 document. These have not been made public during the consultations

## **Water Resource Plan**

**Do you have any comments on how the Department of Industry - Water can improve the consultation process undertaken?**

Given that the majority of consumptive water is from the Murrumbidgee more consultation should have occurred. Meetings with industry representative groups prior to the public forums should have been held to ensure that all groups had a full understanding of what is being proposed. The time frames given have been too short - although the extension provided has been appreciated.

**Do you have any other comments on chapter 1 or the Consultation report (Schedule C)?**

No

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

**Do you have any comments on Chapter 2 or Appendix A?**

No

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

**Do you have any comments on Chapter 3 or Schedule D?**

No.

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

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

No

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

No

uses?

Do you have any other comments on Chapter 4, Schedule E or Appendix C? No

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

Do you have any comments on Chapter 5 or Schedule F? NO

Do you have any comments on the Incident Response Guide (Schedule G)? No

Do you have any other comments on this chapter? No

**Response to chapter 6: Water Quality Management**

Do you have any comments on Chapter 6 or the Water Quality Management Plan (Schedule H)? No

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

Do you have any comments on Chapter 7? No

Do you have any comments on the proposed Monitoring, reporting and evaluation plan (Schedule J)? No

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

Do you have any comments on Chapter 8 or Schedule I? No.

**Additional Responses to Schedules**

Do you have any additional comments on the Schedules? No

<b>Additional Responses to Appendices</b>	
<b>Do you have any additional comments on Appendices A, C and D?</b>	No
<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>	Newspaper Department of Industry website Social media Communication from peak body
<b>Additional Information</b>	
<b>Please tick the relevant boxes</b>	<p>I consent to my “submission” being published on the department’s website and my name will be included with my suburb or town in a list of submitters with a link to my submission. Please note that any attachments you may have provided and any personal information that has been included in the submission will be published.</p> <p>I consent to my “submission” being published on the department’s website and wish to maintain my privacy by having my name withheld from the submitter’s list. Please note that any emailed attachments you may have provided and any personal information that has been included in the attachment will be published.</p> <p>I do not consent to my submission and any emailed attachments being published</p>