



## Healthy Rivers Dubbo

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### Submission to Barwon-Darling Water Resource Plan

To: NSW Government

Department of Industry

By e-mail: [barwondarling.sw.wrp@dpi.nsw.gov.au](mailto:barwondarling.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, aquifers, 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 (HRD) welcomes the opportunity to make a submission to the draft Barwon-Darling Water Resource Plan (WRP).

#### Responses to questions

- **Do you have any comments on the distribution of IDELs?**
- **Do you have any comments on permanent trade of IDELs?**
- **Do you have any comments on restriction of temporary trade of IDELs?**
- **Do you have any comments on Resumption of flows using a multi-sectional approach?**

- **Do you have any comments on the flow values used for the resumption of flow triggers and releases?**
- **Do you have any other comments on Resumption of flow rule?**
- **Do you have any comments on the proposed changes to the A Class Flow Class Thresholds in response to the recommendation by the Natural Resource Commission?**
- **Do you have any comments on the methodology used to develop the A Class Flow Class Thresholds?**
- **Do you have any comments on the removal of the access to imminent flows rules in response to the recommendation by the Natural Resource Commission?**
- **What are your views on what water will be defined as active environmental water and managed through an unregulated water source?**
- **Do you support inclusion and protection by active management of planned environmental water releases from upstream water sources that are additional to the inflows that were considered when the Barwon-Darling plan commenced? (see page 10 and 11)**
- **Do support the criteria for where active management is to be applied?**
- **What are your views on how accounts will be managed for in-stream use of unregulated held environmental water licences?**

In general, HRD is supportive of all new and amended rules in this WRP that favour the environment, and have come through as recommendations of the Final Natural Resource Commission review of the Barwon Darling Water Sharing Plan (WSP).

While we are supportive of all new rules that favour the environment, this document itself offers us no hope that the environment will actually improve.

Looking first at the risk assessment for the WRP, we were able to ascertain that even with the implementation of new resumption of flow rules, and new changes to A Class flow thresholds, the currently Not Tolerable environmental risks that are currently in the Barwon Darling, will remain Not Tolerable.

Under the Basin Plan, the environment must come first. The only change that HRD can see actually having a chance of improving the environment is for all large scale irrigation on the Barwon Darling to be drastically reduced in volume. It is not lightly that we have reached this conclusion.

Therefore HRD is supportive of commence to pump and A class flow thresholds being increased even further, so that large extraction is not possible in most normal flow years.

**Do you support assigning river transmission losses proportionally to active environmental water?**

No.

Firstly: Healthy Rivers Dubbo is constantly offended by the free and multiple use of the word 'losses'. While occasionally, water is genuinely lost (i.e. seepage from the Albert Priest channel, or overbank flow from the Barmah Choke), most of the time when NSW water agencies use the word losses they are referring to the many complex and interrelated natural behaviours of water in the environment.

By constantly referring to any water that is not consumed as 'losses', departments are re-iterating that their perspective is the same as the perspective of the irrigation industry. The use of the word 'losses' is a relic of former times, when the department was simply a water supply authority. It is a vague, catch all term.

Secondly: water that seeps into the river bank, naturally evaporates or is used by flora and fauna on its journey along the river should be socialised.

Thirdly: much of the water that is accounted for by the government in the general sundry account of 'losses' is actually taken as floodplain harvested water (for free and for profit).

**What are your views on concept of adjusting commence to pump/cease to pump thresholds to protect Active Environmental Water from extraction?**

All steps to protect active environmental water must be taken, which does include adjusting commence and cease to pump thresholds from where they currently are. The needs of the environment must come before consideration of extractors.

**What are your views on proposed amendments to water sharing plan access rules to protect active environmental water in each of the water sources where active management is proposed?**

Support changes to the WSP that allow reference to Active Management policy.

Our concerns about the Active Management policy are:

1. Environmental water in the Barwon-Darling should be protected to Menindee Lakes
2. Transmission losses must be socialised
3. Total Daily Extraction Limits (TDELs) and Individual Daily Extraction Limits (IDELs) should be implemented in Barwon-Darling immediately with no tradable rights attached to IDELs
4. Flow gauges need to be installed at all necessary locations as a high priority. Other new technology should also be used to forecast flows.

5. Water Sharing Plans should provide basic rights, stock & domestic and town water supply, this is not the purpose of environmental water
6. Environmental water arriving from Queensland must be immediately protected
7. First flush flows should be protected throughout inland rivers when the drought breaks
8. Do not support bias towards protecting water users.

**What information do you consider is important to document and consider in order to continuously improve active management?**

- Metering of Basic Landholder Rights and Stock & Domestic take. You can't manage what you don't measure.
- Better understanding of the risks of climate change on the river. Department of Primary Industries Office of Water produced a draft report in 2013 Assuring Future Urban Water Security<sup>1</sup>. This report details how areas in Western NSW can expect to have access to between 30% - 50% less potable water by 2030, and that's without diversions. This report should be finalised, published, and the findings used to inform water management rule development.

**Do you have any comments on how the NSW Government can improve the consultation process undertaken?**

Consultation with the Barkandji and Murrawarri Nations has not been finalised. This draft WRP should not be on public submission until all First Nation consultation is complete.

**Do you have any comments on Chapter 3 or Schedule D (Risk Assessment)?**

Yes.

According to this document, once new critical mechanisms are implemented, the residual risks of rating for all river reaches at all flow or extraction characteristics of there being enough water available for environmental requirements, and risks to ecosystems from poor water quality, remain unchanged – almost all of them in the Not-Tolerable range.

We can take from this that regardless of the new rules being implemented, the health of the Barwon Darling will not improve.

The impacts of that fact are catastrophic for the environment and all human life and endeavour on the Barwon Darling.

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<sup>1</sup> [http://www.water.nsw.gov.au/\\_data/assets/pdf\\_file/0005/665609/assuring-future-urban-water-security-draft.pdf](http://www.water.nsw.gov.au/_data/assets/pdf_file/0005/665609/assuring-future-urban-water-security-draft.pdf)

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

Long Term Annual Average Extraction Limits are currently used to reduce risks. They do not work, as explained in the NRC review of the WSP:

*"Use of this statistic as an indicator of environmental outcomes is highly misleading as this percentage is based on an average taken over more than 100 years and includes major floods that significantly skew the average. While the LTAAEL has a function in assessing long-term compliance with extraction limits, adherence to the LTAAEL is not appropriate for assessing whether the Plan has met its environmental and social objectives, particularly for such a highly variable system. When and where the water is taken is critically important in this system, not just volume extracted over many years."*<sup>2</sup>

If the SDLs are similar to the LTAAELs, then no risk will be mitigated. A fact this document reflects.

This document says Available Water Determinations (AWD) could have been adjusted according to water availability. They could not have been. Using AWDs to adjust extractive use according to water availability is not currently possible in NSW. The 2014 amendment to the Water Sharing Plans via the Water Management Act disallows inflow data from the most recent drought of record to be used when calculating the Available Water Determination for each valley.

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

This document considers the risks of the environment not having enough water due to Basic Landholder Rights extraction in these sections as Not-Tolerable:

- Mungindi to Walgett
- Brewarrina to Bourke

Other areas, it is reported there is no data available:

- Walgett to Brewarrina
- Bourke to Louth
- Louth to Wilcannia

Where there is data, the risk is Not-Tolerable, underpinning the critical need for data in the 3 sections with no available data.

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<sup>2</sup> <file:///C:/Users/MGray/AppData/Local/Temp/Barwon-Darling+Water+Sharing+Plan+review+-+Final+Report+v2.pdf>

The new critical mechanism proposed to deal with these Not-Tolerable risks is adherence to the SDL. If the SDL is similar to the LTAAEL, then this new strategy will not reduce the residual risk rating to Tolerable, as claimed in this risk assessment.

A case for metering and reducing BLR extraction on the Barwon Darling would be a strong one. If risks are Not-Tolerable, they should not be tolerated.

#### **SECTION 4.5 RISKS TO WATER AVAILABLE FOR THE ENVIRONMENT FROM INTERCEPTION ACTIVITIES [E(I-FD)]**

Current risks in the flowing sections are currently considered Not-Tolerable:

- Mungindi to Walgett
- Brewarrina to Bourke

To the following sections, the risks are considered low (I'm not sure why):

- Walgett to Brewarrina
- Bourke to Louth
- Louth to Wilcannia

Nothing is currently in the plan to deal with or measure rainfall runoff harvesting. Strategies moving forward are to licence take that exceeds the 10% runoff right, and reduce this take to meet the SDL. Of course, the plan is to increase the SDL to cover most of the take.

This document claims the risk treatment options in the 2 sections mentioned will then become A (no new strategies required or possible).

#### **SECTION 4.5.4 RISKS TO WATER AVAILABLE FOR THE ENVIRONMENT FROM INTERCEPTION ACTIVITIES [E(I-FH)]**

Currently the risk to environmental water availability in the entire water source due to floodplain harvesting (FPH) is Not-Tolerable.

Nothing is currently in the plan to deal with or measure the impact of FPH. Strategy moving forward is to implement the FPH and Healthy Floodplains Project. This document claims this will reduce the risk to tolerable.

Of course, the plan is to increase the SDL to cover most of the take. On paper the risk appears to be reduced, however in reality, there needs to be assessment of the cumulative environmental impact of FPH on downstream environment for improvement to be measured. On ground reality implies that the impact the Floodplain Harvesting of water is having on the Lower Darling has to date been significant.

## **SECTION 4.6 RISKS TO WATER AVAILABLE FOR THE ENVIRONMENT DUE TO CLIMATE CHANGE [E(CC)]**

Currently the risks of climate change impacting available water for the environment is Not-Tolerable at the weir at Bourke on the Darling River.

Impacts to sections downstream of the Bourke weir aren't addressed.

The current method of dealing with this risk is adherence to the LTAAEL and adjusting AWDs. Both methods have been shown to be inadequate, as the environment in the Lower Darling would attest.

The strategy and new critical mechanisms moving forward are using Sustainable Diversion Limits (SDLs), Strategic use of held environmental water (HEW), and protection of HEW with Active Management.

The SDLs have come under fire for not addressing climate change. If the new SDL is similar to the LTAAEL, that's not going to reduce the risk to tolerable, as this document claims it will.

## **SECTION 5.4, 5.5 RISKS TO THE HEALTH OF WATER DEPENDENT ECOSYSTEMS FROM POOR WATER QUALITY [E(WQ), (E(WQ-CWP)]**

The Not-Tolerable risks are:

- Barwon at Collarenebri – turbidity
- Barwon at Collarenebri – total phosphorous
- Barwon at Collarenebri – total nitrogen
- Barwon at Collarenebri – pH
- Barwon at Collarenebri – Dissolved oxygen
- Barwon at Dangar Bridge Walgett – total nitrogen
- Barwon at Brewarrina – turbidity
- Barwon at Brewarrina – total phosphorus
- Barwon at Brewarrina – total nitrogen
- Barwon at Brewarrina – pH
- Barwon at Brewarrina – dissolved oxygen
- Darling at Bourke – Turbidity
- Darling at Bourke – total phosphorous
- Darling at Bourke – total nitrogen
- Darling at Bourke – pH
- Darling at Bourke – dissolved oxygen
- Darling at Louth – Turbidity
- Darling at Louth – total phosphorous

- Darling at Louth – total nitrogen
- Darling at Wilcannia – turbidity
- Darling at Wilcannia – total phosphorus
- Darling at Wilcannia – total nitrogen
- Darling at Wilcannia – pH
- Darling at Wilcannia – dissolved oxygen
- Darling at Wilcannia – salinity

Strategies and new critical mechanisms offered in this plan, and referred to in the WQM plan, offer nothing that might reduce these Not-Tolerable risks.

The future for the environment and the humans of the Barwon Darling is assured to include water of unacceptable quality. Regions associated with the Barwon-Darling should probably be reclassified as third world.

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

“Cultural Flows” are water entitlements that are legally and beneficially owned by the Nations of a sufficient and adequate quantity and quality to improve the spiritual, cultural, natural, environmental, social and economic conditions of those Nations. These are our inherent rights.”

-MLDRIN [Echuca Declaration, 2007](#)

“Today, MLDRIN is working to make sure Cultural Flows are recognised by Australian governments. We have achieved some success: the [Murray Darling Basin Plan](#) requires Basin governments to take account of First Nations’ views about cultural flows. State and Commonwealth governments are beginning to take steps to support First Nations to acquire water that we can own and manage.”<sup>3</sup>

HRD stands besides MLDRIN and supports the hard work they have been doing to regain some control over some of their cultural right to water.

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<sup>3</sup> <http://www.mldrin.org.au/what-we-do/cultural-flows/>

## Conclusion

Healthy Rivers Dubbo acknowledges that regardless of the improvement to the rules on offer in this draft WRP, the risk assessment lays out clearly that risks to the environment will be just as high as they are now, which in most cases is Not Tolerable.

When something is classified as Not Tolerable, it should not be tolerated.

HRD is of the opinion that the rules presented in this WRP, while an improvement (thanks to the Natural Resource Commission review of the WSP), will not satisfy the requirements of the Basin Plan.

The Basin Plan and the Commonwealth Water Act 2007 dictate that the needs of the environment must come before users. Logically, we find ourselves in the extraordinary and unprecedented circumstance of recommending that large scale extraction in the Barwon Darling Unregulated Water Source be significantly reduced, to give the environment any chance at all.

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