



Healthy Rivers Dubbo

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Submission to draft NSW Great Artesian Basin Shallow Water Resource Plan

To: NSW Government

Department of Industry

By e-mail: intersectingstreams.sw.wrp@dpi.nsw.gov.au

FROM:

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Are you an individual or representing an organisation: Organisation

Name of organisation: Healthy Rivers Dubbo (HRD)

Who do you represent: Peak representative organisation

Who do you represent: Environment

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

I would like my personal details to be kept confidential: Yes

Draft Intersecting Streams Water Resource Plan

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 on. We acknowledge that the land on which we live was never ceded.

Healthy Rivers Dubbo welcomes the opportunity to make a submission to the draft Intersecting Streams Water Resource Plan (WRP).

Consultation

Of the eight First Nations groups who have country with the WRP area, only two groups – The Gomeroi and The Ngemba were consulted. Given this significant lack of consultation, this WRP should not yet be on display.

HRD has very low confidence that the NSW government has represented itself respectfully and appropriately with First Nations in relation to use of water from the intersecting streams resource.

Risk Assessment

Climate Change:

HRD is extremely concerned that the risk of climate change on this water source is considered low in any water source in this WRP.

The planet's average temperature has already risen 0.9 ° C. The most exhaustive global analysis of rainfall and rivers was conducted by a team led by Professor Ashish Sharma at Australia's UNSW (University of New South Wales) in Sydney. It relied on actual data from 43,000 rainfall stations and 5,300 river monitoring sites in 160 countries.¹

This study has shown that rainfall in already dry environments (like the environment of most of this WRP area) has decreased, and that the incidents of small to medium floods for all rivers has reduced by 10 – 15% per degree rise in average temperature. The global average temperatures are on track to increase further.

Even in wetter areas where rainfall has increased, because of the high impact of evaporation on parching soils, rivers are in decline around the globe.

The draft **Assuring Future Urban Water Security**² document produced by NSW DPI Office of Water in 2013 finds from a pilot study that by 2030 we can expect “reductions of almost 30% for the 3 inland utilities in mid and southern NSW”. This includes a 50% reduction in one spot!

The data is in about the impact of climate change on rivers and streams, ignoring it constitutes a breach of the Commonwealth Water Act 2007, and puts the environments and communities of inland NSW at extreme risk.

¹ <https://newsroom.unsw.edu.au/news/science-tech/long-dry-global-water-supplies-are-shrinking>

² http://www.water.nsw.gov.au/_data/assets/pdf_file/0005/665609/assuring-future-urban-water-security-draft.pdf

Not-Tolerable Risks:

HRD considers the risks to water not being available for the many high value environmental assets in the WRP area as unacceptable. The rules proposed in this draft Water Sharing Plan (WSP) are not going to be able to manage these risks.

SECTION 4.3 RISKS TO WATER AVAILABLE FOR THE ENVIRONMENT & CAPACITY TO MEET EWRS [E(W)] - UNREGULATED WATER SOURCES

44 of the 96 water sources within the WRP area are currently classified with a risk rating of not-tolerable.

SECTION 4.4 RISKS TO WATER AVAILABLE FOR THE ENVIRONMENT FROM EXTRACTION UNDER BLR [E(BLR)] - UNREGULATED WATER SOURCES ONLY

All 9 of the water sources listed under this risk have a risk rating of not-tolerable, 8 of them are high risk not-tolerable. This is extremely concerning.

SECTION 4.5 RISKS TO WATER AVAILABLE FOR THE ENVIRONMENT FROM INTERCEPTION ACTIVITIES

14 of the 25 of the water sources listed under this risk have a risk rating of not-tolerable.

SECTION 4.6 RISKS TO WATER AVAILABLE FOR THE ENVIRONMENT DUE TO CLIMATE CHANGE

8 of the 12 water sources listed under this risk have a risk rating of not-tolerable - climate change impact is here now and is definite across all water sources.

SECTION 5.3, 5.4, 5.5 RISKS TO THE HEALTH OF WATER DEPENDENT ECOSYSTEMS FROM POOR WATER QUALITY

16 of the 32 water sources listed under this risk have a risk rating of not-tolerable.

SECTION 7.3 RISKS TO WATER AVAILABLE FOR OTHER USES DUE TO INTERCEPTION ACTIVITY

The risk to this WRP area water sources from floodplain harvesting is considered low, and quotes: "Floodplain harvesting is restricted by the LTAAEL as all unregulated water take (including FPH) in the Intersecting Streams WRPA is licenced."

See below section **Floodplain Harvesting** (FPH) for details about our serious concerns about the impact of floodplain harvesting. HRD considers the risk of current and future increases to FPH take should be not-tolerable.

SECTION 7.4 RISKS TO WATER AVAILABLE FOR OTHER USES DUE TO CLIMATE CHANGE

Only 4 of the 9 water sources listed under this risk show as not-tolerable. HRD is very concerned that this risk assessment assigns more risk to water availability from climate change impacts to the environment than it does to other uses.

Strategies to manage risks:

As an organisation that represents the environment, a study of the strategies to manage risk in this draft WRP leads us to conclude the strategies to manage risk are focused on providing certainty for water users over protection of the environment.

The strategies to manage risk in this draft WRP are inadequate, and will not meet the objectives of the Basin Plan.

The very high percentage of risks classes as not-tolerable will only be mitigated through improvements to the Planned Environmental Water (PEW) rules in this WRP. The current rules for protecting PEW are inadequate, and must be improved during the development of this draft WRP.

Floodplain Harvesting (FPH)

HRD does not support the licencing of floodplain harvesting in this water source. All capture of floodwaters should be prohibited.

The draft WSP Cl 15 (2) (c) defines PEW as water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met. The provision for new access licences in the draft WSP is a net reduction in the protection of PEW. A reduction of PEW is not allowed under the Basin Plan (as per Basin Plan 10.28 "No net reduction in the protection of planned environmental water").

HRD does not support the draft WRP at 4.5.1 demonstrating no net reduction in the protection of PEW.

Clearly, the long-term average annual planned environmental water under this plan (schedule A) will be less than the long-term average annual planned environmental water that was in place at 23 November 2012 if new FPH licences are granted.

Interstate Trade

HRD is very concerned that there is a proposal in this draft WRP to include provisions for interstate trade with Queensland. Extraction in Queensland is already having a considerable impact on this water source - provisions for interstate trade will exacerbate problems in the water source that are already considered intolerable in this documents' own risk assessment.

The risk assessment in this WRP identifies high risk to water availability to the environment from base flows and low flows in the Culgoa and Warrego Rivers. Strategies for managing these risks are compromised by extraction in Queensland. Allowing any transfer of water upstream to Queensland can only further exacerbate risks that are already high.

HRD is strongly opposed to the minor change to the wording of the WSP amendment provision relating to interstate trade. "Trade will only be progressed in water resource planning if NSW water users are interested in interstate trade." The environmental impacts of trade should be the determining factor, not user preference. We consider this to be an example of the NSW government preferencing the wants of users over the needs of the environment.

Assessment of compliance with LTAAEL

WSP CI 29 (1) seeks to allow for compliance with LTAAEL to be assessed over a five year period. HRD strongly disagrees with this proposal, and considers consistency of compliance to LTAAEL remain at three years rolling average across all water sources in NSW.

All models used to inform decisions should be up to date and accredited against standards. There should be no change to the baselines, rules and assumptions without a systematic, independent and publicly available review (as per Basin Plan 10.49: "A water resource plan must be based on the best available information.").

HRD considers assessing compliance over five years instead of three to be a reduction in the quality of available information, thus will not satisfy the requirements of the Basin Plan.

Connectivity

The Barwon Darling is an ecosystem in crisis³.

All WRPs for tributaries to the Barwon Darling must do more than they currently do to ensure connectivity to downstream systems and wetlands.

Visible flow heights must be protected, along with first flush flows in all intersecting streams.

Planned Environmental Water (PEW) and Held environmental Water (HEW) need protection with stronger rules in the WSP.

FPH has a significant impact on downstream aquifer recharge and flow connectivity, HRD strongly opposes provisions in the draft WSP that will allow FPH to be licenced in this water source.

If surface flows are protected, this will also benefit groundwater systems that are hydraulically connected.

This draft WSP needs to include rules that protect, maintain and enhance connectivity with the Barwon-Darling River, and include connectivity as an objective of the WRP.

High Ecological Value Aquatic Ecosystems (HEVAE) and Protection of Environmental Water

This draft WRP identifies 914 HEVAEs and 20 key hydrological indicator sites in the intersecting streams area. The area clearly has important environmental and cultural significance within the Murray Darling Basin.

It is a contradiction within this WRP that in most regions in this WRP area, shortfalls for environmental watering have been identified (up to 795 GL is still required), and yet this WRP proposes no strengthening to rules protecting HEW, and inadequate rules to protect PEW.

CI 45 shows that flow classes have only been instated in management zones in the Narran River. This is unacceptable. All the river systems that make up the Intersecting Streams water source and have access licences extracting water must have nominated flow classes with access rules.

The draft WSP CI 15 (2) (a) defines PEW as the commitment of the physical presence of water in these water sources. HRD considers the protection of visible low flows in this water source as a

³ <https://www.nrc.nsw.gov.au/2018-2019-wsp-reviews>

critical element of protection of PEW. The low flow heights provided in CI 45 Table A are inadequate for protecting instream ecological values and key hydrological indicators.

HRD does not support the NSW Government position that the current environmental protection rules in the draft WRP should remain unchanged until the end of the initial WSP ten year lifespan. This will prevent the draft WRP from meeting its objectives. (as per Basin Plan s10.26: (1): "A water resource plan must provide for environmental watering to occur in a way that: (a) is consistent with: (i) the environmental watering plan; and (ii) the Basin-wide environmental watering strategy; and (b) contributes to the achievement of the objectives in Part 2 of Chapter 8").

The lack of rules protecting HEW that enters the system from Queensland is a major failing of this WRP. All environmental water ('planned' and 'held' under entitlement) must be protected within and between valleys, including over state borders (as per recommendation 10 and 11 of the MDBA's Murray Darling Basin Water Compliance Review, Recommendation 10 of the independent Review Panel's report (Nov 2017), and Chapter 5 of the Independent investigation into NSW water management and compliance interim report (Ken Matthews, Sept 2017).

Water Quality Management Plan (WQMP)

Risks to aquatic ecosystems in this water source include salinity, turbidity, total nitrogen, total phosphorous, dissolved oxygen and pH. As identified above in the section **Not-Tolerable Risks**, the number of these high intolerable risks is very high.

The most important way to reduce the risks to water quality in unregulated intersecting streams is to protect low flows above no visible flows and pool habitats.

HRD is concerned there is not enough information available for all areas of the water source for the objective of the WQMP to *Protect, maintain or enhance connectivity between water sources to support downstream processes including priority carbon and nutrient pathways.*

All models used to inform decisions should be up to date and accredited against standards. There should be no change to the baselines, rules and assumptions without a systematic, independent and publicly available review (as per Basin Plan 10.49: "A water resource plan must be based on the best available information.").

HRD feels more needs to be done to gather and collate scientific and cultural data so that the rules in this draft plan are based on the best available information.

Conclusion

The current water access rules cause prolonged no flow and drought conditions in this water source, prohibiting the maintenance of flow connectivity, re-oxygenation of pools, flushing of poor water quality and providing fish passage.

Healthy Rivers Dubbo is very concerned that this draft Water Resource Plan appears to favour extractive users over the environment, often in contradiction with its own risk assessment.

The purpose of the Basin Plan and the draft WRPs is to improve the health and functionality of water sources in the Murray Darling Basin, we regretfully conclude that this WRP will not meet the requirements of the Basin Plan.

For more information please contact:

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