

## **Submission to Natural Resources Commission on the review of the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010.***

This submission is made on behalf of the **Richmond and Wilsons Combined Water Users Association.**

The Richmond and Wilsons Combined Water Users Association (RWCWUA) is an umbrella organisation made up of members of smaller, source based water users groups.

While RWCWUA has encouraged all members to make their own submissions to this review process we believe that many will rely on this submission by RWCWUA to represent their interest in the review of the Plan.

To firstly address the five points that NRC letter to stakeholders asked to be addressed in submissions:

### *1 To what extent do you feel the Plan has contributed to environmental outcomes?*

The Plan has not made a great difference to environmental outcomes in the Plan area. Most water sources had Water Users Groups before the Plan existed. They worked cooperatively to implement pumping restrictions and cessation of pumping in times of low availability of water so as to protect streams for stock and domestic use and the environment in conjunction with the relevant government departments.

## **Part 2 Vision, objectives, strategies and performance indicators**

### **10 Objectives (a)**

The stated objective of the plan is to *“protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources”*.

Prior to the implementation of the Plan there were water users groups in the various water extraction areas. These groups in conjunction with Water Resources managed the extraction of water to protect the waterways. They monitored water levels, liaised with those using water and worked co-operatively to implement the rules under which water was taken. These groups are not recognised in the Plan and therefore have no place in assisting to implement restrictions in times of low flows and high demand. The relationships between water users are no longer strengthened by their working together to implement rules and under the Plan it is up to each individual to implement the rules under which they are allowed to extract. This has led to the possibility of some extracting outside the rules of the plan, without the “peer pressure” that helped keep users accountable locally when the water users groups were actively implementing rules of extraction. Individual users are not always able to easily check that their extraction is falling within the rules (lack of access to internet for flow data and salinity, inability to access depth pegs etc)

While we have no concrete evidence of a detrimental effect on the environment due to this change, made with the implementation of the Plan, it does leave the possibility of poorer environmental outcomes.

Any reports made to relevant authorities- now NRAR - about unauthorised water use take too long to be investigated and this is at the expense of water availability, to the environment and all other water users.

There is a problem with siltation of the rivers. The plan does not address this environmental degradation. Sand also moves down the river from up the system causing shallowing and blockage of streams. In the Coraki tidal pool area and other areas it has been observed that it is largely contributed to by the actions of feral fish species (carp) which are undermining banks of waterways and leading to collapse. There needs to be recognition that this issue needs addressing, for the good of the natural environment.

Flooding and its detrimental effect on the environment, infrastructure and urban areas is still a problem not addressed in the Plan. If farm dams were allowed, to harvest some of the extreme runoff experienced frequently, this would mitigate to some extent as well as allow more reliable access to water for those who now have very limited water access options.

With continued urban development along the coastal areas flooding will be increasingly seen as an expensive and troublesome effect on the environment, both natural and manmade.

With regard to “groundwater dependant ecosystems” the Plan does not seem to have prevented granting of new bore water extraction licences in some places which has led to existing bores in surrounding areas becoming dry or less productive and possibly having detrimental effects on groundwater dependant ecosystems as well. We don’t believe enough is known about groundwater systems. An example of a new irrigation bore detrimentally effecting surrounding existing bores has been reported to RWCWUA is at Parrots Nest hill outside Lismore.

**Objectives (g) contribute to the maintenance of water quality.**

As stated above waterways in the Plan area are suffering from siltation and shallowing due to sand and these issues are not addressed by the Plan. One of the possible causes of this is the proliferation of vegetation along banks which is not native to the area and not adapted to the flooding and drought we experience and so causes subsidence of banks when vegetation dies and falls in. The deterioration of water quality after flood rain events which cause inundation of vegetation, rotting of organic matter and deoxygenation of the water is not addressed by the Plan. As mentioned above these events would be mitigated if water could be harvested into farm dams when there is extreme runoff.

Salinity of some waterways is not prevented by the Plan. Currently the Bungawalbin Creek catchment is included in the Coraki Area Water Source, despite the fact that it suffers from salinity incursion up the waterway much earlier. Having the Bungawalbin Creek tidal area operating under the same salinity rules as the Coraki Area means that there can legally be extraction at times when salinity is much higher in the Bungawalbin than at the Coraki gauge. This could be detrimental to the environment due to damage by high salinity and the stream becomes unsuitable for stock and domestic use.

**2 To what extent do you feel the Plan has contributed to social outcomes?**

The Plan has not improved social outcomes in the time since its implementation. If anything it has contributed to deterioration in community relationships. By taking away any recognition of the part that Water Users Groups played in making sure that water was equitably distributed there has been a divide created between individual licenced water users and between licenced water users and other community members. With population shifts causing increasing close settlement in what had previously been farmland there is misunderstanding between older and new residents and the Plan has done nothing to help new residents understand licence holders rights for extraction.

**In Part 2 of the Plan, 10 Objectives (b), (c), (d)** all speak to social outcomes.

*(b) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these water sources,*

We are not aware of any way that the Plan has achieved this stated objective. Nor are we aware that there has been any study to identify Aboriginal, cultural or heritage items or sites related to water systems in the plan area.

*(c) protect basic landholder rights*

Because the Plan does set out the rules under which water can be taken it does to some extent protect these basic landholder rights. However it does not protect the rights to stock and domestic water for landholders on the Bungawalbin Creek by having extraction rules governed by a gauge at Coraki. The Plan does not protect basic landholder rights in that it is not able to protect existing users rights to water where there is increasing numbers of landholders with rights to stock and domestic water due to subdivision of land and closer settlement. This will only become a larger issue as time goes on, particularly in some areas within our Plan.

*(d) manage these water sources to ensure equitable sharing between users.*

While the rules for extraction are set out in the Plan it is evident that unless a person has an extraction licence there is little likelihood that they would be aware of the Plan or the rules. Often non licenced neighbours of licenced water extractors don't understand the rules under which licenced extraction occurs and don't know where to seek information. If they have questions or concerns about water use by licenced users there is likelihood that there will be deterioration of neighbourhood relationships between themselves and the licenced user.

In the past, before the Plan, the local water users group and staff of the Water Resources government department would have mediated between the parties to resolve issues or disputes but since the Plan was implemented there is no provision for this to occur nor recognition that the water users groups could play a part.

In the Richmond, Regulated Water Source there is no allowance made for the increasing number of riparian users. There is now increased small holdings with "hobby farmers" who, by their larger number, are requiring larger amounts of water for stock and domestic use, especially on weekends and holidays. Recent drought has highlighted the reliance of these riparian users on the water that has been released after being ordered by irrigators, sometimes leaving the irrigators at the end of the system short of water. This situation is detrimental to social relationships between licenced extractors who are paying fees for water and their non-licenced neighbours who don't have to pay for the water that they extract.

In Unregulated streams there is also an increasing number of house blocks being developed with access to streams. This can cause licenced users to run short of water, with cease to pump trigger points being reached earlier than they have been previously when there were less riparian rights users. This can cause conflict.

With the Bungawalbin Creek suffering from salinity incursion in times of low flows there is potential for irrigation to increase the rate of rising salinity, while still operating within the rules of the Plan. If irrigation is actually or perceived to be responsible for salinity reaching levels rendering water unusable for use by riparian users then this would contribute to the likelihood of social disruption.

### *3 To what extent do you feel that the Plan has contributed to economic outcomes?*

The Plan has not done much to contribute to economic outcomes. While rules under which water can be used have, to some degree, improved security of access for some water users, for others they have not done so or have decreased security. Water access security increases land values, improves

ability to viably operate agricultural enterprises and encourages development. If water security is decreased it decreases land value, decreases confidence to invest in development and makes it harder to make agriculture viable.

The Plan can not make water. All it can try to do is have available water used in the most effective way possible. It does not do this because it restricts harvesting of runoff in times of excess rainfall. It does not prevent increased demand for stock and domestic water under basic landholder rights, which erodes availability of water for licenced users. It does not allow free trade of water entitlements because of restrictive rules. It does not encourage conversion of extraction to times of high flow because the allowable rate is not high enough to make this a viable proposition for most water users, and some areas do not have any right to high flow conversion.

**Part 2 of the Plan, 10 Objectives (a), (b), (c), (d), (e), (f) & (g)** all would influence economic outcomes however there are only some that we have knowledge of.

Both (a) and (b) would have an influence on the value of property assets.

*(c) protect basic landholder rights and (d) manage these water sources to ensure equitable sharing between users.*

This Plan would protect the value of land of owners with basic landholder rights, however for those holding irrigation licences there is a threat posed to their economic capacity due to the proliferation of subdivision creating increased numbers of landholders with basic landholder rights, especially on streams with limited capacity. Where a greater amount of water is now extracted for basic landholder rights, leaving reduced volume available for licenced water extraction there is reduced security for the licenced extractor. This flows on to cause reduced economic outcomes along with conflict between neighbours. The Plan does not address this. Farmers are now seeing that in the near future there will be some districts within our Plan that will be squeezed out of agriculture because of this.

*(e) provide opportunities for market based trading of access licences and water allocations within sustainability and system constraints*

Restrictive trading rules in the Plan have prevented trade and therefore had a detrimental economic effect. The National Water Initiative says that there should be free trade within interconnecting streams but in most cases our Plan does not allow this, e.g. Wyrallah Source and Coraki Source. The inability to trade devalues both the land and water asset and limits the development of agriculture.

*(f) provide water allocation account management rules which allow sufficient flexibility to encourage responsible use of available water.*

The rules under the Plan seem to be working well in the Regulated system when there is water in the system and the system is properly operational i.e. not leaking water through malfunctioning valves. There also appears to be a lot of water lost in the system after release and not available when irrigators have ordered it.

In the unregulated system account management is not well understood, e.g. recent letters received from Water NSW talking about loss of carryover water at the end of the water year have left people confused. Most understand the 3 year rolling average and how it works but nobody has explained the carryover water to us yet. We do not have enough knowledge to say what economic effect this has had.

*(g) contribute to the maintenance of water quality*

The Plan does not address the quality of water in high rainfall events which sees deoxygenation of water causing death of aquatic species. This has been a documented occurrence since settlement in our area. Allowing farm harvesting and storage of high rainfall events would mitigate this situation and contribute to better economic and environmental outcomes.

**Part 2 of the Plan, 10 Objectives (a), (b), (c), (d), (e), (f) & (g)** have all been discussed in the above 3 answers.

*(h) provide recognition of the connectivity between surface water and groundwater*

The Plan does this by not allowing bores close to waterways but does not give full consideration to the fact that that waterways can have groundwater recharge.

*(i) adaptively manage these water sources*

We are not aware of what this term was interpreted as meaning at the commencement of our Plan. More recently "Adaptive Management" has become known as a way of managing environmental water flows in western river systems. If that term in our plan is now interpreted in the same way as in the west it could cause greater restrictions to licenced extractors in some streams, to the point that ability to irrigate was negligible, thus restricting production and devaluing property.

*(j) contribute to the environmental and other public benefit outcomes identified under the Water Access Entitlements and Planning Framework in the Intergovernmental Agreement on a National Water Initiative (2004) (NWI)*

We are not aware of any accounting for environmental water.

The rules for extraction are in place to allow for environmental water but there are parts of some watercourses which naturally become dry at some times. Environmental water under our Plan has more security than licenced extraction.

On the coast there is no Environmental Water Holder so therefore there is no environmental water held as a licenced entitlement. In the western river systems licence holders have been able to sell entitlement to the Environmental Water Holder and this puts a floor in the market. In that way licence holders who wished to relinquish their licence could sell it. On the coast there is not this option and so licence is surrendered and lost to the system. This devalues the licence asset. If environmental water in our area was held by way of a licence and made available for temporary trade when not needed for environment it would provide options not now available.

*5 What changes do you feel are needed to the Plan to improve outcomes?*

The recent world events including the covid19 pandemic have increased awareness that Australia should be less reliant on other countries for food and industrial requirements. Irrigated agriculture plays a vital role in this and our Water Sharing Plans need to reflect the importance of allowing equitable access to water for agriculture. With increasing world instability this need for agriculture to thrive will continue. The current Plan is quite restrictive in many ways and the review needs to take into account the need to improve national security by encouraging sustainable agriculture.

At a recent meeting of members of the Richmond and Wilsons Combined Water Users Association there were several issues raised which members saw as being problems that effected them. We realise that this review of the Water Sharing Plan is not able to address all of these issues as some are not part of the Plan, but are related to Government policy.

The issues that were raised are;

Trading areas. Members believe that there should be free trade between interconnecting streams as per the National Water Initiative.

Cease to pump and pumping restriction triggers. Access to data about when these triggers have been reached is often difficult to ascertain. It was suggested that the department should be able to send out an sms or email to inform when these points have been reached.

Units of measurement on the Plan differ to those being reported by the department.  
It is requested that units in the plan and units being measured should be the same.

Floodplain harvesting is not allowed in our Plan area.

There should be provision in the Plan to allow capture of water in time of high runoff. This would assist to mitigate downstream flooding and provide water security to areas that have limited reliability of access to water.

Harvestable right is not high enough

It is requested that the Harvestable Right amount be increased to 40%. We believe that due to being in a high rainfall area this is a sustainable rate of harvest.

High flow conversion dams should be allowed in all parts of the catchment

This would allow irrigators to have water security if high flow conversion was allowed at a higher rate than currently in the Plan. To be accessed at times of high and medium flows.

Metering should be in accordance to NSW Farmers policy and NSW Irrigators policy

That if there are to be changes to the Toonumbar dam system then water users downstream must be able to be involved in any consultation process

That water which has been traded retain the characteristics which it had before it was traded and be able to be traded back to where it originated.

This would increase the ability to trade and comply with the National Water Initiative

That it be made clear whether the words of the Plan or the words on a water title document take precedence

Trade is currently being impeded when a conflict in words on a title deed and what is written in the Plan (or not written in the Plan) is not able to be resolved by departmental staff.

### **Other factors that need to be taken into consideration when the Plan is reviewed**

There needs to be recognition in the Plan that Water Users Groups have a role to play in the management and implementation of pumping restrictions and cease to pump events. This would help the Plan implement its objectives by reducing conflict and assisting with environmental outcomes.

Government departments should work with water users to improved knowledge of water systems and the Plan. Proactive management would increase the likelihood of meeting social, environmental and economic outcomes.

Local Government needs to be made accountable when they make decisions which have a detrimental effect on the existing rights for water. There needs to be something in planning laws that requires local government to assess the effects of subdivisions on the existing water rights of

other residents, licenced extractors and the environment when development is being approved which will have basic landholder rights attached to the land. This would assist to achieve social, economic and environmental outcomes by reducing conflict, maintaining value for existing landholders and allowing security for licenced extractors who produce vital agricultural and industrial goods.

A new licence type for capture and storage of high rainfall events in coastal catchments needs to be implemented to allow licence to be issued without being purchased. This would allow irrigated agriculture on the coast to expand, without having to take licenced volume from existing entitlements. Removing volume from flood events would also have potential to mitigate downstream flooding. Thus a win for agriculture, environment and improvement of social outcomes

There needs to be an audit of reference points for implementation of rules for pumping restrictions and cease to pump conditions. Some structures such as depth pegs are not maintained and have deteriorated over time, making them unusable. Some are placed in what we believe are the wrong places, either because they are not accessible where they are (on private land etc) or in are in the wrong part of the system. Historical knowledge of water users, licence holders and land owners should be taken into account when decisions are made about reference points and who is responsible for maintenance of reference points needs to be made clear.

Mapping of water courses needs to be improved as some areas are wrongly mapped now, with watercourses being attributed to wrong sources. Also some licences are allocated to wrong sources, making them unusable or untradeable.

Salinity measurement for the purposes of managing extraction in the tidal pool should measure sea water salinity as intended or specified in the Plan, in the units specified in the Plan, and as stated at Division 3 clause 59 (5) should be "the average low tide daily reading". Currently the salinity is measured as electrical conductivity in microsiemens and converted to the units specified in the Plan (parts per thousand). We do not believe that the conversion is accurate or measuring the "salt wedge" which the Plan was trying to stop coming up the river. Electrical conductivity can be influenced by other factors than salt. This could be the reason that the gauge at Oakland Road, just downstream of the Coraki gauge usually has EC readings lower than the Coraki gauge.

Some title deeds use descriptions not used in the Plan and this needs addressing e.g. "Whole of source". In such cases the title deed needs to take priority and the appropriate changes need to be made in the new plan to allow for this.

**In Part 5 Requirements for water. Division 3 Requirements for water extraction under access licences clause 25 (d)** 10,078 unit shares in the Coraki Area Water Source.

This does not differentiate between the tidal and non tidal management zones in the Coraki Source. Also it needs to be clarified whether or not the allocation made for "history of use" has been included in this volume.

The inability to determine a starting volume for tidal, non tidal and "whole of source" components must be addressed. It prevents licenced volume from being traded or in the case of "whole of source" being transferred from one zone to another.

The total figure in the new Plan needs to include the amount of volume which was assessed as being serviceable by the source at the time of "history of use" allocation. There must be recognition that any volume surrendered is part of the total share component of total unregulated river access licences.

The Wyrallah source must be treated similarly.

Surrendered extraction volume needs to be made available for reallocation/sale into the area from which it originated subject to environmental constraints. If such volume is not able to be returned to the area of origin due to environmental concerns then it should be made available to an area further down the system where no such concerns are evident. By retaining overall extraction volumes previously allocated there is maintaining of the value of licenced entitlements and ability to improve economic outcomes while not having detrimental effects on environment or basic landholder rights. There should be a register kept of all volume surrendered and its origin and characteristics so that this volume can be reallocated in the future and not lost from agriculture and industry.

Consideration needs to be given to ways of managing changes in types of pumps used to extract water, especially when authorisation is given for increased pump size and capacity. While licenced extraction volume may not be changing in these instances the effect on waterways and therefore other users and the environment can be considerable in some circumstances.

Division 3, clause 60 subclause (220) in the Plan states that "Access licence holders may be accredited under the Efficient Water Use Accreditation Scheme" in certain water sources. Our Water Users Group is not aware of how to be accredited under this scheme and has not been able to ascertain any information about this scheme. If this is to remain in the Plan more information needs to be provided.

In the Regulated system of the Richmond there is a high loss of water between release and end user, up to 75% we are told. An investigation into the feasibility of piping water to customers on the regulated system should be considered. This investigation should also include looking at new customers in nearby areas within the Plan footprint, who could be serviced by piping the saved water and this would allow economic expansion. It would also allow greater use of the dam facility and increased revenue.

We acknowledge that the rules developed for metering as a result of the Mathews report following the Four Corners exposé are of benefit on the coastal river systems. However we do not accept that other rules such as those developed for management of environmental water under the title of Adaptive management are automatically transferrable.

We believe that Coastal River systems are very different in nature to western fall systems such as the Murray Darling Basin. Coastal systems must be assessed on their own merit and rules governing water use must be specific to each plan area.

Rules that are being set for the Western Fall rivers, complying to recommendations from the Mathews Report, should not be automatically imposed on coastal rivers. Mathews did not investigate coastal river systems and in the Mathews report are coastal rivers even mentioned. Therefore to automatically bring rules developed for the western fall without properly assessing individual coastal rivers capacity to sustain environmental flows, given the existing cease to pump rules, is simply nonsensical.

Government departments must recognise that they should not have a "one size fits all" mentality when setting rules and goals for water management.

**Chris Magner**

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