



Peel Environmental Water Technical Advisory Group (PEWTAG)

Terms of Reference

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Contents

1	INTRODUCTION	3
1.1	Background.....	3
1.2	Statutory Provisions	3
2	THE ROLE OF THE PEWTAG.....	4
2.1	PEWTAG Objective	4
2.2	How the PEWTAG will Operate	4
2.3	Scope and Tenure of the PEWTAG	4
2.4	Limits to Decision-Making	4
2.5	Consensus Decision-Making.....	5
3	MEMBERSHIP.....	6
3.1	Members	6
3.2	PEWTAG Membership	6
3.3	Chairperson	6
3.4	Observers	6
3.5	Administrative Support	7
4	ADMINISTRATIVE ARRANGEMENTS	8
4.1	Frequency of Meetings.....	8
4.2	Attendance and Quorum.....	8
4.3	PEWTAG Recommendations	8
4.4	PEWTAG Communications	8
4.5	Expenses.....	8
4.6	Related Documentation	8

1 INTRODUCTION

This Terms of Reference guides the activities of the PEWTAG - the Peel Environmental Water Technical Advisory Group. The PEWTAG is established under the Authorisation to Operate the Chaffey to Dungowan Village pipeline (the Authorisation) and is to provide advice and recommendations relating to the release of environmental water and emergency water provided by the Authorisation.

The Authorisation is made under section 8(5) of the *Water Supply (Critical Needs) Act 2019* and it outlines the conditions and requirements for WaterNSW to operate the pipeline. These conditions include the accrual of environmental water into a Temporary Environmental Water Account (TEWA).

Under the conditions of the Authorisation WaterNSW will release water from Chaffey Dam into the Peel River as follows:

- When directed by the Director North West Biodiversity Conservation Division (DPIE-EES). This water must come from the TEWA.
- When directed by the Director Water Planning Implementation (DPIE-Water) to make an emergency release of water (in addition to water held in the TEWA).

1.1 Background

The Peel River supports a range of sensitive ecological communities. Under the NSW *Water Management Act* the environment has the highest priority, however during a drought, the protection of these communities is second to meeting critical human needs.

The existing provisions under the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* (Peel WSP) or any subsequent equivalent WSPs provide for environmental water. During times of drought, some of these rules may be suspended and/or allocations may not be available for environmental water accounts, such as the Environmental Contingency Allowance (ECA).

The implementation of the pipeline extends the critical human needs of Tamworth, Moonbi and Kootingal. The pipeline from Chaffey Dam can currently provide up to 21 ML/day to Tamworth Regional Council to meet their requirements.

Four phases of operation have been identified in the Authorisation to balance the severity of environmental impacts against town water supply security to enable an adaptive management approach. Under the Authorisation, a Temporary Environmental Water Account (TEWA) is to be set aside comprising of an aggregation of up to 3 ML/day (dependent on the Phase of operation). This water may be used to meet critical environmental needs depending upon a critical supply level.

1.2 Statutory Provisions

The PEWTAG is established as a requirement under the both the State and Commonwealth Authorisations. These Terms of Reference guide the activities of the PEWTAG and their role in environmental water governance. The PEWTAG has no statutory powers or authority.

2 THE ROLE OF THE PEWTAG

2.1 PEWTAG Objective

The objective of the PEWTAG is to maximise ecological benefits, while identifying risks and mitigating adverse impacts.

To achieve this objective, the PEWTAG will provide advice and recommendations relating to the:

- volume, timing and rate of water releases from the TEWA
- release of emergency water including processes for identifying triggers for release
- appropriate discharge rates into the Peel River when flows are recommenced under “Phase 1 of operation”
- Management Plans required by the Authorisations
- Scope of the Review of the Authorisation (as per condition 20 of the Authorisation)

2.2 How the PEWTAG will Operate

The PEWTAG will assimilate knowledge and expertise and aim to reach consensus in formulating advice and recommendations. In the consideration of issues, the PEWTAG will:

- focus on the environmental benefit
- consider all points of view
- reflect on the local context
- seek more information when needed.

2.3 Scope and Tenure of the PEWTAG

The PEWTAG’s advice will be limited to the water sources defined under the Peel WSP.

Upon agreement from Members and depending on conditions, the PEWTAG maybe suspended or meet less frequently when the active storage level in Chaffey Dam triggers “Phase 1 of operation”.

If the PEWTAG is suspended or meetings are delayed, the PEWTAG will:

- reconvene before “Phase 2 of operation” is triggered, and
- may reconvene as required until the monitoring program is completed

The PEWTAG is likely to cease to operate within 2 months of the expiry of the Authorisation, however the PEWTAG may reconvene as required.

If a Peel Environmental Water Advisory Group is established under the Peel WSP the PEWTAG and this Terms of Reference may be reviewed.

2.4 Limits to Decision-Making

The PEWTAG will provide advice and recommendations as outlined above however the advice and recommendations specifically regarding the release of water from the TEWA or an emergency release will be ratified by DPIE-EES or DPIE-Water as required by the Authorisation.

The advice may include scientific, technical, political, social and cultural considerations if it affects the ability to maximise the outcomes of managing water.

2.5 Consensus Decision-Making

PEWTAG members should aim to reach a consensus in relation to the recommendations and advice produced by the group. Where consensus cannot be reached the range of opinions and the majority position shall be provided in the PEWTAG Recommendations (section 4.3).

3 MEMBERSHIP

3.1 Members

Membership of the PEWTAG is to comprise of up to two representatives from each of the Divisions (EES & Water) in the NSW Department of Planning Industry and Environment (DPIE) and up to two representatives from the Department of Regional NSW (DRNSW) responsible for administering the:

- *Water Management Act 2000*;
- *Fisheries Management Act 1994*; and
- *Biodiversity Conservation Act 2016 Act*.

Additionally, the Commonwealth Approval requires that the Commonwealth Environmental Water Holder nominate a representative to become a member of the PEWTAG.

3.2 PEWTAG Membership

The DPIE and DRNSW members of PEWTAG representing their respective divisions responsible for administering the relevant legislation are listed below.

Water Management Act 2000

- A/Manager Planning Implementation, E Howey
- A/Director Planning Implementation, A Raine

Fisheries Management Act 1994

- Senior Fisheries Manager, H Bamford
- A/Program Leader Murray-Darling Unit, A Townsend

Biodiversity Conservation Act 2016 Act

- Senior Team Leader, Environmental Water & Floodplains, North West, D Love
- A/Senior Wetlands and Rivers Conservation Officer, P Keyte

The members nominated by the Commonwealth Environmental Water Holder are:

- Local Engagement Officer, Northern Basin, J Humphries
- Assistant Director, Northern Basin Wetlands, Policy and Northern Water Use Branch, N Sloane

A member may nominate an alternate or substitute member when that person is unable to attend a meeting.

3.3 Chairperson

The appointed Chairperson is the Director North West Biodiversity Conservation Division, DPIE EES (or their delegate). In the absence of the Chairperson, the group may elect a Deputy Chairperson from the members.

3.4 Observers

WaterNSW as the Authorised Person shall provide at least one Observer at each meeting.

The Chairperson may invite other Observers to PEWTAG meetings.

Observers may be expected to present information, respond to questions, and participate in discussion relating to the topic.

If required, sub-groups may be established under the PEWTAG to assist the PEWTAG in connection with any function. The full PEWTAG will determine operating protocols of any sub-groups.

3.5 Administrative Support

If required, administrative support may be provided to the PEWTAG by DPIE EES or WaterNSW as appropriate and may involve:

- Managing PEWTAG records and supporting WaterNSW with convening meetings
- Undertaking meeting administration (agenda preparation, distribution of information, minute taking, recording and follow-up on actions)

4 ADMINISTRATIVE ARRANGEMENTS

4.1 Frequency of Meetings

The Authorisation requires WaterNSW to convene PEWTAG meetings at least monthly. Meetings may be called more frequently if required at the agreement of PEWTAG. Meetings may also be suspended or delayed as outlined in section 2.2.

4.2 Attendance and Quorum

Meetings will generally be held by teleconference or video conference and will be closed to the general public. A quorum will comprise of one representative from each of:

- DPIE-Water
- DPIE-EES
- DRNSW
- The Commonwealth Environmental Water Holder

or their subsequent organisations plus one other Member as listed in section 3.2 or their alternate.

If a quorum is not achieved, at the discretion of the Chairperson - the meeting can proceed to provide information updates.

Any PEWTAG recommendations or advice regarding the release of water from the TEWA or an emergency release must come from a quorum.

4.3 PEWTAG Recommendations

Recommendations and advice from the PEWTAG regarding the release of water from the TEWA or an emergency release shall be provided through the respective divisions of DPIE to the relevant DPIE Directors.

4.4 PEWTAG Communications

WaterNSW and the Members' organisations / divisions will continue to issue communication material and media releases as part of their normal business. It is envisaged that any communication material or media releases about the management of the environmental water in the Peel or release of water from Chaffey Dam under the Authorisation would be undertaken in consultation with PEWTAG Members prior to any public comment or media release being made.

When WaterNSW is directed to undertake water releases from Chaffey Dam under the Authorisation, WaterNSW will issue a media release and/or other communication material advising stakeholders of the direction to make those releases.

4.5 Expenses

Any expenses incurred by members or observers will be borne by their individual organisation or division. No sitting fees are payable to PEWTAG members.

4.6 Related Documentation

The Authorisation - Chaffey Dam to Dungowan Village pipeline Authorisation under section 8 of the Water Supply (Critical Needs) Act 2019.

https://www.waternsw.com.au/data/assets/pdf_file/0007/158650/signed-conditions-WNSW-Chaffey-to-Dungowan.pdf

Commonwealth Approval

<http://epbcnotices.environment.gov.au/entity/annotation/0ce753be-66ac-ea11-a182-005056842ad1/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1593492543126>