

Victorian and New South Wales Bilateral Review of Constraints Modelling

Independent Expert Panel

Terms of Reference

Introduction

Restoring flows to floodplains by releasing water from storages on top of high natural flows will have impacts on public and private land, infrastructure, assets and people. Communities across the Basin have expressed concern about the flood impacts of proposed higher flows on their land and businesses, whether claimed ecological benefits are achievable and the ability to ‘manage’ or limit the delivery of higher flows to the targeted flow rates. They have a high level of distrust about the ability of authorities to manage and mitigate these impacts and protect private holdings, particularly in the context of natural flow events.

The Victorian and NSW Ministers want to provide transparency to communities about modelling and related work done to inform the constraints program and restoration of flows to floodplains.

Background

The Basin Plan sets a 2750 gigalitre (GL) water recovery target across the basin; this target may be offset by up to 650 GL through projects that deliver equivalent environmental outcomes using less water. Projects that contribute to this offset are called supply measures. An additional 450 GL can be recovered if there are no socio-economic impacts of doing so.

In simple terms river operators are responsible for managing water availability and the release and delivery of water for a range of purposes including irrigation supply and environmental needs. River operators apply a risk-based approach to managing releases of water for downstream needs. Specific risks are 1) third party impacts e.g. flooding of private land and 2) hydrological risks e.g. uncertainty in rainfall run-off. To date, these risks are partly managed by keeping the delivery of water within the river channel. Within existing operational constraints, environmental water holders can seek to coordinate their regulated releases and align these releases with natural flows. This will provide some environmental benefit. To gain additional environmental benefit, physical and operational constraints to environmental watering need to be addressed and managed overbank flows introduced.

The Constraints Management Strategy (CMS) released by the MDBA in 2013 identified key focus areas for removal of physical or operational constraints and flow targets to maximise ecological outcomes from available environmental water. These key focus areas have been further considered by the Basin states through the development of constraints measure projects and most projects propose some level of floodplain inundation. Generally, each of these projects include environmental flow targets (notified flows) that are less than those in the MDBA’s 2013 strategy.

NSW, Victoria and South Australia have put forward a package of 36 supply measures to support the health of local rivers and wetlands along the Murray River and its tributaries, including five constraints measure projects. Victoria has also put forward the Goulburn constraint measure project. This project was not formally notified as a supply measure, however, the success of other constraints projects rely on the higher operational limit on flow rates for environmental water delivery nominated in the Goulburn project. The six constraints projects are:

- Hume to Yarrawonga
- Yarrawonga to Wakool
- South Australian Murray
- Lower Darling

- Murrumbidgee
- Goulburn.

Based on these projects, the Sustainable Diversion Limit set out in the Basin Plan was increased by 605 GL in 2018.

Purpose

On behalf of the Victorian and NSW Governments, the Independent Expert Panel is to apply its extensive experience and expertise to add transparency, scientific rigour and practical knowledge to the Basin Plan's constraints program.

The Panel will assess whether the existing modelling undertaken for the constraints program is sufficient to give communities confidence that it is practical to deliver the targeted flow rates (notified flow rates), assess and manage risk and that the environmental outcomes are clear.

The Panel's advice will also consider the environmental benefits of additional water recovery under the efficiency measures and the extent to which this relies on the package of constraint projects.

Based on its high-level assessment of the adequacy of modelling the Panel will also provide, if required, recommendations to inform future work on constraints, including modelling, timing and resources.

In undertaking their assessment, the Panel should determine the validity and consequences of assumptions, including those related to water availability (e.g. available environmental water, 450 GL of additional environmental water recovery and climate change) and notified flow rates.

The Panel should also consider:

- related investigations being undertaken as part of the Murray River Capacity Risks Project
- the relationship between the constraints program and the Enhanced Environmental Water Delivery (EEWD) Project; and
- any other matter they see as relevant to the constraints program.

Governance and deliverables

The Independent Expert Panel will report directly to the Victorian and NSW Water Ministers' with a view to discussing its findings and recommendations with the Ministerial Council in December 2019.

The findings and recommendations will be used to inform Ministers' decisions about remaining Basin Plan implementation activities associated with constraints projects, and communities about the practicality of implementing constraints measures.

Independent Expert Panel

The following experts have been appointed to the Panel:

Mr Greg Wilson – Chairperson

Greg has extensive experience within Victorian government departments. He was appointed as Chair of the Transport Accident Commission in March 2019 and is currently with the Department of Premier and Cabinet. Greg was previously the Secretary of the Department of Justice and Regulation, Secretary of the Department of Sustainability and Environment (DSE), and Deputy Secretary Policy and Cabinet Group, Department of Premier and Cabinet. His roles while with DSE included Deputy Secretary of the water portfolio.

Greg formerly chaired the Victoria's Essential Services Commission and has held a number of senior leadership roles including General Manager of Regulatory Policy at the Essential Services Commission (formerly Office of the Regulator-General) and Senior Economist, Department of Treasury and Finance.

Mr Campbell Fitzpatrick – Panel member

Campbell has worked in the water industry for over 30 years and in senior executive positions in government for close to 20 years. He currently runs his own consulting company.

Campbell led the delivery of Victoria's Sharing the Murray program which involved working closely with regional communities to establish secure well-defined Victorian water rights on the Murray River. He also drove Victoria's major water reform agenda through the development of Victorian Government's Our Water Our Future White Paper and Sustainable Water Strategies.

Campbell has been responsible for the development and implementation of water resource policy with the Victorian government department. He was responsible for leading collaborative, consultative, evidence-based approaches for resolving complex water resource management issues. Campbell has worked closely with Ministers, senior public servants, the Murray-Darling Basin Authority, water corporations, CMAs, non-government organisations and water users.

Mr George Warne – Panel Member

George Warne is recognised as a leader in the rural water sector and has over 27 years of experience in the water sector across a broad range of roles and organisations. George has experience in both the public and private sector including prior roles as CEO and Project Director of the Northern Victorian Irrigation Renewal Program, Managing Director of the NSW State Water Corporation, CEO of Murray Irrigation Limited and as a board member of the MDBA between 2014-2019. George brings a wealth of knowledge and understanding about water and natural resource management, river operations and irrigated agriculture.