

**Submission
No 60**

**SUPPORT FOR DROUGHT AFFECTED COMMUNITIES IN NEW SOUTH
WALES**

Organisation: Wentworth Shire Council

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Wentworth
Shire Council

SUBMISSION

INQUIRY INTO SUPPORT FOR DROUGHT
AFFECTED COMMUNITIES IN
NEW SOUTH WALES

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Introduction

Wentworth Shire Council hereby makes submission to The Committee on Investment, Industry and Regional Development's inquiry into and report on the impacts of drought on regional NSW.

Wentworth Shire is 2,625,625 hectares, located at the south-west corner of NSW, on the confluence of the Darling and Murray rivers. The closest capital city is Adelaide, SA, at just under 400kms. Melbourne is 570kms and Sydney is more than 1,000kms away. The largest populated townships in the Shire are Wentworth, Buronga, Gol Gol, Dareton and Pooncarie, with Pooncarie being the most remote. The residents living in Pooncarie and those living on farms and stations surrounding the area and in the smaller remote townships have been strongly impacted by the drought.

The 2018 ABS census data reveals a population across Wentworth Shire of 7,042. The Wentworth Shire is a unique region. With its natural and historic tourist attractions, agricultural and mining industries, this rural region is capable of financial prosperity. The main economic drivers for the region are agriculture, forestry and fishing, employing 20% of the working age population¹.

The health of the river system in this region is also of significant importance and linked to the drought. Their importance to prosperity, growth and survival in our region is very strong. Many of the 70 or so farming families living along the lower Darling are fifth generation farmers, who have a wealth of understanding and practical experience in managing the land and the vital water source.

(a) Access to Medical Services

Access to medical services is a critical issue for the region, which has increased the vulnerability of drought affected residents. The shortage of General Practitioners (GPs) is due mostly to the inability to attract and retain GPs in remote and rural areas. The impact of the drought has exacerbated this issue. GPs are reluctant to relocate with their families to areas that are experiencing economic decline and closure of essential services.

"The long-term impact of stressful situations like drought can have a long-term effect on communities, including their mental health and wellbeing. There is also a ripple effect in rural communities and associated industries such as farmers, stock and station agents, cattle buyers, agricultural contractors, professional services, shops and schools.

*Rural communities will need continued support to sustain mental wellbeing and to prevent mental health problems and deaths by suicide."*²

¹ [Australian Bureau of Statistics Website](#)

² [Rural Adversity Mental Health Program Drought Support](#)

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The township of Pooncarie does not have a local doctor and residents are reliant on the Royal Flying Doctors' Service and volunteer ambulance service to access medical services in emergency situations. The closest GP clinic is located in Wentworth.

Wentworth has one GP clinic presently open, which was under threat of closure earlier this year. Wentworth Shire Council has provided funding to keep the clinic open until 30 June 2020. The clinic is serviced by GPs from the Mildura Based Lime Medical Group. The town also had Mildura based Tristar Medical service provider running a clinic, but that has already been closed.

Buronga has had a GP clinic that was managed by Mildura District and Aboriginal Services who provided a number of full-time GPs Monday to Friday but reportedly closed as they were unable to maintain the supervision requirements of the GP's in that location.

Dareton has 2.2 FTE of GP service provision with Coomealla Health Aboriginal Corporation (CHAC), an Aboriginal Medical Service, and provide service to Indigenous and Non-Indigenous clients. They have had a significant increase in client registrations since January 2019. This increase in registrations also included Victorian based residents. This highlights that there is a GP shortage across the region of Sunraysia. A recent paper by the Primary Health Network (PHN) Western Health Alliance indicated that this will only increase within the next 10 years and are looking at collaboration as a way to address this.

Far West Local Health District (FWLHD) have a hospital in Wentworth that has 20 beds offering Transition Care Program (TCP), sub-acute, low level mental health and palliative care beds. The hospital is serviced by a GP from Merbein (VIC).

Wentworth also has Murray House, an aged care facility with 65 beds, they are presently serviced by a Mildura and Dareton based GP in a part-time capacity.

Pharmacy services are provided in Wentworth, Dareton and Buronga.

FWLHD are also presently based in Dareton and offer a range of community nursing and health services. They do not provide a GP service. The organisation is in the process of building a Health One facility in Buronga within the next 12-18 months and has been in conversation with CHAC in regard to a collaborative approach to provide GP service from this new location.

Allied health services are provided by both CHAC and FWLHD through brokerage service from Mildura based providers. The schools within the region also access Mildura based services or employ their own allied health staff (only in some schools)

Specialist support is sought via a range of providers, Broken Hill based, tele-health and Mildura based providers (dependant on eligibility criteria for NSW residents) specialist support via travel can also extend as far as Adelaide, Melbourne, Orange and Dubbo depending on client requirements.

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Some organisations work with Primary Health Network (PHN) and GP recruiters, such as RDN & GP Synergy to gain support (GP and allied health service) to their clients and community.

There are a number of organisations and community members that will directly and indirectly be impacted on by GP shortages within the region.

Wentworth Shire not only has requirements for GP clinics, but also community-based health services including mental health, Aboriginal medical services, hospital services, ambulance and emergency services, aged care facility, allied health services, specialist services and pathology services.

These service requirements could assist in attracting and supporting rural generalists to work within this region. The impact of having regular, supported and multi-skilled GPs within the region would have a number of positive outcomes for the whole of the Wentworth Shire region residents and organisations. This could also assist in recruiting generalist GPs.

Wentworth Shire Council is part of the Wentworth Shire Interagency Group, which comprises agencies that work within the Social Determinants of Health. The Group have been recently working on identifying priority areas of need for the Wentworth Shire, in particular the attraction and retention of GPs to the region.

Membership of the group involves representation from the following organisations:

- Broken Hill University Department of Rural Health (BHUDRH)
- Coomealla Health Aboriginal Corporation (CHAC)
- Dareton Police – officer in charge, liaison officers
- Dareton Youth & Community Centre (DYCC)
- Dept. of Education – Schools as Community workers, Liaison officers -local and regional and Principals
- Family and Community Services (FACS)
- Far West Local Health District – HSM’s from Dareton & Wentworth, team leader from Mental health
- Homes Out West (HOW)
- Mallee Family Care (MFC) both Dareton & Wentworth offices
- Murray House Aged Care Facility (MH)
- NSW TAFE (Coomealla Campus)
- Wentworth Shire Council (WSC)

Recommendation

Engagement by the NSW Government with local organisations, such as the Wentworth Shire Interagency Group, is urgently required to seek resolution to this issue so that a long term, sustainable solution to the current crisis of shortage of GPs and mental health workers in rural and regional areas, can be achieved.

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(b) Water Management

Water Management remains a critical issue for the Wentworth region with impacts on residents, agriculture, local business, tourism and the environment. This is affecting the region's livelihoods and the biodiversity, ecology and sheer amenity of the Lower Darling river. Water management has been a source of local, state and federal government focus since 2012 on, without resolution. If protection of the flows of the Barwon and Darling rivers is not addressed, this will have serious implications for the future.

Following is an excerpt from the Wentworth Shire Council's submission on the Namoi and Peel Water Sources Water Resource Plan, a copy of which is **attached** for reference:

"The number and protracted length of cease to flow events in the lower Darling has increased and will continue to do so, unless the Water Resource Plans of all catchments link in practical ways, include protection of Planned Environmental Water, First Flush flows and contain real end-of-system targets.

Continuing current over-extraction and increasing licenses to include Floodplain Harvesting will ensure irreversible destruction of downstream communities, businesses and individuals, not to mention the biodiversity and ecosystems. There have been several mass fish deaths, water quality and security of supply issues for townships at the end of the Barwon-Darling rivers directly related to upstream over-extraction causing zero inflows to Menindee lakes and cease-to-flow events unprecedented.

For the fifth time in seven years, the Barwon-Darling river is not connected to the Murray river. The Darling River at Pooncarie has run dry and Council, who commenced carting water to the surrounding stations in August 2018, is now also carting water to the township. All catchment Water Resource Plans must address the following key points to prevent further social, economic, cultural and environmental damage occurring to the river and its communities.

1. Connectivity of the Murray and Darling rivers and protection of low flows
2. Protection of Planned Environmental Water
3. Connection to downstream water planning areas so end-of-system flow targets are achieved
4. Ensure floodplain harvesting does not adversely impact floodplain and in-channel ecosystems as well as floodplain grazing and opportunity cropping
5. Native Title Rights and cultural flows
6. Recognition of basic riparian rights, stock and domestic needs, essential human needs, town water needs and the needs of the natural environment above the need of irrigation as per the NSW Water Act 2002 and the federal Water Act 2007"

Recommendation

- That prioritisation is given to collaborating with LGAs in the development and implementation of water management plans impacting their region.

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- That the Barwon-Darling and Lower Darling River be considered as one river for the purposes of addressing the environmental health and providing water for the high priority water needs of the communities dependent upon it.
- That the NSW Water Sharing Plans and Resource Management Plans for the Barwon-Darling, Murray-Lower Darling and Northern Basin Rivers must include minimum river flow and storage levels that will protect the health of the Barwon-Darling and Lower Darling River from the Queensland border to the Murray River.
- Minimum flows at sites along the Barwon-Darling and Lower Darling River, in particular at Wilcannia, and water storage volumes in the Menindee Lakes must be reached before extraction of water for irrigation is allowed. This will help to ensure that the environmental needs of native fish, town water supply and the domestic stock watering needs of riparian landowners, along the length of the river are provided for, as a priority, during extended dry periods.
- In the development and implementation of the respective plans, the protection of low flows during drought and first flush and follow up flows following extended dry periods in the Barwon-Darling and Lower Darling river will ensure the connectivity of the river from its upper reaches to the Murray River is given the priority required to protect native fish, the river environment and provide for the communities that depend on a healthy river system.

(c) Preparedness for Future Drought Events

As with all disasters, in addition to providing assistance for the current drought event, it is essential that a focus is also given to minimising the impact of any future drought event through a preparedness strategy. Residents, station owners and local councils already under financial strain due to the drought, do not have the financial resources to undertake essential works needed to improve water security for the region.

With the cost of drought relief being in the billions, serious consideration is needed for the development of strategies to prepare for future drought events.

The NFF were also supportive of recent measures to improve water infrastructure, which has the additional benefit of supporting local communities:

In these remote communities the actual council, the local government authority, is the major employer and a lot of businesses rely on that and a lot of people in that community rely on that for income, Mr Finlay said.

So to actually put money into these communities around infrastructure projects, we strongly support that³

³ [Parliament of Australia Joint Select Committee on the Australia Fund Chapter Two – Drought Assistance 2.49](#)

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Another consideration for preparedness for any future drought event is the provision of funding for upgrading regional roads to ensure the vital transport and tourism routes are sealed. In the current drought event council has experienced serious degradation of unsealed roads due to increased usage by heavy vehicles trucking water and stockfeed.

Recommendation

- (a) That consideration is given to funding initiatives to increase water storage capacity in drought prone areas which would provide access to stored water during drought events. The outlay for this would be offset by a reduction in any future need for drought relief assistance. Works could include:
- Installation of dams, reservoirs and tanks on stations
 - Installation of water tanks on residential properties in remote towns
 - Local councils being able to tap into underground water reserves through the installation of metered bores, pumps and retaining tanks
- (b) That consideration is given to funding upgrades of regional roads to ensure the vital transport and tourism routes are sealed.

(d) Rates Relief

Currently no legislative mechanism exists to provide for rates exemptions / relief where drought is declared. The Federal Government has stated that it is up to state governments to support farmers with council rate relief.

The ability of farmers to prepare for drought is finite. While all successful farmers will prepare for a period of drought, there is a point after which even the most successful farming businesses are simply incapable of adequately preparing for drought. At this point, which is different for every farming business, the impact of drought is similar to that of a natural disaster. It is the complete loss of stock, crops, water and, subsequently, income. Similarly, the process of recovering from drought can be comparable to the process of recovering from a fire or flood. Support to replant and restock is not dissimilar to the process of rebuilding a business after fire or flood⁴

Recommendation

⁴ [National Farmers' Federation Submission on the Discussion Paper: Developing a Commonwealth Strategy for Drought Preparedness and Resilience 18 March 2019](#)

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We are therefore seeking support for legislative change which will provide a mechanism for rates exemptions / relief where drought is declared. Further, this should be implemented through national disaster funding so that further financial burden does not fall on LGAs in drought declared regions.

(e) Feedback on Farmers Household Allowance

In January 2019, Major-General Day of the Joint Drought Taskforce met with councillors from the Wentworth Shire. The meeting was also attended by station owners from the Pooncarie region and a rural financial councillor. Following is some of the feedback received from the rural financial councillor and station owners indicating that:

- The process for accessing assistance through the Farmers Household Allowance was both onerous and frustrating
- The transport subsidy was a positive initiative which was user friendly
- An income supplement should be considered for drought events to keep future generations on the land
- A review of the Farm Management Deposit Scheme would be beneficial to enable more farmers to take advantage of it

In closing, we would like to acknowledge the drought relief support that has been provided to our region. As a Council we are future focussed and we see engagement with government on critical issues impacting Wentworth Shire as both vital and invaluable.

We thank the committee for considering this submission.

KEN ROSS
GENERAL MANAGER

Namoi and Peel Water Sources Water Resource Plan

Submission from Wentworth Shire Council

Thank you for providing an opportunity to comment on the Namoi and Peel Water Sources Water Resource Plans (WRPs).

The Problem

The number and protracted length of cease to flow events in the lower Darling has increased and will continue to do so, unless the Water Resource Plans of all catchments link in practical ways, include protection of Planned Environmental Water, First Flush flows and contain real end-of-system targets.

Continuing current over-extraction and increasing licenses to include Floodplain Harvesting will ensure irreversible destruction of downstream communities, businesses and individuals, not to mention the biodiversity and ecosystems. There have been several mass fish deaths and water quality and security of supply issues for townships at the end of the Barwon-Darling rivers directly related to upstream over-extraction causing zero inflows to Menindee lakes and cease-to-flow events unprecedented.

For the fifth time in seven years, the Barwon-Darling river is not connected to the Murray river.

The Namoi and Peel Water Resource Plans, indeed all catchment WRP's must address the following key points to prevent further social, economic, cultural and environmental damage occurring to the river and its Aboriginal and non-Aboriginal communities:

1. Connectivity of the Murray and Darling rivers and Protection of Low Flows;
2. Protection of Planned Environmental Water;
3. Connection to downstream water planning areas so end-of-system flow targets are achieved;
4. Ensure floodplain harvesting does not adversely impact floodplain and in-channel ecosystems as well as floodplain grazing and opportunity cropping;
5. Native Title Rights and cultural flows;
6. Recognition of basic riparian rights, stock and domestic needs, essential human needs, town water needs and the needs of the natural environment above the need of irrigation as per the NSW Water Act 2002 and the federal Water Act 2007.

Natural Resources Commissioner recently released a scathing report about the Barwon-Darling Water Sharing Plan, the obvious shared goal stated as:

"...the benefits of a healthy river system are enjoyed by the whole community".¹

In the Executive Summary, the problem is articulated, which is a common thread in NSW WSP's and WRP's:

"The Water Management Act 2000 (The Act) clearly prioritises protection of the water source and dependent ecosystems, followed by basic landholder rights including native title, and then other extractive uses. The current Plan has not effectively achieved this prioritisation."²

¹ Draft Water Sharing Plan Review – Barwon-Darling Unregulated & Alluvial Water Sources 2012 – Prepared by Natural Resources Commission July 2019

² *ibid*

The Productivity Commission has accurately captured community concern:

“Deficiencies in the way that Governments have approached implementation of the Plan have caused considerable concern in many Basin communities. This has left a legacy of community distrust, which the Commission considers is a risk to effectively implementing the next phase of the Plan.”³

Two Technical Reports, produced by the Murray Darling Basin Authority in March 2018 provide some important conclusions.

A History Lesson

The 2013 cease-to-flow was directly linked to the introduction of the NSW Water Sharing Plans impacting the amount of water able to flow past Bourke and the 2016 event, which lasted 520 days, was protracted due to a series of actions upstream by large scale irrigators, which we are now beginning to understand better, combined with inaction by the Minister to impose cease to pump rules or effectively embargo much needed low flows.

In 2012, common sense rules pertaining to size, number and capacity of pumps, as well as depth of same in the river were removed, further eroding the ability to quantify and monitor extraction.

MDBA technical report “Ecological needs of low flows in the Barwon-Darling” explains the connectivity of Northern Basin rivers and importance of low flows

“...a synthesis of existing information and literature describing the environmental water requirements for low flows in the Barwon-Darling river system between Mungindi and Wilcannia...low flows have been defined as events that are typically between 350-2,000 ML/d across the Barwon-Darling river system. To place this definition of low flows into context, commence to pump thresholds for licences...are generally within this flow range.

“The entire flow regime is important when describing the environmental water requirements for a river or catchment.

The highly variable flows in the Barwon-Darling are driven by tributaries carrying water from the many catchments in northern New South Wales and southern Queensland, including the Paroo, Warrego, Condamine-Balonne rivers and Moonie in the north and west, and the Border Rivers, Gwydir, Namoi, Macquarie-Catlereagh and Bogan Rivers to the east and south.”⁴

Issues and suggestions are presented:

“It was recognised in the mid-1990s that there had been a decrease in the annual and daily volumes of flow along the Barwon-Darling river system as a result of development in the Northern Basin. Impacts for the Barwon-Darling included increased rates of flood recession and erosion (related to pumping), decreases in the frequency of small flow pulses and marked changes in the frequency of large freshes and flooding flows (Thoms et al. 1996).”

“...several sources have identified the 80th percentile flow as an ecologically significant threshold for base-flows in the Barwon-Darling (Sheldon, 2017; Thoms et al. 1996; NSW DPI, 2015). These flows under without development conditions are: 261 ML/d at Walgett, 346 ML/d at Brewarrina, 440 ML/d at Bourke, 401 ML/d at Louth and 361 ML/d at Wilcannia).”

³ Murray-Darling Basin Plan: Five-Year Assessment – Productivity Commission Inquiry Report – December 2018

⁴ Ecological needs of low flows in the Barwon-Darling Technical Report – Murray Darling Basin Authority March 2018

It goes on:

“In addition to the ecological outcomes, low flows also provide water for downstream communities to ensure reliable and good quality water for critical human water needs (such as town water and stock and domestic uses), and water to support cultural recreational values.”

The Department’s Status and Issues Paper 2017 lists objectives of the Basin Plan to be implemented by Water Resource Plans at a regional level, including environmental, economic, social and cultural aspects, noting that *“NSW WRPs will meet the minimum requirements of the Commonwealth Water Act 2007 and Basin Plan.”*⁵

Also, that *“WSPs made under the NSW Water Management Act 2000 will remain the mechanism for articulating water sharing in NSW. WSPs will be a key component of each WRP.”*

In listing the Beneficial uses of the water resources, the Issues paper identifies “Aboriginal Traditional Owner groups within the Barwon-Darling Watercourse WRP area include(ing); Barkindji (sic), Murrwarri, Ngemba and Ngiyampaa.” Further, it asserts that “Aboriginal knowledge of the environment can contribute to water management plans. The WRP process will continue to identify opportunities to better address the needs and aspirations of the Aboriginal Traditional Owner groups and communities in terms of equitable access to water for social, cultural, spiritual and economic use of water, including the views of Aboriginal peoples with regard to cultural flows.”

Water for towns and essential human needs is also identified under the heading of Beneficial uses of the water resources: “The Water Management Act 2000 also requires WSPs protect water for basic landholder rights, which are made up of domestic and stock rights, harvestable rights and native title rights.”

It goes on to list Recreational water uses: “...tourism, is one of the largest contributors to the region’s economy and the Barwon and Darling rivers provide significant recreational opportunities for the community in the form of boating, swimming and fishing....

“The value of recreational fishing in the Barwon-Darling area of the Murray Darling Basin has been estimated at \$1,994,867 per annum (DAE 2012).”

Under the heading stream flows, the following: “At the Darling River at Menindee, inflowing tributary contributions to the long-term average flow were the Border Rivers 35%, Namoi River 25% and the Condamine-Culgoa rivers 20% (NSW Office of Water 2012).”

Under the heading Water quality: “Degraded water quality can put stress on a range of aquatic organisms, impact on Aboriginal cultural and spiritual uses of water, increase the cost of drinking water treatment, contribute to public health risks and decrease the suitability of water for irrigation.”

The paper has two appendices, which list objectives and strategies, objectives identified by Aboriginal peoples through consultation and additional issues identified by Aboriginal communities.

Wentworth Shire Council submits that none of the Issues, Objectives or strategies identified in this paper have been met, that the NSW government has been deficient in its requirements under the Water Act 2007 (Cth), Water Management Act 2000 (NSW) and the Basin Plan in general. Council has had to provide first potable, now raw water as well and has been left unsupported with little consultation, assistance or advice, especially in relation to drought rating upgrades and actions under Extreme Events policy.

Academy of Science report released this year in response to the Menindee Fish Kills says:

⁵ Barwon-Darling Watercourse Water Resource Plan (Surface Water) Status and Issues Paper – Department of Primary Industries - 17 February 2017

“The root cause of the fish kills is that there is not enough water in the Darling system to avoid catastrophic decline of condition through dry periods. This is despite a substantial body of scientific research that points to the need for appropriate flow regimes. Similarly, engagement with local residents, Indigenous and non-Indigenous, has been cursory at best, resulting in insufficient use of their knowledge and engagement around how the system is best managed.”⁶

Indeed, Wentworth Shire Council is aware that previously, local management of Menindee Lakes has yielded results including a decrease of evaporation from the lakes by 23%.

“The panel strongly supports the objectives of the Water Act 2007 and the framework of the Murray-Darling Basin Plan (2012), which were developed with bipartisan political support and intended to increase water for the environment. However, the findings.....point to serious deficiencies in governance and management, which collectively have eroded the intent of the Water Act 2007 and implementation of the Murray- Darling Basin Plan (2012) framework.

The freshwater systems of the Darling are already listed as endangered... and include multiple fish species listed as threatened by the Commonwealth. Failure to act resolutely and quickly on the fundamental cause—insufficient flows—threatens the viability of the Darling, the fish, and the communities that depend on it for their livelihoods and wellbeing including the traditional owners, who have recognised rights and responsibilities.”⁷

Additionally the Productivity Commission says NSW must be given more time to properly prepare WRPs “given the number of outstanding WRPs and the magnitude of proposed changes in some plans, including rules to protect environmental water in the Barwon-Darling and provisions to meet critical human water needs and address water quality issues in the Lower Darling.”⁸

While the importance of getting it right is understood and Council supports protection of environmental water, credit for return flows and other pre-requisite policy measures, it is concerned that further delays to unwinding the most contentious amendments as described, especially in light of seven years’ worth of data and the number of reports outlining the known impacts of these changes, may continue to contribute to even more decimation of native fish stocks, poor health of communities and irretrievable economic downturn.

The new WRP’s can address these pressing issues by conforming with section 5(3) of the NSW Water Management Act (2002), section 9 of the Commonwealth Water Act (2007) and the Basin Plan (2012) which identify that environmental needs take priority over irrigation needs.

There is nothing in the Commonwealth Water Act or the Basin Plan which would require that the priority order established under the NSW Water Management Act be altered.

The approach which must be taken to prioritising rights to water in drafting a water sharing plan is that the environment has first priority; second priority is basic landholder rights, followed by rights under WALs.

“While the economic and social benefits of the utilisation of water as a resource are among the objectives of the Act, that is not a licence to disregard the environmental protections and basic landholder rights also contained in the Act or to treat economic benefits as the overriding consideration in any decisions under the Act.”

⁶ Investigation of the causes of mass fish kills in the Menindee Region NSW over the summer of 2018-2019 – Australian Academy of Science – February 2019

⁷ *ibid*

⁸ Murray-Darling Basin Plan: Five-Year Assessment – Productivity Commission Inquiry Report – December 2018

Ensuring Connectivity with other WRPs

The WSP's must accommodate the environmental requirements of downstream planning areas while expressing value in catchment water management planning areas.

The Water Act (2007) provides the head of power for making water resource plans, but is not particularly prescriptive about contents. However, s55 provides that the WRP must be consistent with the Basin Plan.

“At a very basic level, the Basin Plan should create a degree of coordination between water resource plans due to the requirements for such plans to accord with matters set in the Basin Plan (such as the SDLs for each WRP area).”

“Section 10.05 of the Basin Plan 2012 and s18(2) of the Water Management Act 2000 (NSW) will require water resource plans which incorporate water sharing plans under the NSW Act, to be prepared having regard to water resources with significant hydrological connection. Coordination for environmental watering purposes is also required by s10.27 and 10.19 of the Basin Plan, as well as by s10.17 and the long term watering plans which sit under the Environmental Watering Plan.”

“The Basin Plan does require WRPs to have regard to the way in which other water resources with ‘significant hydrological connection’ are being managed and used. This would include upstream and downstream areas of a watercourse, as well as groundwater systems with significant connection to the watercourse.”

It has long been suggested by the Strategic Advisory Panels of the Murray-Lower Darling and the Barwon-Darling that a joint meeting to discuss where these WRP's and their WSP's intersect and how they can be strengthened in line with the legislative requirements.

Significant errors of law have been identified in the draft NSW Murray and Lower Darling Surface Water Resource Plan, especially Schedule D Risk Assessment in relation to section 10.17 and 10.41 – 10.43 of the Basin Plan 2012. There is also a failure to include climate change mitigation and adhere to best available science.

Until all of these WRPs align in an effective way to manage identified risks and most particularly in line with the Water Act and the Basin Plan, there is no point commenting piecemeal on what is patently not legal and obviously not working.

The best scientific knowledge and supporting evidence is available

The MDBA Technical Report refers to relevant scientific report by Stuart, I. and Sharpe, C (2017) *“Northern golden perch population recovery: protection and enhancement of Border River flows, from Goondiwindi to Menindee, for Murray-Darling Basin benefits”*, which developed improved flow management plans for golden perch, specifically *“...an environmental flow requirement.....of 3,000 ML/d for at least 20 days at Mungindi to support regular local spawning cues, larval drift, and in-channel development of juvenile fish.*

“For the greatest outcomes substantial flows (beyond the low flow focus of this report) are needed to pass through to the Menindee Lakes and beyond. It is recognised that a series of flows over multiple years will be needed to meet the spawning, dispersal, nursery recruitment, and then juvenile dispersal of golden perch to achieve the system scale population recovery.”⁹

The current rules grossly favour upstream irrigators at the expense of communities, Aboriginal nations, the environment and downstream irrigators.

⁹ Ecological needs of low flows in the Barwon-Darling Technical Report – Murray Darling Basin Authority March 2018

Wentworth Shire is overlaid by Native Title Determination number 8, the Barkandji nation recognised as traditional owners and along with other aboriginal nations, have been here for at least 45,000 years.

“Inadequate recognition of native title determinations is common across most water sharing plans in the region, which serves to undermine stated priorities for Aboriginal outcomes.”¹⁰

In summary

Wentworth Shire Council has endorsed and strongly supports the community agreement that the Barwon-Darling and Lower Darling River be considered as one river for the purposes of addressing the environmental health and providing water for the high priority water needs of the communities dependent upon it.

Council has submitted motions passed with strong support at ALGA, LGNSW and Murray Darling Association conferences calling on “...the Prime Minister, Leader of the Opposition and Water Minister, to recognise concerns from Indigenous groups, traditional owners and custodians that:

- a) they are unable to continue cultural practices, due to lack of cultural flows;
- b) there is an increased financial impost on high indigenous population towns for drinking water, where same is unavailable, or of poor quality;
- c) a lack of genuine, integrated and informed consultation has been the norm in matters of water management and projects which directly affect native title holders, traditional owners and Land Council groups and individuals, combined with a lack of feedback or Minutes from meetings with Government representatives and agencies; and
- d) local First Nations people hold knowledge from greater timelines than current records about flows, floods, movement and interplay of the entire riverine ecology, yet there is a resistance to engaging with that knowledge, utilising the skills and management practices used for many centuries (45,000 years in our region), despite clear desire from most groups to assist and play a more active role in water and land management.

In support of this, it is Council’s wish to have the following statements and objectives implemented in the development of all of the Water Sharing and Water Resource Plans:

“Community representatives of the Murray-Lower Darling SAP submit to the NSW Government and Murray Darling Basin Authority, that the NSW Water Sharing Plans and Resource Management Plans for the Barwon-Darling, Murray-Lower Darling and Northern Basin Rivers must include minimum river flow and storage levels that will protect the health of the Barwon-Darling and Lower Darling River from the Queensland border to the Murray River.

Minimum flows at sites along the Barwon-Darling and Lower Darling River, in particular at Wilcannia, and water storage volumes in the Menindee Lakes must be reached before extraction of water for irrigation is allowed. This will help to ensure that the environmental needs of native fish, town water supply and the domestic stock watering needs of riparian landowners, along the length of the river are provided for, as a priority, during extended dry periods.”¹¹

In the development and implementation of the respective plans, the protection of low flows during drought and first flush and follow up flows following extended dry periods in the Barwon-Darling and Lower Darling

¹⁰ Murray-Darling Basin Plan: Five-Year Assessment – Productivity Commission Inquiry Report – December 2018

¹¹ Letters from Wentworth Shire Council to NSW Water Minister, Melinda Pavey and CEO MDBA, Phillip Glyde

River will ensure the connectivity of the river from its upper reaches to the Murray River is given the priority required to protect native fish, the river environment and provide for the communities that depend on a healthy river system.

Once again, thanks for the opportunity to make a submission.