



8 August 2020

Independent Panel
NSW First Flush Assessment
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Dear Sir or Madam

Submission Independent assessment of the management of the Northern Basin First Flush event – Draft Report

Barwon-Darling Water

Barwon-Darling Water Inc (BDW) is the peak body representing water users on the unregulated Barwon-Darling River.

Barwon-Darling Water is an independent, apolitical body funded by its members. It was set up to provide advice on the Barwon-Darling River to members and decision-makers, to assist with policy development, and to advocate on behalf of the interests of its members.

Our membership is made up of local water user groups – including local government, irrigators and basic right users. We represent all licence holders and water users on the Barwon-Darling – from Mungindi on the Queensland border to the Menindee Lakes.

BDW members have been involved in the water reform process, especially in relation to the unregulated Barwon-Darling River, for many years. This work has included:

1. Co-operating with other stakeholders to create a set of environmental flow rules for the Barwon-Darling (through the first Barwon-Darling River Management Committee)
2. Assisting in development of the Barwon-Darling Cap Management Strategy of 2007;
3. Representation in development of the Barwon-Darling Water Sharing Plan 2012;
4. Working with DPIE Water on development of the Floodplain Harvesting Strategy; and
5. Working as part of the Stakeholder Advisory Panel on development of the Barwon-Darling Water Resource Plan 2020.

We have also been involved in discussions regarding the Murray-Darling Basin Plan since the plan was launched in early 2007.

Barwon-Darling Water is a member of NSW Irrigators Council and the National Irrigators Council and has strong connections with other valley and industry groups including the Northern Irrigators Group and Cotton Australia.

Barwon-Darling Water Inc welcomes the opportunity to make a submission on the Draft Report for the *Independent assessment of the management of the Northern Basin First Flush event*. We hope that relating some of our thoughts and experiences will be valuable to the assessment.

Water priorities in NSW

NSW water management legislation, including our own Barwon-Darling Water Sharing Plan prioritises other users before use by irrigated agriculture (environmental, critical human needs, stock and domestic).

Irrigated agriculture only receives water access once these other needs have been met. BDW supports this order of priority and has always worked to ensure adequate water for these needs. Irrigation farming in NSW is subject to strict regulations to ensure sustainable and responsible water use. This includes all extractions being capped at a sustainable level, a hierarchy of water access priorities, and strict measurement, monitoring and reporting requirements.

Our submission

BDW believes that the draft report is a constructive first step, and we thank the panel for its work so far.

We are pleased to see that the draft report has clarified certain information on the management of this event, including in relation to data on storages and irrigation take during the period in question. We believe that the draft report provides valuable recommendations for future management of first flush events.

However, we are still mystified as to why the “resumption of flow” rules of the new Barwon-Darling Water Sharing Plan were not used in management of this first flush event. Members of the Barwon-Darling Stakeholder Advisory Panel (SAP) spent much time working on these first flush rules, and we did not expect to see them abandoned as soon as a “first flush” event came along (even though the rules were not yet gazetted at that time).

Barwon-Darling Water agrees with recommendations in the draft Report, but further work is required to:

1. Make the recommendations more workable.
2. Understand existing rules, and imminent rules, to handle first-flush events.
3. Develop procedures to handle operational aspects of managing first flush events.

BDW agrees wholeheartedly that the management of first flush events should be embedded in the existing regulatory framework.

However, we believe the report mistakenly attributes many of the positive outcomes of the event to the way it was managed. The improvements to water for critical human needs, town water supplies, river connectivity and environmental conditions happened because of a long-awaited series of good rain events.

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To properly assess the management of this event, the panel should look at the difference between previous and usual management arrangements, and management arrangements put into place for this event. In any public forum it would be laughable to attribute water running down the river to relieve a dry period to “management” when most of the water would have run down the river anyway. If anyone has a problem with that statement, please do the numbers and look at the results.

It is conceded that “not as much water would have run down the river”, but if we don’t know what the difference would have been, the panel will not have completed its work.

Points for consideration:

1. BDW believes that the Water Sharing Plans are the best regulatory instruments for managing first flush events – as is evident with the new provisions in our Barwon-Darling Water Sharing Plan.
2. The Water Management Act is too broad an instrument to handle first flush rules that must be developed with management of the circumstances of each valley in mind. We believe these rules should apply at a valley level as they already apply in the Barwon-Darling.
3. We also support targets for first flush management that are developed with the best science available.
4. The arbitrary use of section 324 orders is unsuitable for managing first flush events, which must be properly codified as in the example of the Barwon-Darling Water Sharing Plan.
5. Our points 1-5 above seek to improve transparency and “expectation management” for all stakeholders and the community. We agree with the report that: *“Given the level of mistrust in water management in NSW, the continued use of section 324 temporary water restriction orders outside of a clear, publicly consulted framework (to manage first flushes) and the absence of information on the outcomes are likely to consistently lead to accusations of favouritism and incompetence.”*
6. The members of Barwon-Darling Water understand the importance of connectivity of the rivers, but we also recognise that there is no standard, shared understanding of what river connectivity means in the context of the northern basin. What does connectivity mean in and event-based, ephemeral systems? How is connectivity defined in these circumstances? How do we manage and measure “connectivity”? And how do we assign success and failure to our management systems?
7. Recent and longer-term efforts to develop connectivity rules for these circumstances were ignored in the recent first flush event. Existing rules and plans for ensuring river connectivity should be fully explored and understood, and any changes must be practical, and able to be “*operationised*”, and must consider any physical and climatic limitations.
8. Plans and rules are already in place to provide for connectivity, plus proposed measures. These come as a result of long and tedious efforts by stakeholders and government agencies. For example, the new resumption of flows rules in the Barwon-Darling had been fully developed and had been through the SAP process and community consultation but were ignored during the first flush event. We would like to know why this happened and have that explanation included in the final report. Was there a poor understanding by agency staff of existing and proposed rules? Or

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was there some other reason for not using them as intended?

9. Water users on the Barwon-Darling were critical of the seemingly ad hoc and arbitrary decision-making, especially the late Friday afternoon announcement and the changing of targets throughout the event. Arbitrary changes in targets, and poor hydrological assessments were very frustrating to water users in our valley. These matters should be addressed in much more detail in the final report.
10. Data provided by NSW DPIE in the satellite imagery assessment showed the magnitude of take expressed as a percentage of total flows, which provided valuable context. The report said that *"During February 422,000 ML flowed into the regulated tributaries, of which only 31,000 ML (7%) was NSW take..."*. This low percentages brought a degree of clarity and sanity to the public discussion. This information should be included prominently in the Final Report.
11. It would be also useful to provide information on economic losses to communities in this event – by looking at the opportunity costs of lost access to communities, with \$ figures for each valley. This could provide a guide to the impacts of this first flush event, against existing arrangements.

Thanks again for the opportunity to comment on the draft report and for the efforts of the panel in engaging with water users for this assessment.

We are generally supportive of the findings and recommendations, but we would like to see the issues raised above addressed in the final report.

Yours sincerely



for Barwon-Darling Water Inc

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