

Water User Reference Group (WURG) Communiqué

Meeting 7 – Thursday 27 August 2020

All members were in attendance, with apologies from:

- Malcolm Talbot, Northern Basin Aboriginal Nations representative
- Kingsley Abdulla, Murray Lower Darling Rivers Indigenous Nations representative.

Derek Hardman, Barkandji Native Title Group Aboriginal Corporation representative, withdrew from participation in the Water User Reference Group just prior to this meeting.

Bileen Nel replaced Darren Raeck as the local government representative for the Northern NSW tributaries prior to this meeting and was also in attendance.

Purpose of meeting

The purpose of this meeting was to discuss the key themes / issues from public submissions to the Independent Panel's draft report, and the Panel's proposed approach to addressing these matters in the final report.

Key items of discussion

The Panel provided the group with a summary of the written public submissions received as part of the public exhibition process of their draft report. Overall, the Independent Panel's draft findings and recommendations were largely supported. In particular, there was strong support for codifying first flush rules, improving flow forecasting and floodplain harvesting data and improving communications and reporting, including local knowledge input to first flush management.

The Panel also provided the group with a summary of the key themes and issues of the public submissions and sought the group's feedback on their proposed approach to addressing these matters in the final report. The key themes and issues included requests for:

- stronger recognition and definition of Aboriginal water rights and associated policy issues
- a better description of connectivity in the Northern Basin, and acknowledgement of the complexities associated with the use of flow forecasting, identifying end of system targets, and existing water sharing plan rules which contribute to connectivity in an ephemeral river system
- stronger evidence that existing water sharing plan rules are insufficient to manage first flush events (such as a comparison of what outcomes would have been achieved if the s324 temporary water restrictions were not put in place)
- development of clearer descriptions of what is a 'first flush', what are the triggers to initiate and terminate 'first flush' rules, what are the means by which targets can change, what are 'critical needs' (and how are they distinguished from outcomes that are 'desirable'), and when can access be granted (e.g. what does it mean to say that flows will not "meaningfully" contribute to achieving downstream targets)
- additional data and information relating to components of the water balance for respective tributaries and the whole river system during the 2020 first flush event, and reinforcement of the urgent need for both active and passive floodplain harvesting to be licensed, quantified, monitored and reported on.

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Other issues raised included criticism of the conservative nature of flow forecasting used for the event (noting that independent reviews of the WaterNSW forecasting tool indicate that WaterNSW did not underestimate flows), requests for clarification about what outcomes of the event were the result of rain and what outcomes were the result of good management. Some stakeholders also suggested a cost-benefit analysis of the event be carried out, or that special water accounting be developed for first flush events.

Overall the Panel have also observed a need for Government to improve the coordination, effectiveness and efficiency of engagement activities, enhance the development of a shared understanding of the difficult and complex aspects of water management across communities and reduce consultation fatigue for government, industry and communities.

The group did not raise any significant concerns with the proposed approach the Panel intends to take in addressing the issues outlined above in their final report.

Next steps

This was the final meeting between the Panel and the Water User Reference Group for the assessment. The Panel sincerely thanked members for their input and very helpful advice and insights throughout the assessment process.

The Independent Panel will be submitting their final report to the Secretary of the NSW Department of Planning, Industry and Environment on Monday 7 September 2020.

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