



tasmanian conservation trust inc

Mr Henry Maxwell
Department of Primary Industries, Parks, Water and Environment
PO Box 44
HOBART TAS 7001

Email: Henry.Maxwell@dpiuwe.tas.gov.au

18 December 2009

Draft South Esk River Catchment Water Management Plan

Thank you for the opportunity to make comments on the Draft South Esk River Catchment Water Management Plan (referred to as South Esk Plan) and in particular we appreciate the extension of time given for submissions.

The Tasmanian Conservation Trust's submission is attached.

Yours sincerely

Peter McGlone
Director

Tasmanian Conservation Trust submission on the Draft South Esk River Catchment Water Management Plan

18 December 2009

General comments

The Tasmanian Conservation Trust (TCT) is concerned that while no action has been taken for years regarding a WMP for the South Esk River (the report 'Environmental Flows for the South Esk Catchment' was completed in October 2007), the 'Draft South Esk River Catchment Water Management Plan' (South Esk Plan) has been developed in great haste, in absence of key data or recent data, based on flawed methodology and has involved virtually no consultation with non-consumptive users. Many of the relevant findings and recommendations of the September 2009 National Water Commission report 'Australian Water Reform 2009: Second biennial assessment of progress in implementation of the National Water Initiative' (2009 National Water Commission report) have been largely ignored.

It appears to the TCT the South Esk Plan has been rushed in order to meet timeframes for State Government's proposed Midlands Water Scheme and the resulting plan is of very low quality.

- 1. The TCT recommends re-starting the process for the South Esk Plan, taking into account all of our recommendations.

Public consultation

The TCT is alarmed that the 'Consultative Group for the development of the South Esk Catchment (above Macquarie) Water Management Plan' is essentially a group of irrigators and has no non-government conservation interests represented. There has been no meaningful attempt to consult with independent conservation interests regarding this plan.

- 2. The TCT recommends re-establishing the South Esk Plan consultative group, including positions for three community conservation organisations.

Climate change

We note that climate change is only mentioned in passing throughout the South Esk Plan (page 36 and 38). There is no analysis of the likely impacts of climate change on ecosystem processes or particular environmental values within the South Esk River catchment or the likely potential to continue to allocate water at the recommended levels. We can see no mention of the Tasmanian Sustainable Yields Project which is close to being completed.

The TCT's concerns are supported by the 2009 National Water Commission report. Recommendation 1.3 states that "The Commission recommends that all future water plans consider explicitly the impacts of climate change on water resources and the environment, and are sufficiently resilient to accommodate a broad range of climate change outcomes." The South Esk plan fails totally to address this recommendation.

- 3. The TCT recommends the South Esk Plan be amended to incorporate the findings of a thorough analysis of the likely impacts of climate change

on ecosystem processes, particular environmental values and the potential to allocate water at the recommended levels.

1.4 Review of this plan

The TCT strongly disagrees with the recommendation that the South Esk Plan be reviewed after ten years.

- 4. Given the need to incorporate information regarding climate change and more recent data on water flows, the TCT recommends the South Esk Plan be reviewed after just two years.

2.2 Objectives

The objectives of the South Esk Plan are very general and this appears to be a general flaw in the Tasmanian water management planning process.

The TCT's concerns are supported by the 2009 National Water Commission report. The report states in recommendation 1.6 that "all water plan objectives need to be specific and measurable, and plans should incorporate monitoring arrangements specifically designed to measure performance against each objective".

- 5. The TCT recommends the South Esk Plan be amended to include detailed measurable sub-objectives and specific actions and a series of performance indicators against which the implementation of the plan could be measured.
- 6. The TCT recommends that particular threatened species and threatened vegetation communities to be used as one specific performance indicator.

4.4.1 Surface water yield

The TCT questions why mean annual yields in the South Esk River were determined using data which is six years old? We can see no explanation for why more recent data was not used or why it was not collected.

- 7. The TCT recommends the plan be reviewed utilising more up to date data and, if this data does not exist or is not available, then the plan must be put on hold until the data is available.

6. Monitoring and reporting

We note the comments made in the 2009 National Water Commission report, finding 1.11, that "water plans generally lack detailed descriptions of their specific monitoring arrangements". The TCT believes the South Esk Plan is demonstrating this flaw. The plan recommends monitoring to measure the plan's effectiveness in achieving its objectives but these objectives are defined so broadly that we will not know what the actual environmental outcomes will be. See recommendation in 2.2.

6.2 Reporting

The 2009 National Water Commission report also highlights, in finding 1.12, that “The quality and transparency of processes for reporting on the outcomes of water plans are inadequate”. The South Esk Plan also demonstrates this flaw. The plan states only that the “Department will report annually” (page 27) without stating what form the report will take, the level of detail required and how it will be distributed.

The 2009 National Water Commission report also states in finding 1.12 that “such reports should be prepared at arm’s length, clearly show how the plans’ objectives are being achieved, discuss areas of success and failure and recommend any changes to the provisions of the plans”. The South Esk Plan fails in regard to each of these recommendations.

- 8. The TCT recommends the South Esk Plan be amended taking into account finding 1.12 of the 2009 National Water Commission report.

The National Water Commission report also reiterates that Clause 40 of the National Water Initiative states “In the implementation of water plans, the parties will... (iii) provide regular public reports. The reporting will be designed to help users and government to manage risk, and give early indications of possible changes to the consumptive pool.”

- 9. The TCT recommends the South Esk Plan should take heed of the requirements outlined in Clause 40 of the National Water Initiative in relation to water management plan reporting.

7.3.1. Environmental objectives

(a) Maintain and enhance water dependent ecosystems

The South Esk Plan provides no justification for why “Tasmania’s unregulated rivers and streams are managed to provide a water regime that meets the needs of the entire aquatic system, rather than discrete elements of the ecosystem” (page 31).

Not only does the South Esk Plan not justify this approach, there is ample evidence to the contrary. It is now well established within Hydro Tasmania’s environmental management system that values such as galaxiid species require specific management requirements and these can be incorporated along side broader ecosystem management approaches. If the Lakes Crescent and Sorell Water Management Plan had adequately addressed the needs of galaxiids it is probable the recent difficulties with the plan could have been avoided.

- 10. The TCT recommends that the South Esk Plan provide for management of both “discrete elements of the ecosystem” and the flow requirements of the overall system.

We accept that additional resources would need to be invested into assessing the management requirements of particular species and other biodiversity elements. The TCT has made this recommendation in its submission on the State Budget for 2010-2011.

For the South Esk Plan it would be necessary to assess whether particular values, such as threatened species of Hydrobiid snail, caddis fly or the South Esk Pine, have flow requirements, or other requirements, which differ from or are threatened by those proposed in the plan.

If this assessment is not done in the planning phase, there is the possibility of significant disruption of water users if matters of national environmental significance are threatened and particular irrigation proposals are referred to the Australian Government for assessment under the Environment Protection and Biodiversity Conservation Act.

- 11. The TCT recommends the South Esk Plan identify the need for detailed biodiversity assessments to determine management requirements for "discrete elements of the ecosystem" and the Water and Marine Resources Division recommend to the State Government the need for resources for these assessments in the State Budget for 2010-2011.

The explanation of how "the volume of water deemed necessary for the environment" is calculated (paragraph at the bottom of page 32 and top of page 33) is quite incomprehensible to us and given the importance of this issue we are staggered it is not explained more clearly. This is arguably the *key paragraph* in the entire plan and we assume the failure to explain it at a level acceptable to the general public is deliberate. We can only imagine the authors of the plan have set out to confuse readers to limited the potential for questions regarding whether the amount allocated for the environment is acceptable.

- 12. The TCT recommends the South Esk Plan be amended to include a clear and detailed explanation of how "the volume of water deemed necessary for the environment" is calculated.

We are staggered the South Esk Plan states that "retaining 80% of the mean annual discharge" is a reasonable "rule of thumb" (page 33). This figure is not justified with any scientific evidence or references and it is totally unacceptable to make such important decisions without any basis.

- 13. The TCT recommends the South Esk Plan be amended to provide a scientific justification for the "80% of the mean annual discharge" figure.

(b) Provide adequate environmental base flows

The claim is made that "50% of available habitat was recommended as providing an appropriate cease to take threshold" (page 33) but no argument or reference is provided to justify this figure.

- 14. The TCT recommends the South Esk Plan be amended to provide a scientific justification for why the "50% of available habitat" was recommended as providing an appropriate cease to take threshold.

The TCT's gravest concern regarding the South Esk Plan is the decision to ignore the recommended cease to take threshold for December – April period of 100-160ML/day and instead set this at just 40ML/day. The justification provided in the plan is that this is "a pragmatic outcome of the water management planning process, representing a balance between environmental and consumptive water needs" (page 33).

There is no explanation or scientific evidence provided for why the 40ML/day figure was picked. Making such significant water allocation decision in the absence of evidence is unscientific, totally unacceptable and provides the TCT with a clear opportunity to take an appeal against the draft plan. The methodology described in section 7.3.1 (a) was intended to determine a balance between consumptive and environmental water uses, but this was then determined arbitrarily to not be an acceptable balance.

This unjustified decision clearly weakens the claims made in 7.3.1 (a) that the requirements of "discrete elements of the ecosystem" will be dealt with by meeting the "needs of the entire aquatic system". Clearly the ecosystem as a whole and many threatened species will be put at greater risk by allowing a lower cease to take threshold.

- 15. The TCT recommends the South Esk Plan be amended to recommend a cease to take threshold for December – April period of at least 160ML/day.

On page 33 of the plan it is stated that the "base flows of 40ML/day are considered sufficient to maintain a degree of connection between pools and some wetted habitat in riffle areas". There is no explanation of what "a degree of connection" means?

- 16. The TCT recommends the South Esk Plan be amended to define the full implications for connection between pools and wetted habitat in riffle areas at 40ML/day and how this would differ at 160ML/day.

(c) Maintain some variable flows including flood events to support water dependent ecosystems

This section concludes by saying "By preserving these features of the flow regime, all of the ecosystem processes they support... should be maintained." It is not sufficient to say that these ecosystem processes 'should' be maintain.

- 17. The TCT recommends the South Esk Plan provide a justification for why it is believed that ecosystem processes should be maintained at sufficient levels.

(e) Seek to maintain water quality during transfers from dams

- 18. The TCT recommends the South Esk Plan be amended to require consideration of values other than water quality in assessments of transfers of water from dams.

(f) Recognise the connectivity between groundwater and surface water

While the plan states that connectivity between groundwater and surface water is recognized, it does not make any recommendations in this regard. The plan states that "groundwater is not considered to be significant enough to warrant the implementation of licencing" however we consider the plan should be cautious and consider the potential for change in the future.

- 19. The TCT recommends the South Esk Plan be amended to consider the potential for increased demand for access to ground water and the potential impact this could have, in particular the localised impacts.