



SUBMISSION

BY

BOURKE SHIRE COUNCIL

**IN RELATION TO THE "FIRST FLUSH" EVENT IN
THE NORTHERN BASIN IN JANUARY/ FEBRUARY
2020**

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BACKGROUND OF REVIEW

The NSW Government has appointed an independent panel to assess the management of the 2020 Northern Basin First Flush event.

The assessment has been commissioned after water restrictions were imposed to manage flows across the Northern NSW Basin rivers, including for floodplain harvesting, following significant rainfall across NSW and Queensland in January and February 2020.

Independent Panel members, Dr Wendy Craik and Greg Claydon will make recommendations to improve management of future first flush events, including with regard to:

- the communication of water restrictions to water users and the public
- decision making processes, including matters considered when applying the public interest test; and
- how prepared the Department of Planning, Industry & Environment - Water, WaterNSW and the Natural Resources Access Regulator were to manage the event.

As part of the assessment, the Panel will also seek information from relevant state and federal agencies.

TERMS OF REFERENCE

The review will be undertaken by the panel members and will include consultation with industry, environment Aboriginal and town water supply representatives and experts in incident Management.

FOCUS OF REVIEW

In undertaking the assessment, the independent panel should review and consider:

- the DPIE Water, NRAR and WaterNSW planning, systems and processes that were used to manage the event, with particular regard to:
 - o decision making processes, including the availability of information and evidence to support decision-making pursuant to the public interest test (including, but not limited to, information to assist in forecasting inflows from Queensland tributaries)
 - o communication with water users, the general public and between agencies
 - o the resourcing and incident management capability of DPIE Water, NRAR and WaterNSW (including risk management and WHS implications)

- The effectiveness of the current and proposed regulatory and policy tools for managing a first flush event
- Any other matters relevant to the objectives

COUNCILS GENERAL COMMENTS

With the opportunity for a first flush there were several decisions needed in relation to the potential allocation of water and whether or not the flow was to be embargoed. These decisions were required against the backdrop of competing interest groups and an amount of water that was unable to be accurately quantified.

Council was anxious to ensure an adequate supply for towns within the shire, and along the Barwon-Darling River generally. This essential human need was paramount along with the need to ensure that environmental requirements were also met. Under the NSW Water Management Act 2000, the highest priorities are critical human needs, and the environmental needs of the river.

Once it was clear that these two needs had been met, Council was also mindful of the need to ensure that the agricultural requirements within the shire were also able to be met, at least in part, subject to the availability of sufficient water.

Bourke Shire Council would like to see consideration given to incorporating first flush rules in all water sharing plans in the northern basin so that everyone knows the rules before a first flush event happens. This would assist with three of the major issues below – communication, conflicts between north and south, and transparency.

THE MAJOR ISSUES

- Initial estimates and the need for accurate forecasting of the amount of water available
- Communication
- The conflicting demands of the North and South
- Transparency

It is not intended to provide detailed information on each but rather highlight some of the impacts of each.

INITIAL ESTIMATES AND THE NEED FOR ACCURATE FORECASTING OF THE AMOUNT OF WATER AVAILABLE

One of the overarching issues was the difficulty in determining both the quantity of water to come into the system and the transmission losses.

The flow followed an unprecedented period of drought and lack of flow in the river and this in turn impacted on the ability to predict the magnitude of flows.

Given these difficulties, agency underestimation of water, whilst possibly unavoidable as they opted for a conservative approach which was possibly understandable in the circumstances, did pose some issues regarding the potential shortening of the "window of opportunity" for extraction as the water moved downstream.

As the prediction of volumes becomes a little more mature this issue should be overcome. However, it is critical that government invest in better modelling and other predictive tools to ensure that large underestimations of flow do not happen regularly.

It is fair to say that everyone has 20:20 vision in hindsight, however, it is important that this first flush should be a learning experience and a benchmark for future events.

Closer cooperation with Queensland water agencies may assist in refining of estimates

COMMUNICATION

There is a need to ensure a high level of level of communication to all stakeholders during any first flush flow, and there is an obvious need to clearly explain what certain embargo provisions mean more generally and an explanation of the rules.

Even those water users with a good understanding of water issues and rules, at times had difficulty following all the decisions made during this event.

Depending on the slant of the media the way in which the flows were reported clouded opinions or in some instances influenced or formed those opinions

THE CONFLICTING DEMANDS OF THE NORTH AND SOUTH

As usual, there were obvious conflicts in the needs of north and south (upstream and downstream) with both wishing to stake a claim on available water.

There was an early agreement generally about the amount of water required to reach the southern extremity of the system (Lake Wetherell) in the early part of the flow but as the volume increased, the levels at which extraction could take place were subject to debate. Those in the North were obviously concerned about loss of their "window of opportunity" whilst in the South there was concern about potential over extraction in the North.

Both concerns were to a degree fanned by the fact the estimates of total volume kept on changing and the volumes to be delivered or extracted changed accordingly.

Fortunately, the volumes increased and this negated a considerable amount of concern that would have arisen had the reverse been the situation.

Consideration of the fact that the flows from the Warrego River for example enters the Darling below Bourke and adds to the flow available to those in the south of the basin

with no impact on the Northern Basin. It is important that these flows are considered early so that they are included in the amount of available water and those in the North have the opportunity to commence extraction based on the total level of available water and this amount is not restricted to that within the major water courses.

TRANSPARENCY

The perceived lack of transparency was probably without foundation except to say that the unique events and lack of data on flows made the situation very fluid giving rise to a perception of a lack of transparency.

It but It is felt that the decision making was subject to rapid change was in accord with an equally rapid change in data which became available.

"Decision making on the run" with limited consultation meant that the whole event was in some eyes shrouded in an appearance of lack of transparency.

As event proceeded and more rain and flows eventuated, a changing situation also gave rise to an appearance of a perceived lack of transparency.

SUMMARY

The ability to have accurate data seems be the key to much of the discussion around this flow and if the take home message is to resource the modelling and other predictive tools to achieve this result.

Equally a closer cooperation between the Queensland and New South Wales Governments in relation to water would be advantageous as the flows in the Northern Basin were largely influenced by rain in Queensland.

Consistency around the measurement of the amount of water would help in this regard.

Additionally, it is very important to communicate and consult closely with all stakeholders before a first flush event is announced or put into place,

This increased level of communication will do much to reduce the perception of a lack of transparency and provide clear guidelines as how the flows are to be managed.

Again the inclusion of these guidelines in the water sharing plans would probably be advantageous