

Submission to water sharing plan review. Due 5pm 1st May 2022

Thanks for the opportunity to be included into the review into **the Macquarie Bogan Un regulated rivers water sources 2012(unreg plan)**

Firstly can I voice my concerns about the ability of the Natural Resources Commission (NRC) to fully understand the enormity of the issues that have arisen during the life of the unreg plan for the Macquarie (un reg plan) without visiting the lower Macquarie and understanding firsthand the complexities of the operations of a water sharing plan(WSP) that is located on the bottom end of a regulated water sharing plan that influences the outcomes (environmental ,social, economic and the ability to meet the plans objectives while not being linked at all with the reg WSP.

Can I also bring to the NRC attention that the timing of the submission closing date is inappropriate for those irrigators in the lower Macquarie as they are in the middle of harvesting (picking) the biggest cotton crop grown in the district in many years. This poor timing is an example of how disconnected the planning process is to those that live in and depend on both a healthy environment and water security. It is critical for the massive restructure of the unreg WSP that must occur include the issues that have arisen during the last 10 years of the plans operation.

Introduction.

My family have lived in and run a farming/grazing business in the lower Macquarie for 88 years and we have witnessed firsthand the impact of the development of 2 major dams in the upper Macquarie catchment and 4 generations of our family has experienced the reduction in both overland flooding and base flows in the Macquarie river .Our business is focused mainly on beef cattle production in the Macquarie Marshes with part of our land being Ramsar listed.(U block) To aid in drought preparedness we have a small area (100 ha) developed for flood irrigation that is included in the upstream management zone of the lower Macquarie that falls under the unreg water sharing plan.

I have been involved in the development (landholder rep) on the 2003/4 regulated WSP the development of the unreg WSP 2012, the review to the 2004 regulated plan and sat on the stakeholder advisory panel for the development of the water resource plan for the Macquarie.

I have witnessed firsthand the amalgamation of many plans that has removed the local issues and witnessed firsthand how our community has been impacted by this change.

I hope to be able to bring to the NRCs attention the failures in the unreg plan while acknowledging the challenges that the NRC is likely to face through the review process. I hope that the NRC have the available resources to allocate to the issue and that the findings that the NRC make are able to satisfy my concerns.

During the development of the unreg WSP in the lead up period to the plans implementation, engagement with the community was extremely poor. While I personally attended every meeting and submitted a submission I was very aware that many key stakeholders were absent during the process. It is difficult when the plan includes areas upstream of the dam as well as the lower Macquarie .This is the first reason that I believe the plan has failed. **Poor engagement.**

There are many issues that have resulted in the failure of the plan and it is difficult to explain the enormity of these issues without further opportunity. The extent of the plan to contribute to environmental outcomes ,social outcomes and economic outcomes are greatly limited by the operation of the river by water NSW under the 'Macquarie Cudgegong regulated WSP ,until there is some realisation of the linkages of these two plans the unreg plan is doomed to fail.

Plan detail itself

Part 2 Vision, objectives, strategies and performance indicators.

The plan had failed on its most basic vision statement, to provide for healthy and enhanced water sources and water dependent ecosystems and for equitable water sharing among users in the water source.

During the life of the plan the plan has failed to meet the majority of the objectives set out in the plan. Objectives such as protect, preserve and simply maintain the river flows has failed, there is no reference to climate change and the changes that we are experiencing with increasing climate variability.

The plan has failed to protect basic landholder rights and I'm guessing that engagement for the review only included licence holders thus continuing to exclude input for riparian landholders who have seen the flows at Bells Bridge greatly reduced. Note (flows at Bells Bridge are provided by the Macquarie Cudgegong regulated WSP and is set as two flows a year. The River operator has failed to achieve these flows on many occasions. The period of no visible flow at Bells bridge has been extended far beyond that of pre dam no flow periods.(see Bells bridge 421012 flow data ,records from 1939) This is just an example of the inability of the unreg plan objectives to be met as the linkages between the reg and unreg plan don't exist.

Active management

During the time period of the unreg plan the NSW government introduced active management.

This process was a disgrace at best and completely lacked transparency, of all the river planning that I have been involved in during the last 20 years active management has been the worst.

I'm not sure if the NRC have been tasked with reviewing the process of implementation of active management but if not it should be included in the review.

While the primary objective of active management has been to protect Held Environmental water (HEW) ,the implementation of active management has had massive impacts on social and economic outcomes for the unreg system while not providing any real improvements to the environment.

During the development of the reg WSP 2003/4 the department (NSW government) introduced the idea of translucent flows. This was a hard fought decision with a cross section of stakeholders opposing the idea. This meant that the environmental water allowance EWA was divided into two allowances.

Sub allowance 1 (translucent)

Sub allowance 2 (Active)

At the time of the creation of these allowances the EWA was specifically intended for the Macquarie Marshes. At this time the need for the flows to connect with the Barwon Darling wasn't completely recognised.

It wasn't until the unreg WSP development in 2011/2012 that any protection of this water was identified. The result was the unreg plan restricted access to sub allowance 2. This was not understood by the majority of stakeholders until the implementation of active management in 2020.

I received notification in March 2018 that changes had been made to our licence conditions, the time for comment on the changes had expired prior to the letter being received. The fact that changes had been made to my licence conditions without any opportunity to comment was as best extremely concerning. I have copies of the changes and have brought this to the attention of anybody that is interested. To date nobody has claimed responsibility for the change.

During the engagement period for active management, the NSW government gave examples of how active management would have worked during the 2012 to 2019 period and how EWA 2 flows would have been protected. It needs to be understood that environmental flows are accounted for at Marebone gauge (421089)some 60 to 100 km upstream of the unreg system .The EWA flows in the Macquarie are often made up from tributary inflows from downstream of Burrendong dam.

The water users in the lower Macquarie now find themselves being excluded from access to HEW flows and sub allowance 2 of the EWA. While this on its own is a poor outcome for the water users its magnified by the fact that the river operator has been tasked with improving efficiencies.

The result is that the only time that water is available in the lower Macquarie are in times of floods ,this change has occurred during the time frame of the unreg WSP.

Un reg irrigation in the lower Macquarie has worn the brunt of over allocation in the reg system with greatly reduced availability, now the unreg users are had more reductions as a result of active management.

To What Extent

In the letter we received calling for submissions the question is asked, to what extent do you believe the plan has contributed to environmental ,social, and economic outcomes as well as to what extent has the plan contributed to the objectives set out in the plan itself.

This is a difficult assumption as I believe that the plan has failed at every level.

What changes are needed?

Firstly the NRC must come to our community and hear our concerns to fully understand the scale of the failure of the plan. The review needs to include a detailed review into active management and how the river operator has chosen to implement this new process.

The plan has clearly identified performance indicators that were to be used to measure the success of the plan to reach its own objectives .A low flows – seems to have been a fail as the duration of no flow periods has increased during the life of the plan.

B Change in moderate to high flow regime, - fail as this would have been similar to pre plan levels.

C change in surface water/ground water extraction relative to the long term average annual extraction limit.
Fail I would have no idea how this would be calculated??

D Change in local water utility access, Fail it is impossible to see any improvements in water security.

E Change in ecological value of the key water source and their dependent eco system, fail as the water dependent eco system of the key water source and its dependent eco system needs water, the plan has failed to provide more secure base flows in the Macquarie river channel.

F basic landholder rights, the plan has seen a reduction in flows in the lower Macquarie River so this is a fail.

G , Extent that local water utility requirements have been met, like D it's a fail

H native title rights, fail

I Economic benefit delivered, fail as the opportunity for commence to pump opportunity's has been reduced as a result of active management this is a fail.

J recognition of spiritual, social and customary values of water to Aboriginal people, I'm not too sure but I'm going to say fail as I'm sure the traditional owners would like to see some water in the river to fish and hunt.

Finally the plan and the NSW government in general have failed to include any measures to address the impact of climate change in the 2012 plan. Experience has shown us that rivers die from the bottom up and while some still question if climate change is impacting our local weather pattern already I'm in no doubt that the increased variability that we are witnessing is a result of climate change. The fact that the 2012 unreg WSP has no mention of adapting to this change in water availability and stream flows is concerning.

I have also included in my submission my reply to the proposed active management rules that have been implemented in the lower Macquarie and can I encourage the NRC to read through these reply's to increase your understanding of the local issues.

Thanks Garry Hall 0427244361

What are your views on what water will be defined as active environmental water and managed through an unregulated water source? (see page 10)

Active environmental water is a poor choice of words, in the Macquarie the sub account 2 of EWA has always been called active environmental water. This is confusing and demonstrates the complete lack of understanding of past practises.

Shows a complete lack competency by the department.

In an attempt to reduce efficiency's within the regulated reach of the river, Water NSW has changed and become much more efficient, what was surplus flows is very often called either HEW or EWA, any trib flows that occur during an environmental release (previously available for unreg extraction) are now termed environmental water .This policy and proposed amendments both fail to recognise this fact and deal with flows arriving at Marebone (location at which environment flows are measured in the Macquarie)

The failure to recognise this will result in greatly reduced access for all unreg in the lower Macquarie.

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 water sharing plan commenced? (see page 10 and 11)

During the draft unreg WSP development no mention was made to the protection of the EWA, changes made after the plan was open for comment have attempted to provide some protection, this took place without notifying the licence holders. Only as recently as March 2018 were we notified of the changes. Water NSW did not implement or enforce the changes, maybe they didn't know? The EWA was specifically for the Marshes and the only active unreg licence upstream of the marshes had licence conditions to contact water NSW, thus providing protection of the EWA.

The changes have been a disgrace and as a result I do not support the inclusion and protection of planned water. I have no faith that the department (nswdpi) know or understand the issue to make such changes.

Do you support the criteria for where active management is to be applied? (see page 13 and 14)

No I do not at all. There are unreg irrigators on the lower Bogan and the Marra creek that will benefit from these changes giving them a higher priority than unreg in the lower Macquarie.

As the volume of HEW has increased (on paper, not observed data) in the Macquarie many stakeholders from both the Lower Bogan and Effluent creeks have requested for both EWA and HEW to be delivered to their areas.

While I have a sound understanding of why active management is necessary, it looks to me as if the department has insufficient knowledge at this stage to proceed with both the proposed amendments and the policy.

The criteria will result in some unreg licence holders continuing to receive flows when available and restrictions placed on others. This is completely unfair.

What are your views on how accounts will be managed for in-stream use of unregulated held environmental water licences? (see page 15 and 16)

There is no reason at all that an inactive unreg licence should be allowed to participate in the sharing of the water.

These licences have no works approval or no meter.

Including this in distribution of accounts will result less opportunities for the existing unreg take, this is on top of the reduced availability as a result from delivery efficiency's in the regulated section.

Do you support assigning river transmission losses proportionally to active environmental water? (see page 16 and 17)

No, there is insufficient metering or understanding of the complexities of the system, the transmission losses would be at best be a guess.

The variation between having the marsh system wet when a flow in is equal to a flow out and a dry system when up to 150gl can be consumed by the dry system is far more complex than the department could ever imagine.

A wet marsh very often results in local rainfall and it is possible that an area of up to 200 000ha could be inundated, attempting to assign transmission losses proportionally is unrealistic.

What are your views on the concept of adjusting commence to pump/cease to pump thresholds to protect active environmental water from extraction? (see page 18 and 19)

I don't think there should be any changes to CTP heights as the unreg users made a large investment on the CTP height that was a condition of their licence.

Through this process there is an assumption that as a result of water purchase in the reg section (HEW) that there are more flows in the system. While the department used as an example a flow in 2017, the department failed to identify other flows that had been reallocated to other areas or re purposed. Only graphs showing environmental flows arriving at Marebone were presented, how this flow was made up was not a consideration. Until the department can accurately show there has been an increase in water availability in the unreg system I disagree that any changes should be made.

If inactive licences were excluded from calling for a portion of their so called share then I could see that some daily extraction limits could be a solution. This would have to have input from the existing users and not rushed through like the current policy and amendments.

There is no opportunity to comment on the procedures manual and I find this very frustrating as the manual could hold the key to the success or failure to the problem.

What are your views on proposed amendments to water sharing plan access rules to protect active environmental water? (See https://www.industry.nsw.gov.au/_data/assets/pdf_file/0020/279002/PUB19-456-Attachment-B-iv-Proposed-amendments-to-the-Macquarie-Bogan-unregulated-water-sharing-plan-for-active-management.pdf)

Part 8 rules for managing access licences.

I need to know who is given responsibility for representing the minister. There is currently extremely low levels of trust towards DPIE and the only agency with any respect is water NSW. The problem with Water NSW is they have trouble filling local positions as staff with the necessary skills chose to live outside the effected areas.

My previous licence conditions stipulated that before accessing unreg water I was required to contact water NSW, this worked well for me as the local staff knew the river well and understood our licence conditions. If anyone was to be given this responsibility it must be the river operators and they must live in the local community and be available at all times.

Often in the unreg system flows can be unavailable for some month's even years but when they occur we need to have confidence that people who understand river operations on a daily basis. This is not a current skill set of the department (dpiie)

I do object to clause 87 other

This is an insult to all of us that participate in the planning process, why would we agree to have a plan with an open clause like this. This removes all confidence that the planning process has any stakeholder engagement. If the department feel they are lacking knowledge or the skills to get the plan right then tie the plan in with a review period of 5 years.

Each time we have input into planning documents we all need to know that they are final as our business need the security of a plan to make investment decisions .This clause is extremely inappropriate.

It is impossible to comment on the active management procedures manual when we haven't any idea what could be included in this document and if stakeholders are likely to have any input.

If the procedures manual is to be included then it needs to include the opportunity for input by effected stakeholders.

Do you support distributing the available volume between licence holders in each management zone based on shares? (see page 19 and 20)

Firstly I do support the creation of the two different management zones in the ml lower Macquarie, this has been a positive because the different areas require different rules in place and without different management zones this wouldn't be possible.

I do not support the ability for an inactive unreg licence holder to call on water, without any works approval or even a water meter.

I have a large inactive unreg licence upstream and have great fears that this inactive licence could call on water resulting in much less opportunity for take. This would have a direct impact on our business.

This is a classic example of the complex issues that arise when WSP are amalgamated, there are only a small number of active unreg licences in the lower Macquarie that have been able to find a workable solution.

The whole idea of distributing volume based on shares should only include the current active users and if other licence holders decide to invest then they would /should be included but only after they have a works approval and a water meter.

Do you support distributing the available volume between licence holders in each management zone who have expressed an interest based on shares? (see page 19 and 20)

I don't agree with licence holders having to apply for an expression of interest.

I need to have a decision made quickly and have trust in the department or agency who has the responsibility to make the call.

If a delay occurred during the expression of interest stage it is likely that the opportunity could be missed.

Many management decisions need to be put in place before I extract water and these decisions require planning and budgeting before they are made, having that uncertainty of applying for and waiting for an expression of interest could result in a missed opportunity.

Do you support access being announced? What issues need to be considered in making announcements? (see page 20 and 21)

Using the example of announcements for supplementary access is not a fair comparison as supplementary is on top of the regulated irrigators existing licence. Availability is only announced when they are increased.

I do not support announcements being made, most people have no idea how the unreg system works and making an announcement would attract attention, it is reasonable for water NSW to notify licence holders when flows are not to be accessed.

I do not think this process would last long, in reality we can go for extended periods when no opportunity is available then in a short period events can present themselves, sometimes these events go for a few months, it is unreasonable to expect announcements to be made for extended periods.

What are your views on how loss estimates will be forecast and how operational uncertainty is proposed to be managed? (see page 22-25)

This is an example of policy from other valleys being introduced into the Macquarie system with no understanding of how complex the river streams are around the Marsh area.

Estimating initial losses are only a small part of the problem, at times in channel vegetation growth reduces stream flow and at other times there is no or little channel growth.

Operational uncertainty accurately describes the whole situation as there is limited gauging through the Marshes, there is little knowledge about the variability of flows through the marshes.

The river operators (water NSW) have a good understanding of the reg section of the Macquarie but their only experience in the unreg system is the delivery of the stock and domestic flow. They have failed at this and it is common to use the environmental releases to provide 1 flow a year, the lower Macquarie is entitled to a flow every 6 months.

This should be taken into account when planning for forecasting losses or adaptive management.

Much more time should be given before the policy is completed with much more engagement with stakeholders.

What other options should be considered?

Much more time should be given before the policy and the amendments are finalised.

During the process there has been a clear lack of knowledge by the department and given the tight timeframe it is highly likely that mistakes will be made.

It must be remembered that the cause of the problem is not the making of the licence holders but both the department and the changing of name on each portion of water.

To target the unreg licence holders to provide inflows into the Barwon /Darling while many upstream management decisions have greatly reduced water availability for the unreg is wrong.

It must be considered that water NSW are advised by the customer advisory group who is heavily influenced by the regulated irrigation industry. As the Macquarie is so badly over allocated with reliability continuing to fall in the reg system water NSW has been forced to become more efficient.

This has happened in many ways, reductions to end of system flows in both the Macquarie and Bulgeraga creek that has resulted in less flows arriving in the marshes .This has a direct impact on the volumes of flow leaving the Marshes that are available to unreg access. The Marshes have changed from being wet most of the time with an occasional dry period to being dry all the time with an occasional wet period (HEW or EWA)

By the active management policy attempting to protect environmental water by reducing take in the unreg section it will only double the pain experienced by the unreg users.

The only water available in the unreg system is now all environmental water.

It must be considered to extend the development of the active management policy until such time that an increased understanding is reached by the department.

Unreg users in the lower Macquarie are the victims of a much bigger picture and while it may look like the protection of environmental flows past the lower Macquarie will give the results of increased flows into the Barwon it will all come at the cost of a few irrigators. The cause is much bigger than this and the proposed policy and unreg WSP amendments will make some business unviable.

It has been a poorly run process with poor engagement ,little time to prepare for meetings and a department that is focused on an easy quick fix while ignoring the long term damage to a few.

What information do you consider is important to document and consider in order to continuously improve active management? (see page 26)

The department need to fully understand how we arrived at this point in time, why changes were made to the unreg WSP without any consultation ,why did we receive notification of changes to our licence conditions without an opportunity to comment.(16/3/18 notification arrived, due date for comments had expired before the letter was postmarked.) ??? At no time has anyone even attempted to answer these questions, much more time needs to be considered before we commence active management .If the current process continues without any opportunity to have input into the procedures manual it is highly likely to fail before it starts.

What risks need further consideration?

Risk of a policy and amendments that are unworkable and result in a few unreg access licence holders who have been left to carry all the responsibility of protecting environmental flows while many upstream irrigators have benefited from infrastructure upgrades or opportunity's to sell water.

It must be considered that the only flows available to the unreg section are environmental flows at the same time there has been a massive reduction in take by unreg in the lower Macquarie.

A consideration could be to change the previous amendments that restricted access to the sub account 2 of the EWA, change this to restricting access to sub account 1 of the EWA and allow access to sub account 2.

What additional issues should be considered in actively managing flows?

With the release of both the Vertessy and NRC report into the Barwon / Darling there has been a community's expectation that environmental water is provided with some protection.

The active management draft policy and the proposed amendments to the unreg WSP have failed to include the reduced availability for take that has occurred in the system.

While I accept that there is an expectation for protecting both planned and HEW It must not come at the expense of a few ,while many upstream users in the regulated section have both been given the opportunity to sell water to the CHEWO and also benefit from efficiency upgrades.

The unreg in the lower Macquarie don't have any other water available to them, they are being punished for the actions of others and a large section of the community have little understanding of how the proposed changes will impact on those irrigators.

The timeframe given to include the proposed changes has been inappropriate to find a workable solution, Can I call on a halt to the process until we have the opportunity for input into the procedures manual and all stakeholders have developed some confidence in the process.

Un reg irrigation in the lower Macquarie has worn the brunt of over allocation in the reg system with reduced availability, now they are expected to have even more reductions as a result of a complete lack of understanding of the system.

Time line

1994 development of irrigation and works approval 80ca716442

Included in licence conditions, (and receive permission from the state water superintendent at Warren to use works)

Development of unreg WSP 2012, continued with same conditions.

20/3/18 received mail with notification of rule changes, date for comment had expired before the letter was postmarked.

Changes removed conditions to contact water NSW but provided protection to sub account 2 of EWA.

September 2018 ,I was contacted by OEH to ask what my plans were while an environmental watering event was delivered ,informed them that I was staying with the original licence conditions as I had operated under as I thought they were correct.

June 2019 was contacted by DPIE to be involved in the development of a policy for active management, extremely concerned that there was a huge knowledge gap and continue to be.

In summery can I again ask for a delay in the process as both the proposed amendments and the draft policy for active management fail to include the major changes to river operations within the Macquarie.

The policy has no detail on the procedures manual and or who will have responsibility for making decisions regarding unreg access.

I am extremely disappointed in how the process has been handled and while it appears that there is a community's expectation the environmental water is protected, there is very little knowledge of a solution without impacting on a few unreg access licences that have not done anything wrong and are being punished as a quick fix.

Garry Hall [REDACTED]