

From: To: [independent panel first flush mailbox](#) **Subject:** Review into Critical Human Need Embargo **Date:** Saturday, 16 May 2020 12:04:31 PM

Embargoes or restrictions on access have been part of the Northern Basin landscape since the 1980's, they are not new. Managing the "whole" system is not new, it is perhaps new to the current staff who managed this event but it is definitely not new to those that live in the Northern Basin.

The embargo of Floodplain Harvesting is indeed "new" ground and the effect of its application, the management during and after the event, and effect on farm management options due to the application to this source of water needs consideration.

In terms of any event after a drought it was always going to be fraught with contention. In predicting this the Northern Valleys had written to the department on several occasions regarding the process and improvement needed in quantifying the public interest test. Our last correspondence in January clearly evidenced the need for a more engaged and transparent process. No response was received.

It is likely there will be submissions comparing NSW to Queensland water sharing arrangements or closer to home comparing the Northern NSW to Southern NSW.

NSW is required to manage inflows for critical human need, the Qld requirements are substantially different given the location of the extraction low in the system and this is not an issue facing the Qld government hence the considerations of embargoing Qld take for a NSW community has never been successful previously. The history of irrigation development and the development of the National Water initiative timeframes are important in this context, Southern NSW in 1994 was largely speaking, fully developed in terms of irrigation area. The Northern Basin (Lachlan upwards) was not fully developed yet the system was required to comply with the 1994 level of development conditions in terms of surface water access. Queensland by comparison was a very late developer and in recognition of this, the CAP and applicable clauses in the agreement have applied differently.

Ultimately it is up to the NSW Government to secure town water supplies for its communities. This is largely set out in the water sharing plans but is also a function of infrastructure, local government management decisions etc. The NSW Government has more recently embarked on an overarching response through the regional water strategies however this is a much broader and longer term process.

Namoi Water had provided modelling in January to DPIE Water and to Water NSW senior staff following a meeting in January 2020. This work demonstrated that access on unregulated systems has a limited impact on downstream flow outcomes and the decision making process for embargoing unregulated access needed to consider a broader range of issues. The results of this modelling showed the results in less than 4% of total flows (modelled from 2005-2016 events). These farmers receive limited opportunity, they have small storages and the flows usually last less than 12 hours.

On the 19th February Namoi Water demonstrated to the Department of industry water and Water NSW that our flow forecasting (using their losses and their gauging data) demonstrated that the target flows in the Namoi at Bugilbone had been met. This meant our contribution and the flow in the Barwon Darling system would provide the 70 gl target communicated, the all-important critical human need requirement was met.

Leading up to this date Namoi Water questioned why the flow forecasting was still not using any flows out of Qld

as our modelling predicted that nearly double the 70gl would reach the Lower Lakes.

On this date rain was falling in the catchment areas of the Unregulated systems, many of which in the upper areas have limited timing and access. For some of these farmers this was the first flow they had seen since 2016. There is no way to “make good” for unregulated systems. The people affected by these decisions have also been through crippling drought, they have also had limited income.

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