

## Draft Water Sharing Plan for the Richmond River Area Unregulated, Regulated, and Alluvial Water Sources 2023

### How to fill out this form

The department is seeking your comments on the draft Water Sharing Plan for the Richmond River Area Unregulated, Regulated, and Alluvial Water Sources 2023.

*Note: Submissions close 18/12/2022*

Please note that due to recent catastrophic floods and current community priorities, we are not proposing any changes that relate to the specific water access rules that define the flow classes, cease to pump and commence to pump rules. These types of rules directly affect an individual's current daily ability to access water. While key issues and changes have been summarised in this submission form, comment on all aspects of the water sharing plan is welcome. Comments on every question in this form are not necessary. Please comment on those sections of the water sharing plan that you are interested in. For water source specific details including rules, please see the water source report cards. More detailed comments are welcomed as attachments. Send completed submissions to either:

Post: **Richmond River Area WSP**  
Department of Planning and Environment – Water  
PO Box 1226  
NEWCASTLE NSW 2300  
Email: [richmondriverarea.wsp@dpie.nsw.gov.au](mailto:richmondriverarea.wsp@dpie.nsw.gov.au)

### Information on privacy and confidentiality

Submissions received will be considered by NSW Department of Planning, and Environment and the Department of Primary Industries. The department values your input and accepts that information you provide may be private and personal.

If you would prefer your submission or your personal details to be treated as confidential, please indicate this by ticking the relevant box below. If you do not make a request for confidentiality, the department may make your submission, including your name and suburb, available to the public.

Please note that, regardless of a request for confidentiality, the department may be required by law to release copies of submissions to third parties in accordance with the *Government Information (Public Access) Act 2009*.

I would like my submission to be treated as confidential	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
I would like my personal details to be treated as confidential	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Name	[REDACTED]	
Suburb	Tatham	

Department of Planning and Environment  
Submission on proposed changes



<p><b>Stakeholder Group</b> (please indicate which of the following best represents your interest by <b>ticking one box</b>)</p>	<input checked="" type="checkbox"/> Water user – Licence holder <input checked="" type="checkbox"/> Water user – Basic Rights <input checked="" type="checkbox"/> Fishing interests <input type="checkbox"/> Local govt./ Utilities	<input type="checkbox"/> First Nation <input checked="" type="checkbox"/> Local landholder <input type="checkbox"/> Other government <input checked="" type="checkbox"/> Environment interests	<input checked="" type="checkbox"/> Community member <input type="checkbox"/> Other (specify)
<p>Did you attend an information session, webinar, or meet with the department about the water sharing plan?</p>	<p>Yes</p>		
<p>If your comments refer to a specific water source, which one?</p>			

**Access rules for water access licences**

Due to recent catastrophic floods and current community priorities, we are not proposing any changes to access rules in the plan that affect an individual's current daily ability to access water.

The draft plan has removed the exemption provisions for pumping restrictions if a licence holder has been accredited under the Efficient Water Use Accreditation Scheme in four water sources. The department could find no evidence that this scheme has been established therefore we assume there have been no accreditations and no exemptions exist.

All other 2010 access rules are proposed to remain.

As no changes are proposed to daily access in the draft plan an amendment provision has been included to amend access rules where new telemetered gauges have been established or within the first five years of the plan where it is identified that different access rules may be required. Any future access rule amendments will aim to reach a balance between ecological, social, economic and cultural needs. Future access rule amendments will be subject to consultation, public exhibition and submission processes.

Comments and submissions may still be made in relation to the unchanged rules.

*These rules are contained in Part 6; Divisions 3-5 of the draft plan. Further information is contained in the background document as well as the report cards for the relevant water sources.*

Which water source/s does your answer refer?	
Do you support the proposed cease to pump rules? Why/why not?	
Will the proposed cease to pump rules impact your business? How? What could be done to mitigate that impact?	
Do you think that the proposed cease to pump rules appropriately protect the environment? Why/why not?	

**New Bungawalbin Creek tidal and non-tidal management zones proposed**

The 2010 plan includes specific trade rules for the Bungawalbin Creek sub-catchment but does not establish management zones. To improve clarity and to support locally relevant trade rules the draft Richmond 2023 plan proposes to establish two new management zones in this water source:

- Bungawalbin Creek Tidal Management Zone (which includes the reach of Sandy Creek that drains to Bungawalbin Creek)
- Bungawalbin Creek Non-Tidal Management Zone (which includes the portion of the water source that drains to Sandy Creek)

*The proposed zones are included on the plan map. The plan map and detailed maps of the proposed new management zone boundaries are also available on the public exhibition website.*

*Further information is contained in the background document as well as the report cards for the Coraki Area Water Source.*

Do you have any comments in relation to the proposed establishment of the Bungawalbin tidal and non-tidal management zones?

I think this is a very good idea, as it needs to be separate from the Coraki Source. The Bungawalbin Creek enters the Richmond River below the salinity metering point which sets the cease to pump rules for the Tidal sections of the Richmond and Wilsons Rivers and therefore this metering point did not take into account the salinity entering the Bungawalbin from the lower river in times of low inflows.

**Draft trading rules for water access licences**

Trade between management zones or water sources are prohibited where they are not hydrologically connected (i.e. drain into each other), or where trade of additional entitlement may impact on environmental values.

Trade provisions from the 2010 plan are largely unchanged, except:

- Trade into Shannon Brook and Eden Creek water sources is now prohibited due to high ecological values.
- Trading into the new Richmond Area Coastal Floodplain Alluvial Groundwater Source is prohibited due to low hydrological connectivity with any other water source
- Trade into Alstonville Water Source will now be permitted as long as there is no increase in entitlement above the volume that exists at the commencement of the new plan.
- Trade into the main trunk of Coopers Creek from Coopers Creek tributaries is now permitted.
- Up to 2500 ML may be traded into the Richmond River Tidal Pool Management Zone from the Wyrallah Area Water Source
- Up to 2500 ML may be traded into the Wilson River Tidal Pool Management Zone from Coraki Area Water Source.
- Trade into the new Bungawalbin Creek Tidal and Non-Tidal management zones are proposed to be prohibited.

*These rules are contained in Part 8 the draft plan. Further information is contained in the background document as well as the report cards for the relevant water sources. Detailed maps of the proposed new management zone boundaries are also available on the public exhibition website.*

<p>Do you have any comments on either the changed or unchanged aspects of trade rules proposed in the draft plan.</p>	<p>I believe that the plan still gets this area of the river wrong and should treat the whole tidal pool of the Coraki Area Water Source and the Wyrallah Area Water Source as one body of water, as there is no physical barriers and water moves from one to the other. Under the National Water Initiative there should be free trade between interconnecting streams and this system is interconnected. When salinity does move upstream it moves at a similar rate up both arms.</p> <p>I believe it is a good move to have the Bungawalbin Creek separated from the Tidal pool of the Coraki Area Water Source, and the pumping restriction rules should be set from the guage near the junction with the Richmond River.</p>
<p>What factors would encourage you to buy/sell water?</p>	<p>There is currently no need to buy water due to high rainfalls and the fact that we have adequate volume of licence. However I have frequently been asked by politicians and department officials why trading does not happen on the coastal rivers and in the case of our river the document tells the story- there are many pages of reasons why trade is not permitted in every water source and many water sources! So the reason why is that the rules are too restrictive and I believe they are often in conflict with the National Water Initiative. Also there is no brokers, as there is little ability to trade.</p>

**Applications for Aboriginal community development licences**

The issuing of Aboriginal Community Development Licences (ACDLs) provides for the take of additional water on top of current levels of entitlement. Updated data and risk assessment processes underpinning draft plan development highlighted the high ecological values of the water sources where ACDLs are currently permitted.

To prevent the further exacerbation of risks to environmental values it is proposed to prohibit ACDLs in the Eden Creek, Leycester Creek, Myrtle Creek and Shannon Brook water sources.

The draft plan proposes to allow for applications for ACDLs in the Richmond River Coastal Floodplain Alluvial Groundwater Source.

*These rules are contained in Part 5 of the draft plan.*

Do you have any comments in relation to this proposed change relating to ACDLs?

**Conversion to high flow access licences**

In the Richmond River area, the current plan allowed for the conversion to high flow licences in nine water sources. Licence holders are able to apply to convert all or part of their licensed volume on a 5:1 basis (i.e. 10ML would become 50ML) to high flow access licences. These licences can only extract water in high flows. There has been a nil uptake in high flow conversion over the past 11 years.

The draft plan proposes the following changes

- High flow conversions no longer permitted in Myrtle Creek and Eden Creek water sources
- High flow conversions permitted in the Coopers Creek Water Source

These changes reflect updated risk assessment, hydrologic stress and flow data

*These rules are contained in Part 8 of the draft plan. Further information is contained in the background document as well as the report cards for the relevant water sources.*

Do you have any comments on the proposed change to high flow access licences?

The reason why there has been no uptake in the past 11 years is that high flow in the coastal areas is during flood events. It is not physically possible in a rapidly rising or falling flood to place a pump in the stream to catch waters for later. If the definition of high flow was less restrictive there may be some uptake.

**Long-term average annual extraction limits**

The replacement plan creates two long term average annual extraction limits (LTAAELs).

- The Standard LTAAEL that sets a limit on extraction from all flows except for higher flow only extraction and includes extraction from basic landholder rights (including harvestable rights) at the commencement of the first plan.
- The Higher flow LTAAEL that manages extractions that can only take from higher flows.

The reason for the two extraction limits is to limit extractions from lower flows and encourage extraction from higher flows.

*These rules are contained in Part 4 of the draft plan.*

Do you support the new LTAAEL (Long Term Average Annual Extraction Limits) definition?  
 Why/why not?

I do not understand how Basic Landholder Rights extraction can be calculated when neither the stock and domestic extraction nor harvestable rights collection of water are reportable. In reality the only thing that really counts is the pumping restriction and cease to pump rules and compliance to them.

### Richmond Area Coastal Floodplain Alluvial Groundwater Source

The draft plan proposes to establish a new groundwater water source that covers the majority of the alluvium downstream of approximately the tidal limits. The water source is being defined in recognition of its hydrogeological distinctiveness from upriver alluvial deposits which tend to be more connected to surface water.

The extraction limit proposed for the water source is 13,000ML/year. This volume is higher than current usage levels.

Water for licensed take may be made available through a controlled allocation process in the future.

The proposed new water source boundaries are available to view on the maps on the public exhibition website.

Do you support inclusion of this  
Groundwater Source?

Why/why not?



**Groundwater-dependant ecosystem maps**  
**Water supply works approvals**  
**Distance conditions in alluvial aquifers**

Works such as pumps, pipes, bores and weirs used for extracting water under licence require a water supply works approval. Changes to provisions relating to the granting of water supply works approvals or the nomination of water supply works to minimise impacts on existing extraction and sensitive areas include:

- prohibiting construction or amendment of in-river dams in 6 additional water sources identified as having high ecological values
- prohibiting the construction of water supply work approvals where there will be more than minimal impact on Coastal SEPP wetlands in water sources where they exist
- prohibiting groundwater works on land classified as having a high probability of having acid sulphate soils
- including a groundwater-dependent ecosystem (GDE) map (for which bore setback distances will apply)
- more clearly specifying the distances from where a new or replacement bore can be located, such as the distance from a contaminated source, a groundwater dependent ecosystem, or a culturally significant site for example

*These rules are contained in Part 7 of the draft plan.*

Do you have any comments on the proposed changes to distance rules relating to new work approvals?

**Managing the risks of increased harvestable rights**

In May 2022 the volume of water that can be captured in harvestable rights dams in coastal draining catchments increased from 10% to up to 30% of rainfall runoff with the specific volume to be determined on a catchment by catchment basis.

This could impact on the volume of flow that reaches rivers. The plan includes a requirement that the uptake of harvestable rights will be assessed at year 5 and then access and trade rules may be reviewed if the uptake is greater than 10% of rainfall runoff.

*The amendment provision can be found in Part 10 of the draft Plan*

Do you have any comments on the proposed approach to assessing and addressing increases in harvestable rights?

I believe that there will be very minimal uptake of the increased harvestable right due to high rainfall area, cost of construction due to topography, however for those who wish to take this opportunity should be allowed to do so irrespective of if they are classified as intensive or extensive agriculture.

**Other Changes and Additional feedback**

The previous sections relate to the key proposed changes from the current water sharing plan. Additional, less significant changes are described in the background document and in the relevant report card for each water source. Comments on all aspects of the plan are welcome and encouraged. Please use the space below, or attachments if required or preferred.

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The issue of salinity guages not reading in the same units as the units set in the plan for pumping restrictions has not been addressed in the plan. This issue needs to be sorted out as it is unreasonable to be asking water users to do a conversion that professional scientists have difficulty with, and which has no official conversion rate set in the plan.

On another issue- our licence WAL41247 states that the extraction zone is "whole water source". This licence was not created in error. It covered extraction from both tidal and non tidal extraction sites when it was created. We are now told that we can not transfer any of this entitlement from one to the other on an ongoing basis. We believe that this is robbing us of a property right that we had before the original plan was released, and which has not been recognised in either the originl plan or the revised plan.

<p>How did you hear about the Public Exhibition? (please <b>tick one box</b>)</p>	<p><input checked="" type="checkbox"/> Communication from peak body <input type="checkbox"/> Department of Planning, and Environment Website</p>	<p><input type="checkbox"/> Radio <input type="checkbox"/> Social media <input type="checkbox"/> Newspaper</p>	<p><input type="checkbox"/> Other (specify) <input checked="" type="checkbox"/> Direct email</p>
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# Department of Planning and Environment

## Submission on proposed changes



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Do you have any comments on the proposed change to high flow access licences?

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**Long-term average annual extraction limits**

The replacement plan creates two long term average annual extraction limits (LTAAELs).

- The Standard LTAAEL that sets a limit on extraction from all flows except for higher flow only extraction and includes extraction from basic landholder rights (including harvestable rights) at the commencement of the first plan.
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Do you support the new LTAAEL (Long Term Average Annual Extraction Limits) definition?

Why/why not?

### Richmond Area Coastal Floodplain Alluvial Groundwater Source

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Water for licensed take may be made available through a controlled allocation process in the future.

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Groundwater Source?

Why/why not?

**Groundwater-dependant ecosystem maps**  
**Water supply works approvals**  
**Distance conditions in alluvial aquifers**

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*These rules are contained in Part 7 of the draft plan.*

Do you have any comments on the proposed changes to distance rules relating to new work approvals?

**Managing the risks of increased harvestable rights**

In May 2022 the volume of water that can be captured in harvestable rights dams in coastal draining catchments increased from 10% to up to 30% of rainfall runoff with the specific volume to be determined on a catchment by catchment basis.

This could impact on the volume of flow that reaches rivers. The plan includes a requirement that the uptake of harvestable rights will be assessed at year 5 and then access and trade rules may be reviewed if the uptake is greater than 10% of rainfall runoff.

*The amendment provision can be found in Part 10 of the draft Plan*

Do you have any comments on the proposed approach to assessing and addressing increases in harvestable rights?

**Other Changes and Additional feedback**

The previous sections relate to the key proposed changes from the current water sharing plan. Additional, less significant changes are described in the background document and in the relevant report card for each water source. Comments on all aspects of the plan are welcome and encouraged. Please use the space below, or attachments if required or preferred.

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# **SUBMISSION**

## **Far North Coast**

# **Draft Regional Water Strategy & Draft Water Sharing Plan**

December 2022



## NSW Irrigators' Council

The NSW Irrigators' Council (NSWIC) is the peak body representing irrigation farmers and their communities in NSW. NSWIC has member organisations in every inland valley of NSW, and several coastal valleys. Through our members, NSWIC represents over 12,000 water access licence holders in NSW who access regulated, unregulated and groundwater systems.

NSWIC members include valley water user associations, food and fibre groups, irrigation corporations and commodity groups from the rice, cotton and horticultural industries. NSWIC engages in advocacy and policy development on behalf of the irrigation farming sector. As an apolitical entity, the Council provides advice to all stakeholders and decision makers.

NSWIC welcomes this opportunity to provide a submission on water management in the Far North Coast. NSWIC sees this as a valuable opportunity to provide expertise from our membership to inform the response.

## Irrigation Farming

Irrigation provides more than 90% of Australia's fruit, nuts, and grapes; more than 76% of vegetables; 100% of rice and more than 50% of dairy and sugar (2018-19).

Irrigation farmers in Australia are recognised as world leaders in water efficiency. For example, according to the Australian Government Department of Agriculture, Water and the Environment:

*“Australian cotton growers are now recognised as the most water-use efficient in the world and three times more efficient than the global average”<sup>1</sup>*

*“The Australian rice industry leads the world in water use efficiency. From paddock to plate, Australian grown rice uses 50% less water than the global average.”<sup>2</sup>*

Our water management legislation prioritises all other users before agriculture (critical human needs, stock and domestic, and the environment with water to keep rivers flowing), meaning our industry only has water access when all other needs are satisfied. Our industry supports and respects this order of prioritisation. Many common crops we produce are annual/seasonal crops that can be grown in wet years, and not grown in dry periods, in tune with Australia's variable climate.

Irrigation farming in Australia is also subject to strict regulations to ensure sustainable and responsible water use. This includes all extractions being capped at a sustainable level, a hierarchy of water access priorities, and strict measurement requirements.

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<sup>1</sup> <https://www.agriculture.gov.au/ag-farm-food/crops/cotton>

<sup>2</sup> <https://www.agriculture.gov.au/ag-farm-food/crops/rice>





## Executive Summary

This submission responds to public consultation on the Far North Coast Regional Water Strategy (RWS) and the draft Water Sharing Plan (WSP) for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023.

NSWIC is primarily concerned about the RWS components relating to the WSP and provides this joint submission due to the interconnected nature of these components.

This submission is provided in addition to earlier submissions by NSWIC in relation to RWSs generally and coastal WSPs, in which the issues raised are reiterated in this submission.

NSWIC was pleased to be able to attend the in-person consultation events on the Far North Coast.

The Far North Coast is already experiencing the impacts of climate change, including with unprecedented flooding, and significant droughts. It is essential that the Far North Coast RWS and WSP reflect the changing climate, and the impacts, challenges, and opportunities for irrigation communities in the Far North Coast.

It is also important that the water management framework recognises and supports the productive use of water in these regions, owing to the importance of irrigated agriculture in the region. Local water users have a long and proud history of environmental stewardship, including leading local management arrangements, and seek an ongoing role through collaborative engagement.

For specific valley/region-level feedback, we refer to the submissions of our member organisations in their respective regions. To the extent of any inconsistency on a valley-specific matter, we refer to our relevant member organisation in the respective area.



## Submission

### Part 1: Water Sharing Plan

Water users are concerned that insufficient work has been done to justify moving to a numeric LTAAEL, and that the process of establishing sustainable extraction limits remains unclear

NSWIC notes that the NRC has recommended a move towards numeric LTAAELs in several coastal WSPs. In correspondence from DPE (24 March 2021), NSWIC was informed that while DPE is considering this recommendation:

**“more work will be needed to determine an appropriate method for doing this.”**

NSWIC notes that in a number of draft coastal WSPs, the LTAAEL has been split into standard and higher-flow, with a suggestion to fix the standard LTAAEL with a numeric value. NSWIC seeks clarification of whether the required work has been completed to inform the process of moving to a numeric LTAAEL (i.e., such as determining an appropriate method), and if so, what were the findings?

Furthermore, NSWIC seeks clarification of how a sustainable extraction limit will be determined, and what assessment process will be undertaken to identify and mitigate impacts on the reliability of water for users.

#### Changes to cease-to-pump rules

NSWIC appreciates that DPE is not proposing any changes to cease-to-pump rules at this time. This is in part due to the community still recovering from devastating flooding, and not wanting to further impact farmers through water reforms.

However, we are concerned that potential changes may be proposed during the WSP period. NSWIC is strongly opposed to changes in cease to pump rules particularly where changes cannot be justified. NSWIC notes that the NRC report states:

*“While the Commission typically seeks to use available data to assess the adequacy of provisions of plans protecting environmental flows, such as cease to pump rules, the Commission has not been able to make such an assessment for these plans given the lack of information on the overall river health.” [P 68].*

The NRC recommends that plan rules such as cease to pump rules only be amended “*where evidence indicates unacceptable impact on low flows*” [P 88].

Given the lack of evidence, NSWIC does not consider it necessary for any changes to cease to pump rules. NSWIC appreciates that no changes are currently proposed, due to recent detrimental flooding and ongoing community recovery.



## Further information required on the amendment provisions relating to catchment-based assessments and increased harvestable rights limits

### *Catchment-based Assessment Process*

NSWIC welcomed the announcement to increase harvestable rights to 30% in coastal areas, owing to the significantly higher rainfall in these areas, and difference from inland systems.

However, NSWIC is now increasingly concerned by the uncertainty posed by the catchment-based assessment process, which may reverse this announcement in some areas, and poses significant risk of confusion now and into the future.

NSWIC acknowledges the work of DPE in facilitating the catchment-based assessment stakeholders' workshop in October 2022 to inform the decision-support tool for the catchment-based assessments for harvestable rights. This ongoing assessment process, and the outcomes, remain as high priorities for the coastal members of NSWIC, given it could reverse the 30% harvestable right in practice.

It is strongly recommended that DPE continue to inform the community on catchment-based assessments through a comprehensive communication program, and for the 30% harvestable right in the Richmond River area to be maintained to avoid confusion, and to adhere to the rigorous assessment that has already occurred.

### ***Recommendation:***

*DPE to continue community communication on catchment-based assessment.*

*DPE to maintain the increased harvestable right levels in the Richmond River area to avoid stakeholder confusion, and adhere to rigorous assessment that has occurred.*

### *Permitted uses*

NSWIC supports the removal of the permitted use rules of harvestable rights water due to the lack of clarity between extensive agriculture, intensive plant agriculture and intensive animal agriculture, as raised during recent meetings. This is important for clarity and simplicity to avoid confusion and, overcome the often ambiguous boundaries between these definitions, particularly for multi-use properties. It is also consistent with general water management principles, where the take of water itself is regulated, but its use is at the discretion of the user.

### *Increased Harvestable Rights & LTAAELs*

How an increase in harvestable rights will be factored into extraction limits remains unclear, and thus the impact on licence holders' entitlements is uncertain. At the time of the public consultation on the proposed increase to harvestable rights, NSWIC was informed that the increase would *not* come from within the extraction limit, and thus would *not* put further pressure on extraction limit compliance. This was an important premise for the irrigation industry.

However, in consultation documents released as part of the Draft Water Sharing Plan for the Richmond River Area Unregulated, Regulated, and Alluvial Water Sources 2023, it is noted:



*“If more water is captured in harvestable rights dams, there is the potential that less water will be reaching rivers. This could increase the frequency of very low flows and result in more days where licenced water users must cease to pump.*

*Water that can be extracted from a water source is limited. If more water is captured in harvestable rights dams, less water may be available for extraction under a licence.”<sup>3</sup>*

The reason for concern is due to the potential impacts on other water entitlement holders, from a growth in harvestable rights. The public consultation documents explain that if:

*“If total annual extraction in the Richmond Regulated Extraction Management Unit and the Richmond River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit - or a 3-year average extraction in all other extraction management units - is greater than the standard LTAAEL by more than 5%, licensed water users may receive a reduced allocation and may not get the maximum allocation placed into their accounts the following year. This is to reduce extractions back to the standard LTAAEL.”*

This has caused concern among licensed water users in the context for increased harvestable rights to potentially come from within this limit, and thereby subject water entitlement holders to reduced AWDs. It is not reasonable to propose arbitrary limits on water use based on a theoretical potential that increased harvestable rights *might* mean less water reaching rivers. This ‘potential’ appears to assume coastal catchment and river hydrology is similar to inland catchments and rivers in the Murray Darling Basin. This is not grounded in fact.

NSWIC seeks clarification on how extraction limits will incorporate increased harvestable rights, and what protections will be in place for the reliability of water for entitlement holders. If shifting to a fixed LTAAEL, would an increased harvestable right be factored in before or after the LTAAEL is fixed (i.e., to make room for the increase, or not)?

Specifically, NSWIC seeks the modelling and robust analysis of the coastal catchments undertaken to justify including increased harvestable rights in the LTAEEL. This would include quantifying the increase in frequency of low flow events under various harvestable right uptake scenarios over the WSP period, and the consequent increase in cease to pump days for licensed water users.

It also seeks the Department’s analysis of options to address any risks of increased frequency of low flow events due to increased harvestable rights, such a storage bypasses.

Whilst this may not be a problem in the short term (owing to small uptake in many valleys) it is important that measures are in place to mitigate potential future scenarios, before they become a problem.

It is also noted that WSPs can be reviewed during their term and are remade every 10 years. Should harvestable rights uptake over time begin nearing the point at which the modelling and analysis demonstrates it may affect the frequency of low flow events in coastal catchment and therefore cease to pump days, the WSP can be changed to impose restrictions. We are far from that point now.

### ***Recommendation:***

*DPE provide a mechanism in the WSP to ensure any growth in harvestable rights does not put pressure on extraction limit compliance, in order to avoid reducing access to existing entitlement holders*

<sup>3</sup> [https://www.industry.nsw.gov.au/data/assets/pdf\\_file/0003/538365/faqs-fact-sheet.pdf](https://www.industry.nsw.gov.au/data/assets/pdf_file/0003/538365/faqs-fact-sheet.pdf)



## High flow conversion rules supported in principle, but require necessary incentivise, and on-farm storage to be workable in practice

High-flow conversion is one mechanism that is acknowledged as beneficial to improve the health of riverine ecosystems by shifting take to periods of higher-flow, rather than lower-flow. Recent NRC recommendations for coastal WSPs support measures to shift take from low-flow to high-flow periods. Virtually all the development of irrigation on the unregulated rivers has started out in this way. Pumping into storages in high-flow scenarios not only may improve security for water users (provided they have adequate on-farm storage to store the water to use at a later time), but generally has less impact on the riverine ecosystem.

NSWIC conditionally supports the WSP proposal, in-principle, to allow low-flow-to-high-flow conversion in several water sources across the Richmond River area. Our members have expressed support for high-flow conversion access licences, however, the necessary regulatory framework must be in place to accompany this transition, such as adequate on-farm storage (including being able to further develop on-farm storages), adequate incentive to get a reasonable level of uptake, and the need to overcome a lack of knowledge of the application process (noted as significant barriers to uptake).

Please refer to the NSWIC submissions relating to the Bega WSP for detailed case studies.

### ***Recommendation:***

*DPE to ensure the regulatory framework for high-flow conversion enables water users to adopt this pathway in practice, such as by ensuring on-farm storage development is feasible, necessary incentives are in place, and water users have sound understanding of processes.*

## Over-restrictive trading rules prevents effective use of water markets

Water markets and trading have become a crucial component of many NSW river catchments. However, NSWIC considers the current trading rules in coastal valleys are overly complex and highly limiting, with small trading areas restricting water users' ability to access the market, resulting in decreased water prices, and a stifled market.

NSWIC agrees in-principle with the objects of the 2004 National Water Initiative - the national blueprint for water reform agreed to by Commonwealth and State Governments – removing barriers to water trade in hydrologically connected systems.

An objective (23)(v) of the NWI is:

*“progressive removal of barriers to trade in water and meeting other requirements to facilitate the broadening and deepening of the water market, with an open trading market to be in place;”*

Specifically, Section 58 (i) of the NWI outlines:

*“The States and Territories agree that their water market and trading arrangements will:*

- I. facilitate the operation of efficient water markets and the opportunities for trading, within and between States and Territories, where water systems are physically shared or hydrologic connections and water supply considerations will permit water trading.”*



Furthermore, the benefit of effective trading rules is identified in the Final Report into the Murray–Darling Basin Water Markets Inquiry by the ACCC:

*"Trading water rights can allow irrigators to supplement their water supply in the short and long term, expand production, develop new business models or free up capital that can be invested elsewhere in their businesses."*

Whilst that investigation focused on the Basin, the same benefits of water trading which it identified could apply in coastal systems, albeit in smaller systems.

Whilst NSWIC agrees areas of high ecological value should be protected, it is concerning that DPE would consider prohibiting trading throughout the Richmond River Area Unregulated, Regulated and Alluvial WSP without a comprehensive investigation.

***Recommendation:***

*DPE to undertake further investigation into the appropriate trading mechanisms and trading zones in order to achieve active and liquid markets to encourage the most efficient use of entitlements and stimulate economic, social, and ecological benefits.*

## Conclusion

NSWIC welcomes the opportunity to provide a submission through this public exhibition. NSWIC is available to discuss the positions raised in this submission.

Kind regards,

NSW Irrigators' Council.