



I N L A N D  
R I V E R S  
N E T W O R K

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**SUBMISSION**  
**Draft Intersecting Streams Water Resource Plan**

The Inland Rivers Network (“IRN”) is a coalition of environment groups and individuals concerned about the degradation of the rivers, wetlands and groundwaters of the Murray-Darling Basin. It has been advocating for the conservation of rivers, wetlands and groundwater in the Murray-Darling Basin since 1991.

IRN appreciates the opportunity to comment on the draft Intersecting Streams Water Resource Plan (draft WRP).

**Background**

IRN submitted substantial comments to the Status and Issues Paper on the Intersecting Streams WRP released in 2017.

IRN has taken a great interest in water management in the Barwon-Darling Intersecting Streams system because of the national and international environmental significance of the environmental values in this water source area and the importance of the connectivity with upstream and downstream water sources.

We raised that the environment values in the Intersecting Streams are very high and need to be better protected. We do not consider that the draft WRP has achieved this improved protection.

The high risks to water availability for environmental assets and to water quality will not be managed through the rules in the draft Water Sharing Plan (WSP).

IRN is very concerned that the risk management strategy states that NSW planning principles prevent the mitigation of high risks to water availability to the environment because there is an emphasis on providing certainty for water users.

This bias towards extractive industries threatens the ability of the draft WRP to meet the objectives of the Basin Plan.

The unwillingness to change draft WSP rules to better protect environmental flows impacts on the capacity to improve water quality, instream health and improve the resilience of high value environmental assets.

The lack of rules to protect held environmental water (HEW) entering the system from Queensland is a major failing of the WSP.

IRN does not support the NSW Government position that the current environmental protection rules in the draft WSP should remain unchanged until the end of the initial WSP ten year lifespan. This will prevent the draft WRP from meeting its objectives.

IRN raised concern about the one area where a rule change is proposed, that is to include provisions for interstate trade with Queensland. We strongly oppose this rule change because of the level of impact that extraction over the border is already causing in this water source.

IRN does not support the licencing of floodplain harvesting in this water source. All capture of floodwaters should be prohibited.

We raised the importance of consultation with First Nations people and are concerned that consultation has occurred with only two Nations of the eight Nations with country in the WRP area. The draft WRP should not be on exhibition for comment with this significant gap in consultation and information.

IRN does not support the draft WRP and accompanying WSP because they have failed to address any of the issues we raised in our submission to the Status and Issues Paper. The ongoing information gaps and failure to adequately protect the environmental values supported by this surface water source must be addressed.

### **High Value Environmental Assets**

The draft WRP identifies that this water source contains 914 key environmental assets and 20 key hydrological indicator sites. This demonstrates the environmental significance of the Intersecting Streams within the Murray-Darling Basin (MDB).

IRN notes that most of the regions in the water source have a shortfall in identified environmental watering requirements. Up to 795 GL is still required to meet these requirements.

It is critical that the draft WSP contains rules to protect HEW so that the watering of key environmental assets can be achieved.

The current rules to protect planned environmental (PEW) water are inadequate and must be improved during the development of this draft WRP.

Cl 45 shows that flow classes have only been instated in management zones in the Narran River. This is unacceptable. All the river systems that make up the Intersecting Streams water source and have access licences extracting water must have nominated flow classes with access rules.

IRN considers the very low flow heights provided in Cl 45 Table A to be inadequate for protecting instream ecological values and key hydrological indicators.

Having a very low flow class of no visible flow and a commence-to-pump rule of visible flow in most of the Intersecting Streams is inadequate protection of environmental values.

The draft WSP Cl 15 (2) (a) defines PEW as the commitment of the physical presence of water in these water sources. IRN considers the protection of visible low flows in this water source to be a critical element of protection of PEW. The long-term average annual extraction limit (LTAAEL) and reference to any water not committed for extraction, are definitions of PEW that fail to maintain or improve the health of these unregulated river systems.

The current water access rules cause prolonged no flow and drought conditions in this water source prohibiting the maintenance of flow connectivity, re-oxygenation of pools, flushing of poor water quality and providing fish passage.

There must be visible flow heights protected in all unregulated rivers that intersect the Barwon-Darling system. First flush flows must also be protected in all the Intersecting Streams. These rule changes will improve connectivity with the Barwon-Darling and improve the health and resilience of these important water sources.

Improved protection of surface flows will also benefit groundwater systems with significant hydraulic connectivity.

IRN has lodged submissions to the various draft groundwater WRPs associated with the Intersecting Streams water source. We have identified that water management provisions in those groundwater sources fail to protect risk to groundwater dependent ecosystems, including base flow, riparian vegetation and instream ecological values.

The purpose of the Basin Plan and the draft WRPs is to improve the health and functionality of water sources in the MDB. The failure to protect low flows in the Intersecting Streams through improved rules in the draft WSP is a failure to meet the objectives of the WRP process.

High risks to water availability and water quality for environmental assets in this water source have been identified. The rules in the draft WSP will not mitigate these risks.

### **Floodplain Harvesting**

IRN does not support the provisions in the draft WSP to licence floodplain harvesting (FPH) in this water source. Any FPH activities not covered by unregulated access licences should not be permitted.

The draft WSP Cl 15 (2) (c) defines PEW as water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met. The provision for new access licences in the draft WSP is a net reduction in the protection of PEW.

IRN does not support the draft WRP at 4.5.1 *Demonstrating no net reduction in the protection of PEW*<sup>1</sup>.

The long-term average annual planned environmental water under this plan (schedule A) will be less than the long-term average annual planned environmental water that was in place at 23 November 2012 if new FPH licences are granted.

FPH has significant impact on downstream environmental assets, aquifer recharge, flow connectivity, volume of river freshes and downstream water users.

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<sup>1</sup> Draft WRP p 32

The importance of flow connectivity from Intersecting Streams to the Barwon-Darling water source is critical and must be protected from opportunistic extraction through FPH.

### **Interstate Trade**

IRN opposes the proposed change in the draft WSP to allow for future provisions for interstate trade into and out of the Intersecting Streams water source.

The risk assessment identifies high risk to water availability to environmental assets from base flows and low flows in the Warrego and Culgoa Rivers. The strategy for managing these high risks is compromised because of the extraction upstream in Queensland.

Any transfer of water upstream to Queensland will further exacerbate these high risks.

An increase in the volume of environmental water and strong rules to protect both HEW and PEW is the key solution to mitigating the rapid increase of consumptive take in Queensland.

IRN objects to the draft WSP Cl 63 and maintains that the full prohibition of interstate transfer of access licences and assignment of water allocation must be maintained.

We note that the draft WRP indicates that a framework to allow for interstate trade, as well as administration arrangements between the states will be progressed further only if requested by water users and there is sufficient interest to warrant the investment by both states.

Also that *‘Trade will only be progressed in water resource planning if NSW water users are interested in interstate trade.’*<sup>2</sup>

IRN considers it imperative that the environmental impacts of interstate trade be the key reason for maintaining a prohibition.

### **Assessment of compliance with LTAAEL**

IRN does not support draft WSP Cl 29 (1) that allows for compliance with LTAAEL to be assessed over a five year period.

IRN considers that consistency of compliance to LTAAEL should be a three year rolling average across all water sources in NSW.

This will give much greater assurance that planned environmental water is protected.

### **Risk Assessment**

The risk assessment for the Intersecting Streams water source has identified a number of high and medium risks to water availability to the high value environmental assets and hydrological values of this water source.

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<sup>2</sup> Draft WRP p 33

Key mitigation measures for these risks in the draft WRP are inadequate and will not meet the objectives of the Basin Plan

Intolerable high risk must be mitigated through improvements to PEW rules in the draft WSP.

IRN does not support that the risk of climate change to this water source is low. The current severe drought is causing high risk to native fish populations, instream ecological values and all water dependent ecosystems.

Measures to mitigate the impact of prolonged drought must be developed as an integral part of the draft WRP.

### **Water Quality Management Plan (WQMP)**

The WQMP identifies a number of high and medium risks to aquatic ecosystems in the Intersecting Streams water source through poor water quality. This includes salinity, turbidity, total nitrogen, total phosphorous, dissolved oxygen and pH.

The key mitigation measures for high and medium risks to water quality is the protection of low flow and pool habitats to prevent accelerated rates of drying, deterioration in water quality or loss of connectivity.

As previously indicated the rules in the draft WSP do not adequately protect low flows and connectivity.

IRN considers it imperative for the mitigation of high risks to aquatic ecosystems to be achieved. This can only occur through better protection of low flows above no visible flow in all rivers within the Intersecting Stream water source.

The background material provided with the Intersecting Stream Issues and Status Paper included that *'a body of evidence suggests low flows are essential for maintaining water quality, allowing passage over riffles for fish and other fauna to pools used for drought refuge, maintaining those parts of aquatic ecosystems that are most productive. For example, the faster flowing riffle areas between pools usually contain the highest abundance and diversity of aquatic fauna. Although many streams will naturally stop flowing in dry times, it is the increased frequency and duration of drying as a result of extraction that has the potential to impact on stream ecosystems'*.<sup>3</sup>

We are concerned that consideration of Water Quality objective WQ9 to *Protect, maintain or enhance connectivity between water sources to support downstream processes including priority carbon and nutrient pathways* has knowledge gaps in all areas of the water source.

The protection, maintenance and enhancement of connectivity with the Barwon-Darling River is an essential requirement of the WRP development process. It is disappointing that this draft WRP fails to achieve this important objective.

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<sup>3</sup> Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources – Background document p 4

It is imperative that a functional level of PEW is protected in WSP rules, as well as rules to protect HEW in all rivers within the Intersecting Stream water source.

### **Conclusion**

IRN does not consider that the draft Intersecting Streams WRP will meet the requirements of the Basin Plan.

The proposed changes to WSP rules will not protect planned environmental water, achieve management of risk, or improve water quality.

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