



Natural Resource Commission, GPO Box 5341, Sydney

Dear NRC Review Committee

Introduction

NSW South-West Water Users Association (SWWU)

Represents water users on the Murray River downstream of the Murrumbidgee River to the SA border and the Lower Darling River (Baaka) downstream of, and including, the Menindee Lakes.

Our members divert water for stock and domestic needs and for irrigation of permanent plantings (horticulture, wine and table grapes) and annual crops.

We use both NSW high security and general security licences as well as stock and domestic entitlements. Our security of water supply for both consumptive use and the river environment depends on water coming from upstream.

Our major issue is the need for protection of flows into and out of the Menindee Lakes in dry season scenarios.

In particular, the inclusion as 'hard rules' in Water Sharing Plans (and consequently the Water Resource Plans) of realistic triggers which prevent access from low priority users upstream when downstream conditions are poor. In practise, this means downstream river health – and the minimisation of risks of serious problems arising - becomes a higher priority than supplementary and floodplain harvesting upstream.

Prior to, and following the massive fish kills at Menindee in the summer of 2018-19 (& again March this year), the regional community has been calling for flow targets in the Darling River at Wilcannia and storage targets in the Menindee Lakes prior to diversions for irrigation upstream. The aim is to protect the environment and prevent environmental disasters. Specifically, this would require-

- Flow targets at Wilcannia to ensure connectivity of flow and pools along the length of the river.
- Appropriate storage targets in the Menindee Lakes to be able to provide up to 18 months water supply for regional town water supply, domestic and stock needs in the Darling River.

The need to ensure connectivity of the river during drought and to establish appropriate storage targets has widespread support but has been downplayed by the NSW government. Current NSW policy continues to prioritise low priority irrigation use over the needs of the river and communities downstream.

SWWU has requested that the Commonwealth government does not support or endorse any Water Sharing Plan or subsequent Water Resource Plan for the Darling River and its tributaries that does not include appropriate river flow and storage targets. We have also requested the NSW State Government rescind submitted WSPs lodged with the MDBA and amend them to address river health and climate change.



NSW Murray and Lower Darling water sharing plan NRC review

Our comments specifically relate to The Lower Darling component of the Water Sharing Plan (WSP).

SWWU is highly critical of the Lower Darling WSP.

The NSW Water Act clearly specifies priorities of water use. The river is the highest priority and rightly so.

It follows from this that Water Sharing Plans should cover the base needs of the River System ahead of allowing extractive use – particularly by low priority use such as Supplementary, Floodplain Harvesting or High Flow Licenses.

The current NSW WSP structure ignores this, with no WSP prioritizing the ability to get connectivity throughout the river, ahead of low priority extractive use upstream.

Literally, it is NSW Policy to give low priority use in tributaries (FPH, Supplementary, High Flow), preference over the ability to deliver fresh water to the bottom of what is obviously a highly stressed river system.

The Lower Darling WSP is complicit with this negligence and as such is fundamentally flawed.

Departmental engagement on WSP issues, Wilcannia and downstream, is non-existent and has been for many years. It would appear to be policy to ignore anyone who understands that whole of river connectivity is critical. Favorable consideration is frequently given to those with upstream commercial interests.

Our Recommendations

SWWU would submit that the basic needs of the river system should be covered as a priority by clauses in all WSP's.

Specifically, water licenses purchased by Government should not be expected to do this. Their use should be to deliver environmental outcomes which are above 'normal' operations.

Fundamentally, there cannot be any coherent WSP for The Lower Darling until the river system is managed as a whole. Fresh water to the bottom of a stressed river must be a higher priority than any irrigation extraction anywhere.

All WSP's should address water quality as a serious issue. Currently, none do.

SWWU would submit that there is a need for triggers to be established as a prerequisite for allowing low priority irrigation extraction upstream. These triggers should be 'outcome' based.

For example, triggers could be based on attaining water quality benchmarks at Wilcannia and downstream, reserve levels in Menindee on a time basis (for example, 18months to supply The Lower Darling), or mitigating current river health issues such as the risk of major fish kills.

In practice, this would require an active policy of allowing small flows through the system.

SWWU would submit that the lack of these small flows is a major cause of the river health issues which have been so obvious downstream of Wilcannia in recent years.



There are Six Specific Questions in the NRC Review Paper.

To what extent do you think the plan has contributed to environmental outcomes?

- The NSW WSP structure generally has directly contributed to the environmental destruction of The Lower Darling – particularly at Menindee. The Lower Darling WSP is complicit with this due to the lack of any connection between the Northern Basin WSP's and The Lower Darling WSP
- Current policies have tokenistic water quality requirements resulting in appalling water quality and continual fish kills.
- This is an environmental outcome – but hardly a desirable one.
- Numerous platitudes at the front of the Lower Darling WSP are undermined by the body of the WSP and the lack of connectivity with upstream WSP's.

To what extent do you think the plan has contributed to social outcomes?

- Communities at Wilcannia and downstream are dismayed and disgusted at the state of The River.
- Children can't swim in the river and households struggle to get water which is fit for household use.
- This is a social outcome but hardly a desirable one.
- The NSW WSP's generally and The Lower Darling WSP specifically are complicit in this.

To what extent do you think the plan has contributed to economic outcomes?

- The WSP structure in NSW has contributed greatly to economic benefits in upstream catchments.
- The downstream economic outcomes have been severe, with most water use industries at Menindee and downstream no longer in operation.
- Repeated major fish kills and appalling water quality have destroyed morale along the river and discouraged tourism.
- Camping is diminishing due to a sick and dying river being continually in the news.
- Water quality issues – including algal blooms – are making watering of stock problematic.
- Again, the NSW WSP structure and the LD WSP specifically, have achieved economic outcomes but they are hardly desirable at Wilcannia and downstream.

To what extent do you think the Plan has contributed to cultural outcomes?

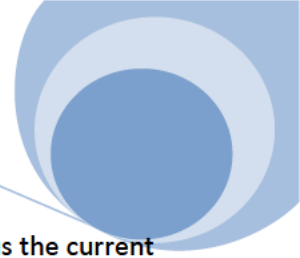
- All Aboriginal issues are ignored.
- There are no beneficial outcomes.

To what extent do you think the plan has contributed to meeting its objectives?

- There would appear to be 2 main objectives in NSW WSP's. Firstly, to promote economic activity upstream at the expense of downstream communities and secondly to remove any suggestion of a coherent connection between the Northern and Southern Basin.
- Sadly, WSP's generally and the LD WSP specifically have met both these objectives.

What changes do you think are needed to the water sharing plan to improve outcomes?

- Implement the priorities clearly identified in the NSW Water Act on a whole of river basis. Connectivity throughout the river system is the key, with an aim to attain basic river health as stated in the vision and objectives of the MLDWSP (Part 2 – p10,11)



- The hierarchy of water take must be throughout the system, not just within sections as is the current policy.
- Specifically, the LD WSP should be linked to all upstream tributaries for the simple reason that they are the only source of water.

Some More Specific Comments

- The evolution of the WSP has been dysfunctional. The original review commenced in 2012. The WSP was rolled over in 2016 with little consultation and with every issue identified in The Lower Darling intentionally ignored. Subsequent attempts at a review process have stalled, with nothing being heard of the process for many years. Numerous recent additions have not been notified to Lower Darling Water Users.
- Water Licenses in The Lower Darling are either High or General Security. The NSW Water Act clearly specifies these as being a higher priority than supplementary, high flow or floodplain harvesting access. Our only source of water is from tributaries upstream and yet access to the low priority licenses referred to above rates as a higher priority than the ability to supply High Security licenses downstream.
- Water trading/carryover systems are copied from The Murray system despite fundamental differences in supply characteristics. The current carryover system in particular is not fit for purpose.
- Water supply which had previously been sourced from disconnected storage in Lake Cawndilla in dry years is now expected to be delivered from the top lakes.
- Consequently, in dry years the supply obligations of the top lakes at Menindee have increased four-fold in dry years and supply reliability to pre-existing licence holders has been significantly degraded.
- It is Government owned licenses which have achieved this. As such DPIE have a direct and blatant Conflict of Interest which has neither been declared nor managed. They have, conveniently, ignored these issues.
- The 195Gl trigger proposed at Menindee is a non sensical number and ignores the reality that it is fresh water which will improve river health.
- To achieve ongoing outcomes with climate change, WSP's need to be adaptive with a focus on prioritizing river health. As an example, an 18mth supply reserve for Menindee and The Lower Darling is more appropriate than a static number.

Conclusion

SWWU is highly critical of the WSP process in NSW generally and The Lower Darling WSP specifically.

We represent people at the bottom of the river system who must put up with the consequences of the mismanagement of the river on a daily basis.

We would be happy to discuss with you any of the issues we have raised in this submission.

Regards

