

Outcomes from public consultation on active management of Barwon–Darling unregulated and alluvial water sources

Active management is intended to protect environmental water from extraction in the Barwon–Darling unregulated water sources so that it can remain in the water source.

Implementing active management involves amending the *Water Sharing Plan for the Barwon–Darling Unregulated and Alluvial Water Sources 2012*.

The Department of Planning, Industry and Environment (the department) undertook a range of consultation activities with stakeholders commencing in September 2018 and continuing throughout 2019 and 2020. This report summarises the key issues raised during consultation on active management in the Barwon–Darling unregulated water sources and includes consideration of written submissions and conversations.

Consultation activities

Date	Activity	Participation
September 2018	Presentation and discussion on active management concepts with the Barwon–Darling Stakeholder Advisory Panel (SAP).	Stakeholder advisory panels were set up for each water resource plan area. Panel members include representatives from NSW government agencies, water users, environmental interest groups, Aboriginal communities and local councils. The panels provide the department with stakeholder input into the planning process for water resource plan development. The panels help identify issues, examine options and provide the us with feedback and advice.
November 2018	Presentation and discussion on active management concepts with Lower–Murray Darling Stakeholder Advisory Panel	Panel members included representatives from NSW government agencies, water users, environmental interest groups, Aboriginal communities and local councils.

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Date	Activity	Participation
2 May 2019	<p>Targeted consultation workshop with government agencies</p> <p>The workshop was to develop a shared understanding of the intended scope of active management, identify policy and technical issues involved in the implementation of active management and give participants the opportunity to provide feedback on operational approaches and the consultation plan.</p>	<p>Department of Planning, Industry and Environment, Murray–Darling Basin Authority, Commonwealth Environmental Water Office, WaterNSW, NRC, Office of Environment and Heritage, DPI Fisheries.</p>
13 June 2019	<p>Presentation to the Barwon–Darling Stakeholder Advisory Panel</p> <p>The department presented the objectives and principles of active management and outlined operational issues and policy options.</p>	<p>Panel members included representatives from NSW government agencies, water users, environmental interest groups, Aboriginal communities and local councils.</p> <p>Attendees had the opportunity to ask questions about active management and provide advice and feedback on operational and policy options.</p>
18 September 2019	<p>Presentation to the Barwon–Darling Stakeholder Advisory Panel on public consultation material and feedback methods</p>	<p>Panel members included representatives from NSW government agencies, water users, environmental interest groups, Aboriginal communities and local councils.</p> <p>Attendees discussed the public consultation material and progress on policy development.</p>
25 September to 29 October 2019	<p>Online public exhibition of proposed amendments to the <i>Barwon–Darling Watercourse Surface Water Resource Plan 2019</i> to facilitate active management</p> <p>The department sought feedback on two documents:</p> <ul style="list-style-type: none"> • Proposed amendments to the Water Sharing Plan for Barwon–Darling Watercourse Surface Water Resource Plan 2019 to facilitate active management, September 2019 • Active Management in Unregulated Rivers – Draft policy for public consultation, September 2019. 	<p>A total of 29 submissions were received on the proposed amendments. Submissions were from licence holders (including consumptive and environmental water holders), individual community members and environmental group representatives.</p>

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Date	Activity	Participation
15–18 October 2019	<p>Public Meetings in Walgett, Bourke, Wilcannia and Menindee.</p> <p>Department staff presented information about the proposed amendments to water sharing rules to protect active environmental water from extraction and explained how to submit feedback.</p>	Attendees included water users, representatives from peak representative bodies and conservation groups.
18 June 2020	<p>Webinar (meeting held online due to COVID-19)</p> <p>The department provided a summary of the rules to facilitate active management that were exhibited in 2019, the feedback received, and changes made in response to feedback. The department explained the proposed procedures to implement active management in the Barwon–Darling before seeking feedback from stakeholders on the proposed procedures. Attendees were asked to provide written comments on the proposed procedures by 30 June 2020.</p>	A total of 12 attendees included unregulated licence holders, local Environment, Energy and Science officers from the Department of Planning, Industry and Environment, and representatives from the Commonwealth Environmental Water Office. The department received two written submissions following the webinar. They raised 82 separate issues for consideration.
24 June 2020	Webinar on individual daily extraction components and resumption of flow rules.	The public webinar was broadcast live with a recording available on website afterwards.
11 November 2020	<p>Webinar (meeting held online due to COVID-19)</p> <p>The department and WaterNSW provided licence holders and other interested parties with a 'walkthrough' of the active management process and IT systems that licence holders will need to participate in from 1 December to comply with the new active management rules.</p>	Attendees were primarily licence holders and licence holder representatives, including environmental water managers.

Outcomes from consultation

The public consultation period provided valuable feedback from stakeholders that informed the department's recommendations on proposed amendments to the *Water Sharing Plan for the Barwon–Darling Unregulated River Water Source 2012* to facilitate active management. The feedback also helped us develop policy and operational procedures to implement active management.

The consultation sessions served as a mechanism to highlight other water management issues licence holders wished to discuss.

Overview of issues raised

We received feedback from community members, licence holders, user groups, environmental groups, and a federal agency.

We have divided the issues raised into three broad categories: proposed changes to the water sharing plan, implementation issues and statewide policy issues.

How issues were considered

We examined the nature of issues raised in each submission. In responding, we considered the:

- objectives and principles outlined in the *Active Management in Unregulated Rivers – draft policy for public consultation*
- principles outlined in the Murray–Darling Basin Plan
- principles set by the NSW Government for water resource planning
- any statutory, technical or administrative constraints.

Feedback that was less specific to the Barwon–Darling, such as general comments on the draft active management policy and issues relating to implementing active management not specific to the Barwon–Darling, is captured in *Active Management in Unregulated Rivers – draft policy: Public consultation summary*.

Proposed changes to Barwon–Darling unregulated water sharing rules

Water to be protected

While most submissions supported protecting held environmental water (HEW) in the Barwon–Darling, there were mixed comments about including protection of planned environmental water (PEW) from upstream water sources.

Our response

As a result of the feedback we changed the definition of active environmental water to remove planned environmental water flowing from a tributary, with the exception of protecting PEW from upstream water sources where extraction is already prohibited by water sharing plans at 1 July 2020. This definition reflects the original purpose of active management – to protect HEW – and minimises ambiguity.

Individual daily extraction components

A number of submissions supported the establishment of individual daily extraction components (IDECs) (formerly known as Individual Daily Extraction Limits) in the Barwon–Darling water sharing plan area.

There were comments that the calculation of IDECs should be based on the allowable extraction rate prior to the commencement of the WSP. Other submissions expressed concerns about the impact of all water users taking their IDECs on consecutive days.

Our response

IDECs are one part of a larger package of water reforms delivered under the NSW Government's Water Reform Action Plan. Active management of environmental water means that low flows are

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protected by the cease/commence-to-pump (CtP) thresholds and then IDECs manage the extraction of water that is above the current CtP limit.

We have taken a balanced approach to implementing IDECs. We determined distribution based on a combination of the 2012 agreed pumping rates or approved capacities within each river section and the current levels of water use (reflecting trades since 2012). Basing IDECs solely on the 2012 pumping situation would cause a high number of windfalls (high IDECs given to small or zero share water access licences) and stranded assets (large water access licences with proportionately small IDECs).

Total daily extraction limits

A number of submissions voiced concerns that total daily extraction limits (TDELs) were not being implemented in the water sharing plan and suggested they should be implemented as recommended by the Natural Resources Commission.

Our response

The TDEL values described in the draft water sharing plan and factsheet were used in the initial distribution of IDECs. Because the water sharing plan only allows trade within river sections, the TDEL value will be maintained and an explicit statement of the TDEL in the water sharing plan is redundant.

In line with the Natural Resources Commission recommendation, we will consider further work on TDELs as part of the remake of the plan scheduled for 2023.

Dealings (trade) of IDECs

There were a number of submissions regarding the trade of IDECs. Some submissions opposed trade altogether while others only supported the permanent trade of IDECs until the market has been established.

One submission suggested that trade should be dependent on conditions and focus on maintaining environmental flows in the river.

Other submissions wanted both temporary and permanent trade allowed from the commencement of proposed plan amendments.

Our response

Restriction of IDEC trade to within river sections means that take will be limited to the sum of IDECs for each river section for each licence class. We consider restricting trade to a smaller scale (such as within water management zone) too restrictive.

Resumption of flow

Most feedback we received regarding the resumption of flow supported protecting the first flow after an extended period of no flow. Some of the submissions were concerned that the triggers are not sufficiently restrictive for algal suppression or salinity management and suggested that triggers should be higher.

One submission expressed the view that the rule would create economic hardships for water users.

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Our response

The rule is designed to protect the first flow after an extended low flow or dry period, not necessarily the whole flow event. In the case that the flow triggers to allow extraction are not met protection of the flow will remain in place.

We have included strategies for algal suppression and salinity management in the water quality management plan, which is a component of the *Barwon–Darling Watercourse Water Resource Plan 2019* package.

Increasing the A class CtP thresholds

The majority of submissions supported increasing A class CtP thresholds. Some submissions suggested that the increase should be greater. Other submissions opposed to the change as the existing CtP already provided sufficient protection of low flows.

Our response

The changes to the A class CtP thresholds are designed to protect the most critical habitats from the impacts of flow diversions and meet habitat inundation requirements in the Barwon–Darling system.

Implementation

Announcements

There was mixed feedback on moving towards the announcement of access. Those who did not support announcements were concerned that the announcements will not be timely, decision-making will not be transparent, and legitimate access may be missed.

Those who supported announcements did so on the basis of transparency and that announcements will be timely and based on the best available information and that the reliability of technology used to communicate the announcements is considered

Three submissions objected to default access arrangements, where an announcement is not made when defaulting to the current CtP conditions, on the assumption that the policy position favoured extractive users.

Our response

Announcements reflect a move to simpler, more transparent access arrangements for licence holders, compliance officers and concerned community members. All parties have access to public, real-time, consistent information on access conditions through the WaterNSW Water Insights Portal.

To address the concern about system failure resulting in no announcement or a delay, we refined the default arrangements to allow the flow class previously announced to continue to apply for 24 hours if a flow class announcement is not made.

Distributing available volume

Submissions were made on options for distributing the volume of water available for extraction above CtP thresholds. There was some support for using IDECs as the basis for distributing available water among licences and mixed views on whether an expression of interest (EOI) process should also be considered.

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Some submissions raised concerns that an EOI process may not be transparent, risks concentrating extraction in one place, and is too complex. Other submissions supported an EOI process provided it was practical and transparent.

One submission recommended that the key outcome should be that water users have a simple and clear direction about the timing of take and the volume of water available each day when flows are shared.

One submission recommended considering the rostering system that some licence holders have previously operated in the Barwon–Darling as a means of distributing daily access and managing take above the CtP.

Our response

Barwon–Darling licence holders need to submit an EOI to access (extract or protect) water. The method for distributing available volume in the management zone (using EOIs and IDECs), is described in detail in the Barwon–Darling Active Management Procedures Manual, and has been implemented in WaterNSW operational systems to determine access announcements.

Distribution of available volume and a flow share announcement under clause 42A (3) is required for all classes if the sum of IDECs eligible to take multiplied by one megalitre per day exceeds the water available for any flow class.

Further consultation

The active management procedures manuals are subject to an annual review. This includes seeking feedback from licence holders and other interested community members on the success of active management regarding the outcomes for environmental water and whether processes and obligations are workable.

Consultation is important to ensure active management evolves and improves in response to new information, insights and stakeholder feedback. The active management procedures manual outlines the minimum consultation requirements for the annual review of the manual.

For more information about the department's initiatives on protecting environmental water under the Water Reform Action Plan see the department's [environmental water hub website](#)¹.

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¹ <https://www.industry.nsw.gov.au/water/environmental-water-hub>