

Ref: D19/49109

Ms Marguerite Collins
Acting Director
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Dear Ms Collins

Please find enclosed a submission from the Murray-Darling Basin Authority on the Commission's review of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources (2010)*. The MDBA appreciates the extension provided by the Commission for lodgement of this submission and looks forward to discussing the issues set out in this submission.

Please contact Ian Krebs, Acting Director NSW WRP Assessment Section [REDACTED] [REDACTED] in the first instance to discuss the submission.

Yours sincerely



Marcus Finn

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Water Resource Plans
Water Resource Planning and Accounting Division

1 November 2019

Murray–Darling Basin Authority’s submission to the New South Wales Natural Resources Commission review of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources (2010)*

Introduction

Thank you for the opportunity to provide input prior to the commencement of the review of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*. The Murray-Darling Basin Authority (MDBA) welcomes the review and acknowledges the work undertaken by the NRC to date – particularly on the review of the *WSP for the Barwon Darling Unregulated and Alluvial Water Sources 2012*.

The MDBA has been working closely with New South Wales Department of Planning, Industry and Environment (DPIE) to develop accreditable water resource plans (WRPs) under the requirements of the Basin Plan 2012. This includes the Namoi Alluvium WRP and the Namoi Surface Water WRP (Namoi WRPs). MDBA is also working with NSW and Queensland to develop environmental works and measures under the [‘Toolkit’](#) to support implementation of the Basin Plan in the Northern Basin.

Development of both Namoi WRPs is ongoing. However, the MDBA is expecting submission of all remaining NSW WRPs before the end of December 2019 for formal assessment against Chapter 10 of the Basin Plan. The MDBA will be working to ensure as many as possible of the proposed NSW WRPs submitted in December are available to the Commonwealth Minister for Water for an accreditation decision before 30 June 2020.

The proposed NSW WRPs will incorporate specific clauses from NSW water sharing plans; some of which are being amended or re-made for the purpose of Basin Plan consistency. This will mean that the NRC’s program of scheduled reviews of current NSW Murray-Darling Basin water sharing plans, may be examining water sharing arrangements that are proposed for amendment.

For the purposes of the NRC review of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, the two proposed Namoi WRPs will incorporate amended/re-made water sharing plans that cover most of the water resources currently managed through the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*. Drafts of the amended water sharing plans are available from the NSW DPIE web site at: <https://www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts>.

Recent reviews and assessments relevant to the Peel Valley water resources

The following is a list of relevant information sources that may help to inform the NRC review of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*. These were previously referred in the MDBA's submission to the review of the *Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012* but also have some relevance to this and future reviews.

- [Northern Basin Review](#) – includes a wealth of information concerning the economic, social and environmental outcomes from water recovery in the Northern Murray-Darling Basin.
- [Hydrologic assessment of flow changes in the northern Basin](#). This report provides a hydrological analysis on the assessment of changes in flow due to effects of climate change and variability, as well as other factors, including river regulation.
- [MDBA compliance review](#). The MDBA and an Independent Panel conducted a Basin-wide Compliance Review at the request of the Australian Government. The review assessed the legislative, policy and practical implementation of compliance in water management across the Basin. As an outcome of this process, the five Basin state governments and the Australian government agreed to a series of compliance commitments and actions that are captured in the [2018 Murray-Darling Basin Compliance Compact](#).
- [River System Modelling for the Basin Plan - Assessment of fitness for purpose](#). This report assessed the capability of a range of Murray-Darling Basin models, including the Namoi Integrated Quantity and Quality Model, for Basin Plan and WSP purposes.

Northern Basin Toolkit projects

Out of the Northern Basin Review came a series of [Toolkit](#) measures and initiatives to complement and support the implementation of the Basin Plan, which guides how water is managed and used sustainably in the Basin. The measures and initiatives, along with other activities in the northern Basin, will protect water for the environment, improve compliance with water laws, and create opportunities for local communities, including First Nations.

The MDBA recommends that the NRC consider the performance of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* in the context of these Toolkit measures and initiatives. Potential changes to provisions in water sharing plans that progressed toolkit measures would, in our view, enable those plans to better meet their environmental, social and economic outcomes.

Proposed changes access rules in the Cockburn River and Goonoo Goonoo Creek

In the development of the two Namoi WRPs, it has become apparent that DPIE are considering a change in access rules previously expressed in cl. 69 of the *Water Sharing Plan for the Peel*

Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010. This provision operates to protect minimum water levels in the Cockburn River and Goonoo Goonoo Creek.

This rule was in place at the time of the commencement of the Basin Plan and given references to an environmental purpose associated with the rule, it is considered a Planned Environmental Water (PEW) rule for the purposes of the *Water Act 2007* and the Basin Plan. Under s. 10.28 of the Basin Plan, a WRP must ensure that there is no net reduction in the protection of PEW that was in place at the time of the commencement of the Basin Plan.

It appears that DPIE intends to replace this PEW rule with a different set of arrangements in the [proposed new WSP for NSW Namoi Alluvium Groundwater Sources](#) (which is to be a key instrument under the Namoi Alluvium WRP covering the Peel Valley). The treatment of this ruleset in proposed water sharing plans released for public consultation is inconsistent in unregulated and alluvial systems. For example, the proposed alluvial water sharing plan retain the expression of access rules as gauge heights, while the proposed unregulated water sharing plan converts these to flow targets.

DPIE and MDBA have been working constructively on this matter to ensure that planned environmental water protections are not undermined by any changes. However, the MDBA recommends the NRC consider the operation of cl. 69 of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, and the proposed changes, as part of its review.

Replacement and raising of Dungowan Dam

The MDBA acknowledges the planned raising of Dungowan Dam near Tamworth and other significant water infrastructure projects across NSW. For all such projects within the Murray-Darling Basin, the requirements of the Basin Plan will apply to ensure the sustainable management of the affected water resources. The MDBA encourages the NRC to consider future implications of this project on the achievement of environmental, social and economic outcomes in the Peel Valley and in downstream areas.

Conclusion

The MDBA welcomes the NRC's upcoming review of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* and would be happy to discuss the matters raised in this submission with the NRC in order to inform the conduct of the review.