



web inlandriversnetwork.org
ABN 34 373 750 383

Natural Resources Commission
GPO Box 5341
Sydney NSW 2001
nrc@nrc.nsw.gov.au

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Submission to Review of the *Water Sharing Plan for the Murrumbidgee Regulated Water Source 2016*

Introduction

The Inland Rivers Network (IRN) is a coalition of environment groups and individuals that has been advocating for healthy rivers, wetlands and groundwater in the Murray-Darling Basin since 1991. We welcome the opportunity to participate in the Natural Resources Commission (NRC) review of the Murrumbidgee Regulated Water Sharing Plan (WSP).

IRN is of the opinion that the WSP fails to meet its environmental objectives with an inherent bias towards water supply for extractive industries. The rules for sharing water and operating major storages need considerable improvement before the WSP meets the principles of the *Water Management Act 2000* and the requirements of the Murray-Darling Basin Plan under the *Water Act 2007* (C'wlth).

It is of note that the combined water access licences in the WSP amount to 2,907,214 unit shares while the two major storages Burrumbidgee and Blowering Dams, the source of most water orders, have a total volume of 2,632,000 ML. The overallocation of water in the Murrumbidgee Regulated Water Source is a major issue that has not been met through the plan limit.

NRC Review

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

The WSP has contributed to environmental outcomes through a number of provisions for access to environmental flows.

However, the rules around these provisions relate more closely to water storage management and extractive access than to the requirements of the environment. There appears to be little consideration of timing, habitat requirements or hydrological improvements through the use of environmental flows.

The broad environmental objective of this WSP is *‘to protect and contribute to the enhancement of the ecological condition of the water source and its water-dependent ecosystems.’* (Cl 8(1)). There needs to be considerable improvement to water sharing rules to meet this objective.

1. Complex Planned Environmental Water (PEW)

PEW is identified as provision for minimum daily flow rules, transparent and translucent releases from Burrinjuck and Blowering Dams and three environmental water allowances.

The rules managing these sources of PEW are excessively complex and give a higher regard to water storage and access for extractive licences than to the achievement of WSP environmental objectives, targets and strategy.

Cl 58 Minimum daily flow rules:

The rule for daily minimum flows at Balranald gauge would be simpler if the 95th percentile natural daily flow for the month was maintained.

There is no environmental justification for a permanent daily flow of 50 ML/d at the Billabong Ck Darlot gauge. There would be improved environmental benefit if this minimum flow was variable.

The protection of these minimum daily flows from extraction is a positive environmental outcome.

Cl 59 Transparent release rules for Blowering Dam:

There is no rationale provided for the target volume of 560 ML/day natural daily inflows in the management of transparent flows from Blowering Dam in regard to environmental benefit. There appears to be a great deal of flexibility for the storage operators to determine whether to release volumes equal to or greater than natural daily inflows.

While these releases are protected from extraction by licence holders, they are not protected from basic rights extraction. Therefore, these flows cannot be classed as PEW under cl 15 (c).

Cl 60 Transparent and translucent release rules for Burrinjuck Dam:

These rules have more emphasis on maintaining water levels in the storage than achieving the environmental objectives of the WSP.

(3) This rule restricts the release of water to 615 ML/d, therefore cannot be classed as a transparent release

(4) This rule restricts translucent releases between 22 October and 21 April which is the main period of irrigation demand. This rule is aimed at economic outcomes rather than environmental outcomes.

(5) – (10) are unnecessarily complex with more emphasis on maintaining storage volumes than on achieving environmental outcomes.

(11) Negates all subclauses by giving precedence to volumes ordered for release by licence holders. This rule is further demonstration that PEW is not given the level of security or water sharing arrangements needed to meet the objectives of the WSP or the WMA.

CI 61 Environmental water not able to be released by the operator

This rule demonstrates the bias in the WSP towards supplying extractive users in favour of PEW. IRN does not support that the operator be given the ability to decide when PEW can or cannot be released. This rule does not meet the WSP environmental objective to '*partially mitigate alterations to natural flow regimes*'

CI 62 Multiple environmental water allowances

There is no environmental rationale for having three different environmental water allowances (EWA) in this WSP

CI 63 Crediting and debiting rules for EWA 1

This rule concentrates on water availability for general security licence holders rather than meeting needs of the environment and environmental objectives of the WSP.

It appears that EWA 1 is restricted to 50,000 ML although the reference to an additional volume up to 50,000 ML in subclause (2), with conditions, needs to be further clarified

CI 64 Crediting and debiting rules for EWA 2

This EWA appears to be related to translucent flow rules in CI 60. There is no environmental rationale for the 315 ML limit. There appears to be unnecessary complexity in this rule with little consideration of environmental outcomes.

CI 65 Crediting and debiting rules for EWA 3

This rule has a time limit between 1 July and 31 October and the account is withdrawn on 1 January each year. This rule concentrates on water availability for general security licence holders rather than meeting needs of the environment and environmental objectives of the WSP.

2. Pre-requisite Policy Measures (PPM)

IRN has made detailed comments on the PPM Implementation Plan in the submission to the Murrumbidgee Surface Water WRP. We consider the NSW Government focus on third party impacts is not appropriate for a requirement of the Basin Plan

CI 46 Credits to and debits from an individual water allocation account

(4) & (5) IRN objects to debiting from accounts for PPM to be varied to offset impacts on reliability of other licence holders. This is a demonstration of the WSP bias towards extractive industry. PPM are a requirement of the Basin Plan and must be implemented for the best environmental outcomes.

CI 78 Environmental flow reuse and piggybacking operation rules

This rule restricts the use of PPM to holders of licences for environmental purposes. The rule needs to be expanded so that water in EWAs can be ordered for the purpose of delivering PPM.

There needs to be a stronger relationship between PPM rules and supplementary water access rules. The concept of free access to uncontrolled flows (CI 48) is an impediment to PPM.

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

The WSP contributes to social outcomes in that many rules allow for basic rights access, 100% stock & domestic access and 100% town water supply access before access under other extractive licences is granted

- To what extent do you believe the plan has contributed to Aboriginal cultural outcomes?

The WSP contributes to Aboriginal cultural outcomes in the provision of specific purpose access licences for high security Aboriginal cultural licences (CI 45). However, these are restricted to 10 ML per licence holder with a maximum volume of 2,150 ML with specified uses of the water.

There appears to be no provision for supplying these licences in the hierarchy of water access unless they are automatically treated the same as all other high security licences in rules that require 100% access to high security. This could be better clarified that regulated river (high security) (Aboriginal cultural) access licences have the same access rights as all other high security licences. Unless this issue is considered adequately covered by CI 22 (2).

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

IRN considers that the WSP has a strong bias towards contributing to economic outcomes. We note that the broad economic objective is to '*maintain and, where possible, improve access to water to optimise economic benefits.*' (CI 9(1)). This appears to be a stronger objective than that for the environment which aims to '*contribute to*' ecological condition.

The WSP has a bias towards economic outcomes in that many of the rules, including rules managing the various forms of PEW, are based on maximising water storage and water availability for extractive users. The date restrictions on access to some environmental water is based on the needs of the irrigation industry rather than on the timing and hydrological needs of environmental assets in the Murrumbidgee regulated river.

CI 48 Taking of uncontrolled flows

IRN strongly objects to this rule that allows for unaccounted take of tributary inflows by general security licence holders. This amounts to free water and is contrary to the definition of PEW CI 15 (c). It is another demonstration of a contribution to economic outcomes at the expense of environmental outcomes.

Uncontrolled flows into regulated river systems are critical for providing natural timing, temperature and triggers for a variety of ecological functions. Uncontrolled inflows provide opportunities for implementing PPM.

This water take is over and above the rules relating to supplementary licence access and does not appear to relate to tributary utilisation for filling water orders. This rule must be removed from the WSP.

CI 87 Amendments relating to Part 8

Subclause (c) refers to water that may be extracted without debit to the water allocation account of regulated river (general security). IRN strongly opposes any access to free water from the Murrumbidgee Regulated Water Source and recommends the removal of both CI 48 and CI 87 (c) from the WSP.

CI 93 Other amendments (general)

(3) IRN does not support this amendment to the WSP. The plan limit needs to be reviewed. It is not in the interest of the environment to facilitate total extractions reaching the long-term average annual extraction limit or long-term average sustainable diversion limit. We believe both are too high. The overallocation of the Murrumbidgee Regulated Water Source needs to be addressed.

- To what extent do you believe the plan has contributed to meeting its objectives? This question has been partially answered in the comments above
- What changes do you believe are needed to the water sharing plan to improve outcomes? This question has been partially answered in the comments above.

Additional comments:

CI 51 Distribution rules for the Lowbidgee area

(2) (d) *‘the protection, restoration and rehabilitation of floodplains and their dependent ecosystems (including groundwater and wetlands)’* is strongly supported and needs to apply across many rules in the WSP.

This rule should apply to all supplementary water access and is a strong argument against CI 48 the taking of uncontrolled flows.

This rule should also apply to the concept of water tagging. While this activity is enabled under WMA CI 71W, IRN does not support the assignment of water between water sources through tagging zones. The environmental impacts of this practice need to be better considered. The rules under CI 55 recognise the issue of reducing water availability to the environment. However, the more prescriptive requirements of CI 51 (2) (d) should be more widely used in the WSP rules including CI 55.

CI 69 & 70 Crediting and carryover rules for PSV 1 and PSV 2

These rules are unnecessarily complex and have restrictions on availability of EWAs

CI 89 Amendments relating to floodplain harvesting

IRN does not support the practice of floodplain harvesting and objects to any provision for this form of water take in the WSP.

CI 91 Amendments relating to SDLAM projects

IRN does not support the SDLAM projects in the Murrumbidgee because they will cause environmental harm that will not be offset and cannot meet an ecological equivalence test. We do not support this amendment to the WSP.

For more information on this submission contact: [REDACTED]

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