

Your details

Title: Mr
First name: Christopher
Last name: Magner
Email: cmagner@bigpond.com
Organisation (if relevant): Richmond Wilson Combined Water Users Association
Position in organisation: Chairman
Address: P.O. Box 173
Suburb: Casino
Postcode: 2470
Type of submission: I am submitting my organisation's submission
Do you want your name published?: Yes
Privacy statement: I agree to the above statement

Your submission

Enter text below or upload a document: I am uploading a word document as our submission. Please advise if it fails to reach you
File upload: RWCWUA-Submission-to-Metering-Framework-consultation-paper.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 36.3 KB

Form Information

Site Name NSW Department of Industry
Site Id 47409
Page Standard Name NSW Government's Water Reform Action Plan
Page Standard Id 134654
Page Custom Form Name Submissions on draft metering regulation and policies
Page Custom Form Id 171616
Url <https://www.industry.nsw.gov.au/water-reform/make-a-submission>
Submission Id 177050
Submission Time 29 Sep 2018 7:23 pm
Submission IP Address 203.45.160.230

Richmond Wilson Combined Water Users' Association

Chris Magner - Chairman
Ph. 02 6663 1412; 0409 631412
P.O. Box 173, Casino. NSW 2470
cmagner@bigpond.com

Response to the CONSULTATION PAPER

“NSW water metering framework

Policy, regulations and mandatory conditions”

Published August 2018 by NSW Department of Industry

This submission is made on behalf of the Richmond Wilson Combined Water Users Association. Our Association represents all licenced rural and industrial water users on the Richmond Wilson catchment, both regulated and unregulated, as well as those with basic landholder rights. This includes licenced irrigators, numbering around 1,000 as well as stock and domestic users numbering around 6,000. Our catchment is situated on the NSW Far North Coast.

Preamble

We believe that the consultation process has been inadequate in our Far North Coast area. There has been only one meeting held before this consultation paper was released, that meeting having been held in Coffs Harbour. This current round of consultation has seen only one meeting held on the NSW coast, that having been at Bega. The alternative given, but poorly publicised, was a webinar. The vast majority of water users would have been unaware that it was occurring. This webinar was in reality a one way conversation. While participants could put questions through a third party we couldn't hear the presentation or questions being answered while we gave our questions to the third party. Personally I found that the third party taking the questions had very limited understanding of what the question I wished to put was about. The webinar finished 10 minutes ahead of schedule and the presenters stated that they had answered all the questions. However I know that at least 3 members of our association put questions which were not addressed in the answers given during the webinar.

Our members wish to provide the following information about the practicalities of water use in our coastal area which we believe have not been considered in the formulation of the policy and proposed metering framework.

- We are situated in an area which has relatively reliable high rainfall. This results in spasmodic use of irrigation.
For example on my own farm we have only needed to irrigate for one period of 24 days in the last 12 years. During that period we would be using approximately 1 megalitre per day with our licenced allocation from the Tidal pool of the Richmond River being over 500 megalitres.
- Pumps that have been in place and in use often need to be removed from lower bank pump sites with short notice when heavy rainfall causes sudden stream rises. Many licence holders will not use their irrigation equipment for several years at a time, so for years at a time it would be stored out of flood reach.
- Our stream banks are often high, for example on my farm from top of bank to top of tidal zone is approximately 17 meters but bank height varies with low banks at the bottom of the river system and even higher banks at the top of the system.
- Pumps in use have either diesel or electric motors.
- Water meters, data loggers and telemetry are all unfamiliar to water users in our area. Some have been able to make use of “surrogate meters” to measure take in the Regulated Toonumbar system and others for access to the two part tariff in the unregulated system.
- Mobile phone coverage is patchy despite us being a high population area. This is partly because of topography. The alternatives given on page 19 of the document are National Broadband Network (which in this area is either not currently available or is by wireless connection to a tower and is also unlikely to prove a workable option down a 50 foot river bank), satellite technology (which isn't going to work under a tree down the river bank either) or LoRa WAN which we know nothing about.
- Historically the Tidal Zones on coastal river systems such as ours was exempt from the requirement for licences to extract irrigation water, under the Water Act 1912.

We will now make our submission, addressing issues as they are presented in page order and under the headings used in the framework document.

Submission

Introduction (consultation paper heading)

On page 3 of the metering framework paper it is stated that one of the objectives of the metering framework is to target “higher risk users--that is those that have a greater capacity to take water--and high-risk water systems”. We believe that the capacity to take water cannot be measured on a whole of state basis when it comes to defining a higher risk user. The volume of available water is an important consideration e.g. 10 megalitres available and a 100mm pump might be high risk whereas 1000 megalitres available and a 100mm pump would be lower risk. Therefore we believe that risk must be determined on a licence by licence basis. This issue and that of high risk water systems is already catered for in the Water Sharing Plans cease to pump rules which have been working well in our area.

Also on page 3 it is stated that an objective is that “the benefits of water measurement (including risk management benefits) outweigh the costs”. It is our belief that the costs for many coastal irrigators will outweigh any benefits. For example on our farm we have 3 pumps on 4 access rights (a legacy of our time in the dairy industry) so the cost of installing meters, data loggers and telemetry would be way out of balance with the benefit that we receive from our infrequent use of irrigation. Then there is the costs that will be passed on to irrigators through the IPART process for Department of Industry, Water NSW and Natural Resource Access Regulator costs to formulate and implement the regime, maintain information received and police the system. This further tips the balance so that benefits are outweighed by costs.

Our view that cost will outweigh benefits was also confirmed when we read in the submission of Water NSW in response to Water Reform Action Plan Discussion Paper that they felt the need to implement a water ordering process for unregulated water as part of their implementation and management of metering reform. The added workload that this would entail will increase Water NSW operating costs in the physical management of it and increase the licence holders operating costs. There would also be a need for installation of water monitoring equipment in waterways that would be necessary to run such a system whereas currently there is little such infrastructure in place. These costs would be recovered from licence holders as well through the IPART process, all for no benefit as there is no extra service provided to benefit the irrigator. Water NSW does not provide any infrastructure that could make available any extra water to irrigators in the unregulated system. To implement water ordering in a system that is currently well managed by cease to pump rules takes this whole process to the absolute ridiculous, at a cost which would far outweigh any perceived benefit.

Another stated objective is that “the framework is easy to understand, comply with, administer and enforce”. We do not agree that what is set out in this document has achieved this objective. We do not understand the practicalities of how data loggers and telemetry would work in our situation of infrequent use and prolonged storage. When pumps are in storage for long periods and data loggers and telemetry are not receiving any power supply how are we to prove that we are not taking water if the

device is not reporting. We cannot see anywhere in the document that this issue has been addressed and are concerned that our members would be accused of breaching licence conditions and water theft. This issue was raised at the Coffs Harbour meeting prior to the development of this consultation paper.

The stated purpose of this paper is to explain the proposed requirements that water users will need to comply with and seek community feedback so as to ensure that the final policy and regulation are practical. The process so far has failed to achieve these objectives. Lack of public forums for giving of feedback in coastal areas has resulted in lack of recognition in the policy. Any feedback that was received from coastal users does not appear to have informed the proposed policy and there is lack of recognition of the different conditions which would influence ability to effectively implement regulatory requirements on the coast.

We welcome this chance to have our say about the practicality of implementing requirements and wish to state that for coastal water users the policy and regulation as presented are impractical and unworkable.

Background

On page 5 of the metering framework document it is evident that the trigger for the development of the framework was the Matthews Report and the Murray Darling Basin Compliance Review. These came about because of public accusations of illegal water take on a large scale and an ongoing basis. In coastal areas there has been no such accusations yet we are being caught up in rules set to address the situation in other areas and publicised nationally. Once again we wish to state that we do not believe that the consultation process has resulted in adequate consideration being given, in development of the regulations, to the different circumstances existing on the coast. Given that there is no publically reported problem of illegal take on the coast the changes to regulations for coastal users would seem to be at high cost in relation to any perceived benefit. There appears to have been little consideration of the impacts of implementing the regulations in coastal regions. The need to rebuild public confidence, after alleged inland noncompliance was publicised, appears to have outweighed all other issues.

On page 7 of the framework paper it is stated that one of the key issues that emerged from the earlier consultation in relation to metering was “that the policy should recognise the different water management risks and issues along the coast and inland”. While it is good to see that this has been acknowledged here it does not seem that there has been any allowances made within the framework for these differences.

Part 1

On page 9 of the framework paper there is a heading “Types of water take covered”. We understand from reading that that if water did not require a licence to be taken under the 1912 Water Act it would not now be required to comply with metering requirements. For example under the Water Act 1912 there was provision for those extracting water from the tidal zones of coastal rivers to not require a licence. These

areas were granted history of use allocations to comply with the Water Act 2000. We believe that those licence holders who were granted history of use licences should now be exempt from this requirement for metering.

Page 10 of the framework paper discusses thresholds for imposing metering requirements based on infrastructure size and risks to water sources. We would again point out that risks to water sources are already addressed in water sharing plan cease to pump rules.

It is generally recognised that the size of a pump is measured from the discharge side. If a pump has a 100mm inlet and an 80mm discharge it is our understanding that this should be classified as an 80mm pump. This document does not make it clear if this is how pumps are to be measured for the purposes of metering and we would request that this be made clearer as pumps come in many configurations.

Groundwater works of 200mm or larger are to be metered. We assume that this measurement refers to the inside diameter of the bore casing rather than the size of the pump attached to the bore but this issue also requires clarification. If it does refer to the size of a pump what is the justification for the difference between surface water and groundwater pumps?

We wish to seek information on rules pertaining to pumping from wells. When a pump is used on a well what sized pump would require metering, because there is no mention of this in the proposed regulations?

On page 11 of the framework paper under the heading “Multiple works threshold” there is mention of multiple works on the same landholding. There is no definition of what constitutes the same landholding given in this paper. Is it land that is all on one deed or could it be adjoining land on separate deeds or yet again land that is not adjoining but has the same owner? What about land that is leased by someone who leases or owns other land? How will it be determined that water entitlements are all on one landholding? What if one licence holder has entitlements to water from different water sources, for land that may or may not be adjoining?

Also on page 11 and 12 there seems to be two different types of ways of determining the threshold for multiple pumps however there is no clear distinction between the two so it is not easy enough to know which less objectionable.

On page 12 there is mention of back up pumps. How does a landholder have a pump recognised as a backup pump or secondary pump? Is there a procedure in place for this? No information has been provided to inform us about this.

Also on this page is given the assumed capacity of 100mm and 50mm pumps. It is well recognised within the irrigation sector that not all pumping situations are equal. There is massive variations in pump configurations which all influence the actual output in litres per second.

On page 13 there are listed exemptions to the metering requirements. One exemption listed is basic landholder rights, and harvestable rights is further noted to be included here. This prompts us to ask what has become of the review being done by DPI Water on coastal harvestable rights?

Also once again what about those in the tidal pool who had irrigation rights without a licence under the 1912 act and who were “granted” history of use allocations to bring them under the 2000 Water Act? They should be exempt.

Part 2

On page 15 it is stated that where there may already be an existing accurate meter in place users will not be required to replace an accurate, well performing meter if they are able to satisfy transitional standards for existing meters. In our area surrogate metering is currently used in some circumstances e.g. Toonumbar Dam regulated water users have for many years used electricity meters with a calculation back to pump capacity or diesel timeclock and pump capacity. If electricity meters meet Australian Standards why could they not continue to be used?

Re tamper evident seals which we see first mentioned here: For pumps and equipment needing to be lifted due to imminent river rise what will happen? What proof will be needed that it has been moved of necessity and not to cheat the system? How long do we have to notify and who do we notify? It would be impractical to have a “duly qualified person” come out to disconnect and verify it in an urgent situation, when all active irrigators on that water course are experiencing the same situation at the same time.

On page 16 we see mention of meters being installed to AS4747 standard. Currently there is nobody on the far North Coast, that we are aware of, who is authorised to sign off that an installation complies to the standard. Also on this page there is mention of data loggers and telemetry and once again we need to point out that our water users have no knowledge of these devices so we are unable to know if we will be able to comply or not.

There is also mention of Attachment E giving a list of approved meters. Having viewed this list we note that the capacity of most is not given in litres per second but in m³/h, yet this paper talks about litres per second. This is yet another example of the confusion which will continue to be caused during any attempted implementation of these proposed regulations.

On page 17 we are told that all installations will need to be completed by a “duly qualified person”. How will these people be recruited to areas that don’t have any? Also half way down this page there is a dot point that states that a duly qualified person must report to the minister if they suspect that equipment they are installing or carrying out work on has been tampered with. Let me give an example of a situation we envisage could occur- we pull up a pump due to imminent flooding and in the process break a tamper evident seal. Is this considered tampering? Does the duly qualified person, who we call to reinstall the pump in several years time when we need to irrigate again, have to report that we have tampered with equipment? Do we need to report to the minister that the pump will now be in storage after we remove it and do we need to report this every 21 days for several years so as to receive an exemption from the need for working telemetry?

The requirement for tamper evident seals is difficult for us to make informed comment on as we have little information about the form that they might take. Will they make it physically hard to remove the equipment from danger of flooding given that pumps may have to be winched up steep banks in difficult conditions?

Electronic seals that are mentioned are even more of a mystery to us. Who would need to keep passwords etc.? This document fails to inform us if that would be a duly qualified installer or a Water NSW official or somebody else.

We are informed that data loggers must be able to store information for at least 12 months. We are not told who can access that data. Can we use it to check bills issued by Water NSW? If so they would need to store more than 12 months worth of data as in the past accounts have been issued over 12 months after the water is used.

Telemetry as previously stated is seen largely as a mystery. As also previously stated we do not have confidence that data will be able to be reliably transmitted due to inadequate access to networks.

We have concerns that expensive equipment, being meters, data loggers and telemetry could be easily damaged when urgently moving pumps in difficult situations.

Page 19 tells us that every five years we will need to have installations and equipment verified as complying. We ask how do we go about this when equipment is in long term storage?

Part 4

On page 23 it is stated that from 1 December 2019 licenced water users who do not have a meter will be required to keep certain records. They are to be in a form approved by the Minister and will be notified on the departments website. Water users are to make and submit records through an online portal. What provisions will there be for those without internet access to receive information and report?

Also mentioned on this page is the issue of reporting faulty data loggers. Loss of power supply is included and on the next page we are informed that if we wish to continue to use water when the meter is faulty then we must report certain information to the Minister within 24 hours of becoming aware that the equipment is faulty or has lost power. Our concern here is that if there is intermittent failure due to the data logger requiring solar power and the necessary position of pumps down steep banks and under trees how are we to practically manage this? Are we then going to need more expensive installation with long cables going up river banks? These would not only add initial costs but would be prone to damage and need expensive repair or replacement. All of this will increase the costs to the water user and therefore make the ratio of cost to benefit even more out of kilter. If the data logger was to receive power from mains supply this would also increase installation costs by requiring separate power point to the irrigation motor, and therefore separate cable, so that the data logger can continue to be operational while the pump is not running. How will these costs which will be incurred by the

licence holder be recorded and taken into account when doing a cost analysis study for the five year review of the metering framework?

Repair of faulty meters is mentioned on page 24 and here we are told that users must repair or cause to be repaired such faulty equipment within 21 days of becoming aware of the fault. There is need for requests of extension if this cannot be accomplished within the required time frame. This requirement will also add costs, workload and stress to water users. In our area irrigation is generally only used in time of low rainfall, known as drought. At this time farmers are already stressed and this regulation would unnecessarily add to that stress.

Consultation Questions

Question 1.

“Is it easy for you to determine if your works meet the threshold? If not why not?”

Answer.

No. We do not know what part of the pump is being measured to determine the threshold. As previously stated we can only assume that the industry norm of the size of the discharge side is being used. Once again we request that there be clarification provided.

Question 2.

“Which option for multiple works is preferred, and why?”

- a. Should meters be required where there is more than one work (where at least one is below the threshold)? or
- b. Should meters only be required if the cumulative capacity of the works is equivalent to the infrastructure size thresholds?”

Answer.

We cannot answer this question until clarification has been provided. There is no definition given for a landholding. We have mentioned this before in this submission. Is a landholding a property deed, multiple property deeds, adjoining or not adjoining, can it include leased property. What about where a property has access to different water sources, even within the same deed?

We need to understand what is the difference between:

- a. 5 farms which are owned separately, each having a single 80mm pump and therefore none of these farms would require a meter.
- b. One farmer acquires the 5 five farms mentioned above. The works approvals, irrigated area and equipment remain the same. Is this now considered one landholding and requires a meter for each pump or are they all considered to remain as separate and therefore not need a meter?
- c. The same farmer now amalgamates the water shares from the 5 licences into one licence so that the water can be used anywhere on accumulated property but retains the 5 works approvals. Does he now require a meter on each approved work?

If the answer to this question is yes then we would ask why is this so? The ability to take water has not changed from when the property and works

approvals had 5 separate owners! There is no fairness built into this framework if that is the case.

Question 3.

“Are there any other types of works that should be exempt from the metering requirements and why?”

Answer.

Extraction from Tidal Pools of coastal rivers that did not require a licence under the Water Act 1912 and which was “granted” history of use allocation to bring it in line with the Water Act 2000 should be exempt. These licences were granted under history of use even though there was an embargo on the granting of new licences since 1995, when it was implemented by Bob Carr, and the embargo is still in place today.

Existing surrogate metering systems should also be exempt from the provisions of this framework.

Question 4.

“Are there any barriers to implementing the proposed metering standards that should be considered?”

Answer

Yes there are many barriers as mentioned throughout this submission. In particular the practicality of data loggers and telemetry in the coastal situation creates barriers. Steep banks and over hanging trees will be likely to cause shadowing to any solar powered equipment and therefore failure. Lack of mobile phone coverage will not be addressed by the suggested other solutions of National Broadband Network, which is also not providing good coverage here, or satellite which may not be accessible either, due to the topography.

Other barriers are that it is not cost effective, will cause increased stress in time of already existing stress, that there is a lack of service providers with the recognised qualifications. Age of farmers is another barrier. Lack of information to the user on the use of this type of technology is another barrier.

Question 5.

“What additional information should be included in the data logging and telemetry protocol?”

Answer.

As we have little knowledge about these we are unable to answer this question.

Question 6.

“Should telemetry be installed by a duly qualified person? What qualifications should the person have? What options should be considered?”

Answer.

Once again we do not have the knowledge to fully answer this question at this time. We have spoken to our local irrigation supplier and have been informed that he has no training on these devices. There needs to be consideration given to how training opportunities can be provided.

The ability of the duly qualified persons installing and verifying AS4747 for irrigation equipment and metering to also be trained in data logging and telemetry is necessary so as to reduce the cost to irrigators.

Question 7.

“What methods could be used to demonstrate the accuracy of existing meters in the field? Is guidance needed on the methods that can be used?”

Answer.

We have no knowledge of what methods could be used to demonstrate the accuracy of existing meters in the field and therefore guidance would be needed. There are very few, if any, meters in use in this area.

Question 8.

“What factors need to be considered and what safeguards need to be in place for the proposed transfer of government owned meters to private ownership? What needs to happen before the transfer can occur?”

Answer

Anything else that gets transferred from government to private ownership gets sold. In this case there should be no requirement for irrigators to buy the meters, they should be transferred for a peppercorn payment.

Question 9.

“What information and support will water users need to help select metering products and services that meet the required standards? Would you be comfortable with a third party meter provider being responsible for the meter?”

Answer.

Firstly this is not one question but two.

In answer to the first:

Throughout this submission we have pointed out lack of information and explanation of requirements e.g. how pump size is determined. Until the requested information is available we will not have sufficient information to select metering products. There will also need to be an extensive education process available to explain how things such as data logging and telemetry will work in our coastal situation. There has been lack of information throughout this “consultation” process. The fact that there has been no physical face to face meetings available in our area has meant that the many questions that our water users have are not yet answered. Had there been face to face meetings and the ability to have questions of all types, including technical questions, answered there may have been a better chance of answering this question about our ability to select metering products and services. The webinar did not address questions asked by our members, in fact our questions were not even put by the presenters even though they stated that there were no more questions when they closed the webinar 10 minutes before it was scheduled to close. We believe that the whole consultation process has been an absolute failure from the point of view of our members and other coastal water users.

To answer the second question:

No. If we the licence holders are legally responsible for reporting and maintenance of the meter then it must either be owned by the licence holder or government.

Question 10.

“Do you have any comments on any of the proposed mandatory conditions?”

Answer.

Once again we believe that it should be recognised that licences issued under history of use in tidal zones should be exempt from metering.

Where surrogate meters have already been recognised for water use reporting in both regulated and unregulated areas they should be exempt from the new metering framework.

Question 11.

“What issues and data should be considered in the five year review to assess the performance of the metering framework against its objectives?”

Answer.

The particular issues that we believe should be addressed in the five year review are:

- Compliance with the objective that the benefit of measurement should outweigh the cost. This should take particular note of the fact that costs will all be passed on to water licence holders through the IPART process

so they should be seen to have gained significant benefits from the implementation of this metering framework.

- Compliance with the objective that the framework is easy to understand, comply with, administer and enforce. Currently from the point of view of our water users the framework does not comply to this objective.
- The Objective that mandatory requirements and resources are targeted to higher risk users—that is, those that have a greater capacity to take water—and high-risk systems. The ability to take water does not mean that a user will take water illegally (“higher risk users”). If this objective is found to be unjustified the currently proposed threshold used to define higher risk users should be removed. Also there is no information currently provided on how water systems are categorised as high risk. The review should include looking at how these are allocated that risk category and at which systems may be reclassified.
- The accuracy, reliability, auditability and ability to communicate to authorities of metering equipment should be reviewed in the light of new technology that may become available during the 5 year period before the review.

Thankyou for taking the time to consider the issues raised in our submission.

Chris Magner
Chairman, Richmond Wilson Combined water Users Association