PRODUCTIVITY COMMISSION – REVIEW OF THE IMPLEMENTATION OF THE MURRAY DARLING BASIN PLAN

Personal Submission: L Burge 2023

Opening Statement:

To understand the context of information raised in this submission, please refer to detailed information and responses to questions in the **Murray Valley Private Diverters Public Submission (11.8.23).**

- The intent of this submission is to highlight types of impacts of the 2750GL Basin Plan that to date have not been recognised and why these are very relevant in assessing the implementation phase of the Plan. Decisions associated with the Basin Plan do not just affect irrigators, they also affect riparian landholders, businesses sustainability, tourism and communities in a variety of ways. This submission will highlight how political deals and decisions of the Murray Darling Basin Authority (MDBA), Federal and State Government departments, lead to processes and outcomes that should not be considered acceptable.

- Why the 2750GL Basin Plan should be an adaptive plan, where new information can be incorporated and how significantly broader environmental outcomes can be achieved by working constructively with affected stakeholders and local communities.

- Highlight why the Basin Plan can not place priority on political deals for South Australia, within the 2750GL and why any further recovery, eg 450GL cannot be acquired in NSW Murray, stored in Hume or Dartmouth Dams, and/or delivered via the Murray and Edward Wakool Systems.

- Our family and Murray Valley communities have consistently stated since 2011, we welcome an opportunity to work collaboratively on options for delivering increased environmental flows as long as all impacts are mitigated and no elevated flooding risks. It is Government and MDBA decisions and process failures, that continue to impede successful outcomes

Our family and many others in the Murray Valley, are caught between political and commercials deals for South Australia and internal political deals within NSW which led to higher reliance on NSW Murray to achieve NSW's downstream Basin Plan flow target to South Australia. The parallel driver of the Basin Plan is the un-disclosed commercial benefits of water moving downstream. This may be linked to Governments goals to remove impediments to water achieving the highest value use.

These factors not just linked to how and where Governments have acquired water, but are also linked to political and bureaucratic decisions on the SDL Adjustment Mechanism SDL Project.

For example:

- Why the MDBA did not utilise evidence available and provided, that confirmed South Australia's claim for an additional 2000GL 'end of system' flow target to the Coorong, Lower Lakes and Murray Mouth (CLLMM) is not feasible, nor a sustainable solution.
- Why the MDBA focussed on prioritising flows from the Hume Dam, to be delivered primarily down the Murray River, without understanding how the Murray and Edward Wakool River systems actually function and how flows don't remain in the Murray River itself, immediately upstream or below the Barmah Choke/Cadell Fault region.
- What are the range of impacts to riparian private landholders and Murray Valley communities that are already evident with the MDBA prioritisation of flow objectives to the CLLMM (2000GL)
- Why, despite evidence provided, the MDBA continues to aim for higher flow targets for the Murray and in doing so, refuses to acknowledge or implement strategies to avoid known elevated flooding risks
- When the Federal and NSW Governments are now more aware of the elevated flooding risks in NSW Murray Valley, these same entities have excluded flooding risks <u>from compensation</u> in the NSW implementation of the Constraints Relaxation Programs. In addition, linked the Constraints Management Strategy compulsory 'legal easements', to the 2018 NSW Water Act (2000) legislative changes, which removes Governments from legal liability. Despite knowledge of flooding risks, Government still have not demonstrated how they intend to limit or address flooding risks.
- Why despite all of the above public known issues as at 2023, the MDBA's continues to require in the SDL Adjustment Mechanism, that the Basin Plan flow target of 2000GL flow to the CLLMM cannot be compromised and therefore remains set by the 'limits of change' rule, where no SDL project can compromise the flow objectives for the CLLMM.

In addition to the above, consider what significance these two separate and distinct comments below should have on reflecting whether the Basin Plan in its current form remains acceptable.

Quote 1.

Parliament of Australia: Senate Standing Committee on Rural and Regional Affairs and Transport: Hansard – Management of the Murray Darling Basin Inquiry: Ms Jody Swirepik, Executive Director, Environmental Management, Murray-Darling Basin Authority stated:

"*As Dr Dickson said, there are environmental outcomes we were trying to achieve and desirable flow regimes that we thought were linked to achieving those outcomes. We have made an assessment across the whole of the basin with that in mind. We set the environmental outcomes and desirable flow regimes from a purely environmental point of view—what we would like to actually achieve. We knew right at the very beginning that some of the flow regimes we were identifying, which we know are good for the environment,* ***<u>are actually quite large floods</u>****. Within our full suite of indicators, for instance, 125,000 on the Riverland-Chowilla floodplain is a big flood in that part of the world. The floods in 2010-11, I think, got up to 93,000 and they* ***<u>flooded some towns on the way down.</u>***

Quote 2.

Former South Australia Premier Jay Weatherwill' says he will launch a political campaign against the Gillard government using any tactic necessary to get his way on a national plan for the Murray-Darling Basin

> *"I'm prepared to use whatever tools there are in the political tool kit to get the results for South Australians," he said.*
>
> *"This is a political campaign, we are involved in a political campaign to build pressure on all of the decision-makers."*
>
> *Mr Weatherill said yesterday that $2 million of taxpayers' money had been set aside for the campaign. "**Everyone knows how politics works -- if you crank up the pressure, you get the outcome," the Premier said.***
>
> The SA Premier was also quoted as saying "*farmers who are worried about flooding from the basin plan do not deserve compensation because they historically extracted too much water from the system".*
>
> Further he goes on to say "*we think the perpetrator of this injustice –that is taking too much water from the river—it sits ill in their mouth to actually claim compensation when they're the ones who have been doing all the damage*"
>
> *"farmers who are worried about flooding from the basin plan do not deserve compensation because they historically extracted too much water from the system*". (*S Birmingham website; Media release 11.10.12)*

Images L Burge 2022 flood

Community consultation:

Significant taxpayers funds have been wasted because Governments and the MDBA have not accepted legitimate public concerns raised since 2010. Instead, implementation of the Basin Plan continues regardless.

Importantly, it is hoped that information in this personal submission, can help guide a more positive direction for achieving environmental outcomes in the Basin Plan, in ways where further mistakes are avoided and there is an increased focus to see positive value in a Basin Plan, that is adaptive, incorporates all relevant information and places higher value on working constructively with affected people within localised communities.

There is a high risk that Governments in its haste to commit to previous political commitments for a 3200GL Basin Plan (2750+450), will cement further mistakes. This is likely to occur with decisions related to the SDL Adjustment Mechanism projects (650 or 605GL), and the Constraints programs.

I attended the first consultation meeting held by the newly formed Murray Darling Basin Authority (MDBA) in Canberra in late 2009. At the time and ever since, I have encouraged the MDBA to value and work collaboratively with local communities in the formation and implementation phase of the Basin Plan.

Since that initial 2009 meeting, I remain involved in consultation processes through different mechanisms.

- ✓ As elected representative for different agricultural groups,
- ✓ Personal representation and/or involvement in consultation processes/and or official advisory committees
- ✓ Our family hosted over 10 localised tours to promote understanding of risks and importantly, actively encouraging and providing options for solutions.

Throughout this period, I have remained professional in my approach, provided multiple documents, submissions and presentations, all of which were thoroughly researched and the information provided, remains accurate today.

The responses from Governments and the MDBA to a wide range of consultation processes has taken a variety of forms:

- ➢ Limited, ineffective or no response by Federal or State Governments and the MDBA to issues raised
- ➢ Requests for direct and continued dialogue with high level decision makers that could improve decisions, design wide ranging options/or solutions, does not occur.
- ➢ Departmental decisions making appears to occur in silos, as a consequences there is no efficient or adequately informed overarching processes where decisions can be supported by robust information and solutions can be more effectively explored or issues resolved.
- ➢ Requests to the NSW State Government for meetings prior to Basin Officials Committee meetings and prior to Ministerial Council Meetings (MINCO) to discuss issues, still doesn't happen. Multiple consequences occur, including further mistakes in decisions, failure to address existing and documented ones, all of which lead to a continuation of waste of

taxpayers funds, project budget failures and delayed timeframes with further budgetary implications.

- Urgent issues relating to flooding risks and/or efforts to work through solutions, are not addressed and there remains no effort by Governments or the MDBA to have dialogue that could help mitigate risks
- In the event of adverse decisions, ie resultant floods or breach of Murray River operating rules leading to financial impacts to farmers (including our business), the following occurs.
    - MDBA blames Water NSW for decisions
    - Water NSW says it is the river operator not the decision maker and refers to the MDBA
    - Water NSW states it is not the decision maker within NSW, decisions are made by the NSW Department of Primary Industries and Environment.
    - NSW DPIE, despite requests will not engage in dialogue that can address issues of concern
- Appeals to the NSW Government through official Water NSW Murray Lower Darling Community Advisory Committee meetings also result in no action. The following responses occur;
    - *Water NSW is not the decision maker, it is the merely the operator; NSW Department of Primary Industries and Environment (DPIE) make the decisions*
    - *Despite requests, DPIE does not allow direct meetings or dialogue on issues of concern with affected stakeholders pre BOC or MINCO meetings.*
- Consultation with the MDBA typically results in a response strategy, usually involving the release of further glossy documents or reports, that do not demonstrate community concerns, and/or show no changes in direction or intent.
- As a result, political and advocacy statements continue to call for the Basin Plan to be "*delivered on time and in full".*
- Politicians and Government agencies with little detail or experience on issues, are not fully informed and react accordingly. Decisions are often made in isolation of facts and therefore do not progress towards stakeholders endorsed solutions

Example: The MDBA, Federal and State Governments and related agencies, continue to press for high flows in the Murray River (Constraints Management Strategy) regardless of what well informed affected stakeholders know are realistic.

Murray Darling Basin Authority (MDBA) responses:

The Murray Darling Basin Authority (MDBA) is described as an independent statutory agency that manages, in conjunction with the Basin States, the Murray-Darling basin's water resources in the national interest. There is little evidence to support that MDBA has acted according to its charter.

- The organisation's culture can be described as one, where organisational accountability remains 'free from consequences'. The MDBA's approach should not be considered appropriate for the scale of change being proposed to Australia's national interests.

- The MDBA's states the Basin Plan is an adaptive plan, but this is not evident in its decisions.

- Since 2010, the MDBA has received extensive information in a variety of formats. There is little evidence meaningful change to the Basin Plan or decisions in its implementation phase. This lack full disclosure of important information to politicians and relevant Governments Departments, to enable improved decisions and/or address known risks, has resulted in delayed time frames, significant cost burden on taxpayers and a wide range impacts to people affected by decisions.

- There is no evidence the MDBA is prepared to include avoidance of major flooding risks in the Basin Plan or its decisions in the Plan's implementation phase. Instead, the focus remains on achieving Basin Plan flow objectives to SA, and to ensure higher water security for commercial interests primarily downstream of the Barmah choke.

- The MDBA in high- risk flood years, refuses to implement or recommend to Basin States, use of an existing and therefore available airspace rule for managing Hume Dam
    - Operational rules for Hume Dam do permit some variations in airspace management (eg Hume capacity can be kept at levels to approximately 87%, or up to approx. 13% below full capacity limits, as a flood risk management strategy)
    - Use of the airspace rules in high risks years, may not necessarily prevent a flood, but it gives water authorities management options, to reduce the likelihood and/or the severity of floods

- The MDBA had mandated in the Basin Plan, rules for releasing environmental flows from Hume Dam. Water releases will be timed to coincide with natural flows down Victorian tributaries (eg Kiewa and Ovens Rivers) creating higher flow outcomes than the released environmental water entitlements.

    - *Basin Plan <u>mandates</u> this concept of **piggybacking** of environmental flows with unregulated flows from the Victorian tributaries*

        - Affected parties acknowledge this is a way of maximising environmental entitlements and outcomes but authorities have refused to discuss or implement flood risks strategies to help overcome known risks

        - Pre-filling the Barmah Millewa Forest during Spring and sustaining Murray River higher flow volumes for long durations eg 1 month or more will also elevate flooding risks.
            - A dry or semi dry forest has the capacity to absorb a higher percentage of Murray River flows than a wet or pre-filled forest via environmental flows
            - Antecedent forest conditions therefore have direct influence on volumes of flood, the extent, and severity of impacts on private property.

Risks continue to be raised by landholders with no response. Risks were also identified in the joint NSW & Victorian Government report (2019) – *Murray Darling Constraints Modelling.* The report did not include assessment of flooding risks, but it did highlight the following:

- *<u>irrespective of improvements in real time river operation models, they will still require weather forecasts as an input, the accuracy of which falls away beyond several days.</u>*

Given that it takes one to two months for water to flow through the length of the Murray system, a degree of uncertainty and residual risk will remain.

- Affected landholders at risks have long term multi- generational knowledge and documentation on flood events. They repeatedly have expressed strong concerns on risks with mandated piggybacking proposals, particular if there is no Hume Dam flood risk management, that looks at flows in the Murray, Victorian rivers including the Goulburn River as well.
- It should also be unacceptable, to incur levels of criticism within the MDBA where individuals are referred to, '*they are just difficult',* as a form of undermining legitimate concerns raised.

SDL Adjustment Mechanism Projects (650GL)

The Basin Plan (s. 5.06(1)) describes the objective of operation of the SDL adjustment mechanism as to 'adjust SDLs in a way that increases environmental outcomes while maintaining or improving social or economic outcomes

The SDL Adjustment Mechanism Projects could offer substantive benefits to achieving improved environmental outcomes, but decisions and restrictions are directly linked to the political objectives of the Basin Plan and the 2000 GL flow target to SA CLLMM.

MDBA and NSW Governments lack of responses to flood risks is also of major relevance to the SDL Adjustment Mechanism Projects. (605GL)

Frustration with the MDBA approach has been reported in community consultation meetings, submission and despite appeals for a more flexible and adaptive approach that can incorporate new information or ideas, the rigidity of the MDBA's approach does not permit these sort of concepts.

In 2017, an Independent Expert Panel prepared a confidential joint report for the Victorian and NSW Ministers'. *Murray – Darling Basin SDL Adjustment Mechanism.*

Panel findings included:

- *The Panel observed that a trust deficit has emerged between the MDBA and the jurisdictions in relation to the benchmark model and its application.*
- *The SDL adjustment mechanism and the associated benchmark model (the 'default method') is highly complex. The MDBA is the custodian of the benchmark model, and there is very limited expertise outside the MDBA to enable wider operation of this model and interpretation of results.*

- *The Panel also found that there is too much focus on the detail of the benchmark model and the SDL adjustment mechanism assessment method, rather than the broader objectives and outcomes sought by the Plan.*

- *Over time, the SDL adjustment mechanism assessment method has become overly deterministic. In effect, the process has become reliant on the benchmark model's ability*

to provide 'the answer'. Instead, the outputs from this model should be seen as a reasonable, approximate representation of a complex system. While the benchmark model can establish the upper and lower limit estimates of an optimised system, the model itself is not capable of delivering defined environmental outcomes.

- *Instead, optimised environmental outcomes will be achieved as high-level decision makers interface intelligently with benchmark model capabilities and associated results*.

In undertaking its review, the Panel found that while the Plan seeks to establish an adaptive management framework to optimise Basin water resources, current arrangements do not reflect that objective. In particular:

- *the benchmark model has no agreed and stable baseline*
- *critical sub-elements of the model (such as limits of change and ecological equivalence scoring) are constraining supply contributions with unknown influence on ecological outcomes*
- *the 'limits of change' approach within the benchmark model leads to a binary trigger which has little relationship to actual ecological responses*
- *benchmark model and real-world interpretations vary (e.g. constraints, improved river operations etc.), meaning there is uncertainty attached to the SDLs and supply contributions generated by the model.*

The Expert Panel also noted, one of the core objectives of the Plan is *"…to establish a sustainable and long-term adaptive management framework for the Basin water resources" (s. 5.02 (1)(b)). Adaptive management is taken to include the following steps:*

a) *setting clear objectives*
b) linking knowledge (including local knowledge), management, evaluation and feedback over a period of time
c) identifying and testing uncertainties
d) using management as a tool to learn about the relevant system and change its management
e) improving knowledge
f) having regard to the social, economic and technical aspects of management (s. 1.07(1) of the Plan).

In 2023, Federal Environment Minister, Tanya Plibersek called for ideas to implement the Basin Plan, including new project options for environmental outcomes.

There is growing misconception the call for new SDL projects/ideas would replace the need for Governments to fund the Constraints Management Strategy to levels that are accepted by impacted stakeholders and where all risks are mitigation and/or full compensation is paid.

It is essential Governments understand, any changes to current regulated conditions of the Murray or Murrumbidgee or Goulburn River (Vic), will still require a comprehensive funding

package. Specific areas on the Murray and Murrumbidgee are already being affected by a range of Government water policy changes including the Basin Plan.

- Separation of Land and Water an market based trading has changed traditional patterns of water use, more is stored in major storages to capitalise on trading values
- The volumes of water now allocated to environmental purposes now means higher volumes of water are stored in Hume at the end of Winter. This means Hume is higher than traditionally would have occurred, when more water was used annually for food production.
- Post the Millennium Drought, Governments are relying on 'driest sequence inflow modelling' to assess inflows. This results in lower annual allocation announcements on irrigation entitlements, which means more water is retained in storages
- Changes to carryover of entitlement rules, allows irrigators, traders and the Commonwealth Environmental Water Holder, to carry more water over at the end of each water year, eg up to 50%
- In addition a range of other NSW Government or other environmental protection rules also results in more water in storage at the end of a water season (July to June)

Examples of Hume Dam storages at the commencement of winter:

1. 2020/2021 water year – Hume Dam capacity at the commencement of winter was 84%
2. 2022/2023 water year – Hume Dam capacity at the commencement of winter was 87%

These changes to Hume dam, have elevated flooding risks in Spring, as there is limited capacity to absorb Spring inflows, - the highest inflow months for Hume (eg August, September, October)

Recommendation:

- ✓ Governments and the MDBA should demonstrate how they will improve management of flooding risks in the Murray Valley.
    - including Hume Dam management and the immediate downstream system from Yarrawonga, including the Edward Wakool River system.
    - Take into account all risks, including catchment conditions, antecedent conditions of Barmah Millewa Forests and Murray Valley flooding risks are directly linked to Victorian River catchments and flow conditions for the Kiewa, Ovens and Goulburn Rivers
    - Take into account how proposed long duration periods for the release of environmental flows changes the nature of risks, spread of water, and its impacts on private property.

- ✓ Constraints Management Strategy will still require high levels of funding to address private property impacts (mitigate/or compensate) arising from the Basin Plan

- ✓ Recognise <u>that no further water should be acquired to meet Basin Plan targets in the Murray Valley</u>

- ✓ Federal Government and the MDBA recognise that the current approach of relying on the Basin Plan target of 2000 GL (3yr rolling average) is not a sustainable nor cost effective solution for the Coorong, Lower Lakes and Murray Mouth. Enable direct investments of funds for more localised solutions within South Australia to improve environmental outcomes.

- ✓ The Federal Government and MDBA take a more flexible approach to scoring the 650GL, currently scored at 605GL, by setting aside funding and incorporating in the scoring system, an Adaptive Component to achieving maximising environmental outcomes.
    - Allowing an Adaptive Component, enables new issues to be funded that may not evident in 2023 (see attached)
    - Enable variations to existing SDL projects, addition of new ideas and complementary measures to maximise environmental outcomes
    - Acknowledge that different regions have different levels of risks in the Constraints Management Programs and a one-size-fits-all decision approach can't work and is not acceptable (Just Terms)
    - Major irrigation projects such as Murray Irrigation Limited (MIL) proposed SDL Project, is not a replacement for Constraints Management Strategy, nor can this project be considered as a mechanism for flood mitigation or as a way to overcome known flooding risks in the Murray and Edward Wakool system.
    - However, a range of additional SDL projects, including stages 1, 2 & 3 of MIL project, does offer a way to maximising achieving a wider variety of environmental outcomes. This submission does not support MIL, stage 4 or 5.

- ✓ Constraints Management Strategy budgets must be sufficient to address all risks. Currently mitigation measures are limited by the design of a pre-submitted budget based on rough desk top analysis, without all the necessary information.

SDL Projects – Constraints Relaxation (re badged as Reconnecting River Country)

The Constraints Relaxation Strategy history is a lesson in government and bureaucratic failures

I refer to my earlier statement page 1, landholders involved in constraints consultation advisory committees of involved directly in programs, have expressed a willingness to work cooperatively to facilitate higher flow rates in the Murray and Edward Wakool System as long as flow rates are feasible, all adverse impacts are mitigated and there is no elevated flooding risks.

At the heart of Government failures is a failure to value local knowledge, limited Government actual investigation of the types and extent of issues and a 'top down' approach for implementation, a factor now being reinforced in 2023.

2013/14 MDBA Constraints Management Strategy (CMS)

- MDBA is on public record (Hansard) stating that MDBA could deliver 2750GL Basin Plan without the need to remove constraints issues.
- Governments instructed the MDBA to prepare a Constraints Management Strategy following the MDBA's breach of regulated flow rules for the Mid Murray Region – Yarrawonga to Barmah choke in 2010, (***refer example 1*** *– damage to our business)*
- An advisory committee was established was established in 2013. At the end of that process, the MDBA admitted there was limited knowledge on the types/scale of private property and business impacts from the concept of *'relax constraints*'. MDBA staff at the time also considered that information was "***Back of the envelope quality*****"**

- The MDBA prepared a report (2014) which went to the Federal and State Governments incorrectly stating in a table that *' there was community acceptance to investigate flows up to 77,000"*
- Advisory committee had consistently and repeatedly rejected Basin Plan original flow targets for the Murray River downstream of Yarrawonga Weir (77,000 ML/d, regulated capacity is only 15,000Megalitre/per day). Capacity refers to size of the Murray's actual river banks.
- The advisory committee with detailed knowledge of the Murray and Edward Wakool River systems had proposed investigations up to 30,000 ML/d for environmental flow purposes only.
- The Advisory Committee sought a retraction of the MDBA's CMS report. MDBA would not do so. The Committee then asked for letters instead to go to the Federal & State Government, the MDBA refused.

2017, NSW Government Constraints Management Strategy (CMS) Yarrawonga to Wakool Junction

In response to public concerns about the consultation methodology and handling of community/committee advice, the NSW Government took over the 2nd attempt at preparing a Constraints Management Strategy.

- Although this process progressed into a formal written draft concept plan, there were process failures again, including Conflicts of Interest. Further details can be provided to the Productivity Commission separate to the written submission.
- The committee identified a flow option for further investigation of up to 30,000 ML/d for the Murray River, as potentially feasible to achieve Basin Plan environmental objectives, subject to all private property or business impacts being mitigated or compensated.
- This rates for the Murray was determined by stakeholders with localised and detailed knowledge of types of issues, risks and potential flow options that not only would be supported by affected communities, but were flows that were considered realistic and cost effective.
- The Concept Feasibility Plan (not a full business plan) was submitted to Federal Government and MDBA. The committee received separate information the MDBA would not score the flow rate concept agreed eg 30,000Ml/day. No copy of the final report submitted has been provided to the committee. It remains unclear whether any amendments were made.

2020, NSW Government announced the Mid Murray Accelerated Projects (x 5)

Former NSW Water Minister Melinda Pavey announced in April 2020, five Mid Murray Accelerated projects. One of which directly impacts our family and farming business. The Bullatale Creek project for private land was announced as being a pilot project with a range of mitigation measures to be included.

- Ministerial media statements on mitigation measures are now NOT included in the project budgets. They are outside the project framework.

- There is conflicting advice between NSW Agencies and Government consultants, on how or if the full suite of constraints related impacts to affected businesses, would be addressed.
    - ❖ Mid Murray Anabranch staff indicate other impacts would be funded as part of the Reconnecting Rivers Country Program RRC, but there is no actual evidence that this would be the case or how this would actually occur, pre or post signing of Mid Murray Project infrastructure agreements.
    - ❖ It is also not clear how the provisions of Just Terms Acquisitions would apply in either programs.
    - ❖ As of the morning 16.8.23, a further personal meeting with the Mid Murray Anabranch management team raised a range of concerns including the lack of clarity on legal wording associated with any interim or final agreement for the mitigation measures of crossing upgrades or bridge, or when/if other issues would be funded under RRC at some future point. Concerns with infrastructure options also remain.

- Our family and others, are also concerned with NSW Governments intent to link agreements to its NSW Water Act 2000 (2018 amendment bill), whereby once landholders sign agreements, this will exclude liability for NSW Government and related entities for the release of environmental flows. Concerns are linked to the Federal, State Governments and the MDBA's clear intension not to address higher flooding risks that are not only likely to breach any easement flow conditions, but also increase frequency and duration of much large flood events, is unacceptable. There is a high risks flows will exceed easements levels.

- ➢ Bullatale Creek <u>landholders continue to express support for additional environmental flows</u> at levels they <u>consider safe and provided all adverse impacts are mitigated</u> and there <u>is no elevated flooding risk.</u>

- ➢ Bullatale Creek Landholders recognise the respectful approach and efforts by the Mid Murray Anabranch on- ground team towards progressing the programs infrastructure discussions which are limited to exploration of creek crossing and bridge options. However, the teams have limited knowledge on the total program implications for landholders and do not appear to have active communications with other Government decisions makers.

- ➢ There are strong concerns that the extent of providing infrastructure investment necessary for farmers to retain access to their properties is limited by the Mid Murray Anabranch budget. <u>The problems have to fit the budget, not the budget has to meet mitigation measures to manage the problems.</u>

- ➢ Unresolved issues of concern with the Mid Murray Anabranch project can be specifically directed to decision makers within the NSW Government, decisions makers in the relevant NSW Departments and the MDBA. There is a lack of clear communications and clarity on what flows changes in 2023 are now being sought by Governments and the MDBA.

- ➢ In relation to our family's personal involvement, we cannot sign any agreement until we have the following issues resolved and there is clear evidence all issues will be addressed.

Examples of concerns include:

- o Proposed bridge height and design for our property are unsatisfactory.

- Bridge dimensions and design does not meet general OH&S safety options for movement of large scale machinery
- Proposed bridge option is at levels where flood water will be over the top of the bridge eg deck and side rails, leading to high risks scenarios and prevention of safe passage within the Bullatale Creek during major flood events. Boats will not be able to pass safely over bridge.
- There is a lack of evidence to confirm that all private property impacts will be mitigated or fully compensated, in some future RRC program
- Elevated flooding risks cannot be excluded from compensation conditions under the RRC State Significant Development process and there is no evidence elevated flood risks will be managed better in future.

2022/2023 NSW Government announced Reconnecting River Country Program (RRC) (name change from Constraints Relaxation)

NSW Government and relevant Departments announced publicly and through subsequent documentation that they had acknowledged *'lessons learnt'* from previous CMS programs (MDBA & NSW) and would progress a new program in a more effective manner with affected people.

At this point in time, there is no evidence this is the case, and early indications are that the processes of the NSW Government and its relevant agency DPIE, is taking a more controlling and top- down approach than previous attempts.

There is little evidence to date of Government and/or agency intention to underpin decisions on the basis of improved processes and public statements that efforts would be improved under the concept of '*lessons learnt'.*

NSW Government has also made previous public statements, it will not compulsory acquire land to meet its commitments to the Basin Plan. However, the RRC program is being rolled out as a State Significant Development, with compulsory processes embedded.

Reconnecting River Country: Yarrawonga to Wakool Junction

This new '*lessons learnt' approach* is not evident in Government decisions or processes.

- Higher flows are now being proposed, than what was previously agreed as part of the concept business case in 2017.
    - Community reference panel agreed on a flow option for further investigation ie 30,000ML/d Yarrawonga to Wakool Junction.
    - RRC program now is proposing much higher flow options. These were previously not supported within two formal advisory committees and also by our own family.

- RRC approach in 2023, is ignoring community endorsed flow options, despite actual and documented flow evidence in the Murray and Edward River system in 2022 and again in 2023, events which reaffirms why the previous advisory committees put forward flow investigation options up to 30,000 ML/d as the most feasible and cost effective option.

- The RRC program is not being implemented in a manner that builds trust, instead there is already high levels of mistrust and an appearance of divide and conquer to achieve flow objectives that will give the highest SDL Adjustment Mechanism score from the MDBA. High scores benefits irrigators as helps mitigate against further buybacks.

- This **submission strongly supports the concept of SDL Adjustment Projects. Innovative ideas and/or well -designed infrastructure helps maximise environmental outcomes, issues well recognised in the Living Murray Plans. They provide more cost effective outcomes to maximise environmental gains and without creating floods. It is unfortunate that advocates continue to call for more flooding, but in the Southern Basin, this is where towns and communities live and where major food production occurs. There is little understanding of advocacy claims between the Northern and Southern Basin.**

- RRC Program managers won't disclose information about a parallel advisory reference panel who is represented or areas, nor is there disclosure on any information on a higher reference panel.
    - There is no opportunity to meet between reference panels to share knowledge on issues, to help decisions, or provide clarity on issues of concern.
    - RRC panel membership (5 people on one committee, 5 people on another, and higher reference panel is not disclosed at all)
    - Reference panel members when applying to be part of the panel, had to show documented support from 5 other landholders. Under the rules, this means for those people living along our creek regions, I am only allowed to discuss issues with 5 other landholders, not any others.
    - After documented concerns with community consultation methods of the NSW Government and MDBA, it is unacceptable for RRC program to be treating affected landholders in this way.

- A major impediment to successful implementation of the rebadged constraints program (now called RRC) is the repeated attempt by decisions makers (MDBA & now NSW) to implement flow rates that are not accepted by those negatively impacted

- A key risk for landholders, are the exclusions provisions identified in 'mitigation principles' and also the linking of the Landholder legal easements to the NSW Water Act 2000 amendment (2018) that removes the NSW & its related entities for any liability as a result of the releasing of environmental flows.
    - This is despite a high risk of exceedance of any new regulated flow rate for the Murray and Edward Wakool River system; and Goulburn River and known elevated flooding risks
- The Basin Plan in its current form, and the RRC Program (Constraints Program) is widely recognised by affected parties as increasing regional major flooding risks both in frequency and duration of flows.

- RRC mitigation principles however specifically excluding compensation for elevated flooding risks. This is despite actual flood events in 2016 and 2022 and documented information provided which confirms how cumulative decisions influence the severity of those flood events.
- A mandated component of the Basin Plan once implemented, is the rule that environmental water will be released from Hume Dam, at the same time as natural and unregulated flows occur down the Ovens River. A concept called 'piggybacking'. This is a high risk strategy and there are valid reasons for concerns by affected landholder.

Basin Plan – personal family & Business Impacts

A major flaw in the design of the Basin Plan relate to assumptions that high flows could be send down the Murray River from Hume Dam and the only issue of concern was how to overcome existing flow limitations recognised in legal easements – Hume to Yarrawonga reaches of the Murray River.

During a 2015 Senate Inquiry hearing, Mr Russell James, the then Executive Director of Policy and Planning Division of the MDBA stated:

> "*the Basin Plan was done on the basis that no particular additional constraints needed to be addressed. We can use existing rules to deliver the 2,750*"

The former MDBA head river operator, Mr David Dreverman was also recorded in Hansard as saying that the 2750GL Basin Plan could be delivered without the need for constraints relaxation. Advice to Governments by the MDBA therefore identified that constraints issues were only relevant with the additional 450GL.

This was not correct. Environmental flow proposals for the Murray (at time proposed to be up to 77,000 ml/d) were equivalent **of 7 times the actual natural capacity of the river banks**. Private property impacts occurring in adjoining creek systems in the Millewa and Barmah Chokes region once flows exceed 18,000ML/d.

Example 1: 2010 release of environmental flows (breached Murray River regulated flow rules)

The Millennium Drought was officially declared over in February 2010. Above average rainfall occurred in many parts of the Murray Darling Basin. Despite wet catchment conditions and significantly higher Murray River system, the Murray River did not go into moderate or major flood.
In late December during the region's cereal harvest, the Murray River was close to resuming its normal regulated flow rate, eg 15,000 ML/d below Yarrawonga Weir.
However, prior to any discussions or knowledge of landholders affected by decisions, Governments, the MDBA and the Commonwealth Water Holder initiated the release of environmental flows from Hume Dam to artificially keep the Murray above regulated conditions

(15,000ML/d). This occurred during December's peak harvest period and this had adverse impacts on internal property access when the Bullatale Creek also rose above normal levels. We had no ability to move our header to cross the creek to harvest all of our crops which were located on the Western side of the Bullatale Creek that year. This meant a delay in the commencement of harvesting until 5th January 2011. Harvesting would be normally completed in December.

Delayed harvesting then resulted in all of our crops being completely destroyed by 5 days of rainfall which occurred 6th January. The crops were of a very high standard and were the first high value dryland cereal crops, immediately post the end of the Millennium drought.

Governments and the MDBA still did not advise landholders they had released environmental flows which had been done so to keep Murray River levels higher. It wasn't until, I was returning from Adelaide, when I called into a public MDBA meeting at Mildura. The presentation and public poster displays confirmed that the MDBA had released environmental flows above regulated conditions to maintain higher flows in the Murray River for bird breeding events. There had been no notification or discussion on risks by the MDBA with our family or any other affected people prior to their decisions.

We lodged a letter of claim with the MDBA and received no response. Since then, there has been no recognition or demonstrated effort by the MDBA or the NSW Government to avoid a repeat of that breach of rules. There was clear intention to deny what had occurred to our family, deny liability or they would not pay compensation for decisions.

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Example 2 – 2016 Murray Flood (Flood Photos Attachment)

In 2016, catchments were extremely wet and landholders downstream of Hume Dam and Yarrawonga Weir were increasingly concerned about major flooding risks.

The MDBA maintained an objective to fill Hume Dam and despite La Nina conditions did not activate the airspace rule (eg retain Hume Dam at levels to allow flood risks mitigation management options. Requests to the MDBA for airspace management continued for months prior to the 2016 flood event, as part of official meetings between the MDBA and Hume to Yarrawonga Landholder Group (MRAG). These requests were centred around utilisation of the

allowable airspace rule for managing Hume in flood risk years. Hume Dam capacity can be retained at approximately 87% instead of full or near full. This 13% airspace rule may not necessarily prevent floods, but it gives increased management options to river operators to help reduce the severity of floods (ie management of any releases)

The MDBA had been advised for 12 years by our family and through formal submissions, of flooding risks resulting from the Basin Plan and cumulative changes to water policy.

- In the 2016 very wet year, MDBA maintained management of Hume Dam on 'dry sequence inflow modelling', eg models assessed inflows on worst case inflows scenarios. A model that focus on lowest inflows, is not suitable for above average wet conditions.
- High flows from Hume Dam and unregulated Victorian rivers continued through September 2016.
- BOM forecast a 100ML rainfall event over Hume & Victorian northern catchments.
- The failure of the MDBA to effectively manage flooding risks (use of airspace rule) and its failure to respond to the BOM forecast of 100ML, result in the MDBA panicking and **releasing 20% of Hume Dam** in one week (3.10.16 to 10.10.16)
- Catastrophic flooding occurred downstream, Murray and Edward River floods causing extensive damage to our business, sheep enterprise and cropping.
- **MDBA is on public record (post 2016 flood) as having ignored the BOM forecast; (December 16 – public meeting Corowa)**
- After the initial release of the first 20% of Hume Dam, a **further 20% of Hume Dam** was released through November. This puts to question the reliance on dry sequence inflow models in La Nina high rainfall conditions. In total, 40% of Hume Dam was released in October and November.
- Flood waters on the Murray River at Tocumwal peaked at 204,000 ML/d, but for a continued unexplained reason, the official post flood records only state flows of 180,000ML/d measured at Tocumwal. It is considered the MDBA wanted to downplay the severity of river heights. (*evidence of the 204,000 stated on MDBA live river data can be provided*). When subsequently questioned, the MDBA referred to this change of recorded flow peak, to now be described as an average of flows. This departs from traditional measurements for flood peaks. A flood peak is usually recorded as the maximum flow height, not an average.
- Our business had prepared as best as possible under difficult circumstances including pre flood circumstances where internal property access and therefore movement of sheep became impossible.
- SES did not permit us to obtain filled sandbags prior to the actual flood event as extra precaution for the houses. Although we did receive empty sandbags as a result of repeated requests, it meant that our family had to fill them and cart during the actual flood event (see photos)

Our family had never experienced a flood of the magnitude of the 2016 flood, in 4 generations.

- Major crops losses occurred resulting in major economic loss

- 3000 sheep were stranded in flood water, desparate efforts by my husband and I to move them failed, requiring a range of external farm associates to swim them to safety.
- There was extensive pasture loss, seed banks in soils were permanently damaged, requiring resowing of areas affected by flood water. External sheep feed had to be sourced.
- High levels of Bathurst Burr weed invasion occurred from seeds brought in by flood flows from upstream
- Extensive damage occurred to roads, fencing, other infrastructure, including major damage to flood levees banks

The Central Murry Floodplain Plan failed in the 2016 Flood as water levels were higher than the licensed levee system, causing the levees to be overtopped by flood waters, weakening the earthen levees which subsequently failed. Between Tocumwal and Deniliquin, when flood levee banks were overtopped by flood water, the SES reported during aerial flights they observed more than 50 breaches/breaks in the levee system.

A post flood review conducted by the MDBA which involved NSW BOC representatives titled Lesson Learnt, found no issues.

Despite strong evidence of failure to effectively manage flood risks to the best of their ability, MDBA is on public record as having ignored the BOM forecast of 100ML of rain. Since then, there has been no change in MDBA's attitude or intent.

The MDBA had not implemented flood risks airspace management strategies prior to the actual October 2016 flood, paid no compensation post the flood and continues to show no intention to address future flooding risks. The focus is on drought mitigation and securing water for irrigation. (*evidence of this statement can be provided*)

More distressing, to the above information is the following post flood MDBA reports.

In the December minutes of the MDBA, the official minutes record **that "*landholders were irresponsible with their levee infrastructure".*** When landholders complained about this statement, the MDBA response was "*We won't put as much information in the minutes"*

There has been no apology for such an appalling statement.

Our family has voluntarily participated in community representation for over 12 years, documented risks, worked tirelessly to help progress solutions and through no fault of our own, experience major devastation, business and personal loss, not once but on multiple occasions **because Governments and the MDBA refuse to listen**.

The MDBA have shown no interest in discussing flood events, options to manage risks or how to prevent a repeat of the 2016 and 2022 floods.

Example 3: 2022 Murray Flood

- In 2022, most World weather models forecast La Nina conditions in Eastern Australia
- Since July, landholders expressed concerns about high- level flooding risks in the Murray Valley
    - The Chair of Murray Regional Action Group (MRAG) Hume to Yarrawonga reach of the Murray, as part of his regular discussions with the MDBA, continually expressed concerns and encouraged activation of airspace rules for Hume. This request was not acted upon.
    - Our family encouraged the Chair of MRAG, to keep reinforcing concerns as downstream of Yarrawonga were at high risk. There was no activation of the airspace rule (to retain Hume at 87%)
    - MDBA had previously advised our family they were not willing to have ongoing dialogue with landholders below Yarrawonga about Murray River operations.

- Our business had commenced from July 2022 to prepare for major floods. Pre- flood actions continued through August, September and October but was made difficult as internal property access had been cut by high Murray River flows affecting the Bullatale Creek
- In September 2022, the Chair of MRAG and myself put out press releases expressing concern about looming flood risks and the need to implement airspace management for the current high rainfall conditions.
- During one media interview I was involved in, the ABC journalist had sought a comment from Water NSW representative who stated " ***The Dam is being filled for the next drought***"

- A series of flood events occurred. To understand the importance of airspace in helping manage flooding risks, it is important to follow the 2022 sequential flooding events.

    - ❖ Dartmouth Dam was at full capacity and slightly spilling
    - ❖ Hume Dam was near full capacity with no utilisation of airspace rules
    - ❖ Eildon Weir (Vic) at the headwaters of the Goulburn River was at full capacity
    - ❖ Eppalock Weir (Vic) on the Campaspe River was also experiencing higher inflows but was not at capacity.

Regional floods events: (order)

1. Murray River was experiencing levels of flooding, (ie not classed as major)
    a. Hume Dam still had limited airspace for effectively managing flood risks

2. Central Victorian catchments experienced high rainfall event, Eppalock Dam (Central Vic) quickly filled to capacity and spilt
    a. Campaspe River went into major flood, large percentage of houses in Rochester were inundated with significance damage (unresolved damage in 2023)
    b. Rochester hospital is estimated to be closed for approximately two years for repairs, aged care facilities damage still requires people to be relocated to other towns or regions.
    c. Campaspe flood flows entered the Murray River at Echuca
    d. Murray at Echuca was already experiencing high flows from high August flows Hume.
    e. Campaspe River flood further added to existing high flow levels in the Murray River

3. Victoria's Goulburn River went into major flood.
    a. Flooding occurred in parts of Seymour, Shepparton, Upper Goulburn River rural areas/farms, Lower Goulburn regions etc
    b. Goulburn Flood water entered the Murray River at Barmah
    c. Major flooding occurred in Echuca, including inundation of a substantial number of homes.
    d. When Goulburn flood waters reached the Murray River below Barmah, the Murray River upstream of Picnic Point near Mathoura, was backed up and floodwaters were pushed North up into the Edward/Wakool River systems. The whole western side of our properties were extensively flooded for prolonged periods
    e. The Murray (upstream of Barmah) and Edward Rivers (upstream of Deniliquin) were in major flood

4. MDBA, presumably in response to houses being flooded in Echuca, subsequently decided to create higher airspace in Hume to managing any risks of further catchment inflows to Hume.
    a. Major water releases from Hume Dam began and approximately **8% airspace was created over a 10 day period**
    b. **The volumes of water in that released was more than the Sydney Harbour**
    c. The decision to create 8% Airspace in Hume caused extensive further losses and prolonged flooding to an already flood Murray River (eg Goulburn & Murray in flood).

- Hume Dam airspace rules if fully implemented allows airspace capacity up to 387GL or Hume Dam levels could be 87% instead of near full. Airspace would not have necessarily stopped a flood, but airspace management can enable **the MDBA to have capacity to take the severity of the peak flood heights and durations**

Post flood learnings;

- MDBA documents previously stated that if Goulburn & Murray Rivers were both in flood, up to 50% of Murray Flood water would be pushed back up to the Edwards/Wakool system.
- Our family has provided information to the MDBA that 50% was not an accurate assessment and the effects of a Goulburn flood on a Murray Flood, would more likely result in between 50 – 80% of Murray Flood water being pushed northwards into the Edward River system.
- During a phone discussions/webinar during the actual 2022 flood– I asked Water NSW representative on line, what percentage of Murray floods was being pushed into Edwards. Water NSW indicated their preliminary understanding at that **point was 73% at least**

Business impacts of the 2022 flood (examples only)

Following the MDBA's release of more than the Sydney Harbour on top of an actual flood, the Central Murray Floodplain Plan failed.

- Water overtopped the flood levees and approximately 80% of four properties were inundated by flood water.
- We had been in full flood preparation for three months prior to the actual flood. The total period of the actual floods was for three months.
- Additional business costs were substantial, preparing for flood, during flood and post flood.
- During the flood, on the Western side of our properties 3000 merino sheep were stranded for extended periods and required SES helicopter feed drops over a period of time.
- When the SES helicopters moved to other flood regions downstream on the Murray and Edward/Wakool system, we had to hire a plane to drop feed to 3000 still stranded sheep for an further extended period.
- On the Eastern side of our properties, another 2700 merino sheep were caught in flood waters, requiring urgent removal from that location to a nearby friends property. Of those, 2600 had to then be trucked to other locations on agistment.

- **1300 merino sheep died**, a smaller percentage drowned or died during the actual flood, with the larger percentage dying from post flood illness
- Our family farm suffered significant loss of infrastructure, including fencing, roads, flood bank damage and range of other impacts,
- Some machinery and other equipment could not be protected when levees over topped and thus were impacted by flood water (eg tractor etc,)
- Houses on the properties were at significant risks of inundation. SES helicopters deliver emergency sandbags, this is over and above all the pre flood preparations we had done ourselves.
- Flood damaged caused major loss of cereal crops, and also the normal summer crop could not be planted resulting in further major income loss
- Sheep pastures were extensively damage requiring external sourcing of hay.
- All paddocks that experienced inundation for long periods, had major soil damage, including loss of seeds in the soil profile.

- Farm agronomists have since undertaken soil inspections and plot samples, to verify and confirm that areas under prolonged flood resulted in loss of seedbanks in the soil profile.

- High quality clover pastures sown in previous years were completely destroyed,
- All paddocks inundated by prolonged flooding have had to be resown.
- The 2022 flood went for three months, and for two months, the only method of transport on our properties was by boat.
- Flood waters were described as catastrophic and the damage horrific
- OH&S risks were profound. It was a miracle there was no loss of human lives.

Image L Burge 2022 flood

Image L Burge 2022 flood – sheep in floodwaters

Example 4: 2023 Murray River

- Southern NSW Murray Valley and Northern Victoria has experienced 50% above average rainfall during the autumn/winter period.
- NSW Murray Valley inflows to date are not yet consistent with World Model predictions for El Nino weather patterns
- Australia's Bureau of Meteorology (BOM); as on 15.8.23 – is currently on 'Alert' status (not classed as El Nino)
- All of the major Southern storages are full or near capacity, MDBA Live River Data (17.8.23)
    - Dartmouth Dam = O zero; The zero reading implies a gauge fault which appears not to have been rectified for some time. earlier reports state Dartmouth was near full capacity
    - Hume Dam is 2940GL = (98%)
    - Eildon Weir = 95.89%
    - Menindee Lakes = 82%
    - Lake Victoria = 72%
- The traditional largest fill months for Hume Dam are August, September, October
- Catchment efficiencies are high for Hume, with wet catchments and further medium rainfall, Hume Dam can fill 1% per day.

- This means under current the current MDBA fill strategies, existing above average wet conditions in mountain catchments of Hume Dam, with one more major rain event in Hume Catchments, it would only take 2 days to for Hume Dam to reach full capacity

- MDBA has advised our family they will be filling Hume in the first or second week in August. As of 17.9.23 filling Hume is on track to fill as desired and has reached 98% capacity.

- There is no flood risks management in place. The Murray River already has been in levels of flooding already since July, the Barmah Millewa Forests has received levels of inflows and thus the forest system is in levels of flood already. There is little ability for the Barmah Millewa Forest to absorb further inflows. Further high flows down the Murray River, could result in the next level of flood, which would push water out onto private land.

Post the 2016 and again post 2022 floods, I have consistently raised concerns about Hume Dam management and flooding risks, eg Water NSW meetings Deniliquin, Reconnecting River Country Reference Panel meetings, Mid Murray Anabranch project discussions.

To date there has been no response from the NSW Government nor the MDBA how flood risks will be managed.

MDBA presentations that I have seen during a Water NSW Meeting, confirm attitudes.

- *"Priorities for Hume Dam management are focused on securing water for irrigators"*

- MDBA presentation included statements/images with accompanying statements which inferred that because regulation of the Murray River had taken out 70% of the floods, thereby people impacted by floods are advantaged and therefore have to accept 30% of floods remaining.

Affected landholders acknowledge floods on the Murray will always occur but the MDBA reflects an attitude that the remaining 30%, is just to be accepted no matter the scale or damage done. It also ignores that the Water policy changes and the Basin Plan has exacerbated severity.

This also ignores that moderate to major flooding events are now occurring at higher levels (eg causing the Central Murray Floodplain Plan to fail). There is no recognition either that the Basin Plan's aim is to increase the frequency of lower levels of floods. This will increase the risk for more frequent and higher scale floods.

We are already seeing the impacts of cumulative water policy decisions. Major floods are higher than traditionally occurred, are longer in duration which increases the risks and totality of damage.

- The MDBA's continues to demonstrate an unwillingness to avoid flood risks to the best of their ability.

- The MDBA recognises the need to limit the damage immediately below Hume Dam (Hume to Yarrawonga), they do not take actions, ie risk avoidance measures, below Yarrawonga. This is a major gap in managing risks.
- Victoria's unregulated tributaries rivers join the Murray upstream of Yarrawonga. MDBA's documented and mandated outcomes for the Basin Plan, involve environmental releases from Hume Dam to be timed with higher flow events down those Victoria's unregulated tributaries (eg Ovens River)……. Despite known risks, there is no evidence that the MDBA intends to manage elevated flooding risks, both frequency, severity and duration.

Conclusion:

- The Murray Darling Basin Plan is a political plan developed in response to and during the Millennium Drought.

- The Basin Plan sets specific flow objectives to South Australia,
    - SA flow objectives remain mandated in the Plan and limits the plan being adaptive and/or incorporating new information. Despite overwhelming evidence that mistakes were made in the original plan's drafting (2010 & 2012), core flow objectives for the Murray remain.
    - This is also despite documented historical and current evidence which confirms that 2000GL of additional water is not a solution for the Coorong, Lower Lakes and Murray Mouth (CLLMM) (evidence can be provided)

- The Basin Plan is NOT a whole of Basin Plan
    - There is no connectivity requirements in average years for the Darling River to have sufficient flows to connect to Menindee Lakes, or of sufficient volumes to then subsequently flow to the Murray River. This appears **consistent with South Australia's objectives to obtain higher flows from the Murray River not Darling.**
    - The Plan did not consider the major changes from SA Government policy which over successive decades drained the natural catchment of South-East of South Australia, which drained wetland and diverted natural catchments flows to the Coorong, out to the Southern Ocean. Water that still remains diverted out to the Southern Ocean.
    - SA is implementing a program to re- connect approximately only 26GLS from the Upper South East of SA drainage schemes, but is not reconnecting the much large drainage scheme, these flows still are redirected to the Southern Ocean.

- MDBA did not factor the physical characteristics of the Murray and Edward Wakool system
    - The MDBA focussed on the Murray River and Goulburn River to achieve political flow targets to South Australia
    - The MDBA did not consider how high flows leave the Murray and move Northward into the Edward River system.
- The MDBA culture and approach to the Plan is elevating flooding risks in the Murray and Edward Wakool Rivers region.

- The plan does not build 'resilience' in the NSW Murray Valley, it destroys resilience for droughts, climate change and the ability for farmers to manage agricultural economic and commodity cycles.

- The Basin Plan in its current form does not meet the objects of the Water Act 2007

- The SDL Adjustment mechanism, is an opportunity to achieve significant environmental outcomes, reducing further social and economic risks, however the MDBA targets for the CLLMM limit decisions.

- NSW Government political decisions also mean NSW's share of downstream flow targets to South Australia are still to be primarily achieved through SDL Projects in the Murray Valley
    - **Major irrigation interests, with the support of NSW Government & bureaucrats, have transferred the Basin Plan's NSW share of downstream flows to SA, to the Murray Valley.**

- The SDL Adjustment Mechanism relies on key elements which is the implementation of the Constraints Management Strategy

    - A failure to achieve the 'relaxed constraints' concept and in a timely way, can be directly attributed to the mandated flow target requirements for South Australia
    - In contrast flows, put forward by the affected sections of the community since 2013, are continually rejected. In 2023 under **the Reconnecting River Country Program, NSW departments have proposed higher flow rates for investigations**, this is above levels already deemed unacceptable in previous Constraints advisory committee

- Statements by NSW Government DPIE, that this next process (RRC) would be improved on the basis they had listened to concerns, and would take a 'Lessons Learnt' approach have not materialised.
    - There is no demonstration of a new improved process. It is not clear whether it is the NSW Government interests driving higher flows, or whether this is required by the MDBA.
- Under RRC, there appears still no acceptance of the validity and reasons why earlier advisory panels concluded that investigations to amend flows to the Murray River, should be limited to 30,000 ML/d below Yarrawonga.

In addition, the new RRC Program reflects the following;

- The process lacks transparency, project managers have adopted a method which is shrouded in secrecy, at this stage <u>prohibits landholders talking to other affected landholders even in the same stretch of river or creek system</u>
- Reference panels members, despite requests, are prevented from communicating with other reference panels (only 5 people each for the two groups). It should not be a difficult concept.
- RRC proposed flow options cannot be discussed with the corresponding pilot program, Mid Murray Anabranch Project. As a Reference Panel member, <u>I am not able to ensure that the two project teams share information.</u>

- Mid Murray Anabranch construction team, remain unaware of the actual flow rates being considered for further investigation in the Reconnecting River Country Program.

- NSW Murray **Valley does not have the capacity to store the Basin Plan's proposed additional 450GL in Hume or Dartmouth Dam, nor can it be delivered safely down the Murray and Edward River system**

- Minister Plibersek's call for community/stakeholder ideas on potential projects should be investigated, however not all project ideas were submitted, due to the restricted timeframe.

    - A cautionary approach is also needed to ensure that successfully lobbying campaigns don't undermine the need to set aside substantial funding for the Constraints Management Strategy. (to fund mitigation measures for environmental flows acceptable to affected parties)
    - Impacts of the Basin Plan are profound in the NSW Murray Valley and some levels of the constraints relaxation will have to be fully funded in certain zones.
    - Allowing additional project ideas is essential in the SDL Adjustment Mechanism, many good ideas were not originally submitted back in 2016 due to tight timeframes for lodgement of project ideas.
    - As at 2023, a wider range of project ideas can maximise environmental outcomes, and while ever the Basin Plan environmental success remains measured simply by volumes of water, there will be lost opportunity for true environmental gains.

- The concept of Structural Adjustment Funding unless specifically tailored to those most impacted remains a political solution, one where funds will be directed to a range of other political opportunities rather than to people affected by decisions.
    - Current Rules around Structural Adjustment Programs for the Basin Plan, specifically exclude individuals experiencing extreme impacts.

- Community consultation at Federal and State Government levels and by the MDBA remain poor and not consistent with building trust or new opportunities to engaged people in broader Natural Resource Management programs.
    - Consultation remains top down, with little evidence of change for substantive 12 years of community effort.

- There needs to be a comprehensive and fully transparent investigation of the commercial benefits of the Basin Plan. The investigations need to go beyond a simple comparison of regional social and economic impacts, but shine a spotlight on the detailed benefits for specific regions and/or emerging developments.

- It is essential there is fully transparency on changes to Murray River operations to properly account for the volumes transferred downstream. This would help provide clarity on how to account for the following:
    a. Enable improved methodologies for attributing any transmission losses to the Commonwealth Water Holder Water entitlements

    b. Capacity to identify if potential Murray River rule changes are by design, to also provide commercial benefits to meet emerging new irrigation demands downstream

Source Map MDBA website

Basin Plan
Water Recovery: 2750GL
Southern Basin = 2289GL - 650GL SDL projects
+ 450 GL (neutrality test)
(total inflows: 15,959GL/Y)

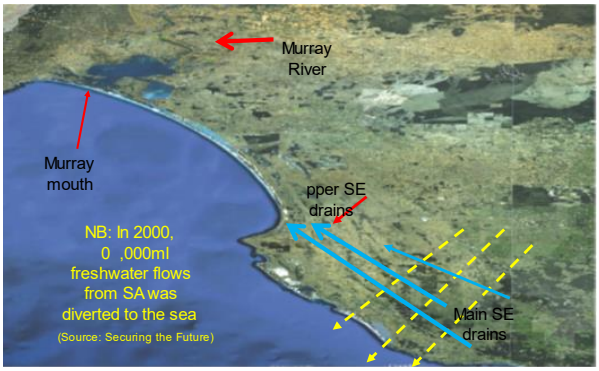
Northern Basin= 390GL - 70 GL= 320GL
(total inflows 13,547GL/Y)
Northern Basin Review (2018) reduced environmental flows to Menindee from 143GL to 41
Northern Basin WSPs = zero flow to Meindee & Murray

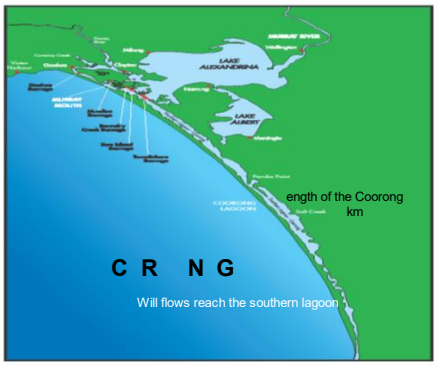
Basin Plan has specific & mandated targets for the CLLMM:

Basin Plan excluded the Coorong's natural catchment in SE of South Australia,

Flows targets are set for the Murray instead

Coorong historical flo ath ay





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