

31 March 2017

DPI Water
PO Box 2213
Dangar NSW 2309

Sent by email: barwondarling.sw.wrp@dpi.nsw.gov.au

Dear Sir/Madam,

Barwon-Darling Surface Water - Status and Issues Paper

EDO NSW is a community legal centre specialising in public interest environmental law. We have extensive experience advising on all aspects of water law and policy under the *Water Management Act 2000* (NSW), *Water Act 2007* (Cth) and Basin Plan 2012 (Cth). Our clients include farmers living within or downstream of the Barwon-Darling water resource area, as well as conservation groups that are concerned about water management in the Barwon-Darling and Lower Darling catchments.

We welcome the opportunity to provide brief comments on the Barwon-Darling Surface Water – Status and Issues Paper, recognising that there will be an opportunity to provide more detailed comments on the draft water resource plan (**Draft BD WRP**) when it is placed on public exhibition.

We have examined the existing Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Resources 2012 (**BD Interim WRP**) and other relevant documentation in some detail. Our analysis has identified a number of issues of considerable concern, including but not limited to the following:

- the ongoing absence of Individual Daily Extraction Limits (**IDELs**) and Total Daily Extraction Limits (**TDELs**);
- individual access licence account management rules which allow extraction of large volumes of water to the detriment of the environment and downstream users;
- the accumulation of significant volumes of water in accounts;
- significantly increased pump sizes;
- ongoing growth in development (supported by increased storage);
- outdated modelling;
- problems with compliance and enforcement; and
- possible impacts of extraction on stock and domestic rights downstream of Bourke.

We are particularly concerned that these and other issues may prevent the BD Interim WRP from satisfying the requirements for water resource plans set out in the Basin Plan and *Water Act 2007*. We would therefore encourage the NSW Government to further consider whether amendments to the BD Interim WRP are required to ensure compliance with the Commonwealth's regulatory regime.

We also note that in his submission responding to the Northern Basin Review, Geoff Wise¹ referred to a proposal to introduce unlimited trading in Barwon-Darling River system.² EDO NSW is concerned that removing any of the existing limitations on trade provided for in the BD Interim WRP in the absence of IDELs and TDELs could have negative impacts on the environment and downstream users (including on stock and domestic rights), and may be unlawful.

Please contact me if you require any further information on (02) 9262 6989.

Yours sincerely,
EDO NSW



Rachel Walmsley
Policy & Law Reform Director

¹ Member of the former Northern Basin Advisory Committee.

² Submission number 502 at p. 13. Available online: <https://getinvolved.mdba.gov.au/bp-amendments-submissions>