

Minutes

Meeting	Barwon Darling Stakeholder Advisory Panel Meeting		
Meeting No.	5	DATE:	10 th April 2018
Location	Diggers on the Darling 23-25 Sturt Street Bourke NSW	TIME:	9:30 – 16:00
Attendees	<p>Members - Craig Cahill (Water NSW), Ian Cole (Barwon-Darling Water), Tim Hosking (OEH), Bill Johnson (Environmental Interests), Stuart Le Lievre (Australian Floodplain Association), Bill Loughnan (Brewarrina Shire), Justin McClure (Western Local Land Services), Michael Anderson (NBAN), Doug McKay (Western Lands Advisory Council), Gavin Pryde (MDBA), Joe Robinson (Barwon-Darling Water), Tony Townsend (DPI Fisheries), Lindsay White (CEWH), Peter Hyde (Dol – Water) Jeff Sowiak (Brewarrina Shire)</p> <p>Guest Presenters and Observers - Anna Bailey (Water Renewal Task force), Kristin Morris (Water Renewal Task force) Lyndal Hasselman (OEH), Justen Simpson (OEH), Tony Thompson (Barwon-Darling Water) – Alternative for Anthony Barlow, Steve Feliti (Barwon-Darling Water) and Ella Williams-Gilbert (observer – NBAN)</p> <p>Department of Industry – Water (Dol- Water) Support Staff - Kate Masters, Amy Burgess, Greg Sheehan, Andrew Brown, Peter Roberts</p> <p>Facilitator- Kay Dalton</p>		
Apologies	Andrew Garratt (Dol – Water), Badger Bates (MILDRIN), Paul Keyte (OEH), Leonie Brown (Bourke Shire Council) and Geoff Wise (Western Lands Advisory Council)		
Prepared by	Peter Thomas, Kate Masters, Peter Roberts and Greg Sheehan		

Actions from Previous Meetings

Action	Actioned By	Comment
Northern Basin Toolkit – CL&W to clarify the process of Northern Basin Toolkit development and the IGA, and details of the associated consultation process.		Complete and ongoing. Action 1: Share Border Rivers – Presentation on IGA and intersecting streams with SAP members.
CL&W needs to ensure that there are consistent updates to SAP about the progress of the Aboriginal consultation process.		Ongoing.
Make references available for the scientific sources used to establish the flow requirements.	Lyndal Hasselman/ OEH	Next SAP.
Draft Minutes of Meeting 1 and Actions	Kate Masters	Complete and

Action	Actioned By	Comment
New action: CL&W to continue to seek Council representation for the SAP.		ongoing with council representatives invited to future meetings.
a. New action: CL&W agree to seek an alternate Indigenous representative from NBAN for next SAP meeting.	Kate Masters	Completed. Michael Anderson (NBAN) is a new Representative.
Commenced - SAP were updated on the work currently commencing to investigation options for the protection of environmental flows in the Northern Basin. Including IDELs.	Amy Burgess and team in CL&W	Ongoing.
Commence discussions with WaterNSW on the practical implications of the implementation of IDELs (management and IPART).	Amy Burgess and team in CL&W	Ongoing.
Undertake an analysis of impact of the current IDEL calculation method compared to pre Water Sharing Plan (WSP) pump capacities.	Amy Burgess and team in CL&W	Ongoing.
Pump capacities/locations in PBP need to be updated.	Amy Burgess and team in CL&W	Ongoing.
Meeting 4		
Modelling Scenarios Action: Follow up on why the modelled flow sequence can allow the flow to drop below 350ML/day and allow continued (modelled) pumping.	Andrew Brown	Prior to next SAP.
Follow up the Wilcannia analyses with the WLAC members to make sure they understand what was presented.	Amy Burgess	Prior to next SAP.

THIS MEETING

Agenda Item	Issue/Discussion	Outcomes
<p>1. Welcome, introductions and apologies</p>	<p>Kaye Dalton welcomed new members and existing members to the meeting and began with brief introductions around the room and recording of apologies.</p>	
<p>2. Departmental Update</p>	<p>Peter Hyde gave an update detailing the changes to the Department including the resignation of Christobel Ferguson with the removal of the Group Director positions. Peter Hyde is currently acting in the Director of Planning position which is being recruited. The appointment of Rachel Connor as Executive Director (replacement for Charlie Dowsett) – from strategy and policy in DPI and commencing on 7th May</p> <p><i>Northern Basin Toolkit Update (Disallowance Motion – Feb 14 2018)</i></p> <p>Update on the Disallowance motion voted in Parliament and what it means for the Northern Basin toolkit. The recovery now back up to 390GL from 320GL.</p> <p>Marcus Finn provided the MDBA position – MDBA went through science to develop the northern basin review and it is now hardwired into the Basin Plan. They are disappointed that the flow plan as written and provided to Parliament. The MDBA stands by evidence base process.</p> <p>The vote on the SDL adjustment measures which include recovery of 605ML is due to occur on 8 May. There is likely to be push to get Northern Basin Amendment back into Parliament at this time for reconsideration.</p> <p><i>Natural Resource Assets Regulator (NRAR) – Update</i></p> <p>The NRAR will be responsible for all water compliance and enforcement matters in NSW from 30 April.</p> <p>The SAP noted the following NRAR positions:</p> <ul style="list-style-type: none"> • Chair – Craig Knowles • Board members – Ilona Millar and Bruce Brown. • NRAR Chief Regulatory Officer – Grant Barnes <p><i>SAP Membership</i></p> <p>Barwon Darling Water – Two (2) SAP members have been requested to stand down, pending Land & Environment Court proceedings.</p>	<p>Noted – update to be provided at each SAP meeting</p> <p>Action 2: Google folder to be shared again and documents to be emailed with agenda</p> <p>Action 3: Acknowledge All Feedback and share to all Members</p>

	<p>The request to temporarily stand down two SAP members is not a judgement on the matters before the court it based on perceived of a conflict of interest.</p> <p>Barwon-Darling Water does not believe it is appropriate to request members to stand down / without due process. One member has not presented their case in court yet. One member is not being directly prosecuted, nor is he involved in that company/operation on any level. Barwon-Darling Water considers this leaves their organisation at a disadvantage at the SAP meeting.</p> <p>A SAP member noted the view that there is a perception that they have a vested interest by association. Logical that they stand down while process is underway.</p> <p>SAP membership would likely continue following proceedings being finalised.</p> <p><i>Aboriginal Consultation – Nation Workshops</i></p> <ul style="list-style-type: none"> • The approach to Aboriginal consultation to complete development of Cultural Objectives as part of the WRP and to meet Basin Plan requirements is Nation by Nation. • There are 30 nations in NSW, and 6 are represented in Barwon Darling. • Dol – Water is working with NBAN and MILDRIN to identify the appropriate people to engage and has a consultant Dhirrangal assisting interviews and workshops. • The Gomeri Nation is the first Nation Dol-Water is working with. Targeted interview sessions with senior Elders have been completed with workshops in towns underway this week. • The next priority is the Nations that cover the Lachlan Valley. These Nations are Wiradjuri and Yita Yita. • Feedback has been positive to this point <p>General</p> <p><i>SAP Documents</i></p> <ul style="list-style-type: none"> • Still problems with Google Drive folders. <ul style="list-style-type: none"> ◦ Dol – Water will to be shared again Google folder and documents to be emailed with agenda; • Organisation of SAP and provision of papers in time is poor. Request reports and papers two (2) weeks in advance; <i>Dol response:</i> - Volume of work with the Water Renewal Task Force has meant it has not been possible to provide reports on time; • SAP Members agreed there needs to be increased Dol – Water support for the SAP process; and 	<p>Noted views of Barwon Darling Water Members</p> <p>Action 4: Dol Water to provide New members access to reports and meeting papers on the Google drive</p>
--	---	---

	<ul style="list-style-type: none"> • Instead of focussing in on key issues, the SAP process continues spread out over a greater range of issues. It is difficult for SAP members to get across the issues. <p><i>Feedback on papers</i></p> <ul style="list-style-type: none"> • DoI – Water considers the feedback provided and used to inform future papers; • DoI – Water to provide acknowledgment of feedback out of SAP; • Out of session comments should be shared around the whole SAP (generally agreed); and • NBAN would like to know how flows from other systems flow into Barwon-Darling are calculated in order to understand how instruments are calculated. <p><i>NSW SAP</i></p> <ul style="list-style-type: none"> • All SAP meeting scheduled for 5/6 June in Sydney; and • Murray Lower Darling SAP requested meeting with Barwon Darling SAP (see Other Business for more details on this discussion). 	
<p>3. Draft Minutes and Action SAP meeting 4</p>	<p>The SAP accepted the Minutes as accurate.</p>	
<p>4. Implementation of IDELs in the Barwon Darling</p>	<p>The paper on the implementation of Individual Daily Extraction Limits (IDEL) in the Barwon-Darling was presented to the SAP members.</p> <p>The presentation gave an overview of IDELs and how they were intended to be implemented when the current WSP commenced, in October 2012.</p> <p><u>Context</u></p> <ul style="list-style-type: none"> • Whilst IDELs have not been implemented, the WSP enables the implementation of IDELs in the Barwon-Darling. IDELs were intended to limit extraction at the same levels as when the WSP commenced. • Recent events have resulted in a renewed call to implement IDELs. <p><u>What are IDELs?</u></p> <ul style="list-style-type: none"> • IDELs are designated pumping (extraction) rates, in ML/day, and are individual to each access licence. • Total Daily Extraction Limits (TDEL) is the sum of IDELs, in a given area/management zone. <p><u>What do IDELs do?</u></p> <ul style="list-style-type: none"> • Designed to share access to a particular flow event. • Potential flow on benefits for the environment. 	<p>Action 5: SAP to provide feedback on desired IDEL options, including those mentioned during, but not specified within, SAP</p> <p>Action 6: DoI water to make presentations available to SAP members</p>

How were IDELs to be issued?

- WSP allows for IDELs to be established for A, B and C class licences.
- Licences not arising from *Water Act 1912* entitlement receive an IDEL of 0 ML/Day
- Where an access licence has been cancelled as the result of a dealing since WSP commencement, effectively results in extinguishing the IDEL permanently.

The intent of the paper is for water to be moved upstream.

Discussion was had regarding the impact of trade and that there may be environmental benefits of trading downstream.

Discussion was also had regarding IDELs for A class licences, and the following questions were asked:

- Is there a need for IDELs on B class?
- What is the threshold of flows that IDELs don't apply and if there is a need for B class licences?

Further discussion is summarised by:

- B class affects low flows through the system;
- Other parts of the hydrograph are also important and that all classes of licence can assist protection of ecology and water users;
- SAP members expressing concerns over extraction that is affecting cultural benefits. There is a need to take cultural flows into consideration, regarding the level of flows and leaving water alone, and trees falling into the river and no moisture in the soil; and
- There is a need to zone in on the rules that really protect low flows.

Question: What does 'low flow' mean?

- Look at definition used by Office of Environment & Heritage (OEH) and DPI-Fisheries

Discussion: a SAP member suggested that the purchasing of A class licences as an option. Western Lands Advisory Council supports the proposal to remove A class licences and pay affected irrigators.

Problems with implementation in the current format

- Potential to result in significantly reduced TDELs for the water source;
- Consequences at an individual license level for both consumptive users and environmental water holders;
- Likely to have been deemed noncompliant with the Basin Plan trading rules;
- Approximately 15% of the TDEL for the system has been extinguished since 2012 and

	<p>would be helpful in the in Barwon-Darling?</p> <p>4. Do you believe that the ability to trade IDELs is an option that should be pursued?</p> <p>5. If so, what dealing rules would you like to see imposed on such trades? (E.g. is trade within river sections appropriate? Should trade only within management zones be considered? Do new TDELs need to be developed to better manage trade of IDELs?)</p>	
<p>5. Modelling Scenarios –</p>	<p>Three (3) modelling scenarios where presented to the SAP:</p> <p>Protection of first flush flows at Wilcannia</p> <p>The presentation gave an overview of the modelling scenario that originated from previous SAP meetings that legal take from small flow events and from first flow events after a period of extended dry can exacerbate cease to flow periods downstream of Bourke and into the lower Darling. This report looks at one possible solution of creating a targeted Cease to Pump (CtP) that prevents access by entitlement holders during periods when unacceptable cease flow conditions are occurring.</p> <p>Discussion:</p> <ul style="list-style-type: none"> • Members expressed concerns that a First Flush rule needs to be implemented within other WSPs that impact Barwon-Darling, otherwise Barwon-Darling is discriminated against. • NBAN expressed desire for pre-development models in order to understand the rule changes. • It would be useful to extrapolate a 400 ML/day target upstream. This needs to be informed by upstream conditions, perhaps a series of triggers up-river to implement a rule at a downstream location, such as Wilcannia. There was general agreement that Wilcannia, while further upstream, has higher accuracy. • The SAP questioned, what does “too dry for too long” mean? • There was general confusion regarding what the SAP is trying to achieve, the needs of people or environmental needs? • The frequency of Cease to Flow (CtF) events has increased, and establishing rules such as Planned Environmental Water (PEW) will prevent CtF, rather than deal with CtF after the event. There was general disagreement between which method will trigger more often. • There is a need to consider third party impacts and how they may be offset. • Potential market mechanisms include: <ul style="list-style-type: none"> - the trade of IDELs, as well as carry over water; - swap water; and 	<p>Action 9: Look at a more refined option, based on EWR and considering level of impact on third parties (Link to Wilcannia Water Supply)</p>

	<p>- The timing of trade impacts on value of water/access.</p> <p>Water Sharing Plan Individual Daily Extraction Limits</p> <p>This presentation to the SAP gave an overview of the above modelling scenario paper. This paper looked at possible outcomes of applying IDELs using the rules set out in the Barwon-Darling Water Sharing Plan (WSP) 2012. The purpose is to understand what impact those rules may have. The report can be used to inform the SAP discussion and facilitate desirable changes.</p> <p>Results of the modelling indicate that existing WSP rules will not deliver a material environmental benefit and in some cases may result in more water being taken from some events. There may also be impacts on individuals who have triggered the dealing rules.</p> <p>Individual Daily Extraction Limits with Rostering</p> <p>This presentation to the SAP gave an overview of the above modelling scenario paper, that looked at the option of using rostering to manage flows above the CtP thresholds.</p> <p>It was identified that a mechanism to share a volume of flows above the CtP would reduce instances of pumping, taking flows to below the CtP thresholds. The results of implementing rostering may result in improvements to low flow regime at Wilcannia. The modelling trials two mechanisms for rostered sharing.</p> <p>The discussion include:</p> <ul style="list-style-type: none"> • It was noted that the model would sometimes assume that users pump the river to zero. Irrigators were of the understanding this had been changed as it does not reflect reality in practise; • The SAP noted the model is written as if pumps switch on/off in line with the threshold. Again, this does not reflect the reality in practise, and asked how this could be corrected; • Some SAP members stated they currently have informal rostering and would prefer to continue to manage this themselves, rather than have Water NSW manage it on their behalf; • Water NSW roster supplementary flows in regulated systems, potentially this could be used in the Barwon-Darling system. • An issue was raised about the accuracy of meters and gauging stations, as well as the relative location and distance upstream and downstream; • Any proposed system needs to take into account user inputs/cost, which are important and can benefit water users to have such certainty; • The claim that it “protects low flows” is 	<p>SAP Members noted the presentation</p> <p>Action 10: Undertake an analysis of impact of the current IDEL calculation method compared to pre WSP pump capacities.</p>
--	---	---

	<p>questionable; and</p> <ul style="list-style-type: none"> • Further consideration needs to be given to: <ul style="list-style-type: none"> - What are the rostering units? - Need a way of sharing between different demands/priorities 	
<p>6. Water Renewal Taskforce</p>	<p>Anna Bailey presented to the SAP on the Water Reform Action Plan (WRAR). This was an overview of the presentation given during the Water Renewal Taskforce roadshow on the 22nd March 2018.</p> <p>The presentation included the following points</p> <ul style="list-style-type: none"> • how do we better manage environmental water • Interim solutions to Government by May. <p>Desired Outcomes of the interim solution package</p> <ul style="list-style-type: none"> • breaking extended cease to flow periods • whole of river connectivity • flushing flows • recognition of held environmental water infrastructure <p>Possible measures</p> <ul style="list-style-type: none"> • impose restrictions when held environmental water is released from upstream • use IDELS to better manage flow sharing • active sharing of flows on an event basis • use downstream environments as a trigger to manage upstream access <p>Submissions close on Saturday 14 April for issues to be included in the solutions paper going to the Government in May.</p> <p>It was noted that there may be impacts on WAL holders –Question was asked if these impacts can be offset in any way. Possibly through Interim measures Such as connectivity events.</p> <p>Jeff Sowiak (Brewarrina Shire) reiterated councils request for environmental water that is to be released for sale be carried out as quickly as possible.</p> <p>Interim North West Unregulated Flow Plan</p> <ul style="list-style-type: none"> • need to circulate the plan • and how has been implemented <p>It is understood that the triggers (BLR/algae/fish) have been met under normal operations</p> <p>Issue was raised about the scenario of when environmental water is released and followed</p>	<p>Action 11: Circulate information regarding the INWUFP</p>

	<p>closely/concurrently with a rainfall event that impacts on water flows and levels</p> <ul style="list-style-type: none"> - need to develop WSP rules for this scenario - needs to be a better mechanism than a S324, without a Ministerial intervention - Could this mechanism be rostering of IDELs? <p>Discussion on the issue of Cultural flows and how they fit in with other flows. Michael Anderson (NBAN) advised the Cultural flow study report will be released shortly and this will need to be considered.</p> <p>Not effective to send it cultural flows as a stand-alone event. How can these flows be protected as it moves down the system? Experiencing the same management restrictions as other flow regimes, such as environmental water</p>	
<p>7. Other Business a) Northern Connectivity Event – Lindsay White</p>	<p>Lindsay White presented an overview of the planned environmental connectivity as a collaborative effort between the CEWH and OEH. This event is on the back end of a recent northern rainfall event making its way down the system.</p> <p>Planned release of up to 26GL which includes 7.2GL NSW water (held environmental water)</p> <ul style="list-style-type: none"> • 20GL Gwydir • 4 to 5GL Border River • Timing as soon as next week • Designed to be at channel capacity not above Macquarie and Gwydir need to monitor the flow from an environmental effectiveness • Existing Environmental Water Advisory Groups (EWAG) accepted the connectivity, on the condition that it is accompanied by extensive monitoring. • There will be Compliance people monitoring the event <p>Learnings to date</p> <ul style="list-style-type: none"> • Community consultation is a key component of such an event • Defining the role of the river operator <p>The question was asked if it would be worth considering an environmental water advisory (EWA)</p>	

	group for the Barwon Darling as occurs in some other valleys.	
b) WLAC - Doug McKay	Doug McKay from WLAC provided a brief overview of the letter that was provided to DoI-Water on the 15 th January 2018. WLAC will distribute a paper reflecting WLAC position	Action 12: WLAC to distribute paper reflecting WLAC position
c) Combined SAP meeting MLD	At the Murray Lower Darling SAP meeting it was requested that DoI-Water organise a joint meeting in May to discuss connectivity. <ul style="list-style-type: none"> • MLD concerns being lack of flows, management of lakes, reregulation of lakes, water quality, salinity. • There was general agreement about the need for discussion about Connectivity, however it was suggested that discussion needed to be a whole Northern basin discussion • The Barwon Darling SAP <ul style="list-style-type: none"> ○ Northern basin session to be organised for An additional half day for Northern Basin / MLD / Queensland connectivity discussions either the day before or the day after All SAP in June. • Noted that connection with other upstream catchments is important to the process. 	Action 13: DoI to organise meeting about Connectivity with Northern Basin SAPs as part of the All SAP meeting in June
d) Updated Terms of Reference	The Terms of Reference has been updated <ul style="list-style-type: none"> • Section 3 – composition and members updated to reflect current SAP composition and operation • Department name • Section 5.7 Reimbursement better defined Non-government department SAP members provided with a form to sign accepting Terms of Reference.	
Next Meeting	Likely to be two more meetings prior to Public Exhibition Consideration to be given for a two day meeting. Proposed Next meeting will be 19-20 th June in Bourke, and SAP 7 in late September	Action 14: Advise SAP Members date for next meeting
Meeting Closed	4:00pm	

ACTIONS FROM THIS MEETING

Action Number	Action	Who	When
5.1	Share Border Rivers – Presentation on IGA and intersecting streams with SAP members.	Peter Roberts	5/6/18
5.2	Google folder to be shared again and documents to be emailed with agenda.	Peter Roberts	Completed 10/4/18
5.3	Acknowledge All Feedback and share to all Members.	DoI Water	Ongoing
5.4	DoI Water to Complete On-boarding of New Members and provide New members access to reports and meeting papers on the Google drive.	Greg Sheehan	Ongoing
5.5	Further refine IDEL options, including provide feedback from SAP on desired including those mentioned during, but not specified within, SAP.	Peter Roberts/Amy Burgess	Email sent 18/4/18
5.6	DoI Water to make presentations available to SAP members.	Greg Sheehan	5/06/18
5.7	Investigate rolling back of past trades to re-establish extinguished IDELS.	Amy Burgess	Next SAP
5.8	Distribute questions from the IDELS presentation within the paper to SAP to provide feedback.	Amy Burgess	Next SAP
5.9	Look at a more refined option, based on EWR and considering level of impact on third parties.	Andrew Brown	Next SAP
5.10	Undertake an analysis of impact of the current IDEL calculation method compared to pre WSP pump capacities.	Andrew Brown	Next SAP
5.11	Circulate information regarding the INWUFP.	Peter Roberts	Next SAP
5.12	WLAC to distribute a paper reflecting WLAC position.	WLAC	Next SAP
5.13	Organise meeting about Connectivity with Northern Basin SAPs as part of the All SAP meeting in June	DoI - Water	25/5/18
5.14	Advise SAP Members date for next meeting	Peter Roberts	To be sent with Meeting Minutes