

## Submission to Department of Industry re Water Reform Action Plan

1 message

Fri, Apr 13, 2018 at 9:45 AM

To: water.reform@industry.nsw.gov.au

I, [REDACTED], am making a personal submission

Do you want your name published? NO

If yes, your name will be published along with your submission on the department's website. If no, "name withheld on request" will appear on the list, instead of your name.

Privacy statement \*

I have read the department's Privacy Statement and agree to the department using my submission in the ways it describes. I understand this includes full publication on the department's website of my submission, any attachments, and any of my personal information in those documents, and possible supply to third parties such as state agencies, local government and the proponent.

I agree to the above statement YES

### Submission to the Water Reform Action Plan

I support the Namoi Water Submission to the Water Reform Action Plan and make the following additional comments regarding the issues proposed. The NSW Government consultation and timeframe for submissions on the Water Reform action plan has been inadequate, a public meeting was requested in the Namoi Valley to provide a genuine engagement process regarding the proposed changes to the Water Management Act 2000. The "drop in" session held in Gunnedah does not meet best practice standards or the required level of transparency. The NSW government is encouraged to engage appropriately in each catchment.

#### Water Take Measurement and Metering :

I support the need to accurately and reliably measure water use and ensure that water take is verifiable and auditable. The current framework of water access licence, work approval, licence conditions, when combined with appropriate recording/data capture is a functional system. What has not worked effectively is the Government and Agency delivery of services such as consistent meter reading, keeping of records/data capture and the compliance process.

#### Key points ;

- I want to maintain private ownership of the meters installed on my farm.
- The requirement for general notification regarding any changes to metering equipment must be maintained. I **do not** agree with regulations being made as proposed as Part 5 (115c) that enables a changes to directions being made in this manner in respect to metering requirements. Directions in relation to Metering equipment should continue to be made as conditions on licences requiring notification and due process.
- "No Meter No pump" principle is an impractical approach.
- Option 5 is supported, but prior to implementation further resource level assessment is required. This should focus on the risk within a water resource, and requires DoI to provide, transparently, the detail of the risk assessment and accuracy of the information informing it. There is a need for a range of combinations based on risk, therefore the thresholds on share component and pump size should be higher in those systems that are highly ephemeral or have low volumes of equipped pump capacity.
- The new requirements for measuring water take need to be clearly understood.
- The AS4747 standard and the requirement for pattern approved meters presents a number of difficulties and limitations in the provision of a suitable range of meter types.
- Pattern approval of meter accuracy does not ensure meters will read water reliably or accurately per se – consideration of a standard without the requirement for pattern approval is likely to see better outcomes if broader requirements of validation & re-validation are met (eg 5yrlly). This in effect is the NSW interim standard including telemetry.
- Retrofitting existing meters and validating accuracy to comply with any agreed new standard must be the initial focus. There needs to be a grandfathering provision, for those meters installed that are able to be validated and retrofitted with telemetry that meet the interim NSW Standard. This should be for the life of the meter installed until it fails.
- Additional telemetry for Water NSW or other regulated must be cost effective, we do not support expensive options such as needing to merge data into the SCADA network when a simple SIM card enabling polling provides the data, for those sites requiring satellite services ongoing contract costs need to be kept low. Access by the water user, to the data from the meter must be maintained.
- The existing process for notification that a meter is not working and the replacement and reinstallation needs to maintain a practical approach.

#### Better Management of Environmental Water

Enduring solutions to the issue of Better Managing Environmental water are complex and require greater assessment than the options presented in the discussion paper. As a water access licence holder I am concerned that the NSW Government appears to be moving away from the risk assignment framework currently set out in the National Water initiative and the Water Management Act in the proposed amendments. If implemented these amendments allow for mandatory conditions to be imposed by regulation,

circumventing compensation and the public processes associated with current water sharing arrangements and reduce the value of my water licence.

In discussions held around Better Protection of Environmental Water it was suggested the North West unregulated flow plan will be a requirement for future consideration in determining supplementary access in regulated systems. Current practice does not provide for supplementary access to be limited based on the NW Unregulated flow plan, nor has this potential change in approach been discussed or assessed for impact at NSW DOI Stakeholder Advisory Panel's established for the Water Resource Plan development process. We request NSW Government clarify if this approach is being considered and if so, the appropriate forum for these issues to be discussed and assessed is the existing SAP committees and then more broadly in proper public consultation processes with licence holders regarding the effect of this change to supplementary reliability and access.

Key points;

- I hold concerns about the application of the Section 324 to make an order to restrict take for environmental purposes. These are suggested as being temporary however they have been applied in some situations to some Namoi Water licence holders for a continuous period. **They do not have appeal rights and they do not trigger compensation provisions they are a property right impact.**
- The measures proposed result in impacts to existing reliability and security of access for water access licence holders. I request the amendment (14) S 324 is removed.
- I reject the proposal to include new regulation making powers in the Water Management act to allow new conditions to be applied directly to licences and approvals which limit/prohibit taking water to protect environmental water. I reject the proposed new section to allow mandatory conditions to be imposed via regulations over riding water sharing plans.
- Amendments (12) new part 5, S115, s115A and s115B should be removed.
- Imposing the amendments tabled under the above sections circumvents the water sharing plans and avoids NSW Government having to pay compensation to impacted water users.
- The original Water Sharing plans provide flow targets, access thresholds and other sharing mechanisms (eg IDEL's in the Barwon Darling) and implementation of the MDBA CAP. **This provides sufficient mechanisms for NSW Government to implement management of environmental water.**
- The current shepherding principles outlined in the NSW MOU with the Commonwealth and NSW Shepherding policy 2012 and the proposed arrangements are supported and should be reconsidered in the context of better managing environmental water as enabling outcomes. These documents consider the inherent practical limitations of delivering environmental water including assessment of losses. Water licences purchased by the Commonwealth should retain their original licence characteristics.
- The approach in the consultation paper of implementing an immediate response should focus on the use of the existing water sharing plan review process and IDEL's in the Barwon Darling. Any other approach outside this framework is unsupported.

### Transparency Measures

The Namoi valley has been on record for decades supporting metering and compliance to improve public confidence in how licence holders meet their regulatory obligations. I am generally supportive of increased information transparency for the regulator and water user, however there are some limits that need to be maintained in relation to public disclosure of individual water user licence account details. There is currently considerable information available on the NSW Water Licence Register, this could be provided in a more user friendly format.

Key Points;

- I support the development of appropriate platforms for Regulators to obtain real time information to ensure compliance with licence conditions.
- Additional information and processes that provide greater clarity for water users regarding when water take is permitted would be beneficial particularly in unregulated systems.
- I **do not** support the publication of individual water account balances and meter readings. This information is considered commercially sensitive and can lead to market manipulation. It poses a risk to the water market.
- I support the provision of aggregate information to the public and this can be achieved by providing a more user friendly platform such as the SEED portal with information from the current registers.
- I do not support s391 B (2) to allow disclosure of information that is protected through other acts (eg Privacy and Personal Information Protection Act 1998).

### Floodplain Harvesting

I request that proper public consultation occurs in the Namoi prior to any review of the Flood Plain Harvesting policy.

Implementation of the Healthy Floodplains project under three different project managers has resulted in inconsistency in the final modelling process used for licencing between the Gwydir and the Border Rivers. This is despite the formation of a FPH Modelling Consultative Committee in 2014 and policy agreement on how the modelling would account for issues such as the Rainfall Runoff allowance. The issue of Rainfall Runoff as an allowance (or exemption) was in the view of stakeholders resolved at this time and Namoi irrigators agreed to participate in the Healthy Floodplains project on the basis of this public communicated policy approach.

The NSW Department issued draft licences in the Gwydir and the Border Rivers including a Rainfall Runoff Allowance (exemption), this was after considerable consultation and engagement with stakeholders over a long period of time and was consistent with the existing policy. It appears that further protection of the exemption for Rainfall Runoff (which would need to be created under the Water Management Act), was sought as part of these review of draft licences.

The NSW Floodplain Harvesting Policy, defines floodplain harvesting as the collection, extraction or impoundment of water flowing across floodplains, **excluding** the following types of water extraction:

1. taking of water under a water access licence that is not a floodplain harvesting access licence;
2. taking of water under a basic landholder right, including water taken under a harvestable right;
3. taking of water under an applicable water access licence exemption under the Water Management Act 2000;

4. runoff of irrigation water and stormwater which is subsequently captured in tailwater return systems or other means in accordance with licence conditions or methods which have been approved by DPI Water; for example, in accordance with appropriate industry Best Management Practice.

Under the Water Act 1912, floodplain harvesting activities were not required to be licensed, however "the works" were required to be licenced under the act.

Since the 1980s significant and legitimate floodplain harvesting and rainfall runoff harvesting activities have developed across the Namoi. The main purpose of the NSW Floodplain Harvesting Policy (which was made in 2012) was to bring these forms of water extraction into the regulatory framework of the Water Management Act 2000, by establishing a new rainfall runoff harvesting allowance (exemption) and new floodplain harvesting licence entitlements.

The allowance (exemption) for rainfall runoff capture was included in the Policy in recognition that retaining rainfall runoff on-farm is recommended practice and in many cases required under related approvals or licences. However, at the time the Policy was approved, it did not specify the degree or amount of capture. This was to be developed at the same time as floodplain harvesting licenced entitlement were to be developed.

DPI Water's initial consultation with stakeholders on the proposed exemption indicated that it should be set at 100% of the rainfall runoff from areas developed for irrigation, provided that development was eligible for the granting of a water supply work approval under the NSW Healthy Floodplains Project. This was supported by a DPI Water review of existing work approvals and use approvals for irrigation developments on north western NSW floodplains. This review found that many of these approvals were conditioned to require the capture of all runoff, and it would therefore, be an offence to not capture this water.

### Key points

- I support the creation of an allowance (exemption) for Rainfall runoff for those who meet the eligibility criteria under the NSW Floodplain Harvesting Policy,
- the exemption would only apply to the developed areas at the time of application for FPH licence,
- water supply work approvals would still be required for works used to extract water under the exemption; and
- extraction under the exemption will still need to be accounted against water sharing plan long-term extraction limits and Basin Plan SDLs.
- There is no impact on how Sustainable Extraction Limits (SDLs) are managed under the Basin Plan from Rainfall runoff as an allowance (exemption) under the above option. The Basin plan requires the WRP set out the method to determine the maximum quantity of floodwater that can be taken. The above approach and the licencing process of FPH fulfils this commitment.
- There is limited potential for growth in Rainfall Runoff under the above proposal, which in effect CAPs the Rainfall runoff exemption.
- In the options presented in the discussion paper, in the licencing of Rainfall runoff, it is equally creating an inequity in issuing a licence for one form of water user over another not on the floodplain and this could be considered a commercial advantage for water that is in effect created artificially and water that is contaminated/required to be captured.
- I do not believe that the issuing of one licence including Rainfall runoff is clearer for licence holders.
- The separation of the two forms of take are not difficult to monitor or implement, as Rainfall is an allowance the average RR can be derived using gauged and local weather stations.
- The department clearly intended to undertake implementation of the policy with Rainfall Runoff allowance and to suggest it is now not implementable is misleading.
- In terms of accounting rules I support individual valley specific account rules developed with proper transparent public consultation processes that is a public meeting.
- At this time in the consultation process we have concerns about the Gwydir example presented as there is no assessment to determine which licence holders are impacted. For example do the new rules impact geographically, or effect those with less reliable but larger FPH take?
- Monitoring of Floodplain harvesting is supported, in particular the use of volume gauge boards and calibrated storage curves provides appropriate information to account for annual floodplain harvesting volumes.
- Attempts to monitor at the extraction and/or interception points and/or by water balance would require significantly more monitoring systems, equipment and verification for little gain in terms of accuracy of measuring water take. On-farm storages are generally the end point of the take during a flood and/or rainfall event and should be the focus of monitoring.
- It is expected that licence holders will reconcile collected data, and produce an annual water harvested report that could then be directly inputted into Water NSW internet Water Accounting System.