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Submission

NSW Draft Water Sharing Plans

10 January 2025



Secure – Sustainable – Productive

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Executive Summary

NSWIC welcomes the opportunity to provide a submission on the seven NSW draft unregulated Water Sharing Plans on public exhibition. This submission covers issues common to all seven valleys, namely the Barwon-Darling, Belubula, Lachlan, Gwydir, Macquarie/Wambuil, Murrumbidgee Unregulated and the Namoi and Peel.

NSWIC has members in all these valleys and these members will also provide individual submissions with issues specific to their area. NSWIC's submission will primarily outline matters that have been raised by members that are common to all seven valleys, but we also support the specific valley-level issues raised in submissions from our members.

Our key points are summarised below and explored in more depth later in the submission.

1. Delay gazettement of wetlands provision for three years and protect wetlands through voluntary landholder partnerships

NSWIC believes that the proper implementation of current wetland provisions is unworkable within the specified timeframes. As it stands, there are too many errors with mapping, there has been inadequate communication with landholders and there are too many legal grey areas that need to be clarified before continuing. NSWIC believes that water sharing plans should include a review provision enabling wetlands to be gazetted beginning 1 July 2028, thus allowing three years to ground-truth the desktop mapping of wetlands and transparently consult with landholders on legal obligations that can then be clearly defined in the amended water sharing plans. Once this has been done, voluntary conservation partnerships could then be created between the Government and willing landholders.

2. Re-examine wetlands in the Border Rivers Water Sharing Plan

As part of consultations in late 2023, the Border Rivers also had wetlands included in its water sharing plan (WSP). NSWIC members in the Border Rivers encountered similar issues with desktop mapping, with many wetland 'sites' being incorrectly added to dry areas and to this day, many fundamental questions and issues remain unresolved. These issues were not able to be given proper attention at the time, as these consultations coincided with the Federal debate on the Restoring our Rivers Act at the end of 2023 (a busy time for irrigation organisations). NSWIC requests that the Border Rivers water sharing plan be amended with the review provision described in section 1, to enable ground-truthing and good-faith engagement with affected landholders.

3. Implementation of IDECs does not disadvantage water users

The remake of the Barwon-Darling unregulated water sharing plan is an opportunity to correct mistakes made in the implementation of IDECS that have led to perverse and unintended outcomes, particularly for small water users.



The proposed inclusion of IDECs in several other valleys should reflect the lessons learnt from the Barwon-Darling experience, and be done in a way that does not disadvantage water users (particularly smaller ones). NSWIC has no issue with IDECs in principle, but the Department needs to ensure that its IDEC methodology does not unnecessarily disadvantage licence holders.¹ Please also refer to the Barwon Darling Water submission for more detail on how to resolve long-standing issues.

4. More clarity on LTAAEL methodology, data and process

A review of the long term annual average extraction limits (LTAAEL) is a key component of the seven water sharing plans up for review although there is little clarity on this process.

These calculations may have implications for licence holders, but as it stands NSWIC and its members have no visibility on the data and methodology that will be used. It is important that licence holders are involved in this process and understand the justifications and evidence for any proposed changes to diversion limits.

NSWIC asks that process is undertaken and concluded first, before amending water sharing plans, rather than committing to volumetric LTAAELs in the current plans with no clarity, certainty or confidence that the process or methodology will deliver a robust and defensible result.

5. Consideration of existing licence holders for Aboriginal water entitlements

Within the NSW Government responses to the NRC, references are made to Closing the Gap Target 15c and the Special Purpose Access Licences (SPAL). NSWIC wishes to make sure that if pursued, any water recovery for Aboriginal peoples should be done without negative impacts on water licence holders.

Secondly, the Joint Council of indigenous ministers and Aboriginal representatives in July 2024 rescinded Closing the Gap Target 15c nationally, in order to move to a jurisdiction-by-jurisdiction target. Target 15c or a variation thereof therefore has not been included formally in Closing the Gap targets and is therefore not currently applicable in NSW.

6. Ensure transferability of pool drawdown allowances

NSWIC is concerned by Recommendation 6 (c) in the DCCEE Water response to the Natural Resources Commission's recommendations for the Murrumbidgee unregulated river water sharing plan. This clause recommends introducing 'dealing rules to ensure that any pool drawdown allowance is not transferrable to another person or entity'.² There appears to be no clear justification for this change and we query the legality of this measure (see 31 iii)

¹ See Appendix A for more details

² NSW Department of Climate Change, Energy, the Environment and Water | DCCEE Water response to the Natural Resources Commission's recommendations for the Murrumbidgee unregulated river water sharing plan



of the National Water Initiative.³ NSWIC asks that this clause is removed and that it will not be included in other WSPs.

7. Leave water pool drawdown laws at current levels in Murrumbidgee

NSWIC does not support further restrictions on take from river pools. This measure has been included in the Murrumbidgee Unregulated WSP. It appears to be based on convenience, rather than a clear environmental objective. The NSW Department of Climate Change, Energy, the Environment and Water (the Department) should remove this rule until it has been examined properly, including assessing the adequacy of the current 80% drawdown allowance.

Submission

1. Delay gazettement of wetlands provision for three years and protect wetlands through voluntary landholder partnerships

The current wetland provisions do not demonstrate best practice management of important water resources and we ask that the wetland provisions are not gazetted until 1 July 2028. The three years in between 1 July 2025 and 1 July 2028 will allow for adequate time to properly groundtruth wetlands. There is clearly concern surrounding these reforms, as witnessed by the high attendance at the wetland webinar on 9 December 2024. Landholders have raised a number of issues, namely:

a) A lack of ground-truthing of wetlands

NSWIC understands that these new wetlands were mapped in a desktop study, using spatial data from various datasets. However, there appears to have been little on-the-ground work done to confirm the new prescribed sites are in fact wetlands. NSWIC knows of several landholders that have had wetlands added to their property on areas that are in fact cropping land or irrigation supply channels. It is inappropriate and scientifically indefensible to include hundreds of new wetlands, without proper ground truthing and confirmation with affected landholders. We do not view this process as adequate to identify 'significant' wetlands.

b) Current timelines are not manageable

Even with the extension on wetland consultation until 2 February 2025, there is not enough time to properly examine and confirm the hundreds of wetlands included in the draft WSPs. The Department is not under any obligation to include these new rules at this time and can opt to delay or remove them. As such, NSWIC asks that these wetland regulations do not come into effect until 1 July 2028. This gives the Department ample time to ground-truth wetlands and ensure that landholders have a good understanding of any legal obligations.

It appears that the Department is trying to implement all the Natural Resources Commission (NRC) recommendations, regardless of their practicality. This means that the NRC suggests reforms that the Department is ultimately responsible for implementing, often at great cost in time and resources. This often leads to cost blowouts and ill-conceived implementation.

³ Clause 31. iii) states 'Water access entitlements will: be able to be traded, bequeathed or leased'



NSWIC believes that the revised timeline for wetlands allows the Department more time to manage its workload and gives proper time for consultation with landholders.

c) Concerns surrounding the future interpretations of wetland provisions

While the Department's intention is to enable landholders to continue the practices that they are doing now, NSWIC has some concerns that these wetland provisions will lead to issues in interpretation down the line and will cause unnecessary burdens on landholders.

It appears that the Department has not considered all the potential legal ramifications. For example, 'waterfront' land is subject to Natural Resources Access Regulator (NRAR) compliance tools involving public access, buffer zones, controlled activities and agricultural permits. The proposed wetland maps appear to greatly expand the area NRAR may consider to be waterfront.

Similarly, in 2016 the Department put 'at-risk' water sources into WSPs without robust justifications and this classification has led to issues in the non-urban metering reform. NSWIC is concerned that these changes to include and protect prescribed wetlands will be similarly reinterpreted and adjusted over time to the point where farmers will have diminished water access.

NSWIC asks for strong and written assurances in the water sharing plans that landholders can continue the practices they are doing now and there will not be future changes, in order to avoid a repeat of the at-risk ground sources issues that have undermined metering reforms.

d) Wetland reforms to be undertaken in a bottom-up manner that ensures landholder buy-in

Given that 93% of wetlands in the Murray-Darling Basin are located on private land, the buy-in of landholders is crucial if these reforms are to work. NSWIC feels that these latest reforms are prescriptive and have not been properly communicated to landholders. We fear that these changes will only cause more resistance in communities and undermine future reforms.

NSWIC firstly requests that all wetlands are properly verified in-person, in order to confirm the validity of the Department's initial mapping. There have been countless errors in wetland maps so far and these need to be ground-truthed. Should significant wetlands be confirmed, we believe that these will best be protected as part of a voluntary partnership with willing landholders, not through a rushed, top-down and non-consensual gazettal. The three-year period between 1 July 2025 and 1 July 2028 allows for time to undertake this process.

Once interest has been gauged, willing landholders can be engaged with to ensure that they understand obligations and are confident in the purpose and benefits of the reforms. This approach ensures acceptance from landholders and gives the overnment a chance to manage any potential opposition. Voluntary collaboration may also allow for additional work to be done on the ground, like revegetation or fencing around wetlands. This allows for a bottom-up approach that includes other ecological interventions, like habitat restoration (and not just water recovery). It will deliver actual improvements in wetland health, while the current top-down approach is only fostering resistance.

The Murray-Darling Wetlands Working Group is an example of an organisation that has achieved significant gains through working in partnership with landholders. NSWIC sees that environmental reforms will be more successful if they are done in a considered manner in



partnership with landholders - not enforced through top-down regulations with no buy-in from those impacted by the changes.

2. Re-examine wetlands in the Border Rivers Water Sharing Plan

NSWIC sees it as unreasonable that the wetland provision in the Border Rivers WSP was not given the thorough examination we are asking for above, due to the timing of its consultation. The consultation processes for this valley coincided with the Restoring our Rivers 2023 Act being introduced and debated in Federal Parliament from September to December 2023, which naturally consumed lots of stakeholder time, resources and attention. As a result, proper time could not be dedicated to responding to the proposed WSP changes.

Because the Border Rivers WSP included wetlands, the Department appears to be using this as a justification for why all the following WSPs must now include this provision. We believe it is more appropriate to delay the gazetting of wetlands in the WSPs now on public exhibition, and include them on 1 July 2028, if issues have been addressed. For practical purposes, this would allow more time for wetlands to be mapped correctly and landholders properly notified.

NSWIC asks the Border Rivers WSP to be amended to allow for its wetlands to be similarly reviewed with ground-truthing between 1 July 2025- 30 June 2028 and gazetting afterwards.

Case Study: Border Rivers

In late 2023, the Border Rivers WSP was opened for consultation. This took place in the middle of negotiations on the Restoring our Rivers Act 2023 and was naturally a very busy time for irrigation organisations. The consultation was therefore limited and NSWIC members were unable to devote a lot of resources towards the process. As part of this WSP, hundreds of new wetlands were included.

Border Rivers Food and Fibre requested that each wetland be observed in-person and each landholder visited, in order to verify the wetlands. In June 2024, members were told that each landholder would be contacted, but it is still unclear if this has occurred. Those affected in Border Rivers remain in the dark on the status of wetlands and it is uncertain what work has progressed on the Department's side.

NSWIC is requesting for the wetlands provisions Border Rivers Water Sharing Plan to be re-examined, in line with the process outlined in Point 1.

3. Implementation of IDECs does not disadvantage water users

NSWIC in principle supports the implementation of individual daily extraction components (IDEC), assuming they do not create unnecessary burdens for water users. We urge the Department to learn the lessons of the Barwon-Darling Water Sharing Plans, whereby smaller water users have been unnecessarily inconvenienced for no ecological benefit. These reforms have created issues for smaller water users, that to this day, remain unresolved.

The methodology used by the Department in the Barwon-Darling created a situation whereby smaller water users were not allowed to draw water at the maximum capacity of their pumps, meaning they had to make multiple journeys to pump sites in order to extract to their licence limit. This led to health and safety issues and less efficient water use (as far greater volumes



of water were required to ‘wet up’ channels, with higher losses). These smaller users were also unable to trade with larger users (who have excess IDECs), due to these larger users falling outside the trade boundaries.

NSWIC requests that IDEC methodology is carefully examined in the current WSP reviews so as to avoid the situation that is ongoing in the Barwon-Darling. NSWIC supports IDECs being measured by the daily pumping capacity of water users, assuming that the combined daily capacity of authorised pumps does not exceed a sustainable level of take (as was suggested in 2012). This approach is transparent and ensures that diversions stay below Sustainable Diversion Limits (SDL) while also not burdening licence holders.

For the Barwon-Darling, NSWIC requests that it be treated as a single trading zone for the purposes of trading IDECs. We also ask that IDECs be recalculated based on historical total daily pumping capacity, after confirmation that the combined daily extraction capacity from all authorised pumps does not exceed a level of sustainable daily take. This issue has been ongoing for several years and users are eager to find a common sense resolution.

4. More clarity on LTAAEL methodology, data and process

All water sharing plans under review will have numeric values for LTAAEL’s included and will be reviewed to determine sustainable levels of take. It is stated that these will be assessed against the ‘best available estimates of extraction’ and be made publicly available.⁴ NSWIC understands that for most valleys on review these will be determined by 31 December 2026 and reviewed in the sixth year of the water sharing plan.

NSWIC seeks clarity on a number of points in the calculation of LTAAELs and asks that the Department undertakes this review transparently. We wish to better understand:

- a) *How LTAAELs will be calculated (methodology and assumptions)*
- b) *How they will be benchmarked*
- c) *How diversion data will be acquired*
- d) *What the timeline is for this process*
- e) *Whether sustainable levels of take will be different to those mandated in the Murray-Darling Basin Plan.*

This review will have implications for irrigators and NSWIC requests that this process is conducted transparently. Licence holders need to understand clearly what assumptions and methodology will be used and how these fit into the overall extraction limits.

NSWIC also asks that enough time is given to this review process and that this process is completed first, without a presumptive commitment to volumetric LTAAELs upfront. NSWIC is aware of instances where unit shares have been incorrectly allocated, leading to overall inaccuracies in total take. These distortions could have meaningful impacts on the eventual numeric LTAAEL values. Many members have also been frustrated by the short consultation periods for the current WSPs so we request that the LTAAEL review is started early and actively seeks feedback from water users.

⁴ NSW Department of Climate Change, Energy, the Environment and Water | Fact Sheet: DCCEEW Water response to the Natural Resources Commission’s recommendations for the Murrumbidgee unregulated river water sharing plan



We note remote sensing trials are ongoing that aim to assess LTAAELs in the Lachlan and Richmond valleys. While we support any technology that can provide more accurate and efficient data, these findings should always be ground-truthed (as with the wetlands). Licence holders should be actively involved in this process, so that data can be verified and any adjustments made under the LTAAELs are justified to water users through reliable data.

5. Consideration of existing licence holders for Aboriginal water entitlements

Within the Department's responses to the NRC, there are references to several Aboriginal water targets and programs. NSWIC wishes to put forward the following points in relation to these goals.

a) Closing the Gap Target 15c has not been adopted

Despite being referenced in several of the 'DCCEE Water's response to the Natural Resources Commission recommendations', NSWIC was advised by the federal DCCEE that the Closing the Gap Target 15c⁵ was rescinded in the Joint Council meeting in July 2024. We have been informed that the target will instead be determined on a jurisdiction-by-jurisdiction basis. Target 15c therefore has not been formally included in the Closing the Gap commitments and has no formal standing.

Should NSW decide to pursue a target for Aboriginal water entitlements, NSWIC asks that all of those with an interest in water are involved in discussions. We believe that effective water reforms can only be done through open dialogue with all affected parties.

b) Any water recovery for Aboriginal Peoples should not have a negative impact on any existing licence holders

While no formal NSW policy yet exists on Aboriginal water, we note that water for economic purposes was a key part of the NSW Draft Aboriginal Water Strategy (due for release in 2025). Irrigators hold a majority of entitlements in NSW and as such, have a stake in any Aboriginal water program.

NSWIC has a formal policy that Aboriginal water entitlements for economic, social and cultural purposes should not have a negative impact on any other existing licence holder. We do not support rules changes that will cause a reduction in allocations to licence holders.

c) Any water recovery for Aboriginal Peoples is part of a complete program

NSWIC also stresses that if water recovery for Aboriginal Peoples is pursued, it is part of a wider program and not implemented in isolation. If water is to be used for economic purposes, it requires works approvals, access to land, water licences and supporting infrastructure. It must also be coupled with programs that can contribute to economic development (skills and training), as was noted by the Productivity Commission.⁶ Any water recovery that does not consider these other elements will not contribute to genuine and long-lasting economic development for Aboriginal people.

⁵ Target 15c proposed 'by 2031, 3% of national water access entitlements allocated to Aboriginal and Torres Strait Islander Corporations'

⁶ [Securing Aboriginal and Torres Strait Islander people's interests in water | Productivity Commission](#)



NSWIC's '[Cultural Billabong Restoration Project](#)' is an example of work that incorporates cultural watering, irrigator and Aboriginal partnership, and gives training to disadvantaged Aboriginal people. Any Aboriginal water recovery targets must also consider other programs that must run in parallel, in order to make best use of allocated water. Aboriginal water for economic purposes has become increasingly important in NSW policy documents, but to date there has been little attention paid as to how best to use this water for economic benefit.

d) Implications of SPALs are understood in relation to hierarchy of water use

NSWIC understands that SPALs are given the same priority as stock and domestic licences and are therefore above general security and supplementary licences (or equivalent licence classes in unregulated systems). However, these licences have not been widely adopted due to high costs and administrative burdens.

It is possible that if these licences are increased in size and are widely adopted, that they could impact the reliability of allocations for irrigators. If a large number of SPALs are distributed in one area, they will take precedence over general security water allocations, particularly in times of drought. We ask that there is a consideration paid to this scenario and the Department understands the implications of these licences on all other water users.

6. Ensure transferability of pool drawdown allowances

NSWIC is concerned by the recommendation 6 (c) to 'introduce dealing rules to ensure that any pool drawdown allowance is not transferable to another person or entity' that was part of the 'DCCEEWS Water response to Natural Resources Commission's recommendations for the Murrumbidgee Unregulated water sharing plan'. This recommendation is not found in any of the other valleys currently up for review. NSWIC wishes to know:

a) why this provision has been included and what its implications are

It is not clear why this provision has been included in the Murrumbidgee Unregulated WSP and what its implications are. As mentioned, this has only been included in the Murrumbidgee, despite other WSPs including other water pool drawdown regulations. NSWIC reads this statement as essentially preventing a pool drawdown allowance from being transferred to another person, including as part of a succession plan, and guaranteeing that a pool allowance right will be lost once its current holder no longer uses it.

b) why it has only been included in the Murrumbidgee

NSWIC queries why only one of the seven WSPs up for review has this included. We understand that all the WSP drafts include restrictions on pool drawdown when it is below 100%, but only the Murrumbidgee Unregulated includes a clause that it cannot be transferred. It is not apparent why this rule exists.

c) whether it will be included in future WSPs

NSWIC would like written assurances that this rule will be removed from the Murrumbidgee unregulated WSOP, and will not be included in future WSPs. We believe that it runs contrary to the NWI, which states that water should be 'traded, given, bequeathed, or leased'. While we understand that different WSPs have different rules, there does not appear to be any clear ecological justification for this change.



7. Leave water pool drawdown laws at current levels in Murrumbidgee

Clause 10 (c) states that one of the strategies for implementing the plan is to ‘restrict the take of water from an in-river pool or off-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity’. This clause is in the Macquarie, Murrumbidgee, Namoi, Gwydir, Lachlan and Barwon-Darling WSPs. It has been amended down in the Murrumbidgee (it previously allowed for some drawdown).

These pools rarely fill, except for during floods, meaning that in effect, these pools will be rendered inaccessible (as they are not required for irrigation during periods of high rainfall). There also does not appear to be a clear ecological justification for this inclusion, but rather an assumption that the current policy would be ‘harder to enforce than the policy default of no drawdown’.⁷

NSWIC believes that there should be a clear ecological justification for limiting take and some evidence that the current 80% rule has been inadequate (or not enforced). It is stated that not many lagoons have the infrastructure to measure drawdown, which seems to contradict the non-urban metering policy, where all forms of water take are measured. Additionally, the enforcement of water regulations is overseen by the Natural Resources Access Regulator (NRAR). It is not the responsibility of the NRC to recommend changes based on an assumption about enforcement.

NSWIC asks to keep the current 80% rule in place, as there is no clear evidence provided that the 80% rule is inadequate. The provision currently in place allows for some drawdown when necessary, but also has strong ecological protections (with pools left at least 80% in most cases). This rule is adequate and the proposed rule change has not been justified through a proper ecological assessment nor evidence that the rule is being breached.

Conclusion

NSWIC asks the Department to strongly consider the recommendations in this submission. We have worked closely with our members to understand their concerns and they have made it clear that a number of proposed changes to WSPs are not viable in their current form.

In particular, the inclusion of wetlands at this time is widely opposed and as such, NSWIC proposes a different timeline for these reforms and asks the Department to consider other means of implementation.

Concerns about IDECs, pool drawdown allowances, LTAAELs, and Aboriginal water programs have likewise been addressed, as they have arisen in meetings with our members.

NSWIC also requests that the consultation process is improved throughout the life of these WSPs. Many members have been frustrated at the short timelines for these reviews and we ask that licence holders are involved in any changes proposed in LTAAELs, Aboriginal water programs and IDECs.

Kind regards,

NSW Irrigators’ Council.

⁷ Final report: Review of the Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012, Natural Resources Commission, Pp. 44



NSW Irrigators' Council

The NSW Irrigators' Council (NSWIC) is the peak body representing irrigation farmers and the irrigation farming industry 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.

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”⁸

“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.”⁹

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 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.

⁸ <https://www.agriculture.gov.au/ag-farm-food/crops/cotton>

⁹ <https://www.agriculture.gov.au/ag-farm-food/crops/rice>



Appendix 1

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The Hon. Rose Jackson, MLC
NSW Minister for Water
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21 February 2024

Individual Daily Extraction Components (IDECs) – emerging perverse outcomes

Dear Minister,

The method employed by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) four years ago to distribute Individual Daily Extraction Components (IDECs) has acutely disadvantaged many water users along the Barwon-Darling Unregulated Water Source.

While water users recognise the need for IDECS, and supported their original introduction in 2012, DCCEEW's methodology has created significant barriers to production and livelihoods, fostered inefficient water use due to increased on-farm losses contrary to best management practices, and created serious OH&S concerns.

It has also led to what we believe is an unintended, perverse outcome in which the Commonwealth Environmental Water Holder (CEWH) is exploiting the IDECs to prevent downstream users from accessing water in a way that would not be possible had the IDECs been more sensibly distributed.

Large water users, if so inclined, could use the same loophole to increase their daily extraction and similarly deny water to downstream users. This was clearly not the intent of the IDECs but is an outcome of a poorly conceived methodology.

DCCEEW's standard response is that trading IDECs will fix the issues, yet an operable trade system does not exist. This solution would also not prevent the perverse outcome described above due to the CEWH's action and the risk that other large water users may exploit the same loophole.

NSWIC and its member Barwon Darling Water are seeking an urgent meeting to discuss solutions.



Context

IDECs were introduced (but not implemented) as Individual Daily Extraction Limits (IDELs) and agreed to by affected stakeholders in the making of the 2012 Barwon-Darling WSP. These limits were intended to prevent future increase in pumping rates by limiting the daily extraction rate to the maximum pumping capacity of all authorised pumps as of 2012.

IDECs were then officially implemented under the 2020 Barwon-Darling WSP – but the Department changed from calculating IDELs based on pump size, to basing IDECs on the licence volumes. The change was made against the advice of water users.

Impacts on water users

The change means big licence holders have more daily IDEC volume than they have daily pumping capacity, while small licence holders are allowed to pump less volume daily than the capacity of their pumps. For example - an A Class licence holder with a total licence volume of 49ML has an IDEC of 2.5ML. In a wet year, it would take 20 separate days for this licence holder to access their full licenced amount.

This is not a practical option for many water users, some of whom must travel hours to a pumping site, pump for several hours until their IDEC is reached and then travel hours back to their property – for up to 20 days in a year. It undermines the ability to maintain productivity and forces excessive, unnecessary travel, raising OH&S concerns for water users themselves and employees who must travel to sites in the dark (wildlife on roads) or in wet conditions (typically when access is allowed).

Further, water users have also raised concerns that this fosters inefficient water use on-farm, as far greater volumes of water are required to ‘wet up’ channels, with higher losses – contrary to best management practices to be water efficient, for which our industry strives.

Trade is not an option

Many larger-volume licence holders would be open to trading their excess IDECs, but DCCEEW has failed to develop and implement a trading regime as recommended by the Natural Resources Commission in its 2019 Barwon-Darling WSP review,¹ and by the ‘Claydon review’ of 2021.²

Unintended and perverse outcomes

The CEWH owns substantial Barwon-Darling River water licences that were held by Colly Farms at Collarenebri and sold by its parent company Twynam. The IDECs volume allowed under these licences is far in excess of the pumping capacity of Colly Farms in 2012.

The CEWH during recent high flow events has reasoned that it is ‘forgoing’ the IDECs volume it is allowed to pump from the river, and claimed it as a protected flow. It



apparently has also combined the IDECs allowed under the different licence classes it owns. Most water users do not have, and have never had, the capacity to access (or protect) all classes of licences concurrently in this way.

The result is the CEWH has grossly inflated the protected volume of environmental water flowing each day such that downstream users now cannot access any water, IDECs or no IDECs. Had the protected volume been the smaller amount that Colly Farms could in practice have pumped, as originally set out in the 2012 WSP, then downstream users could also access their share of water.

The CEWH's bad neighbour behaviour would not be tolerated if conversely, a water user with excess IDECs used the same logic to install more pumps to access their allowed daily IDEC volume. This is totally possible under the current IDEC distribution.

Conclusion

Barwon-Darling water users have raised the IDEC issue with DCCEEW on several occasions over several years, but to no avail. Neither NSWIC nor our members are disputing the need for IDECs, however a rework is required to fit the original intent, as agreed with water users, to match IDECs with 2012 pumping capacity in conjunction with the recalibration of meters. We would welcome the opportunity to discuss this in more detail with you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jim Cush'.

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¹ <https://www.nrc.nsw.gov.au/Barwon-Darling%20-%20Final%20report.pdf?downloadable=1>

² <https://www.industry.nsw.gov.au/water/environmental-water-hub/working-on/claydon-review>