



Secretary's Report - Response to Public Representations on the Draft Amended Mersey River Catchment Water Management Plan 2023

Report prepared for the Tasmanian Planning Commission in accordance with
section 26 of the *Water Management Act 1999* – November 2023



Contents

1. Introduction	5
2. Background	6
3. Public Consultation on the Draft Amended Plan	8
Draft Amended Plan preparation	9
Preplanning consultation	9
Consultative Group	9
Aboriginal freshwater interests in the area	11
Management Trial and Consultative Group review of the Draft Amended Plan	12
Formal consultation	12
4. Representations received and responses to key issues raised	14
Issue 1 The cease-to-take threshold for 1 December to 31 May	15
Issue 1a) The cease-to-take threshold for 1 December to 31 May is the correct balance	15
Background to the representation	15
Response	15
Issue 1b) The cease-to-take threshold for 1 December to 31 May is too low	15
Background to the representation	15
Response	16
Issue 1c) The cease-to-take threshold for 1 December to 31 May is too high in February and March	18
Background to the representation	18
Response	19
Issue 2 The take period for new allocations	21
Background to the representations	21
Response	21
Issue 3 The inclusion of the Railton Karst System in Figure 1	23
Background to the representation	23
Response	23
Issue 4 Inclusion of an Acknowledgement of Country	24



Background to the representation	24
Response	24
5. Proposed modifications to the Draft Amended Plan	27
Appendix A Individual representation issues on the Draft Amended Plan and the Secretary's response	30
1. Hydro Tasmania	30
2. Mersey Irrigators Group	32
3. Tasmanian Farmers and Graziers Association (TFGA)	35
4. Mr Paul Lambert	35
5. Kentish Council	36
6. Anglers Alliance Tasmania	37
7. Paddle Tasmania	38
8. Mr Nathan Richardson	39
Appendix B Representations on the Draft Amended Plan	40
Representation 1 Hydro Tasmania	40
Representation 2 Mersey Irrigators Group	42
Representation 3 Tasmanian Farmers and Graziers Association	44
Representation 4 Paul Lambert	45
Representation 5 Kentish Council	46
Representation 6 Anglers Alliance Tasmania	47
Representation 7 Paddle Tasmania	49
Representation 8 Nathan Richardson	50
Appendix C Notice in the Government Gazette, 19 July 2023, under section (25)I of the Water Management Act 1999	54

Author: Agriculture, Forestry and Water Business Unit
Publisher: Department of Natural Resources and Environment Tasmania
ISBN: [ISBN number]
Date: November 2023
© Crown in Right of the State of Tasmania December 2023



I. Introduction

Under the *Water Management Act 1999* (the Act), a Draft Amended Water Management Plan must be placed on public exhibition and written representations on the draft amended Plan may be made.

Following the public exhibition period and after considering written representations, the Secretary of the Department of Natural Resources and Environment Tasmania (NRE Tas) is required to forward a copy of the representations and a report (the Secretary's report) to the Tasmanian Planning Commission (TPC) for it to review upon direction by the Minister.

The Secretary's report to the TPC is prepared in accordance with the Act's requirements and must contain:

- (i) a summary of written representations on the Draft Amended Plan;
- (ii) the Secretary's opinion on the merits of the representations, including a statement as to whether the representations are of sufficient merit to warrant modification of the Draft Amended Plan;
- (iii) a summary of any proposed modification to the draft amended Plan; and
- (iv) any additional information that the Secretary considers relevant.

This report has been prepared to respond to the written representations received for the Draft Amended Mersey River Catchment Water Management Plan 2023 and has been structured to provide:

- (i) background to the preparation of the Draft Amended Plan and the public consultation process (Sections 2 and 3);
- (ii) the Secretary's opinion on the issues raised in the representations, including a statement as to whether the points raised in the representation are of sufficient merit to warrant modification of the Draft Amended Plan (Sections 4 and 5, and Appendix A);
- (iii) discussion of the key representation issues, and a detailed response to each specific issue (Section 4);
- (iv) a summary of proposed modifications to the Draft Amended Plan (Section 6);
- (v) a copy of the representations received (Appendix B).



2. Background

The *Draft Amended Mersey River Catchment Water Management Plan 2023* (the Draft Amended Plan – NRE Tas 2023a¹; NRE Tas 2023b²) is a statutory plan prepared in accordance with Part 4 of the Act and the *State Policy on Water Quality Management 1997*. It provides the framework for the management of water resources in the Mersey River catchment below Parangana Dam.

The Secretary has undertaken a formal Statutory Planning process to review and amend the current *Mersey Water Management Plan* (the 2005 Plan – DPIWE 2005³). The Draft Amended Plan (NRE Tas 2023a; NRE Tas 2023b) recognises the historical dependence of the community in the catchment on the use of the water resources of the Mersey River and its tributaries. The Draft Amended Plan also recognises important economic, social and environmental values of the river.

The review and amendment of the 2005 Plan was carried out using the *Guiding Principles for the Development of Statutory Water Management Plan in Tasmania* (DPIPWE 2018⁴). Accordingly, the Plan adopts a ‘simple Plan’ format to present the water management information in a clear and effective way that can be easily understood by a diverse range of people.

The Draft Amended Plan is made up of two parts:

1. Mersey River Catchment Water Management Plan (NRE Tas 2023a¹)
2. Mersey River Catchment Water Management Plan – Statutory Assessments (NRE Tas 2023b²)

Preparation of the Draft Amended Plan was undertaken in consultation with key external stakeholders as described in Section 3.

The main changes to the 2005 Water Management Plan were proposed in response to contemporary science, stakeholders’ feedback and best practice. These changes include:

- Simplifying and modernising the Plan format for clarity, and inclusion of an Acknowledgement of Country.

¹ NRE Tas 2023a. *Draft Amended Mersey River Catchment Water Management Plan*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania

² NRE Tas 2023b. *Draft Amended Mersey River Catchment Water Management Plan – Statutory Assessments*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania.

³ DPIWE 2005. *Mersey Water Management Plan*. Water Assessment and Planning Branch, Department of Primary Industries, Water and Environment, Hobart.

⁴ DPIPWE 2018. *Water Management Planning. Guiding Principles for the development of Statutory Water Management Plans*. Water resources Policy #2018/1. Water and Marine Resources Division, Department of Primary Industries, Parks, Water and Environment, Hobart.



- Removal or amendment of unnecessary provisions – i.e., provisions that duplicate those in the Act, and removal of groundwater and metering provisions to reflect current policy and the level of risk in the catchment.
- Updating the objectives of the Plan and inclusion of a vision and outcomes.
- Inclusion of more comprehensive information on water dependant values and how objectives link to provisions and values that are important to stakeholders in the catchment.
- Defining clear allocation limits, take periods and surety levels consistent with contemporary policy.
- Improved minimum environmental releases by Hydro Tasmania.
- A constant monthly cease-to-take threshold of 195 ML/day (measured at the Shale Road stream flow gauge) from 1 December to 31 May.
- Reviewed monthly cease-to-take thresholds for 1 June to 30 November to achieve more consistent levels of access in each month. Cease-to-take threshold for October and November were not changed.
- Introducing an opportunistic take – access threshold to allow additional water to be taken during high flow events.



3. Public Consultation on the Draft Amended Plan

Under the *Water Management Act 1999* (the Act), stakeholders and the general public are provided with opportunities to comment on the draft amended Water Management Plan.

The formal planning process commenced on 22 June 2020 when the Secretary of the then Department of Primary Industries, Parks, Water and the Environment (DPIPWE) (now NRE Tas) issued a public notice under section 18 of the Act that a draft amended Mersey River Catchment Water Management Plan was to be prepared. A public notice was placed in the Government Gazette on 22 June 2020 and in the *Advocate* newspaper on 25 June 2020, notifying the catchment community and the wider public that a draft amended Plan would be prepared for the Mersey River catchment.

In accordance with section 20 of the Act, the Draft Amended Plan was prepared to be consistent with:

- (a) any relevant State Policy;
- (b) relevant environmental agreements and environmental improvement programs;
- (c) relevant planning schemes;
- (d) Part 6 of the *Public Health Act 1997* and guidelines issued under Part 8 of that Act;
- (e) such other plans, policies or guidelines as are prescribed by the regulations; and
- (f) the objectives of the Act.

and for that purpose must consult with -

- (g) the Director, Environment Protection Authority; and
- (h) the Director of Public Health; and
- (i) any council within the municipal area of which a relevant water resource is situated; and
- (j) such other persons as the Minister may direct.

The Secretary must also consult with –

- (a) any Agency that has direct interest in the draft amended water management plan; and
- (b) any relevant water entity or relevant licensee.

These groups were consulted as required under the Act when the Secretary announced the Draft Plan would be prepared under section 18.

Consultation undertaken to develop the Draft Amended Plan consisted of a mix of formal and informal consultation.



Draft Amended Plan preparation

Preplanning consultation

Between April and July 2020, DPIPWE contacted key stakeholders (including those that had previously been involved in the preparation of the 2005 Plan) and held meetings with them individually to identify interests and views of each group related to rules in the 2005 Plan and other water management in the Plan area. Individual stakeholder groups were then invited to join a Consultative Group and nominate a person to represent their interests. The Consultative Group was formed to provide a broad and balanced range of views and feedback to NRE Tas to support the Secretary to consider and draft amendments to the 2005 Plan.

Consultative Group

The Consultative Group was established with terms of reference and guiding principles documents that were approved by all members during the first meeting.

The groups represented on the Consultative Group included: Mersey Irrigators Group, a water licence holder from the Mersey tributaries, Hydro Tasmania, Tasmanian Irrigation, Anglers Alliance Tasmania, Inland Fisheries Service, Tasmanian Farmers and Graziers Association, Tasmanian Agricultural Productivity Group, Cradle Coast NRM and Paddle Tasmania.

NRE Tas's aim was to identify and consult with all interested people in the community when developing or reviewing a Water Management Plan. Some interested stakeholders chose to be involved with the Consultative Group while others preferred to be kept informed, be represented through other Consultative Group members or provide feedback through the statutory public consultation process on the Draft Amended Plan.

Tas Water, Kentish, Latrobe, Meander Valley and City of Devonport Councils, Mersey Yacht Club, Tas Ports, and some other water licence holders were invited to be part of the Consultative Group but chose to be informed by receiving the background information and updates at key points in the process.

During the informal consultation process, Cement Australia and Six Rivers Aboriginal Corporation were also consulted and contributed information. Further discussions were also held with Tas Ports, Cradle Mountain Canyons and a number of other licence holders at different times throughout the process.

Six Consultative Group meetings were held which provided NRE Tas with a range of views, local knowledge, advice and feedback in developing the Draft Amended Plan (Table 1). The first three Consultative Group meetings were held online during COVID 19 lock downs in 2020. Members of the Consultative Group were provided with a range of documents one week prior to the meetings.



Table 1. Summary of the topics covered at the Consultative Group meetings.

Meeting number	Date of meeting	Topics covered at the meeting
1	6 August 2020 (online)	Overview of plan review process; Terms of Reference and Code of Conduct; water issues and opportunities; description of resources assessment work conducted in the catchment.
2	18 August 2020 (online)	<ul style="list-style-type: none"> • Background information presented, Q&A and discussion • Further feedback on Plan Objectives. • Part 3 of the Plan – Water Regime. • Part 4 of the Plan: <ul style="list-style-type: none"> - Water Access Arrangements and Surety Levels. - Take Periods and Allocation limits. - Options for the low flow access threshold (cease-to-take) for December to May. - Options for the staged restriction protocol above the cease-to-take.
3	4 September 2020 (online)	<ul style="list-style-type: none"> • Presentation from Anglers Alliance on their focus areas. • Update and discussion from Hydro Tasmania on mini hydro and riparian valve capacity. • Proposed cease-to-take thresholds for commercial use from June to November. • Update on cease-to-take thresholds for commercial use from December to May. • Revised draft staged restriction protocol above the cease-to-take. • Draft Water Management Protocol document.
4	17 March 2021 Paranple Convention Centre, Devonport (3 online participants)	<p>Update and discussion on findings from the trial of changes in management for the 2020/21 irrigation season.</p> <p>Revised Draft Plan:</p> <ul style="list-style-type: none"> • Part 1 to 3 Vision, objectives, values and water regime. • Part 4 Water Access Arrangements. • Part 4.5 Opportunistic take threshold. Options and impact assessment. <p>Draft Water Management Protocol.</p>
5	12 April 2022 (online)	<ul style="list-style-type: none"> • Update and discussion of findings from the trial of changes to water management in the 2021/2022 irrigation season. • Assessments and discussion of the cease-to-take threshold from December to May. • Winter allocation limit assessments and discussion. • Staging of restrictions above the cease-to-take threshold and discussion.
6	21 February 2023 Stony Rise Government Offices (1 online participant)	<ul style="list-style-type: none"> • Presentation of assessment done on inflows from tributaries and pickup and loss from and to groundwater between the Liena and Shale Road stream flow gauges. • Discussion on updates to the Draft Plan since the last version was provided in November 2021. • Draft Impact Assessment on the December to May cease-to-take options. • The planning process going forward.



Various background, scientific and technical information was presented to the Consultative Group over the course of the six meetings which has helped the group to understand the nature of the water resources in the Plan area, how they are currently managed and NRE Tas's assessments of issues. This information was provided to the Consultative Group members for review and later collated into a suite of documents that captured the information presented. These documents are listed below.

- *Summary of changes in the Draft Amended Mersey River Catchment Water Management Plan*⁵.
- *Mersey River Catchment Water Management Plan – Impact Assessments*⁶: An assessment of the positive and negative impacts that may occur as a result of the proposed amendments to the Plan.
- *Surface Water Hydrology of the Mersey River Catchment*⁷: An assessment of a variety of aspects of the Surface Water Hydrology in the Mersey River Catchment for reference in the plan review process.
- *Mersey River Catchment Water Resources Information*⁸: Compendium of scientific and technical information relating to the water resources within the Plan area that was considered to inform the Draft Plan's development.
- *Draft Mersey River Catchment Water Management Protocols*⁹(the Protocols): Providing current and relevant information for water users in the plan area in relation to the *Water Management Act 1999* and other associated water management policies are implemented in conjunction with the proposed Draft Amended Plan¹⁰.

Aboriginal freshwater interests in the area

A meeting was held with a representative of Six River Aboriginal Corporation in March 2022 to discuss and learn about the importance and values of the rivers and streams in the area and connection to Country. Six Rivers Aboriginal Corporation provided input and details on the value of the river and its tributaries to Aboriginal people living in the area to support the Acknowledgement of Country.

⁵ NRE Tas 2023e. *Summary of changes in the Draft Amended Mersey River Catchment Water Management Plan*. <https://nre.tas.gov.au/water/water-management-plans/draft-water-management-plans/review-and-amendment-of-the-mersey-water-management-plan/supporting-information-and-documents-on-the-draft-amended-mersey-river-catchment-water-management-plan-2023>.

⁶ NRE Tas 2023. *Draft Amended Mersey River Catchment Water Management Plan – Impact Assessments*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania.

⁷ DPIPWE 2020. *Surface Water Hydrology of the Mersey River Catchment*. Water Management and Assessment Branch Hydrology Report Series. WMA 20/09 – December 2020. Department of Primary Industries, Parks, Water and Environment, Hobart, Tasmania.

⁸ NRE Tas 2022. *Mersey River Catchment Water Resources Information Supporting the Review and Amendment of the Mersey Water Management Plan*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania.

⁹ NRE Tas, 2023d. *Draft Mersey River Catchment Water Management Protocols*. Primary Industries and Water Division, Department of Natural Resources and Environment.



Management Trial and Consultative Group review of the Draft Amended Plan

In late 2020 the Consultative Group provided support to trial some proposed management changes in the Plan area during the 2020/21 period, including improvements to the release rules from Lake Parangana and a four-stage restriction protocol above the cease-to-take of 195 ML/day. An audit of water extraction was also undertaken for all licence holders who have allocations within the 1 November and 30 April period to measure the performance of the management approach under the trial. Water users were also interviewed about any issues they had relating to the existing plan and the trial. Due to the wetter than average year, the trial was extended for another two irrigation seasons (2021/22 and 2022/23) and water usage for most significant water users in the area was collected.

At meetings 5 and 6, NRE Tas presented and received feedback from the Consultative Group on the trial and assessments undertaken. Impact assessments of various options for changes to the Plan rules were presented and discussed. This information was then used to prepare a full final version of the Draft Amended Plan (including Statutory Assessments). The two-part Draft Amended Plan (and supporting documentation) was distributed via email to the Consultative Group on 28 April 2023 seeking final feedback and comments prior to release of the Draft Amended Plan to the public. Some minor updates were made to the Draft Amended Plan based on their feedback.

Formal consultation

Formal consultation commenced when the Draft Amended Plan was released for public comment. In accordance with section 25 of the Act, a public notice was placed in the *Tasmanian Government Gazette* on 19 July 2023 and on the Tasmanian Government Public Notices website. An email was sent to the Consultative Group on 18 July 2023 notifying them that the Draft Amended Plan was to be released for public comment. A notice was also published in the *Advocate* newspaper on 22 July 2023. The notice informed the catchment community and the public that a Draft Amended Plan had been prepared and released for public comment.

A copy of the notice is provided in Appendix C.

In accordance with section 24 of the Act, on 19 July 2023 letters were sent to all water licence holders in the Draft Amended Plan area, the Director of the Environment Protection Authority, the Director of Public Health, the Mayors of the City of Devonport, Meander Valley, Kentish and Latrobe Councils, Tas Water and Tasmanian Irrigation. The Six Rivers Aboriginal Corporation, Tas Ports and Mersey Irrigators Group were also advised that the Draft Amended Plan had been prepared.

Following the release of the Draft Amended Plan, and in accordance with section 25 of the Act, a public meeting was held on 11 August 2023 at the paranapple Convention Centre in Devonport. A total of 14 members of the public attended.

The Draft Amended Plan was displayed at the office of the City of Devonport Council, on the NRE Tas website, and copies were provided to people who attended the public meeting. There were two requests for printed copies of the Plan, which were sent by mail.



Information on how to make a representation on the Draft Amended Plan, a summary of the proposed amendments that had been made in the Draft Amended Plan and the supporting information (as listed above) were made available on the NRE Tas website.

The period for making representations was 61 days and closed at midnight on 18 September 2023.



4. Representations received and responses to key issues raised

Eight representations were received on the Draft Amended Plan during the public exhibition period. Representations were received from:

1. Hydro Tasmania
2. Mersey Irrigators Group
3. Tasmanian Farmers and Graziers Association (supporting Mersey Irrigators Group representation).
4. Paul Lambert
5. Kentish Council
6. Anglers Alliance Tasmania
7. Paddle Tasmania
8. Nathan Richardson

A copy of the representations are provided in Appendix B. The Secretary's opinion on the merits of the representations, including a statement as to whether each issue raised in the representations is of sufficient merit to warrant modification of the Draft Amended Plan, is provided below. Appendix A addresses each representation separately. The information below includes background to the representation issue, a summary of the key matters raised in representations and a detailed response.

Four issues were identified in the representations on the Draft Amended Plan that require further consideration:

1. The cease-to-take threshold for 1 December to 31 May is seen as either the correct balance, too low, or too high (especially in February and March) depending on the representation.
2. The take period for new allocations.
3. The Railton Karst systems inclusion on the map in the Draft Amended Plan.
4. The Acknowledgement of Country.

In addition to the four key issues raised above various representations indicated commendation for NRE Tas's management of the consultation process and the inclusion of a wide variety of stakeholders, and indicated support for the following:

- The more streamlined format of the Draft Amended Plan.
- Hydro Tasmania's revised release conditions.
- The requirement for a water management protocol.

Hydro Tasmania supported all of the amendments proposed in the Draft Amended Plan.



Issue I The cease-to-take threshold for I December to 3I May

Five representations made comments related to the cease-to-take thresholds in the Draft Amended Plan for the I December to 3I May take period. Responses were varied. One response (Anglers Alliance) thought the cease-to-take threshold was too low, three responses (the Mersey Irrigators Group (MIG), the Tasmanian Farmers and Graziers Association (TFGA) and Paul Lambert) thought it was too high and one (Hydro Tasmania) thought it was the correct balance (refer to Appendix B representations on the Draft Amended Plan). The Secretary's consideration and responses to the three different positions on the cease-to-take threshold are presented separately under the following headings:

Issue Ia) The cease-to-take threshold for I December to 3I May is the correct balance.

Issue Ib) The cease-to-take threshold for I December to 3I May is too low.

Issue Ic) The cease-to-take threshold for I December to 3I May is too high in February and March.

Issue Ia) The cease-to-take threshold for I December to 3I May is the correct balance

Background to the representation

Hydro Tasmania's representation "supports the proposed cease-to-take rules as they are simpler to implement than the current rules. The cease-to-take flow threshold of 195 ML/day strikes the appropriate balance to maintain the needs of environmental values while continuing to provide equitable and highly reliable water access. The cease-to-take levels for all months are based on rigorous assessments by the Department".

Response

The Secretary has noted Hydro Tasmania's support for the proposed cease-to-take.

Issue Ib) The cease-to-take threshold for I December to 3I May is too low

Background to the representation

Anglers Alliance Tasmania (AAT)'s representation expressed a view that the low flow cease-to-take threshold is the absolute minimum of what AAT considers an adequate environmental flow and their representation raised concerns about a repeat of conditions leading to the 2018 fish kill event¹¹.

AAT's representation stated that 'the Plan does not provide any buffer margin that recognises the

¹¹ IFS 2018. Inland Fisheries Service Report to Anglers – December 2017 to February 2018; Inland Fisheries Service Annual Report 2017-18 https://www.ifs.tas.gov.au/media/publications/IFS_Annual_Report_2017-18_RGBI2Oct18_LoResELECTRONIC_amended.pdf



increased risk to environmental values during extended periods of low flow and associated with higher water temperatures’.

Furthermore, AAT’s representation stated that ‘Modelling of water temperature under various low flow and heatwave conditions should be incorporated into setting of the minimum environmental flow’, and ‘a more precautionary approach should be considered, which incorporates a buffer to lethal high-water temperatures within the mid and lower sections of the Mersey River.’; and that, ‘The proposed draft plan low environmental flow provisions are, on their own, inadequate’.

Response

There are two related but separate aspects to the management of low flows in the plan area.

1. The minimum environmental release from Lake Parangana and environmental flows below Lake Parangana.

The environmental release from Lake Parangana is primarily providing an environmental release at the outlet to Parangana Dam to protect environmental values in the river immediately below Parangana Dam. The Plan’s cease-to-take thresholds relate to the management of water and specifically low flows in the Plan area below Parangana Dam (inclusive of the environmental releases that are required to be provided by Hydro Tasmania).

Under Part 3.6 of the 2005 Plan¹² the environmental release was specified in the Plan (as well as being specified as a condition of Hydro Tasmania’s Special Water Licence) and measured at the Liena stream flow gauge (10 km downstream of the dam). The rule required the environmental release to exceed the lesser of 173 ML/day; or 8.25 times the flow measured in the Arm River above Mersey gauging station (the Arm River rule).

During the Plan review process NRE Tas and Hydro Tasmania proposed an increased minimum environmental release compared to the 2005 Plan, implemented through an amendment to Hydro Tasmania’s Special Licence Agreement along with changes to the Draft Amended Plan, as follows:

- The removal of the environmental release provisions in the current 2005 Plan that allows the minimum environmental release from Lake Parangana to be reduced below 173 ML/day based on inflows to Lake Parangana from the Arm River (the Arm River rule).
- Retain a constant 195 ML/day cease-to-take threshold in the Draft Amended Plan between 1 December to 31 May.
- Amending Hydro Tasmania’s Special Licence Agreement Conditions to require a fixed minimum release of 160 ML/day measured at the outlet from Lake Parangana Dam with the intention of delivering a nominal minimum flow of 173 ML/day past the Liena stream flow gauge in dry periods.

Most representations, including Hydro Tasmania, MIG and Paddle Tasmania have supported the removal of the Arm River rule and see the proposed changes to Hydro Tasmania’s Special Water Licence conditions as a positive change that will improve minimum flows in the system below Lake Parangana.

¹² DPIWE 2005. *Mersey Water Management Plan*. Water Assessment and Planning Branch, Department of Primary Industries, Water and Environment, Hobart.



2. The cease-to-take thresholds, surety levels and protection of environmental flows within the Plan area

The Draft Amended Plan recognises the historically modified nature of the flow regime below Lake Parangana. Hydrological assessments supporting the 2005 Plan review show that despite the modification, the system retains a number of the key elements of the natural flow regime. Part 3 of the Draft Amended Plan describes the water regime in the catchment including the main components of the natural flow regime, and the functions and values they support (refer to Part 3.3). Table 1 and Part 3.4 in the Draft Amended Plan describes how the provisions of the Plan relate to and support managing risk to these components of the natural flow regime.

The cease-to-take threshold is a flow threshold at which takes by licensed commercial and irrigation water users (with Surety 5 and 6 allocations) are fully restricted to manage risk to baseflows during low flow conditions. The cease-to-take provision supports maintaining ecological processes (Surety 2) and secure essential stock and domestic access (Surety 1) during low flow conditions. Baseflows on the main stem of the Mersey River are maintained by the environmental release from Lake Parangana plus inflows to the catchment below Parangana Dam.

The representor raised concern that the cease-to-take threshold in the Draft Amended Plan was the absolute minimum required and were concerned that adoption of a 195 ML/day cease-to-take threshold could be inadequate to prevent a repeat of the fish kill event in 2018.

At the time of the fish kill event, Hydro Tasmania was providing the environmental release as required by the 2005 Plan. The environmental release from Lake Parangana was permitted to be lower than 173 ML/day as measured at the Mersey River at Liena stream flow gauge due to low inflows to Lake Parangana and the 2005 Plan rule that enabled the environmental release and the cease-to-take to be reduced below 195 ML/day.

The event was investigated by the Environment Protection Authority and the Inland Fisheries Service. It was reported¹³ that the investigation found the fish had a bacterial infection of the gills, likely caused by clogging from sediments and algae. This condition, in conjunction with low flows, very high water temperatures in excess of 27°C (above the critical maximum water temperatures for brown trout), and sustained warm weather during January 2018, led to very high river water temperatures in the Mersey River. This was further compounded by the flood damage from the 2016 floods resulting in loss of riparian vegetation and shade from the river banks¹⁴. Collectively, these conditions in the Mersey River were found to have caused high levels of stress in the fish, resulting in the fish kill event in 2018.

Following this incident Hydro Tasmania implemented a minimum environmental release from Lake Parangana (of 160 ML/day) to ensure that flows of 173 ML/day were maintained at the Liena gauge. The environmental release provided by Hydro Tasmania was in excess of the environmental releases required by the 2005 Plan and has been successful in mitigating any further deaths relating to low flows and high-water temperatures since 2018. This mitigation approach is now reflected in the rules of the Draft Amended Plan.

¹³ IFS 2018. Inland Fisheries Service Report to Anglers – December 2017 to February 2018; Inland Fisheries Service Annual Report 2017-18 https://www.ifs.tas.gov.au/media/publications/IFS_Annual_Report_2017-18_RGBI2Oct18_LoResELECTRONIC_amended.pdf

¹⁴ BOM 2018. [Tasmania in 2018 \(bom.gov.au\)](https://www.bom.gov.au)



AAT was concerned that the Draft Amended Plans cease-to-take threshold provision is, on its own, inadequate. The Secretary supports AAT's view and notes that the Draft Amended Plan defines allocation limits and surety levels, as well as a requirement for a Water Management Protocol to be approved and published by NRE Tas to document a range of other water management requirements under the provisions of the Act and in accordance with the Plan. In addition to surety levels and cease-to-take thresholds defined by the Plan, other water management arrangements are in place under the Act. For example, water licences with standard and non-standard conditions to manage risk to baseflows and water quality at the licensed offtake point, and staged restriction management arrangements that progressively apply restrictions under Division 3 of the Act based on a priority of access in the case of inadequate water availability above the cease-to-take threshold.

There are also likely to be increased volumes of water being supplied down the main stem in the middle reaches of the Mersey River in dry conditions in coming years, as new water developments and associated water supply agreements for additional releases from Lake Parangana by Hydro Tasmania are implemented. The Draft Amended Plan does not rely on water supply releases to manage risk to baseflows as supply is not guaranteed. Supplied volumes are required to be delivered in addition to the baseflows protected under the Plan and are likely to further minimise the risk of extreme water temperatures.

Risks related to the impacts from conveyance of supplied water on water quality and environmental flows, is also managed under Part 6A of the Act which requires a Watercourse Authority to be in place to convey water that has previously been taken into storage and is released via a natural watercourse for supply to downstream users. For further information refer to the Protocols¹⁵.

Recommendation – On consideration of the representation by Anglers Alliance Tasmania, the Secretary recommends that the cease-to-take threshold provisions are retained and not increased to higher levels.

Issue 1c) The cease-to-take threshold for 1 December to 31 May is too high in February and March

Background to the representation

Representors with irrigation interests expressed a view that the December to May monthly cease-to-take thresholds are too high for February and March. There is also concern about the risk of decreasing reliability of allocations for irrigation and commercial use in the future as a result of the greater use of existing allocations and an increased likelihood of extremely dry conditions. In addition, they stated that:

- Flows on the main stem of the Mersey did naturally get much lower at times in the past and a lower cease-to-take threshold in February and March would reflect historic flows and provide some reprieve to water users during dry conditions.

¹⁵ NRE Tas, 2023d. *Draft Mersey River Catchment Water Management Protocols*. Primary Industries and Water Division, Department of Natural Resources and Environment.



- If NRE Tas's concern with reducing the cease-to-take is only related to increasing risk to the management of low flows in the sub-catchments then the Plan should manage restrictions in those specific catchments with higher thresholds based on flow at the Shale Road gauge.
- Cease-to-take levels should be lowered to recognise that flows past the Shale Road gauge may be lower due to interception of flows from Redwater Creek (above the flow gauge) by Cement Australia's operations at Railton, reducing the applicability of flow at the Shale Road for applying restrictions if it is not adjusted to account for this flow diversion (one representation suggested this).

Response

Flows on the main stem of the Mersey did naturally get much lower at times in the past during February and March.

Part 3 of the Draft Amended Plan describes the water management context and water regime in the Mersey River catchment below Lake Parangana. Flows in the main stem of the Mersey River have been significantly modified since the construction of Parangana Dam and the Draft Amended Plan recognises this.

As part of the review, an assessment was undertaken of surface water hydrology to compare flows in the system between 1963 to 2020¹⁶. The assessment compared the changes to monthly flow volumes in the period pre-dam (1963 – 1971); post-dam (1972-1998) and post-Plan (2005-2019). The construction of Lake Parangana in 1972 and cross-catchment transfer of water to Forth River catchment resulted in significant reduction in post-dam flow downstream of the dam. However, since the adoption of the 2005 Plan and the establishment of a requirement for an environmental release from Lake Parangana, there has been an increase in monthly flow volumes. While environmental release from Lake Parangana provides a constant minimum flow that in rare instances may be higher than natural flows would have been during exceptionally dry conditions¹⁷, these flows are now part of the modified flow regime. Existing water dependent values are now dependant on the modified flow regime and on this basis, managing the system to historic flow conditions during very low flow conditions would not be appropriate in the context of future climate risks.

Proposed separate management of sub-catchments and the main stem with different restriction thresholds

As part of the 2005 Plan review, several assessments were undertaken to investigate flows in the tributaries during periods when restrictions would apply. Assessments were based on site visits during a period of low flows in February 2022, and historic observed flow records available from tributaries during dry conditions¹⁶.

¹⁶ NRE Tas 2022. Section 5. Surface Water Hydrology. *Mersey River Catchment Water Resources Information Supporting the Review and Amendment of the Mersey Water Management Plan*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania

¹⁷ NRE Tas 2022. Section 15.2 Background. Comparison of flows in the Mersey River at Liena and Shale Road gauges and in an assessment of tributary flow data and pickup. *Mersey River Catchment Water Resources Information Supporting the Review and Amendment of the Mersey Water Management Plan*. Primary Industries and Water Division,, Department of Natural Resources and Environment Tasmania.



There are naturally different flows in the different sub-catchments in the Plan area. Most of the larger sub-catchments exhibit flows that are strongly influenced by inflows from groundwater input, while in a smaller number of other catchments flows are more intermittent and can naturally cease to flow during drier conditions¹⁸. Baseflows in most of the main tributaries in the Plan area, such as Mole Creek, Lobster Rivulet and the Dasher and Minnow Rivers, are critical to maintaining water dependent values in these individual sub-catchments as well as directly contributing towards maintaining baseflows in the main stem of the Mersey River.

When flows fall to restriction thresholds, water users in the Plan area are restricted consistently based on flows at the flow reference point at the Shale Road gauging station. The Shale Road gauge is located at the bottom of the catchment and was chosen as the flow reference point to manage water restrictions within the whole plan area. Low flow conditions at the Shale Road gauge are representative of flows in the majority of groundwater fed tributaries.

Based on the findings of the NRE Tas assessment of tributary inflows and flows in the main stem of the Mersey River¹⁹, the cease-to-take threshold of 195 ML/day is a suitable threshold to support base flows and manage restriction in both tributaries and the main stem of the Mersey River within the Plan area.

Calculations for the cease-to-take given possible changes to the management of pumping from the Railton Karst System

The impacts of Cement Australia operations at Railton on flows at Shale Road were specifically reviewed during the planning process²⁰. The assessment found that historically, Redwater Creek is largely intermittent (ceases to flow during dry periods) and that conceptually, pit dewatering practices in the old mine pit (Goliath) may have had the potential to reduce flow in Redwater Creek. However, the assessments undertaken as part of the review indicated that interception of flows from Redwater Creek by the new mine site is minimal and does not significantly influence flows at the Shale Road gauge during lower flow conditions.

Recommendation – On consideration of the representations received, the Secretary recommends that the cease-to-take threshold for 1 December to 31 May is retained and not decreased in February and March.

¹⁸NRE Tas Section 2022, 14.4.6. Assessment of low flows across the Mersey River Catchment, 17-18 February 2022. *Mersey River Catchment Water Resources Information Supporting the Review and Amendment of the Mersey Water Management Plan*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania.

¹⁹ NRE Tas 2022. Section 15.2. Background. Comparison of flows in the Mersey River at Liena and Shale Road gauges and in an assessment of tributary flow data and pickup. *Mersey River Catchment Water Resources Information Supporting the Review and Amendment of the Mersey Water Management Plan*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania

²⁰NRE Tas 2022. Section 17. Dewatering operations by Cement Australia Railton and effects on the Mole Creek Karst area as well as interactions with Mersey River flows measured at Shale Road. *Mersey River Catchment Water Resources Information Supporting the Review and Amendment of the Mersey Water Management Plan*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania



Issue 2 The take period for new allocations

Background to the representations

Two representations (MIG, TFGA) have highlighted the importance of reliable water in October and are concerned that further water allocation in October may have an impact on the reliability of water for existing water users. MIG has proposed that the take period for new allocations should be from 1 May to 30 September rather than from 1 May to 31 October, as outlined in the Draft Amended Plan, in order to protect the existing levels of reliability for farmers in October during very dry years.

Hydro Tasmania supported the proposed take period in the Draft Amended Plan.

Response

The Draft Amended Plan defines two separate take periods as well as allocation limits and surety levels to support management of water access. The take periods are chosen to reflect high and low flow periods. Flows and yields are generally highest between 1 May and 31 October, and are generally lower, between 1 November and 30 April.

Assessments of 'allocation take periods' undertaken to inform the review showed that allocations on water licenses have been historically allocated with varying and inconsistent starting and finishing months within both the high and low flow periods²¹. For example, some high flow period allocations are from 1 May to 30 November while some low flow period allocations are from 1 September to 31 April. This results in a three month overlap in take periods, when allocations in both take periods can be taken between 1 September to 30 November. These take periods are not consistent with the take periods defined in the Draft Amended Plan. The period between 1 September and 30 November is where the majority of the overlap between take periods exists and with high levels of access authorised in this period, there is the possibility for some impact on existing water users' reliability in October during very dry years. The assessments of flow in October, however, indicates that in most years there are high flows, and volumes of water potentially available above cease-to-take levels in the majority of years. To date there have also been very few restrictions in October. Three factors could potentially influence changes to access in October including increasing allocation, changing patterns of use by irrigators and climate change.

In recognition of concern about overlapping allocation periods and possible impacts of new allocations in the 1 May to 31 October take period, NRE Tas explored three options for allocations in the catchment in detail during the plan review process²² as follows:

- **Option A:** Reflects the take periods implied by the 2005 Plan, being 1 November to 30 April and 1 May to 31 October, and amending existing allocations to align with these take periods for consistency.

The assessment of this option²¹ indicated that there was little benefit in changing take periods and a high risk that changed take periods could significantly impact the operation and efficiency

²¹ NRE Tas 2022. Section 11.5 Details of current water allocations p 87-88. *Mersey River Catchment Water Resources Information Supporting the Review and Amendment of the Mersey Water Management Plan*. Primary Industries and Water Division,, Department of Natural Resources and Environment Tasmania

²² NRE Tas 2023. Section 2 Take Periods. *Draft Amended Mersey River Catchment Water Management Plan – Impact Assessments*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania.



of water infrastructure, including on farm irrigation systems that had been developed based on the take periods on allocations. It also may not specifically address the issue related to the high level of allocation in September and October.

- **Option B:** New allocations in the period 1 May to 31 October, but future allocations would only be allocated at Surety Level 6 (conditional upon volumes being available for allocation at the offtake location).

Existing allocations that fall in the 1 September to 30 April take period (in full or in part) would not be changed to align with the new take period. Allocation volumes would not be able to be increased and take periods would not be able to be extended. The assessment of this option²¹ indicated that this was the best option.

Under the Draft Amended Plan, a further 77,071 ML will be available for allocation and new allocations would only be made at Surety Level 6 to ensure that they did not impact the reliability of existing Surety 5 allocations. During the infrequent very dry years, when there is not enough water available above cease-to-take thresholds, then extraction can be managed by the staged restriction process recognizing priority of access based on surety levels.

Based on feedback by Consultative Group representatives and impact assessments by NRE Tas, Option B was identified as the best option and the approach used in the Draft Amended Plan.

- **Option C:** New allocations in the take period 1 May to 31 August, but future allocations within this period could be allocated at both Surety Levels 5 and 6 (conditional upon volumes being available for allocation at the offtake location).

Existing allocations that fall in the 1 May to 31 August take period (in full or in part) would not be changed to align with the new take period. Allocation volumes would not be able to be increased and take periods would not be able to be extended.

Assessment of Option C found that there are generally high flows and yields in September and October and that limiting the take period would unreasonably prevent access to sustainable water development in September and October when there is normally a significant amount of water available in the majority of years. Assessment of flows in September and October also showed that restrictions are very rare. That assessment concluded that this option would unreasonably limit access to available water development opportunities.

The MIG representation proposes an option that is similar to Option C, that is to apply a shorter take period for new allocations between 1 May to 30 September in order to prevent any further allocation in October. Flow measured in the Mersey River at the Shale Road gauge shows that the months with the highest flows are from July to October²³. As indicated in the assessment of Option C above, NRE Tas concluded that, changing the allocation period for future allocations to 1 May to 30 September to prevent further allocation in October would unreasonably limit access to sustainable water development opportunities. The Draft Amended Plan only allows new allocations

²³ NRE Tas 2022. Section 5. Surface Water Hydrology. *Mersey River Catchment Water Resources Information Supporting the Review and Amendment of the Mersey Water Management Plan*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania.



to be made at Surety Level 6 and when water availability is limited, and staged restrictions are sufficient to protect the reliability of existing Surety Level 5 allocations when flows are low.

Recommendation – On consideration of the representations, the Secretary recommends that the allocation period for future allocations of 1 May to 31 October are retained without modification to the Draft Amended Plan

Issue 3 The inclusion of the Railton Karst System in Figure I

Background to the representation

During the Plan review process, the effects of the Railton Karst System on flows in the Plan area were considered. This karst system underlies a part of the Plan area and NRE Tas undertook a desktop investigation of the nature of water flow through the system including dewatering operations by Cement Australia at Railton, effects on the Mole Creek Karst area, as well as interactions with the Mersey River flows measured at Shale Road²⁴.

The Kentish Council's view is that the Railton Karst system should be included on the map of the Plan area.

Response

Figure I in the Draft Amended Plan only depicts the Mole Creek Karst system which is the largest karst system underlying the Plan area. Notwithstanding that karst systems are not specifically managed under the Draft Amended Plan; the Railton Karst System is a significant karst system in the Plan area and its influence on the associated surface and groundwater resource was considered during the planning process. It is therefore appropriate for it to be included on the map of the Plan area.

Recommendation – On consideration of the representation from Kentish Council, the Secretary recommends that the Railton Karst system be added to the map of the Plan area in the Draft Amended Plan.

²⁴ NRE Tas 2022. Section 17. Dewatering operations by Cement Australia Railton and effects on the Mole Creek Karst area as well as interactions with Mersey River flows measured at Shale Road. *Mersey River Catchment Water Resources Information Supporting the Review and Amendment of the Mersey Water Management Plan*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania.



Issue 4 Inclusion of an Acknowledgement of Country

Background to the representation

Under the current Plan, there is no Acknowledgement of Country or recognition of the importance and value of the river and its tributaries to Aboriginal people, or any specific recognition of other social or cultural values to the community (except for the supply of water for domestic use).

The revised Draft Amended Plan includes an NRE Tas Acknowledgement of Country along with a supporting piece of writing provided by the Six Rivers Aboriginal Corporation that recognises the importance and value of the river and its tributaries to local Aboriginal people. This is in addition to ten other water dependent values listed in Section 3.1 of the Plan.

The representation from Mr Richardson states that the inclusion of the Acknowledgement of Country is unnecessary and is not legally required in a Water Management Plan. He indicates that there is no Acknowledgement to any other group or historic management in the catchment and asks, *'Why can't this draft just be about the management of a river for all Tasmanians, without the need to single out one particular group of people...?'*

Response

An Acknowledgement of Country by NRE Tas is standard in all departmental publications and aligns with NRE Tas's Strategic Priority to put 'Tasmanian Aboriginal people at the heart of managing land and sea Country'.

The *Guiding Principles for Water Management Planning*²⁵ states that water management plans are developed in consultation with the community and reflect stakeholders' environmental, social, *cultural* and economic objectives for a water resource. In addition, Principle 7, which covers the matters to be considered when establishing Objectives, requires the consideration of a range of values including Aboriginal heritage values and spiritual, cultural and recreational values²⁶.

In engaging with Tasmanian Aboriginal people around freshwater values, NRE Tas recognises we are at the beginning of a learning journey to understand Tasmanian Aboriginal people's interests and connections to freshwater systems²⁷. The approach being taken is to continue to learn, talk and work with Tasmanian Aboriginal people about freshwater to build relationships and better understand important issues, cultural values and practices, while discerning community priorities and partnerships.

²⁵ DPIPWE 2018. *Water Management Planning. Guiding Principles for the development of Statutory Water Management Plans*. Water resources Policy #2018/1. Water and Marine Resources Division, Department of Primary Industries, Parks, Water and Environment, Hobart.

²⁶ Other values outlined in Principle 7 include: environmental values; economic and productivity values; life-supporting values (e.g. town water supplies and stock and domestic water).

²⁷ NRE Tas 2022. *'Aboriginal Freshwater Interests - What Are We Learning?'*
<https://nre.tas.gov.au/Documents/Aboriginal%20Freshwater%20Interests%20-%20What%20are%20we%20learning%20report%20.pdf>



At this stage, no specific cultural values are available for particular waterways such as the Mersey River, however the inclusion of an Acknowledgement of Country is a mechanism for the story and value of a waterway for Aboriginal people to be shared and recognised.

The inclusion of a supporting piece of writing about the importance and value of the river and its tributaries to local Aboriginal people (in this case supplied by Six Rivers Aboriginal Corporation) has been incorporated as a part of the standard format for all new or amended Water Management Plans and was included in the Preamble to the Great Forester River Catchment Water Management Plan²⁸ and within the Context section in the River Clyde Water Management Plan²⁹.

An Acknowledgement of Country is a way of showing awareness of, and respect for, the traditional custodians of the land in the area that the Draft Amended Plan relates to. It acknowledges that Tasmania's River catchments were lived in, managed by, and sustained Aboriginal people for tens of thousands of years before the current management regimes were put in place and rivers and streams are still an important part of Country today.

The Tasmanian Government is supporting a range of national and state initiatives around Aboriginal freshwater interests which are key policy drivers for engaging with Tasmanian Aboriginal people on freshwater issues. It is supported by Action 3.5 in the Rural Water Use Strategy³⁰ as well as Tasmania's obligations under the National Water Initiative³¹ and the National Agreement on Closing the Gap³².

The Productivity Commission's last inquiry into National Water Reform released in 2021³³ highlighted that a lot more is required to include Traditional Owners' interests and cultural values in water planning and management across Australia. Identifying specific cultural and spiritual outcomes for Aboriginal communities in water plans was among the key priorities for Tasmania identified by the Productivity Commission.

In the case of the Draft Amended Plan, the Acknowledgement of Country by NRE Tas and the supporting piece of writing by Six Rivers Aboriginal Corporation, that recognises the importance and value of the river and its tributaries to local Aboriginal people, is seen as important to include. These values are combined with all the other values identified for the catchment that the Plan Objectives support. Refer to the values listed in Section 3.1 of the Plan that were identified as important by representatives of the Consultative Group.

²⁸ DPIPWE 2021 *Great Forester River Catchment Water Management Plan*. Agriculture and Water Division. Department of Primary Industries, Parks, Water and Environment, Hobart.

²⁹ DPIPWE 2017 *River Clyde Catchment Water Management Plan*, Water and Marine Resources Division, Department of Primary Industries, Parks, Water and Environment, Hobart.

³⁰ Action 3.5 in the Rural Water Use Strategy: *Participate in national strategic policy initiatives on Aboriginal water interests and ensure that Tasmanian Aboriginal people have the opportunity to be engaged in these forums as well as in water planning in Tasmania.*

³¹ Clause 52 of the NWI Agreement 2005 requires i) the inclusion of indigenous representation in water planning wherever possible; and ii) water plans will incorporate indigenous social, spiritual and customary objectives.

³² In 2020, all Australian governments signed the National Agreement on Closing the Gap. One of the desired outcomes is that Aboriginal and Torres Strait Islander people maintain their distinctive relationship with water.

³³ Productivity Commission 2021, *National Water Reform 2020, Inquiry Report no. 96*, Canberra.



The Acknowledgement of Country makes no change to the provisions in the Plan and is not detrimental to the availability or reliability of water to any water users or the environment.

Recommendation – On consideration of the representation received, the Secretary recommends the Acknowledgement of Country and description of the importance and value of the catchment to local Aboriginal people is retained without modification to the Draft Amended Plan.



5. Proposed modifications to the Draft Amended Plan

Based on the Secretary's opinion on the merits of the issues raised in the representation made on the *Draft Amended Mersey River Catchment Water Management Plan* (October 2023 – NRE Tas 2023a; NRE Tas 2023b), the following modification to the Draft Amended Plan is proposed.

The Railton Karst system will be added to the map in the Draft Amended Plan as requested by the Kentish Council. There are a number of land and water management issues that relate specifically to the Railton Karst system that are outside the scope of a statutory Water Management Plan³⁴. Water movement through the Railton Karst system was also the topic of an assessment undertaken by NRE Tas during the planning process³⁵.

The map presented in the Draft Amended Plan showing the Mersey River Catchment Water Management Plan area is shown in Figure 1. The proposed replacement map including the Railton Karst system is shown in Figure 2 below.

The Secretary also proposes a small number of editorial and formatting modifications. None of these involve a change in substance to the Draft Amended Plan.

³⁴ Depending on the issue the responsibility may fall under Kentish Council, various business units within NRE Tas, Mineral Resources Tasmania or EPA Tasmania.

³⁵ NRE Tas 2022. Section 17 Dewatering operations by Cement Australia Railton and effects on the Mole Creek Karst area as well as interactions with Mersey River flows measured at Shale Road. *Mersey River Catchment Water Resources Information. Review and Amendment of the Mersey River Catchment Water Management Plan*. Primary Industries and Water Division, Department of Natural Resources and Environment Tasmania.



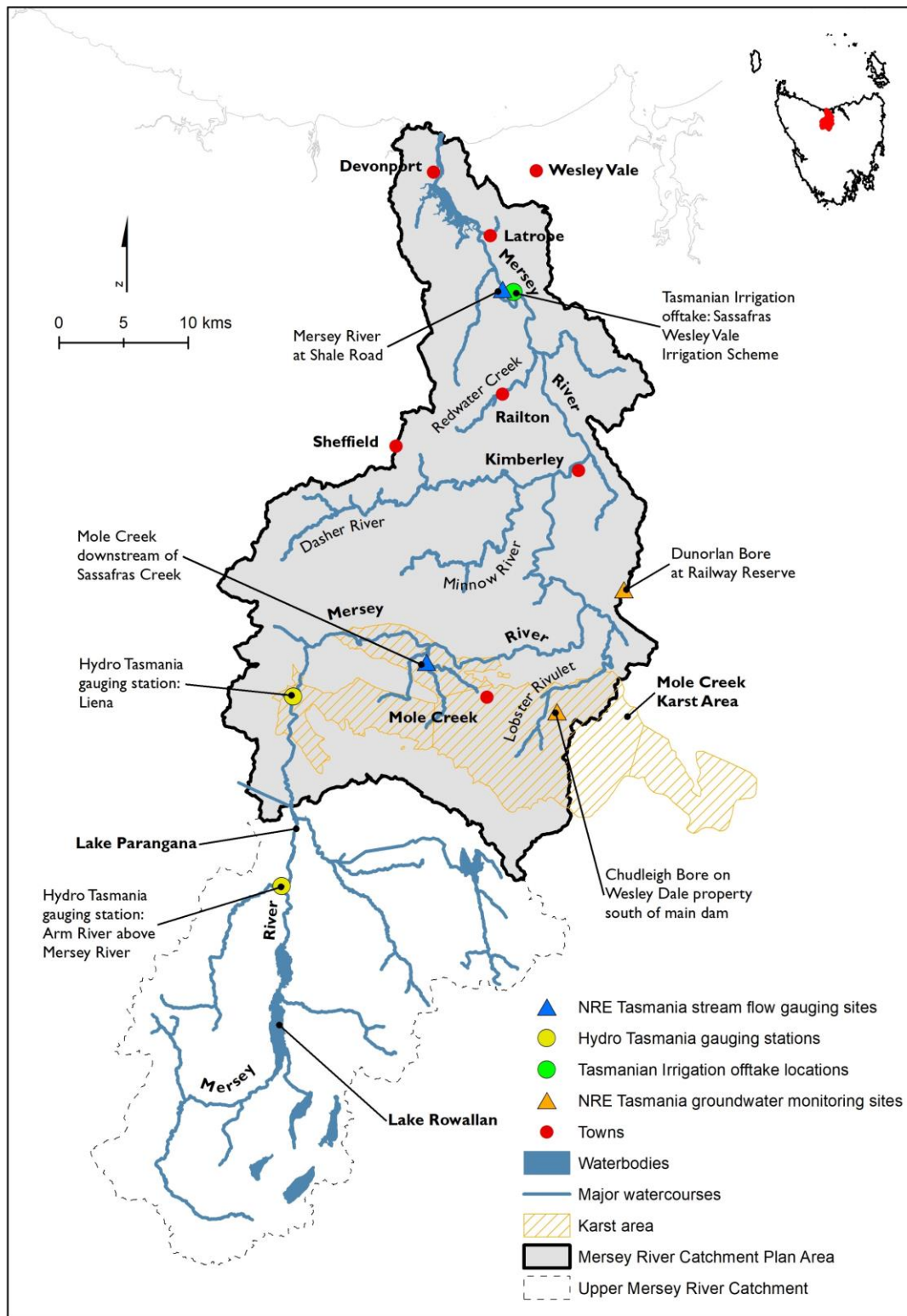


Figure I. The current map for Figure I in the Draft Amended Plan that does not include the Railton Karst system



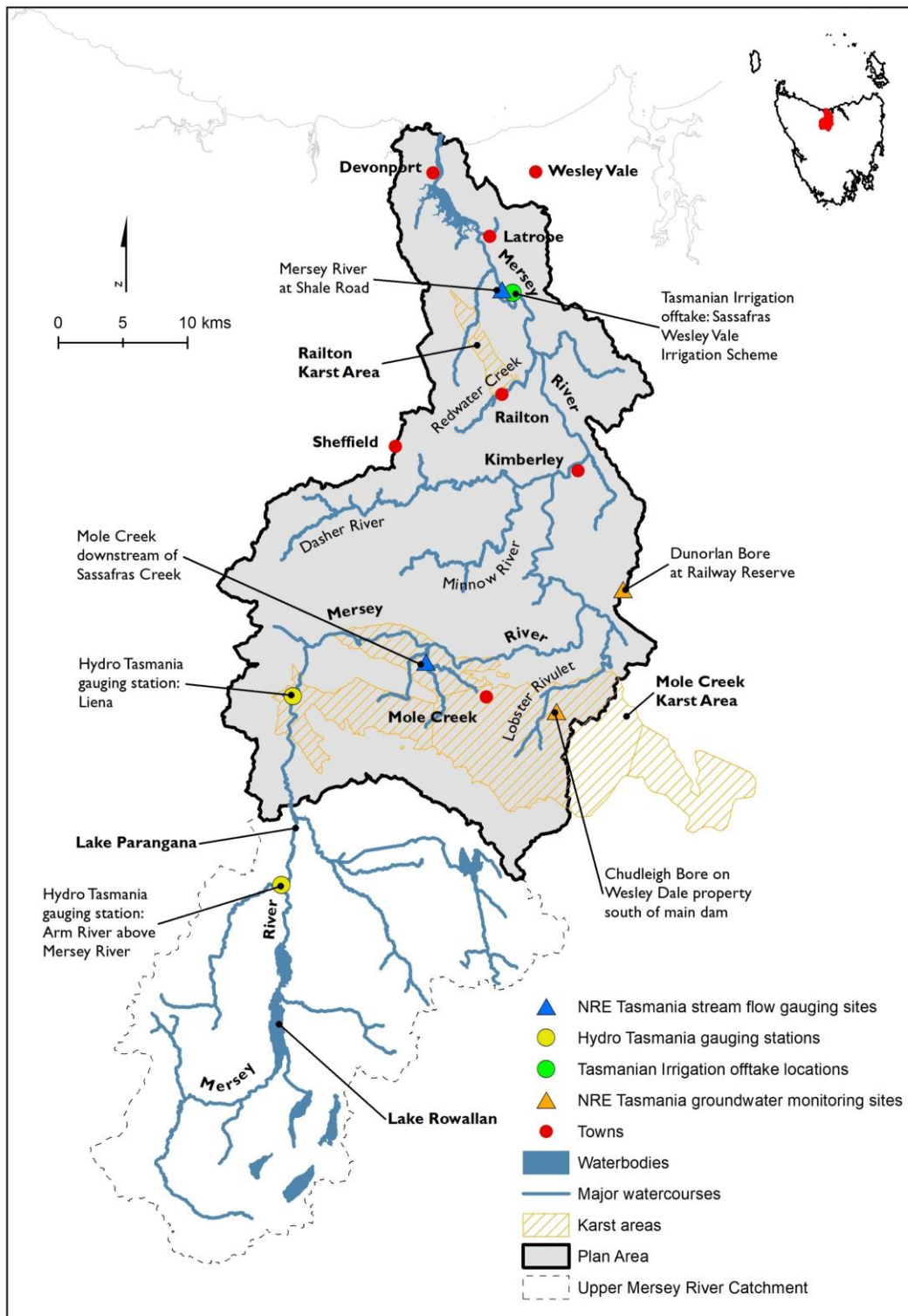


Figure 2. The proposed replacement map for Figure 1 in the Draft Amended Plan, which includes the Railton Karst system.



Appendix A Individual representation issues on the Draft Amended Plan and the Secretary's response

Appendix A of this report provides detailed summaries of the specific issues raised in each of the eight representations and the Secretary's corresponding responses. Each representation was treated separately. It should be noted that the representation submitted by Tasmanian Farmers and Graziers Association was a supporting document for Mersey Irrigators Group representation.

I. Hydro Tasmania

Representation Issue	Response
<i>'Hydro Tasmania supports the development and implementation of water management plans as they provide a framework for future management (including water allocation) decisions. Water management objectives embedded in the Water Management Act (1999) seek a balance between environmental and socio-economic costs and benefits associated with water use. We believe this balance is vital to ensure sustainable water management in the area covered by the Draft Amended Plan. Below are comments of different aspects of the Amended Plan'.</i>	The Secretary has noted Hydro Tasmania's support for the development and implementation of Water Management Plans to achieve a balance between environmental, society and economic benefits associated with water use within the Plan area.
<i>1.1. 'Defining take periods Hydro Tasmania supports the proposed new definitions for take period for any new allocations in the plan.'</i>	The Secretary has noted Hydro Tasmania's support for the take periods for any new allocations in the plan area.
<i>1.2. 'Quantifying allocation limits Hydro Tasmania generally supports no new allocations for irrigation in the period 1 November to 30 April and that existing allocations that fall in this period (in full or in part) will be limited to their existing volumes and take periods. New allocations</i>	The Secretary has noted Hydro Tasmania's general support for water allocation limits and the approach for new allocation.



<p>at Surety 6 will only be available in the winter period subject to the limit and availability at the site of the allocation application.'</p>	
<p>1.3. 'Monthly cease-to-take rules Hydro Tasmania supports the proposed cease to take rules as they are simpler to implement than the current rules. The cease-to-take flow threshold of 195 ML/day strikes the appropriate balance to maintain the needs of environmental values while continuing to provide equitable and highly reliable water access. The cease to take levels for all months are based on rigorous assessments by the Department.</p> <p>Hydro Tasmania will commence the process to enable the amendment of the flow release rules below Parangana in our Special Licence Agreement, as soon as the Amended Plan is finalised, to ensure the Licence Agreement is aligned with the proposed changes in the Plan.'</p>	<p>The Secretary has noted Hydro Tasmania's support for the proposed cease-to-take rules and that the cease-to-take threshold of 195 ML/day strikes the appropriate balance to maintain the needs of environmental values while continuing to provide equitable and highly reliable water access.</p>
<p>1.4. 'Implementing an opportunistic take – access threshold Hydro Tasmania supports the proposed opportunistic take access thresholds.'</p>	<p>The Secretary has noted Hydro Tasmania's support for the implementation of an opportunistic take – access threshold.</p>
<p>1.5. 'Amendment of groundwater management provisions Hydro Tasmania supports the removal of groundwater licencing from the plan as it is considered low risk and the current level of groundwater regulation in place under the Water Management Act 1999 and Water Management Regulations 2019 is adequate to manage the current risks.'</p>	<p>The Secretary has noted Hydro Tasmania's support for the removal of the requirement for groundwater licensing in the Plan and the current level of groundwater regulation in place under the <i>Water Management Act 1999</i> and <i>Water Management Regulations 2019</i> is adequate to manage the current risks.</p>



2. Mersey Irrigators Group

Representation Issue	Response
<p>2.1. ‘...there are some good material to the Draft Catchment Plan such as the removal of the Arm River rule coupled with Hydro Tasmania’s new constant release, the much more streamlined format of the plan, as well as the Management Protocol document having some advantages...’</p>	<p>The Secretary has noted MIG’s support for:</p> <ul style="list-style-type: none"> • the removal of the Arm River rule coupled with Hydro Tasmania’s new constant release. • the more streamlined format of the new Plan. • the Management Protocol.
<p>2.2. ‘During the consultative phase, it was shown that the historical 5th and 10th percentile low flows prior to the construction of the Mersey-Forth Hydroelectric Scheme were significantly lower than the 195 ML/day cease to take threshold during February and March. While we do not advocate for some of the lower end flows shown in those slides, we do believe there is good reason to give some relief to irrigators who have had to endure increasing restrictions post-2014 ...’</p> <p>‘...We have suggested a cease to take threshold between 178 and 185 ML/day in these two months to acknowledge the naturally lower flow in these months, as well as maintain a compliance buffer above the Liena gauge reading for Hydro Tasmania and NRE.</p> <p>The Department has argued that this would mean that some tributary streams would run dry without being on full cease to take (CTT), and that having streams that are known to suffer from this on the higher 195 ML/day CTT to avoid that would add cost and management overheads to compliance staff.</p> <p>We do not agree that this is a good enough reason to further reduce already strained and reducing reliability in the context of compliance staff nowadays running largely automated or batch activated SMS and email systems to manage staged restrictions and CTT orders. If the Department does not wish to deploy more monitoring hardware in the catchment, the matter can still be managed from a single point measurement at Shale Road by levying the flat 195 ML/day CTT on streams that have proven problematic.’</p>	<p>See the Secretary’s response in Section 4, Issue 1c The cease-to-take threshold for 1 December to 31 May is too high in February and March.</p>



<p>2.3. ‘...irrigators who have had to endure increasing restrictions post-2014 due to the overallocation of high surety water provided to Tasmanian Irrigation to facilitate the SWIS and now SWISA schemes.’</p>	<p>It should be noted that no new water was allocated for the Sassafras Wesley Vale Irrigation Scheme (SWIS). The water allocated to the Scheme was part of an existing allocation held by the Sassafras Wesley Vale Pulp and Paper Mill. A portion of this allocation was transferred to Tasmanian Irrigation and another portion was allocated to MIG members.</p> <p>In response to concerns about further use of Tasmanian Irrigation’s Surety 5 allocation for the Sassafras Wesley Vale Irrigation Scheme Augmentation (SWISA) and possible impacts, these impacts are being assessed and mitigated as part of the approvals process for the scheme and management of this risk is not directly addressed by the Draft Amended Plan.</p> <p>The Tasmanian Government’s approval of funding for the SWISA is conditional approval of a mitigation strategy, to prevent its impact of the additional water being taken on the existing licensees.</p>
<p>2.4. ‘We also maintain concerns about future Winter water allocations extending into October, as there have been instances in the past where our members have had vulnerable crops requiring very small amounts of water intermittently to strike, (often less than 2 ML/day across our entire membership where Hydro require a minimum 5 ML/day order to release purchased water), and there have been restrictions levied due to the high CTT in this month. Further winter allocations in this month will be damaging going forward. We believe that the Summer allocation period would fit the demand and climate profile of the catchment better running from October to April, rather than November to May.</p> <p>We also believe that this is an area that the Department can improve on more broadly across the state by assessing supply and demand patterns on individual catchments to apply allocation periods rather than the more simplistic Summer/Winter system that is currently in use.’</p>	<p>See the Secretary’s response in Section 4 Issue 2 The take period for new allocations.</p>
<p>2.5. ‘...we acknowledge that Water Planning has put together as close to the best plan possible under the Act, and we thank their staff for the extra assessment and information gathering that</p>	<p>The Secretary notes MIG’s recognition of NRE Tas staff’s best endeavours and support in developing the Draft Amended Plan.</p>



<p><i>they have done often at the request of our group alone...</i></p>	
<p>2.6.‘the elephant in the room remains the enormous high surety licence that T.I. intends to use to the fullest extent possible that should never have been allocated surety 5 level that it has. We don’t accept the departments assertion of 94% water reliability going forward purely on the basis on increasing demand on this licence that will dramatically impact normal flows across the life of the new plan.</p> <p>While T.I. and NRE Tas are consulting on a work around to be written into the Management Protocol document that will complement the Catchment Plan, our members remain extremely concerned that there is no structural change being made to the licence, and that by its nature, the Management Protocol can be reviewed and altered, potentially weakening any agreed workaround over time.</p>	<p>Refer to the Secretary’s response in representation issue 2.3 in the table above in relation to impact of Tasmanian Irrigations use of water.</p> <p>It should be noted that NRE Tas has made no assertions in relation to future reliability. However, assessment of access under the Draft Amended Plan rules based on past observed flow data, inclusive of water use (between 2005 and 2022), showed that Surety Level 5 water users would have had access to water between 94% and 100% of the time, depending on the month³⁶. Assessments did consider future climate risk to access³⁷</p> <p>Based on this assessment historic and future water access is likely to be highly reliable notwithstanding potential impacts on yields and water access associated with climate change or increased or changed patterns of use of existing allocations.</p>
<p>2.7.‘As such, we would hope that serious consideration is given to reducing the flow gaps between the staged restriction levels in the Management Protocol, and that the trial phase is extended at least until the SWISA project has been commissioned and the effects are observed.’</p>	<p>The Secretary notes MIG’s concerns. The Draft Amended Plan includes cease-to-take thresholds and specifies the requirement for a Water Management protocols to be prepared³⁸.</p> <p>The protocols document³⁹ includes a stage restriction protocol that sets out how restrictions are applied under the Act. Staged restrictions are applied above the cease-to-take threshold based on surety. The rules for staged restrictions have been included in the Protocols so that they can be reviewed, updated if required.</p>

³⁶ NRE Tas 2022 Section 16 Reliability assessment of the trial cease-to-take for the Mersey River Catchment Water Management Plan Review. Mersey River Catchment Water Resources Information. p. 146

³⁷ NRE Tas 2023b. Draft Amended Mersey River Catchment Water Management Plan – Statutory Assessments. Primary Industries and Water Division. Department of Natural Resources and Environment Tasmania.

³⁸ Part 5.1 of the Draft Amended Plan

³⁹ NRE Tas, 2023d. Draft Mersey River Catchment Water Management Protocols. Primary Industries and Water Division, Department of Natural Resources and Environment.



3. Tasmanian Farmers and Graziers Association (TFGA)

Representation Issue	Response
1. <i>'The TFGA is pleased to offer a letter of support to the Mersey Irrigator Group's (MIG) submission to the Mersey River Catchment Water Management Plan.'</i>	The Secretary notes TFGA's support for MIG's submission.
2. <i>'Upon reviewing the final draft of the submission lodged by MIG and speaking with MIG members, TFGA would also recommend further consideration be given to reducing the flow gaps between the staged restriction levels in the Management Protocol and also extend the trial phase until the SWISA project has been commissioned to allow proper observation to occur.'</i>	The Secretary notes TFGA's concern. Refer to the Secretary's response to MIG representation issue 2.7 in the table above.

4. Mr Paul Lambert

Representation Issue	Response
4.1. <i>'We commend the positive changes in the Draft Catchment Plan and acknowledge the dedication shown by the department and all involved stakeholders.'</i>	The Secretary notes Mr Lambert's commendation.
4.2. <i>'Historical low flows in February and March were significantly lower than the 195ML/day cease-to-take threshold. To address this, I propose a reduced threshold of 180 ML/day during these months. I disagree with the argument that managing streams with low flows at the 195 ML/day cease-to-take threshold would incur significant costs, the value of the water and potential waste far outweigh this. Concerns arise from the high-surety 5 license allocation to TI by NRE, which could impact normal flows, casting doubt on the department's assertion of 94% water reliability. It would be good to see adjustments made to address this.'</i>	See the Secretary's response in Section 4, Issue 1c The cease-to-take threshold for 1 December to 31 May is too high in February and March.



4.3.‘We advocate for minimising flow gaps in the staged restrictions outlined in the Management Protocol, ensuring careful consideration to prevent substantial water wastage, as the buffers in this could end up greater than the total daily use of the Mersey Irrigators which would amount to a huge waste of water if not carefully thought out.’	The Secretary notes Mr Lambert’s concern. Refer to the Secretary’s response to MIG Representation 2, Issue 7.
4.4.‘Some individuals believe that Redwater Creek is experiencing a reduction in its flow as it traverses Railton. It is suggested that the cement works may be responsible for reintroducing this lost flow into Caroline Creek via quarry pumping, with the water being discharged downstream from the Latrobe gauging station. We kindly request further evaluation and potential corrective measures to address this concern.’	See the Secretary’s response in Section 4, Issue 1 The cease-to-take threshold for 1 December to 31 May is too high in February and March - <i>Calculations for the cease-to-take given possible changes to the management of pumping in the Railton Karst System.</i>
4.5.‘The timing of water restrictions should allow for adequate planning of hydro water orders and allow the river to stabilize from releases or pumping, as discussed in our meetings.’	The Secretary notes Mr Lambert’s concern. Refer to the Secretary’s response to MIG representation issue 2.7 in the table above.
4.6.‘We strongly recommend extending the trial phase, especially until the SWISA project is commissioned, and its effects are observed.’	The Secretary notes Mr Lambert’s concern. Refer to the Secretary’s response to MIG representation issue 2.7 in the table above.

5. Kentish Council

Representation Issue	Response
‘My only comment would be that Figure 1 should include the Railton Karst System.’	See the Secretary’s response in Section 4, Issue 3. The inclusion of the Railton Karst System in Figure 1 of the Draft Amended Plan.



6. Anglers Alliance Tasmania

Representation Issue	Response
<p>6.1. 'In relation to the comments made in the Draft Amended Mersey River Catchment Water Management Plan Statutory Assessments Item 2 – Likely detrimental effects of the Plan on water quality, Page 4 paragraph 2. Anglers Alliance Tasmania have serious concerns regarding the adequacy of the proposed low flow conditions, particularly downstream impacts within the mid to lower reaches of the river.</p> <p>The dependence of instream flora and fauna as well as other environmental and ecological processes are well established and a repeat of the conditions leading into the 2018 fish kill must be avoided. It is considered that the low flow cease to take provisions at the absolute minimum of what AAT considers and adequate environmental flow. The Plan does not provide any buffer margin that recognises the increased risk to environmental values during extended periods of low flow and associated high water temperatures. For example, the documented major fish kills that occurred during January 2018 was preceded by two weeks of consistent high air temperature being 28.5°C. These high water temperatures coincided with low environmental flows in the Mersey River. Under climate change associated impacts these types of scenarios are now more common. Climate modelling for Tasmania as predicted under climate futures report by university of Tasmania, predict high average summer temperatures and an increase in the length and frequency of heatwave events.</p>	<p>See the Secretary's response in Section 4, Issue 1b) <i>The cease-to-take threshold for 1 December to 31 May is too low.</i></p>
<p>6.2. "The low flow cease to take provisions within the Draft Plan do not provide any buffer for the combination of extended low flows and high water temperatures. Modelling of water temperature under various low flow and heatwave conditions should be incorporated into the setting of the low flow. In the meantime, a more precautionary approach should be considered, which incorporates a buffer to lethal high water temperatures within the mid-lower sections of the Mersey River. The proposed Draft Plan low environmental flow provisions are, on their own, inadequate."</p>	<p>See the Secretary's response in Section 4, Issue 1b) <i>The cease-to-take threshold for 1 December to 31 May is too low.</i></p>



7. Paddle Tasmania

Representation Issue	Response
7.1. 'We would like to thank NRE for including Paddle Tas in the consultation group and for their effective management of the process, inclusion of a wide variety of stakeholders, and responsiveness in providing data and extra analysis to assist the consultative group.'	The Secretary notes Paddle Tasmania's appreciation.
7.2. 'We support the permanent removal of the Arm River Rule so that very dry summers do not see water levels drop below the normal summer Enviro-flow as a result of Hydro Tasmania reducing flow from Parangana Dam. The Mersey below Parangana is heavily used for recreational and now commercial paddling, we support virtually any initiative that increases water flows below Parangana Dam throughout the year and especially during summer.'	The Secretary notes Paddle Tasmania's support for the removal of the Arm River rule, and that Paddle Tasmania support any initiative that increases flow below Parangana Dam throughout the year and especially during summer.
7.3. 'We would appreciate being advised of any initiatives by Hydro Tasmania and/or Tas Irrigation which has the potential to increase water flow, in order that we can liaise with them to ensure any changes proposed are implemented in such a way as to maximise the benefit for paddlers and the environment, as well as the end users of any additional water flows.'	The Secretary notes Paddle Tasmania's interest in being advised of any initiatives by Hydro Tasmania and/or Tasmanian Irrigation which has the potential to increase flow.



8. Mr Nathan Richardson

Representation Issue	Response
<p>8.1. 'The inclusion of the Acknowledgement of Country is divisive, combative and as a matter of point, is not legally required to be in the water plan. There is no legal requirement for any such document to be part of any water plan in Tasmania. The water legislation act does not make any reference that an Acknowledgement of Country has to be included. Department policy is <u>not</u> LAW.'</p>	<p>The Secretary notes Mr Richardson's concerns. See Section 4, Issue 4 <i>Inclusion of an Acknowledgement of Country</i>.</p> <p>An Acknowledgement of Country by NRE Tas is standard in all departmental publications and aligns with NRE Tas's Strategic Priority to put Tasmanian Aboriginal people at the heart of managing land and sea Country. It also aligns with range of national and state initiatives around Aboriginal freshwater interests. Examples include Action 3.5 in the Rural Water Use Strategy, the Productivity Commission's findings in their last review of National Water Reform, Tasmania's obligations under the National Water Initiative and the National Agreement on Closing the Gap.</p> <p>At this stage there are no specific cultural values are available for particular waterways such as the Mersey River, however the inclusion of an Acknowledgement of Country is a mechanism for the story and value of a waterway for Aboriginal people to be shared and recognised.</p>
<p>8.2. 'I thank the DNRE for allowing me to represent the TFGA and the farmers of Tasmania in this review process and I particularly make regard, the tremendous work of all the other consultative group members and facilitators'. I submit this document with the most sincere intent as a proud Australian for I am concerned that our country is not going in a good direction. Are we all equal?'</p>	<p>The Secretary notes Mr Richardson's appreciation to represent the TFGA and that he makes regard for the work of all other members of the consultative group and facilitators.</p>



Appendix B Representations on the Draft Amended Plan

Representation I Hydro Tasmania

Dear Jason Jacobi

Hydro Tasmania Submission - Draft Amended Mersey Water Management Plan 2023

Thank you for the opportunity to comment on the Draft Amended Mersey River Catchment Water Management Plan and Statutory Assessments document. Hydro Tasmania has an interest in this Water Management Plan prepared under the Water Management Act 1999 (“the Act”), as we manage the catchment immediately upstream.

Hydro Tasmania supports the development and implementation of water management plans as they provide a framework for future management (including water allocation) decisions. Water management objectives embedded in the Water Management Act (1999) seek a balance between environmental and socio-economic costs and benefits associated with water use. We believe this balance is vital to ensure sustainable water management in the area covered by the Draft Amended Plan. Below are comments of different aspects of the Amended Plan.

1. Defining take periods

Hydro Tasmania supports the proposed new definitions for take period for any new allocations in the Plan.

2. Quantifying allocation limits

Hydro Tasmania generally supports no new allocations for irrigation in the period 1 November to 30 April and that existing allocations that fall in this period (in full or in part) will be limited to their existing volumes and take periods. New allocations at Surety 6 will only be available in the winter period subject to the limit and availability at the site of the allocation application.

3. Monthly cease-to-take rules

Hydro Tasmania supports the proposed cease to take rules as they are simpler to implement than the current rules. The cease-to-take flow threshold of 195 ML/day strikes the appropriate balance to maintain the needs of environmental values while continuing to provide equitable and highly reliable water access. The cease to take levels for all months are based on rigorous assessments by NRE Tas.



Hydro Tasmania will commence the process to enable the amendment of the flow release rules below Parangana in our Special Licence Agreement, as soon as the Amended Plan is finalised, to ensure the Licence Agreement is aligned with the proposed changes in the Plan.

4. Implementing an opportunistic take – access threshold

Hydro Tasmania supports the proposed opportunistic take access thresholds.

5. Amendment of groundwater management provisions

Hydro Tasmania supports the removal of groundwater licencing from the plan as it is considered low risk and the current level of groundwater regulation in place under the Water Management Act 1999 and Water Management Regulations 2019 is adequate to manage the current risks.

Should you have any queries about the above please contact Adam Gall on 6240 4672 or by email at adam.gall@hydro.com.au in the first instance.

Yours sincerely,

Vedran Kovac
Executive GM Commercial
m 0414 882 327
e Vedran.kovac@hydro.com.au



Representation 2 Mersey Irrigators Group



To whom it may concern,

The Mersey Irrigator Group is comprised of the majority of direct-take irrigation water users within the main stem of the Mersey River, as well as several tributary water users.

While we believe that there are some very good material improvements to the Draft Catchment Plan, such as the removal of the Arm River rule coupled with Hydro Tasmania's new constant release, the much more streamlined format of the plan, as well as the Management Protocol document having some advantages, there are some outstanding matters and future issues that remain unresolved in our view.

During the consultative phase, it was shown that the historical 5th and 10th percentile low flows prior to the construction of the Mersey-Forth Hydroelectric Scheme were significantly lower than the 195ML/day cease to take threshold during February and March. While we do not advocate for some of the lower end flows shown in those slides, we do believe that there is good reason to give some relief to irrigators who have had to endure increasing restrictions post-2014 due to the overallocation of high surety water provided to Tasmanian Irrigation to facilitate the SWIS and now SWISA schemes.

- We have suggested a cease to take threshold between 178 and 185ML/day in these two months to acknowledge the naturally lower flow in these months, as well as maintain a compliance buffer above the Liena gauge reading for Hydro Tasmania and NRE.
- The department has argued that this would mean that some tributary streams would run dry without being on a full cease to take, and that having streams that are known to suffer from this on the higher 195ML/day CTT to avoid that would add cost and management overheads to compliance staff.
- We do not agree that this is a good enough reason to further reduce already strained and reducing reliability in the context of compliance staff nowadays running largely automated or batch activated SMS and email systems to manage staged restrictions and cease to take orders. If the department does not wish to deploy more monitoring hardware in the catchment, the matter can still be managed from a single point of measurement at Shale Road by levying the flat 195ML/day CTT on streams that have proven problematic.



We also maintain concerns about future Winter water allocations extending into October, as there have been instances in the past where our members have had vulnerable crops requiring very small amounts of water intermittently to strike, (often less than 2ML/day across our entire membership where Hydro require a minimum 5ML order to release purchased water), and there have been restrictions levied due to the high cease to take in this month. Further Winter allocations in this month will be damaging going forward. We believe that the Summer allocation period would fit the demand and climate profile of the catchment better running from October to April, rather than November to May.

We also believe that this is an area that the department can improve on more broadly across the state by assessing supply and demand patterns on individual catchments to apply allocation periods rather than the more simplistic Summer/Winter system that is currently in use.

While we acknowledge that Water Planning has put together as close to the best plan possible under the Act, and we thank their staff for the extra assessment and information gathering that they have done often at the request of our group alone; the elephant in the room remains the enormous high surety licence that TI intends to use to the fullest extent possible that should never have been allocated at the single surety 5 level that it has.

We don't accept the department's assertion of 94% water reliability going forward purely on the basis of the increased demand on this licence that will dramatically impact normal flows across the life of the new plan.

While TI and NRE are consulting on a workaround to be written into the Management Protocol document that will complement the Catchment Plan, our members remain extremely concerned that there is no structural change being made to the licence, and that by its nature, the Management Protocol can be reviewed and altered, potentially weakening any agreed workaround over time.

As such, we would hope that serious consideration is given to reducing the flow gaps between the staged restriction levels in the Management Protocol, and that the trial phase is extended at least until the SWISA project has been commissioned and the effects are observed.

Regards,

Paul Lambert and Brett Perkins
MIG consultative group representatives.

David Bloomfield
President.



Representation 3 Tasmanian Farmers and Graziers Association



18th September, 2023

Primary Industries and Water Division
Department of Natural Resources and Environment Tasmania
GPO Box 44
HOBART TAS 7001
By email only: water.enquiries@nre.tas.gov.au

TFGA Letter of Support to Mersey Irrigator Group: Mersey River Catchment Water Management Plan

TFGA is pleased to offer a letter of support to the Mersey Irrigator Group's (MIG) submission to the Mersey River Catchment Water Management Plan.

Upon reviewing a final draft of the submission lodged by MIG and speaking with MIG members, TFGA would also recommend further consideration be given to reducing the flow gaps between the staged restriction levels in the Management Protocol and also extend the trial phase until the SWISA project has been commissioned to allow proper observation to occur.

If the TFGA can offer further support in facilitating additional consultation to discuss the specific contents of the submission lodged by MIG with NRE, please don't hesitate to reach out.

Sincerely,

Malcolm Green
TFGA Water Committee Chairman



Representation 4 Paul Lambert

Dear Sir/Madam,

I am a fourth-generation farmer in the Mersey Valley and have actively participated in the Mersey River Catchment Plan Consultative Group, as well as its predecessor several years ago. Additionally, I am a member of the Mersey Irrigators Group, representing direct-take irrigation water users in the Mersey River and its tributaries. We commend the positive changes in the Draft Catchment Plan and acknowledge the dedication shown by the department and all involved stakeholders.

Nonetheless, several concerns persist:

1. Historical low flows in February and March were significantly lower than the 195ML/day cease-to-take threshold. To address this, I propose a reduced threshold of 180 ML/day during these months.
2. I disagree with the argument that managing streams with low flows at the 195ML/day cease-to-take threshold would incur significant costs, the value of the water and potential waste far outweigh this.
3. Concerns arise from the high-surety 5 license allocation to TI by NRE, which could impact normal flows, casting doubt on the department's assertion of 94% water reliability. It would be good to see adjustments made to address this.
4. We advocate for minimising flow gaps in the staged restrictions outlined in the Management Protocol, ensuring careful consideration to prevent substantial water wastage, as the buffers in this could end up greater than the total daily use of the Mersey Irrigators which would amount to a huge waste of water if not carefully thought out.
5. Some individuals believe that Redwater Creek is experiencing a reduction in its flow as it traverses Railton. It is suggested that the cement works may be responsible for reintroducing this lost flow into Caroline Creek via quarry pumping, with the water being discharged downstream from the Latrobe gauging station. We kindly request further evaluation and potential corrective measures to address this concern.
6. The timing of water restrictions should allow for adequate planning of hydro water orders and allow the river to stabilize from releases or pumping, as discussed in our meetings.
7. We strongly recommend extending the trial phase, especially until the SWISA project is commissioned and its effects are observed.
8. There is also apprehension that proposed summer flows will exceed natural levels during drier summers. I recommend further assessment and necessary adjustments to maintain sustainable and ecologically harmonious summer flow levels.

Sincerely,

Paul Lambert



Representation 5 Kentish Council

Johnathan Magor – Manager Infrastructure and Assets

My only comment would be that Figure I should include the Railton Karst System.
MRT should be able to provide more info. on its extent.

Our Environmental Health Officer may provide separate comment.



Representation 6 Anglers Alliance Tasmania



Anglers Alliance Tasmania

Working for your trout fishery

17 September 2023

Water Management Planning
Lands Building
Hobart Tas 7000

Comments – Mersey River Draft Water Management Plan

The following comments are submitted by Anglers Alliance Tasmania in relation to the abovementioned Plan.

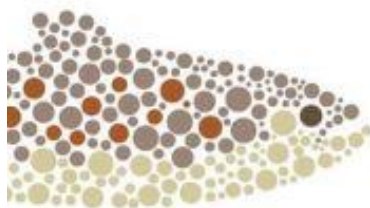
In relation to the comments made in the draft Amended Mersey River Catchment Water Management Plan, Statutory Assessments; “Item 2, Likely detrimental effects of the Plan on water quality, Page 4 paragraph 2”; Anglers Alliance Tasmania (AAT) has serious concerns regarding the adequacy of the proposed low flow conditions, particularly downstream impacts within the mid to lower reaches of the river.

The dependence of instream flora and fauna as well as other environmental and ecological processes are well established and a repeat of the conditions leading into the 2018 fish kill must be avoided. It is considered the ‘low flow cease to take provisions’ are at the absolute minimum of what AAT considers an adequate environmental flow. The Plan does not provide for any buffer margin that recognises the increased risk to environmental values during extended periods of low flow and associated high water temperatures. For



p.a. GPO Box 963, Hobart TAS 7001
e. anglersalliance@gmail.com
w. www.anglersalliance.org.au





Anglers Alliance Tasmania

Working for your trout fishery

example, the documented major fish kill that occurred during January 2018 was preceded by two weeks of consistent high air temperatures during a period of low flow. Several sites within the mid to lower reaches recorded water temperatures in excess of 27°C, with the highest recorded temperature being 28.5°C. These high-water temperatures coincided with low environmental flows in the Mersey River. Under climate change associated impacts, these types of scenarios are now more common. Climate modelling for Tasmania as predicted under the Climate Futures report by the University of Tasmania ([Climate Futures for Tasmania - Climate Futures](#)), predict high average summer temperatures and an increase in the length and frequency of heatwave events. The low flow cease to take provisions within the Draft Plan do not provide any buffer for the combination of extended low flows and high water temperatures. Modelling of water temperature under various low flow and heatwave conditions should be incorporated into the setting of the minimum environmental flow. In the meantime, a more precautionary approach should be considered, which incorporates a buffer to lethal high-water temperatures within the mid and lower sections of the Mersey River. The proposed draft plan low environmental flow provisions are, on their own, inadequate.

Tony Wright
Executive Officer
Anglers Alliance Tasmania

p.a. GPO Box 963, Hobart TAS 7001
e. anglersalliance@gmail.com
w. www.anglersalliance.org.au

2



Representation 7 Paddle Tasmania

We would like to thank NRE for including Paddle Tas in the consultation group and for their effective management of the process, inclusion of a wide variety of stakeholders, and responsiveness in providing data and extra analysis to assist the consultative group.

We support the permanent removal of the Arm River rule so that very dry summers do not see water levels drop below the normal summer Enviro-flow as a result of Hydro Tasmanian reducing flow from Parangana Dam. The Mersey below Parangana is heavily used for recreational and now commercial paddling, we support virtually any initiative that increases water flows below Parangana Dam throughout the year and especially during summer.

We would appreciate being advised of any initiatives by Hydro Tasmania and/or Tas Irrigation which has the potential to increase water flow, in order that we can liaise with them to ensure any changes proposed are implemented in such a way as to maximise the benefit for paddlers and the environment, as well as the end users of any additional water flows.



Representation 8 Nathan Richardson

Draft Amended Mersey River Catchment Water Management Plan 2023

To whom it may concern.

I write this public comment for the draft Mersey River Water Plan with my objection being related to the inclusion of An Acknowledgement of Country written by the DNRE and the Six Rivers Aboriginal Corporation.

I farm on the North West Coast of Tasmania. We are a family operation growing a mix of crops and livestock consisting of Potatoes, Poppies, Cereals, fat Lambs, Broiler Chickens, hay season contracting and heavy vehicle agricultural contracting. I was a member of the Rural Youth Organization for 14 years and I have been a TFGA member for nearly 30 years, 20 of which by representing Tasmanian Vegetable growers and as the Chairman of the Vegetable Council for the past 6 years. Agriculture is a key pillar in the Tasmanian Economy and I am proud to be a part of it.

I have sat on the review consultative group committee for the entire duration of the development of the draft and as a group of people from different areas of government, society and industry we have been very thorough in the assessment of all information and reports that were part of the process. We basically had input and gave feedback and went through the process, word by word, line by line, report after report, apart from the Acknowledgement of Country which was not allowed to be discussed and when I raised an objection I was pretty much dismissed with the reply being “its policy”, or “it’s at the front of a lot of documents now”. The facilitator of the group sessions didn’t follow up with the Lord’s Prayer or our National Anthem or the Ode to the Anzac’s.

One of the first points I raised and objected to on several other occasions was the acknowledgment of country, which initially was only about 4 lines of dialogue written by the DNRE. I clearly outlined that the Tasmanian Farmers and Graziers Association (TFGA) also had concerns with the acknowledgment of country. My argument pointed out that the acknowledgment wasn’t in the previous 2005 plan and that plan didn’t upset anyone and worked for the purpose of managing the river for all Tasmanians. The acknowledgement is wedge politics. I questioned what the purpose of this inclusion is, after all, it is a plan for a river that is of benefit to all of society. We, as the current custodians of the land are charged with the job of looking after what we have for the generations to come. It is a river that is heavily modified and is part of a system that has 7 power generators along the Mersey and Forth rivers. There is not an acknowledgment in this draft of the people who had the foresight to invent, design and build the society and infrastructure we have today. There is not an acknowledgment in the draft of our forebears who did so much in a really tough period of history to create our agricultural industries along the river and surrounds, nor is there an Acknowledgment for anyone else, regardless of their history, background, achievement, their race or otherwise. Why can’t this draft just be about the management of a river for all Tasmanians, without the need to single out one particular group of people that has a different race, background or heritage? Why is the Tasmanian Government Department selecting an Acknowledgment of only one race while creating division in the Tasmanian community?

As I stated before, the Acknowledgment was about 4 lines, then right at the end of our consultative period the inclusion from the six rivers corporation was added without our group having the prior opportunity to read or discuss the inclusion of what now is a whole page document. I would like to



draw your attention to what I regard is very divisive and combative language in the document. The author Dave Gough writes towards the end of the document about the river, "which we have not ceded" and follows this with, "be thankful that you live in this place". These few words do nothing to bring our community together, quite the opposite. Is Mr Gough lamenting a position that we are at war with Tasmanian Aboriginals by the use of the words "which we have not ceded" and it is hard to put in to words how I feel and many others I have spoken to feel about his words "be thankful that you live in this place". What is he referring to as us being thank full? Being a born and bred Tasmanian of 6 generations of farmers along the North West coast? Being thank full our relatives and descendants fought two world wars to stop the spread of identity politics, racism, socialism and oppression or annihilation of the weak? Being thank full for living in a modern society? Should the DNRE adversely advise the author what the outcome for Aboriginals would've been if Japan and Germany had of succeeded in WW2? A war raged for 6 years, it wasn't a given that the allies were to win. It took a lot of good people, many thousands of Australians paid the ultimate price for us to live how we live in Australia today. That is what I am thank full for. For the ANZAC's we pay respects on the 25th of April yet we are subjected to Welcome to Country and Acknowledgement of Country every single day. Should the DNRE prepare a document advising how thank full the author should be in this case? Should the DNRE advise the author that 36 billion dollars is spent on indigenous affairs each year in Australia, should he be thank full Australian taxpayers contribute so much? Would that factual content be considered offensive to the author in the same way I, and many others are deeply offended by his words "which we have not ceded" and "be thankful that you live in this place" are? I was born here the same as Mr Gough was, we're the same, or aren't we? What is the department policy on who is more Tasmanian than other Tasmanians?

To better understand my position, I draw your attention to legislation passed in Victoria where 2 million hectares of land is subject to "an apology tax" (as published in the Weekly Times 19/8/2020) where farmers, fishers, forestry workers and other business providers have to pay local clans (as published in the Weekly Times 19/8/2020) a monetary fee up to or greater than \$20 000 to gain access to continue operating a legal business. Our fellow Australians are now having to pay other fellow Australians to go about their day, because one group has different coloured skin. What are we achieving by dividing us by skin colour or race in Australia? Is that in the best interest of bringing us together as a nation? I also draw your attention to the rescinded legislation in Western Australia regarding cultural heritage. These laws were requiring land owners of more than 1 100 square meters to apply for and seek indigenous approval and surveys for activities on private land that disturbed soil at a depth of 50 cm or removed more than 20 kg of soil from a hole. How ridiculous. Thankfully this legislation was binned as being too prescriptive. I urge you to look up the failed legislation in W.A for full disclosure and reasons. Are we heading in a direction in Tasmania where I will have to pay money to fellow Tasmanians that have different coloured skin or heritage, for working the land, for feeding the nation, using the water, harvesting sunlight, basically working bloody hard every day? Is that the goal of the DNRE policy? To slowly implement racist policy? The answer is unfortunately a yes. Already in place is requirements for private landowners and tax payers having to pay for cultural heritage surveys in Tasmania. An example of this is in my district, we are in the final stages of planning for an upgrade to an existing water delivery scheme known as SWIS. The subscribers to the scheme and the Australian tax payer are being fleeced to the tune of \$50 000 for the proposed route to be surveyed for cultural heritage. Nearly all the scheme runs through private land, the district is heavily modified, much of the pipeline follows existing easements. How can \$50 000 be justified? Again, this is an example of divisive policies being implemented and the tab being picked up by the farmer and the Australian tax payer. This survey wasn't a requirement 10 years ago when the initial scheme was built. Acknowledgement of country recitals weren't common at all ten years ago. Makes you wonder doesn't it?



The inclusion of the Acknowledgement of Country is divisive, combative and as a matter of point, is not legally required to be in the water plan. There is no legal requirement for any such document to be part of any water plan in Tasmania. The water legislation act does not make any reference that an Acknowledgement of Country has to be included. Department policy is **not LAW**. The DNRE does not have the consent or the permission of the wider community in Tasmania to push certain agendas, particularly when it comes to dividing our society based on race or heritage. We are all Tasmanian. Today's population have nothing to shame nor feel guilt for history. We all have different stories, many Tasmanian families endured hardship of the worst kind in our founding years, and where is their acknowledgement from the DNRE?

If the Acknowledgement is about history, then include all history in the water plan. If it's about culture, then reflect on all cultures, if it's about respect, then show respect to all Tasmanians, past, present and emerging, if it's about righting wrongs, then learn from history and realise that dividing people by race didn't work well for the world in the 1930's and 40's when WW2 came along and it won't work in Australia in the 21st century. If it's about creating a wedge in society based on our race and heritage then the DNRE and the Tasmanian Government is doing a great job.

I consider the Acknowledgement of Country as another divisive argument in our great country. Firstly and in no particular order it was saying sorry, changing our National anthem, having to fly two additional flags everywhere, tax payers spending 23 million dollars to the rights for the indigenous flag, sorry day, naidoc week and welcome to country ceremonies are all attempts to retrospectively apply guilt, shame and ultimately financial liability on to non-indigenous Australians for historical events which we took no part in. The worst part is that these ceremonies are forced on our children in the school network and European/ Australian Early history is being binned. It's called history and it's how the modern world was formed. Similar history applies to nearly every continent around the world. It's not to like or dislike, it's to learn from because there is nothing we can do about history. If our fellow Australians wish to learn more about a particular race or people's heritage, they are free to do so in their own way. Respect is earned, not dictated. Do we really need to be continually welcomed to our own country or be told who to acknowledge and respect?

I would like to recommend that the Acknowledgement of Country in the Draft Mersey River Plan be removed and no reference, acknowledgement or historical points be mentioned about any one particular peoples, race or heritage. Let this plan just be about managing a river for all Tasmanians for years to come. If people seek history, let them seek it if they so desire by their own means and let people choose who they want to respect and acknowledge in their own way.

In conclusion, my submission raises very valid points.

1. The Acknowledgement of Country is not legally required in the water act legislation
2. The Acknowledgement of Country is wedge politics and wedges the door open for more divisive policies being introduced by the DNRE such as those in Victoria and Western Australia
3. The previous plan did not have an Acknowledgement of Country and worked quite well
4. The draft plan only acknowledges one group of Tasmanians, based on race, where is the acknowledgement for every other Tasmanian, past, present and emerging?
5. I was born here the same as Dave Gough was, we're the same, or aren't we? What's the department policy on who is more Tasmanian than anyone else?
6. How many generations will it take to be considered a Tasmanian, the same as Dave Gough is?
7. The Acknowledgement of Country does not bring our society together, quite the opposite.



8. I, and many others that are aware of the draft plan Acknowledgement of Country are offended by the author's reference to his words that I outlined.
9. Is the Tasmanian Government happy to adopt a water plan that may be read and contain offensive and divisive material towards fellow Tasmanians
10. Is the end goal of Reconciliation and the Governments agenda, to make Tasmanians pay a tax for being Non indigenous and for using water and the land?

The TPC cannot ignore or dismiss my submission as old thinking or right wing sentiment. By ignoring or dismissing my points, the path is being cleared for future race based division in Australia. Remember, our National anthem reads, we are one and free.

I thank the DNRE for allowing me to represent the TFGA and the farmers of Tasmania in this review process and I particularly make regard, the tremendous work of all the other consultative group members and facilitators. I submit this document with the most sincere intent as a proud Australian for I am concerned that our country is not going in a good direction. Are we all equal?

Nathan Richardson
4873 Frankford Road
Thirlstane 7307
21/08/2023



Appendix C Notice in the Government Gazette, 19 July 2023, under section (25)I of the *Water Management Act 1999*



ie Peace

the *Justices of the Peace Act* in-Council has been pleased
ons as Justices of the Peace

Enquiries can be directed to the State Planning Office of the Department of Premier and Cabinet on 1300 703 977 or email stateplanning@dpac.tas.gov.au

Dated this 19th day of July 2023

MICHAEL DARREL JOSEPH FERGUSON
Minister for Planning

Water Management

Notice under Section 25(1)
of the *Water Management Act 1999*

Preparation of the Draft Amended Mersey River Catchment Water Management Plan

Notice is hereby given in accordance with section 25(1) of the *Water Management Act 1999* that the Draft Amended Mersey River Catchment Water Management Plan 2023 (including the Statutory Assessments document) [the Draft Amended Plan] has been prepared.

The Draft Amended Plan relates to the water resources of the Mersey River catchment below Parangana Dam, being tributaries of the Mersey River and the Mersey River itself downstream of Parangana Dam, and the groundwater resources of this catchment.

Written representations may be made on the Draft Amended Plan by:

- (1) submitting the online form at <https://nre.tas.gov.au/water/water-management-plans/draft-water-management-plans/review-and-amendment-of-the-mersey-water-management-plan>; or
- (2) sending by post to:
Water Policy and Planning Branch – Draft Amended
Mersey River Catchment Water Management Plan
Primary Industries and Water Division
Department Natural Resources and Environment Tasmania
GPO Box 44
HOBART TAS 7001

The period for making representations will extend until midnight on Monday, 18 September 2023.







Agriculture, Forestry and Water
Water Management and Assessment Branch

Phone:
(03) 6165 3225

Email:
Water.Enquiries@nre.tas.gov.au
www.nre.tas.gov.au/water