


22 October 2019

Natural Resources Commission,
GPO Box 5341,
Sydney NSW 2000
nrc@nrc.nsw.gov.au

RE: Review of Peel Valley Regulated, Unregulated, Alluvial and Fractured Rock Water Sharing Plan.

Dear Sir/Madam,

The NRC review of the Peel Valley Regulated, Unregulated, Alluvial and Fractured Rock Water Sharing Plan (Peel WSP) is long overdue. In NSW, Water Sharing Plans (WSPs) generally have had limited, if any, independent review of their effectiveness since the commencement of the *Water Management Act 2000*.

Until the recent specific review of the Barwon-Darling WSP, previous review reports appear mostly generic. From the 2012 NRC review, new WSPs were required but the replacement of those WSPs within the Basin Plan (BP) were recommended for deferment to meet BP requirements and avoid duplicated planning and engagement processes. There was a presumption that the NSW government would fulfill its BP commitments in a timely fashion.

The sorry saga of NSW water management since 2012 has proven this approach naïve. NSW has fallen behind in all milestones required for the implementation of the BP whether this has been the development of supporting water management policies, accredited Water Resource Plans (WRPs) commitments and amended WSPs that align with the intent of the BP. During this time the important administrative structures to support sustainable natural resource management have been abolished.

The public has been outraged and distressed at the outcomes of NSW's weak and biased approach to ensuring sustainable basin water use and management. This is especially disappointing given its important responsibility as the largest water user and manager within the Murray Darling basin.

The weakness and bias of NSW water management, exposed in media reports and scientific research, was confirmed in the NRC's recent review of the Barwon-Darling WSP (B-D WSP). In recommending immediate amendment of parts of the B-D WSP and a staged complete rewrite of it all, there is a suggestion that all WSPs in NSW may not have met their necessary intent to implement the objects of State water laws.

Further, the only other specific NRC review of a BP WSP was the review of the Lower Lachlan Groundwater Sharing Plan recognized, amongst other matters, a "high level of uncertainty in the recharge estimate".

I am unclear what government action was taken on this but NSW still appears to rely on estimates of water in WSPs rather than firm amounts reliably modelled with the capacity to take account of the critical catchment and water source connectivity required to achieve genuine environmental improvement.

Water sharing arrangements rely more on climate variations in longer term assessments of use rather than a proper account of the likely scenario of reduced water availability as a consequence of climate change. There is an inherent and unrealistic bias in government policy to maintain licence security within this reliably predicted scenario of reduced water availability which inhibits required legislative intent.

If WSPs across the NSW Murray Darling Basin had been robustly reviewed and rewritten as required under law, the severity of environmental collapse within the basin especially the Lower Darling River, may have been mitigated.

Regional towns, especially Aboriginal communities would not now be reliant on unhealthy and limited amounts of water and the public trauma caused by mass fish kills mitigated.

Ironically, it appears that the anomalous Peel WSP within the larger Namoi Valley catchment with critical connectivity with the Barwon Darling is the last to be reviewed by the NRC. It is occurring at a time the "heat" is on NSW to actually deliver on its commitments from eight years ago to implement the BP.

As well, the NRC review is occurring at the time Peel WSP is effectively being "dismantled" as part of the delayed development of WRPs in NSW. Regardless of this broader context of change it remains in the public interest that the effectiveness of its operation as a WSP for over a decade be thoroughly reviewed.

I do not have a background in science or am I a user of water within the basin.

We own property along an upper tributary of the Macquarie River but live in Sydney. Our family has always enjoyed outback travel in NSW and is keen to support regional towns during these travels. However, bone dry waterways and disappearing native bird habitat evident on our recent trip to the Peel Valley means such trips are much less enjoyable.

My brief comments on the Peel WSP is as below:

1. CHAFFEY DAM

The interpretive signage at Chaffey Dam indicated that over \$50 million was spent on raising the dam wall in 2016 to double the dam's capacity. This decision was after commencement of the Murray Darling Basin Plan.

From the storage levels on the Tamworth Council website, the dam seemed to fill within a year but two years later was back to the original low storage level.

It was around 20% full when we visited a couple of months ago:



Downstream of Chaffey Dam landuse activity included irrigated haymaking:



Given the scientifically reliable predictions of trending lower rainfall, it is arguable how useful and cost effective such expensive infrastructure is in the longer term. Decisions regards dam infrastructure must take account of the broader ramifications of increased regulation of water within a catchment. This reduces the amount of environmental water with its beneficial natural flow patterns so important for ecological health and function.

Securing town water supplies in regional areas will be challenging but dams give an expectation that will, on probability, be unable to be met as the impacts of a changing climate hits regional communities. Driving evidence based and behavioural changes to water and land use basin wide might be fairer and more cost effective over time than the construction of expensive dams.

The Peel WSP needs to be assessed for how its water sharing arrangements have delivered on its critical environmental and social objectives both within its plan area and downstream users and the environment. This should include consideration of how Chaffey Dam has affected the delivery of the Peel WSP.

The recent announcement to extend the capacity of Dungowan Dam by around 270% also needs to be considered as part of this review process. This will effectively remove 16 million GL of water from the unregulated to the regulated water sharing arrangements of the Peel Valley WSP.

Whether the Peel Valley WSP is able to meet its environmental targets with this readjustment of water needs full assessment by the NRC. It is likely there will be a reduction in available water for the environment.

The Peel Valley WSP 2010 presumably should also be assessed against the NSW2021 plan which aims to “Improve the environmental health of wetlands and catchments through actively managing water for the environment by 2021” with a priority actions to “Drive the Commonwealth to ensure they deliver a Basin Plan that protects the environment and regional, social and economic outcomes through investment in strategic water recovery, water efficiency and river health measures.”

Given the NSW government’s tardiness in BP implementation and history of water mismanagement in the Barwon-Darling I appreciate there is some irony in including these quotes.

2. DUE PROCESS ISSUES

The Peel WSP appears to adopt an integrated approach to water sources within its plan area. All water sources (regulated, unregulated, alluvial and fractured water sources) are included in it. However, NSW water resource planning seems to be shifting in a different management direction.

For example:

- the provisions of *NSW Murray–Darling Basin Fractured Rock Water Resource Plan* are proposed to govern sharing from the Peel Valley Fractured Rock groundwater source;
- the proposed *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 20XX* supporting the draft Namoi Alluvial Water Resource Plan will govern Alluvium resource units in the Peel WSP;
- the *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012* under the Namoi Surface Water Resource plan will manage Peel Valley’s unregulated water source component.

After all these changes, only the regulated water sources appear to remain within the original Peel WSP. However, it is proposed to manage these regulated water sources within a new WSP, *Water Sharing Plan for the Peel Regulated River Water Source 2020*.

Statements in the background document to the Peel WSP suggest strong connectivity between water sources:

“Groundwater aquifers in the Peel Valley are primarily fractured rock or alluvial. The alluvial groundwater and surface water in the Peel Regulated River and some of its major unregulated tributaries are intricately linked.”

With this apparent “dismantling” process occurring with the Peel WSP, the relevance of a NRC review of the Peel WSP as an integrated plan becomes unclear.

However, it is arguable that this “dismantling” process presents as more government evasion, rather than avoidance, of important scrutiny of how best to sustainably manage water use in the Peel Valley as required under State legislation.

It is my concern that the NRC fulfills its responsibilities under the *Water Management Act 2000* to “review water sharing plans within five years of expiry and report to the Minister on”.

This should apply to the Peel WSP regardless of government initiatives to develop the necessary WRPs for accreditation with the Murray Darling Basin Authority. Water sharing plans continue to be the legal instruments for managing water resources in NSW according to the government website.

Yours sincerely

Cathy Merchant