

Border Rivers Customer Advisory Group

Minutes of Meeting



Location: Video Conference

Date: 6 April 2022

Time: 9.00am

Present: Daryl Cleeve (Chair), Andrew Hynes, Jane Humphries, John Shannon (observer), David Preston (observer), Jonathan Dickson, Andrew Scott, Lachlan Browne, Enrico Proietti, Emma Oates and Toni Hayes.

The following attended for specific agenda items: Dan Connor, Ashley Webb, Tim Tanner, Vila Gupta, Martin Brooks, Suzy Lykos, Greg Abood, Graeme White, Jessica Douglas, Therese Hulme, Andrew Richardson.

Meeting Opened: 9.00am.

1. Introduction and Acknowledgement of Country:

1.1 Welcome and introductions:

1.2 Apologies: Michael Peat (CEWO), Michael Owen.

1.3 Confirmation of Agenda Items:

1.4 Declaration of Interest(s):

- Declarations of interest were sought from attendees in relation to the meeting's agenda items. No interests were declared. Items included in the agenda are not considered confidential unless declared as such.

1.5 Minutes of Previous Meeting, 13 October 2021:

- Customers noted the hyperlink in the previous minutes to compatible data logging devices is incorrect. The hyperlink was correct at the time of the presentation and issuing of minutes, however the webpage was changed by DPE at a later date making the link redundant. The new link is <https://water.dpie.nsw.gov.au/nsw-non-urban-water-metering/what-suppliers-of-metering-equipment-need-to-know/non-urban-metering>
- Resolved the minutes of meeting held on [13 October 2021](#) be confirmed as a correct record. Taken as read.

*A Hynes/J Shannon
carried*

1.6 Actions arising from minutes

- See action sheet attached.

2. Presentations/Consultation:

2.1 Floodplain Harvesting update (D Connor)

- The *NSW Floodplain Harvesting Policy* will establish a new regulatory framework to license, measure, monitor and manage floodplain harvesting (FPH).
- In June 2021 a Select Committee into FPH in NSW was established to inquire and report on the Government's management of FPH. The Select Committee provided a [final report](#) on 15 December 2021 with 21 recommendations and 14 findings. The NSW Government's response is due 15 June 2022.
- The *Water Management (General) Amendment Regulation 2021* commenced on 14 February 2022 and was disallowed by the NSW Legislative Council on 24 February 2022.

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- Implications of the disallowed amendments include **no effect** to licences already determined, **enabling pathway removed** for licences yet to be determined, **requirements removed** for mandatory measurement arrangements and **exemption removed** for managing tailwater. DPE is proposing to preserve the intent of the tailwater exemption through the WSP with the intent to re-establish as soon as able.
- DPE expects mandatory management conditions will be in place for the licences that have already been determined, which will likely mean a secondary measurement requirement.
- The amendments for the Gwydir and Border Rivers WSPs are due to be gazetted in May 2022. DPE is also hoping to issue WSWA, WALs and associated conditions to landholders in May however is contingent upon ability to re-establish mandatory management requirements. It is hoped to reintroduce regulations with support of the NSW Legislative Council in June 2022. The Border and Gwydir models are required to be reviewed and adopted by the MDBA.
- The FPH licensing framework is scheduled to commence in the Border Rivers and Gwydir valleys in July 2022.
- Information on the [Healthy Floodplains Project](#) can be found on DPE's website.

2.2 WAVE update (J Dickson)

WAVE – Pilot Coming Soon:

- WaterNSW continues to renew core systems to improve and streamline the way customers transact. A pilot for our new customer portal will launch soon to test functionality with new customers, prior to being extended to existing customers.
- The customer portal will provide customers with choices on how they transact with WaterNSW. New functionality will enable customers to access our services at anytime from anywhere, with the opportunity to manage water needs in one place. The portal will be progressively launched throughout 2022, with the first stage being rolled out in March allowing customers to submit new basic landholder rights (BLR) bore applications via the portal.
- Additional functionality being introduced over the next 12 months includes WAL applications, ordering and trading water, viewing water account balances, meter reads, other licensing application types and paying your WaterNSW bills. iWAS will also be part of future functionality.
- Please visit WaterNSW's [Customer Portal](#) page for more information.

2.3 Regulatory Economics update (J Dickson)

Customer Conversations:

- Feedback from the Kitchen Table Kit provided insights that will inform future engagement on the 2025 Pricing Determination, with key themes of pricing (including water availability, postage stamp pricing, tariff structure, water accounting), regulatory complexity and licensing (minimum invoice amounts, fees for sleeper licences).
- Our future customer engagement is intended to align with the IPART Engagement Framework and themes received will be used in the next phase. Starting engagement earlier than in the past remains a focus of WaterNSW and over the next 3-6 months we will be considering our engagement plans. We will update our customers and CAG members as this progresses.
- D Cleeve questioned why WaterNSW isn't seeking feedback now instead of telling customers what they are going to do in future. WaterNSW stated that CAGs were not satisfied with our original proposal for engagement (customer juries) so we are changing our approach based on that feedback and trying to work out the best way to engage on pricing, noting IPART indicated our scope of engagement must go beyond CAG membership.

- D Cleeve stated that everything in these meetings is duly noted and nothing done. Customers have had conversations for 2 years on metering highlighting that the regulations DPE has put in place are impractical and do not work in the real world, none of it has made a difference.
- WaterNSW advised each Water Agency has discreet roles and work together on many things, however, WaterNSW does not set policy or make the rules on metering. We do pass customer feedback from the CAGs to other agencies for their information and action. We also engage other agencies in the CAG forum where appropriate, and on request of customers, as evidenced with presentations today from various DPE staff and NRAR. If customers have suggestions on how we can better engage we welcome that feedback.
- D Cleeve expressed dissatisfaction with the CAG process as he feels customers are not being listened to.
- D Cleeve questioned why it is necessary for WaterNSW to hold 2 meetings (CAGs and ROSCCOs) when information was previously provided in one meeting, stating it is a waste of customers' time. WaterNSW advised it is making a change to this based on customer feedback and we are looking to include operations in the CAG agenda again.

Increasing Transparency:

- Based on customer feedback, WaterNSW is improving the description and breakdown of charges on your bill. Pass-through charges collected by WaterNSW on behalf of MDBA and DBBRC are now listed separately as "other pass-through charges". This change does not impact the overall fees and charges levied against a water licence, only separated to improve transparency. All pass-through charges are determined by IPART.

ACCC Consultation:

- The nine MDB valleys and rural customers in the Fish River Water Supply (FRWS) scheme have been regulated by IPART under the Water Charge (Infrastructure) Rules 2010 (WCIR). The Coastal valleys and urban FRWS customers are regulated by IPART under the IPART Act.
- Following the ACCC review of the WCIR, the Commonwealth Minister for Agriculture and Water Resources accepted the ACCC's advice to return the regulation of bulk water infrastructure charges back to the basin states, which resulted in several amendments to the WCIR in 2020.
- Following these changes, WaterNSW has notified the ACCC that it has been made aware of a matter that may result in WaterNSW ceasing to be subject to Commonwealth legislation. If approved, this would allow IPART to regulate all of WaterNSW's water services under the IPART Act. If not approved, regulation of the MDB valleys will revert to the ACCC for the 2025 Determination.
- Details of the review can be found on the [ACCC's website](#).

3. Asset Maintenance:

3.1 Asset Maintenance update (T Tanner)

- Asset performance and maintenance in the Border Rivers presented and discussed, including routine preventative and corrective maintenance delivery at Pindari Dam. WaterNSW completed 132 preventative maintenance work orders and 29 corrective maintenance works orders from December to February.
- Customers queried if there are any maintenance plans for downstream weirs over winter. WaterNSW advised nothing major has been planned and no outages, only regular inspection unless something is identified.

4. Water System Operations:

4.1 Operations update (A Scott)

- Detailed operational information will be presented at the Border Rivers ROSCCo meeting to be held after the CAG. There is little change from the presentation WaterNSW gave to the BRFF meeting. Please visit the [ROSCCo page](#) on WaterNSW's website for more information.
- WaterNSW is reviewing ROSCCo and CAG meetings with a view to combining and including operations updates in the CAGs again.
- Current operational information can be found on [WaterInsights](#).

4.2 Water Allocations and Outlook update (V Gupta)

- DPE provided an overview of water allocations and outlook including NSW allocations framework, agency roles and responsibilities, storages and commitments, allocations in 2021/22, historical allocations and rainfall outlook.
- Allocations in NSW are based on a low-risk and minimum inflow (dry) outlook with requirements and priority of access is legislated in the relevant WSP and made when excess resource is available.
- The rules for sharing water between NSW and QLD are codified in the *New South Wales-Queensland Border Rivers Intergovernmental Agreement 2008 (IGA)*. DPE, in conjunction with the BRC, allocates water after assessing available water resources. WaterNSW provide operational, forecast and resource advice.
- Storage vs commitments for Pindari Dam and Glenlyon Dam presented and discussed, including distribution of resources. The maximum account balance and use per water year is 1ML/unit share for GS (A class) and GS (B Class) licences. The maximum allocation in a water year for GS (A Class) licences is 1ML/unit share.
- Information on [allocations and availability](#) can be found on DPE's website.

5. Presentations/Consultation (cont):

5.1 Water Reform Implementation Plan (WRIP) update

Non-Urban Metering Reform update – WaterNSW (M Brooks)

- WaterNSW provided an update on the non-urban metering reforms, including a recap on the roll out dates, metering requirements for surface, groundwater and at-risk groundwater sources and what water users need to do to get meter ready.
- Water users **are strongly encouraged to check the mandatory conditions** on work approvals as they supersede the requirements in the regulations. Use the online [Metering Guidance Tool](#) to see if and how the rules apply to you.
- Customers can choose to **make an authorised work inactive** to be exempt from the metering rules. Customers must complete the [application form](#) and pay an administration fee. Once inactive, customers will not be able to use their work to take any water, including basic landholder rights. To **make a work active again**, customers will need to submit a new application and provide evidence that the work adheres to the metering regulations, noting that works in 'at-risk' water sources may not be re-approved.
- **All works captured by the metering rules** will need to be fitted with a pattern-approved meter by the regional rollout date. It may be possible to keep an existing meter if it was installed before 1 April 2019. For more information, please refer to the DPE leaflet [Non-Urban Water Metering in NSW: what water users need to know](#).
- Irrigation Australia has a full list of [AS4747 pattern-approved meters](#) on its website as well as a [list of DQPs in NSW](#).

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- If it is **past your rollout date** and you have not yet started the process, it is vital you begin immediately. If you have taken some action but are still not yet compliant, you must keep records of all communication with your DQP and equipment providers.
- All licensed water users in **at-risk groundwater sources** must meter all usage regardless of the size of your bore. There is a potential regulation change that would allow water users to make a work inactive (exempt from rules) but still take water for BLR. For more information, please refer to the [At-risk Groundwater Sources](#) fact sheet.
- Water users who connect to telemetry (mandatory and voluntary) will receive a **telemetry rebate** of \$975 which is credited against the telemetry fee that is applied to your bill over the next 4 years (the IPART annual telemetry charge is \$182-\$226 per year). This does not apply to water users with Government-owned meters.
- Recording and reporting requirements presented and discussed. BLR usage must be reported on 14th day of the following month. If taking zero, this still needs to be reported, however if you know you are taking zero for x months, you can report that and then don't need to report again until that date.
- WaterNSW is developing a process for customers to inform us if the work installed is smaller than what is specified on your work approval, without the cost of amending the approval (subject to regulatory approval). To see what is listed on your work approval, visit the [NSW Water Register](#). **NOTE:** the legislation does not exist currently and is required to go to the Minister. WaterNSW will continue to provide updates to customers as this progresses.
- **Faulty metering equipment** must be reported within 24 hours by completing the [online s91i form](#).
- There are a number of metering resources available on WaterNSW and DPE's websites to help customers identify their metering requirements to ensure they are meter ready. Please visit www.waternsw.com.au/metering and <https://water.dpie.nsw.gov.au/nsw-non-urban-water-metering>.
- One member questioned the relevance of the presentation, stating it is repetitive from meeting to meeting, and sought comments from other members. Other members indicated that a lot of the information is relevant to share with irrigator groups, noting the information may help others who are not yet fully compliant.
- D Cleeve questioned why WaterNSW is presenting the information if they don't set the policy. WaterNSW advised that we bring the information to customers as it relates to them, and our Operating Licence involves implementation of the policy, so it is important for us to make our customers aware of their requirements and implications of the regulations.

Non-Urban Metering Reform update – DPE (S Lykos)

- There are five **exemptions** that may be applied to non-urban water metering – works solely used to take water under BLR; works that have been made inactive; works that cannot physically comply with the non-urban metering rules; works that are not nominated against an access licence; and small, low-risk works used solely to take water under a licensed S&D access licence. Customers should use the online [NSW Metering Guidance Tool](#) to see if exemptions apply to them.
- The Minister has granted a **temporary exemption (233)** from the non-urban metering rules for works that are required to connect to telemetry but cannot because they are in a site that does not receive IOT network coverage (note this is not the mobile network). For more information, please use the [Telemetry Coverage Tool](#) on DPE's website.
- DPE is developing a Metering and Measurement virtual marketplace tool which connects water users, meter installers and suppliers and includes non-urban and floodplain harvesting (functionality to go live in May).

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- The mandatory maintenance requirements are specified in Schedule 1 and 2 in the Maintenance Specifications 2019, which also identify which maintenance activities can be done by water users at any time outside the regular maintenance intervals. Closed conduit meters must be checked, maintained and re-validated by a DQP at least once every 5 years. Open channel meters must be checked, maintained and re-validated by a DQP at least once every 12 months.
- DPE advised that Irrigation Australia has a course for people in the industry to become a [Certified Meter Installer and Validator](#) so they can install and validate their own meters.
- Customers questioned if DPE is comfortable with a perceived conflict of interest from the general public if the issue is raised in the media that irrigators can validate their own meters. Will DPE validate this decision in the media if questioned about transparency? DPE stated most irrigators already have the skills and knowledge to install meters, so if they choose to they can do the course and be registered in the DQP portal. There are strict rules around installing and validating own meters and procedure to follow if you do choose this course of action. Customers stated they agree the skillset is useful however the public perception has led us to the point we are at now.
- Customers stated DQPs were very unsure of what was required to validate existing (grandfathered) meters, saying it was difficult for them to engage in the process. Taken as comment, noting a DQP is required to lodge the appropriate forms via the DQP Portal.
- In relation to data logging and telemetry, customers indicated they have stated for several years that the rules don't allow for the practical operation of the river. If an irrigator orders water to pump on a certain day, he is required to pump it on that day, not on another day. A lot of time the water isn't physically there to pump and WaterNSW requires those orders to be rescheduled by the customer by phoning the call centre to amend the order (through no fault of the customer). If the meter records the take on a different day other than the order, the irrigator is non-compliant. The rules are written in a way that it is impossible to be compliant. Will WaterNSW also be non-compliant in the delivery of that water?
- WaterNSW advised we are looking at a solution to make it easier for the reschedule to be done. Operators reschedule where they can however the only way to realign the take with the water order is to reschedule the water order. Currently customers have to phone the call centre to make this change. The reasoning for this is separation of duties, from an audit perspective. We would like to do this in iWAS and are working to provide that functionality.
- NRAR sought to clarify the specific regulation referred to so they can comment from a compliance perspective, stating the condition on the licence only states there must be valid water order in the system prior to pumping. Operation on this around the state is varied, however it will become an issue if water has not been ordered at all. NRAR has not gone into the level of precision around what day the water is pumped. If harm was detected or reported, it would be looked into. NRAR has focussed its compliance approach around water that has been taken but not ordered. Discretion will be used if water cannot be taken for a particular reason.
- Customers questioned if the rules state that water that is metered must be taken on the day it is ordered. No, this is not written in the rules. That is a condition on the licence that is put on it by WaterNSW, it is nothing to do with the metering and measurement rules.

Action BR2204.01: WaterNSW to confirm where it is written (Licence Conditions) that water that is metered must be taken on the day it is ordered.

Responsibility: M Brooks

5.2 NRAR Compliance update

Regulatory Priorities 2021-22 (G White)

- A principal objective of NRAR is to ensure effective, efficient, transparent and accountable compliance and enforcement measures to support natural resources management legislation. NRAR's regulatory priorities are published to show how and where efforts are focussed to build and maintain public confidence in water management in NSW.
- Enduring and annual priorities presented and discussed, including unauthorised flood works program. There will be a state-wide focus on metering and overdrawn accounts and targeted focus on irrigated agriculture and extraction limits in at-risk water sources in some valleys.
- The unauthorised flood works program will focus on structures that stop water from getting where it needs to go on the floodplain, moving from the north to the south of NSW. The program will be primarily focussed on regulated floodplains with existing management plans. Visit NRAR's website to apply for a [flood works approval](#).
- More information on [NRAR's Regulatory Priorities 2021-22](#) can be found on NRAR's website.

Metering Compliance (G Abood)

- NRAR presented statistics on tranche 1 (Dec 2020) compliance rates and its compliance approach for tranche 2 (Dec 2021) and tranche 3 (Dec 2022) for affected works under the non-urban water metering framework, including state-wide and Border Rivers comparisons. Compliance is reported on active works that are in scope, within the metering threshold for the tranche.
- Tranche 1 compliance in the Border Rivers has increased to 75% (69% state-wide)
- NRAR will visit high volume water users in tranche 2 in early 2022. Each case will be considered on its own merit. There is an expectation that all water users have at least entered into a formal arrangement with a meter installer before their deadline. Alternative pathways will be recognised.
- Tranche 3 compliance involves WaterNSW, DPE Water and NRAR working to ensure widespread awareness with the new rules. Communication channels including advertising, social media and hosting information events will be part of this.
- NRAR has developed an e-tool, [NRAR Assist](#), to help customers find answers to common compliance questions.
- Customers suggested an audio visual would be a good tool for getting the message out to irrigators and would be appreciated moving into tranche 3. NRAR advised there is a need to work cooperatively with other agencies in this space. Experience to dates shows water users respond to face-to-face engagement from the regulator however recognise the engagement technique needs to be multi-pronged. NRAR sees industry playing a crucial role in getting the information out to water users so welcomes all suggestions and feedback.

5.3 Controlled Allocation Order update (J Dickson)

- The Department of Planning and Environment (Water) has issued a new Controlled Allocation Order under section 65 of the WMA 2000, giving water users the opportunity to purchase water access licences across 55 different water sources in NSW. Registrations of interest are open from 18 March–18 April 2022.
- The opportunity to buy new shares in these water sources will be through a tender process, with a limited number of shares available in each water source. Shares are available in groundwater, regulated and unregulated water sources.
- For more information on [Controlled Allocations](#), or to register your interest, please visit DPE's website.

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5.4 CAG Term of Office (J Dickson)

- WaterNSW made specific mention and thanks to all current members and alternates who have contributed to CAGs over the current term, noting the efforts and service of the Chair. We do appreciate the time and effort made by many to attend and provide feedback on the services provided by WaterNSW.
- The current term of office for WaterNSW CAGs expires on 30 June 2022, with a new term commencing 1 July 2022. Letters have been sent to your nominating organisations inviting nominations for the 2022-25 term.
- If you are considering renominating as a member of the CAG, please contact your nominating organisation to complete your nomination. Nominations close on 14 April 2022.

5.5 Regional Water Strategies update (T Hulme)

- DPE is preparing 12 Regional Water Strategies (RWS) across NSW to identify current and future regional water security challenges with priorities and actions for town and communities, industry, Aboriginal people and the environment.
- DPE has heavily invested in ground-breaking climate science, which underpins the strategies. The NSW Government's NARCLIM (climate change) datasets include a range of different future climate scenarios. The most conservative result will be used in the modelling and may not eventuate.
- Approach to developing the Border River RWS and feedback from targeted public consultation presented and discussed.
- Border Rivers key challenges include water availability and reliability, climate variability and change, Aboriginal water rights and river health and connectivity.
- Public exhibitions for the Border Rivers RWS are scheduled for Q2 2022 and include webinars, face to face meetings and focus sessions. The final strategy and implementation plan will be released end of 2022.
- Customers questioned if this will lead to more infrastructure in the valley. DPE stated in the first round for Border Rivers in October 2020 there were 54 actions that included a range of options from infrastructure to policy to education. DPE has done analysis and shortlisted actions to solutions they feel will be best for the region and these will be included in the consultation going forward. Border Rivers and Gwydir RWS are due to go out for a second round of consultation soon.
- Customers noted the Border Rivers is different to other valleys in that it covers more than one state jurisdiction and questioned what engagement DPE has had with Queensland, given some solutions will affect both states. NSW has been in discussion with Queensland and are aware of their process, which is a bit behind NSW. There will be some interstate collaboration required and as we get to implementation phase and have a better understanding we will consult further. DPE is also about to brief BRC.
- Customers queried how the strategies relate and interact with other valleys in neighbouring regions. DPE advised the Border Rivers RWS and Gwydir RWS have been developed concurrently and there is overlap between the valleys, with similar shortlisted options. The teams working on the strategies collaborate to ensure the strategies talk to each other as much as possible.
- Customers questioned how the Border Rivers and tributaries downstream relate to the Barwon-Darling and if they are being integrated as well. DPE is developing a Western RWS and connectivity issues will be addressed.
- Information on [Regional Water Strategies in NSW](#) can be found on DPE's website.

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5.6 Cold Water Pollution update (A Richardson)

- WaterNSW is required to address cold water pollution (CWP) under some work approvals subject to funding being provided. WaterNSW high priority CWP sites that require mitigation options funding are Copeton, Keepit, Wyangala and Blowering dams.
- WaterNSW sought funding for a CWP mitigation options study for works to improve temperature monitoring in its rural pricing submission to IPART. Funding was approved for 3 high priority sites (Copeton, Blowering and Keepit) and 3 temperature monitoring sites (Toonumbar, Lostock and Carcoar).
- The CWP mitigation options studies on the three dams will commence March 2022 through to June 2023 with expected outcomes being a robust assessment process, identification of the best CWP solution with the greatest environmental benefit at least whole-life cost and a benchmark to apply to lower priority dams. The CWP temperature monitoring works will occur in FY22-FY24.

6. Business Papers:

- Noted and taken as read.

7. General Business:

7.2 Mole River Dam

- Customers sought an update on Mole River Dam. WaterNSW advised this project has been taken over by Water Infrastructure NSW. We have invited them to present updates at the CAGs however invitations have not yet been accepted.
- In the interim, the [latest project updates](#) are available on the Water Infrastructure NSW website.

Meeting Review and Close

Next Meeting: date to be confirmed (July 2022)

Meeting closed: 1.00pm

Border Rivers Customer Advisory Group – Actions – 6 April 2022

Carried forward actions

Action No.	Action	Responsibility	Status
BR2110.01	DPIE to look at the rationale on the measurement of external bore casings and provide clarity to CAG members.	A Walker 7/4/22: follow up action for S Lykos	<p>Advice provided by DPE:</p> <p>For non-urban metering, the bore diameter refers to the external diameter of the casing as this is readily available for measurement and compliance using callipers. A bores external diameter is what is listed on your work approval.</p> <p>Using an ID would require the casing to be opened and the tamper seals to be broken, potentially triggering a revalidation.</p> <p>Discussion 7 April 2022:</p> <p>Customers questioned if this also relates to surface water pumps, stating the bore casing has nothing to do with the meter and a poor indication of the volume the work is able to pump.</p> <p>DPE stated the pipe outlet size (external) was the accepted measurement for the Policy. Taken on notice to provide more information to customers on the background and rationale for the measurement.</p>

New actions

Action No.	Action	Responsibility	Status
BR2204.01	WaterNSW to confirm where it is written (Licence Conditions) that water that is metered must be taken on the day it is ordered.	M Brooks	

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