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Submission to Review of the *Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources 2011*

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

Member groups include the Australian Conservation Foundation; the Nature Conservation Council of NSW; the National Parks Association of NSW; Friends of the Earth; Central West Environment Council; and Healthy Rivers Dubbo.

Introduction

IRN welcomes the opportunity to participate in the Natural Resources Commission (NRC) review of the *Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources 2011* (the WSP).

It is noted that various changes have occurred to water planning in the Darling catchment since this WSP was gazetted in 2011. These are associated with the making of the Murray-Darling Basin Plan in 2012.

The development of Water Resource Plans (WRP) under the Basin Plan has separated this WSP into two different plans:

- The Intersecting Streams Surface WRP
- The Darling Alluvium WRP

The WSP under review has been amended to reflect these changes.

A key issue for water management in these water sources is connectivity between surface flows and groundwater and flows to a significant number of environmental assets.

An audit of the WSP conducted in 2019 found that following provisions were not being given effect to:

- Part 2 Vision, objectives, strategies and performance indicators, cl. 11 Performance indicators used to measure the success of the WSP strategies to reach the objectives of the WSP
- Part 6 Limits to the availability of water, cl. 31 Compliance with the long-term average annual extraction limit for the Intersecting Streams Unregulated Water Sources.

And that a number of provisions were only partially given effect to.¹

A range of commitments in the plan should have been completed by now. These are all associated with gathering baseline information and range from identifying high priority Groundwater Dependent Ecosystems (GDEs) to identifying a cultural water allocation. The lack of commitment to researching this information has affected the achievement of key objectives and performance indicators in the WSP.

IRN does not consider that the WSP provided a balance for environmental, social and economic benefit. The lack of compliance compounds this regulatory failure.

This is in keeping with the recent findings of the Independent Commission Against Corruption that : *'the rights of productive water users were given priority over the rights of other stakeholders and that there was a clear alignment between the department's strategies and goals and those of the irrigation industry.'*²

Context to the water plan's area

The intersecting streams water sharing plan is located near Bourke, in the far north western corner of NSW. The Plan area comprises six surface water catchments which includes the Warrego, Paroo, Yanda, Culgoa, Narran and Mooni water source as well as the Warrego and Paroo groundwater source.

The area covered by the plan is not a biophysical catchment - it is a management unit that is part of the wider Barwon Darling catchment. Thus biophysical processes and activities outside the boundaries of the plan's area can be influential to the health of both the natural and human community in the area.

¹ Alluvium, October 2019. *Audit of the Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources 2011*

² ICAC, Nov 2020. *Investigation into complaints of corruption in the management of water in NSW and systematic non-compliance with the Water Management Act 2000* p 9

These rivers flow south and spread into the vast floodplains of New South Wales that generally end in large swamps. They only occasionally flow to the Darling. For example the Paroo generally ends on the floodplains south of Wanaaring, in the top north-west corner of New South Wales. The Warrego ends near Louth. These catchments contain significant terminal wetlands including the Nocolche Nature Reserve, Toorale National Park and Peery Lake.

The Narran terminates in the Ramsar listed Narran Lakes system.

These rivers are recognised as some of the largest natural free flowing systems in the Murray-Darling Basin.

The larger extent of the biophysical catchment is in Queensland, therefore interstate agreements and water sharing arrangements have a major impact on this water source and on the broader Barwon-Darling water source. The Condamine-Culgoa Rivers contribute 20% of long-term average flow in the Darling River to Menindee Lakes.³

Environmental Health

Groundwater Dependent Ecosystems (GDEs): the plan fails to identify the Ramsar listed wetlands in the plan area and the critically endangered Artesian Springs Ecological Community under Schedule 6 as high priority GDEs.

The Darling Alluvium is dominated by the vegetation GDE communities of River Red Gum woodland wetlands, Lignum wetlands, freshwater wetlands, Black Box woodlands, Canegrass swamps, Coolabah-River Coobah-Lignum woodland wetlands and chenopod shrublands. These communities are characterised by having endangered ecological communities, DIWA/Ramsar wetlands, extensive connected riparian corridors and basin target vegetation species of Black Box, Lignum and River Red Gums.

Schedule 6 of the plan states *"High priority groundwater dependent ecosystems (hereafter GDEs) are currently under investigation and some may be identified during the term of this Plan and that the full list of potential GDEs will be identified on the Departmental GDE Register. If it becomes verified as a high priority GDE, this Schedule will be amended to include the GDE.*

The fact that no GDEs are identified for inclusion in Schedule 6 is more a result of lack of assessment than lack of GDEs.

Fish habitat: Protection of permanent water holes during periods of low flow is critical for to provide refugia for fish and other aquatic species.

The Intersecting Streams host a large number of native fish including Murray Cod (*Maccullochella peelii peelii*), Bony Bream (*Nematolosa erebi*), Golden Perch (*Macquaria ambigua*) and Silver Perch (*Bidyanus bidyanus*). The Warrego River is one of the only places in the Murray–Darling Basin where silver perch breed naturally.

³ DPIE-Water, 2017 Status and Issues Paper, Intersecting Streams Water Resource Plan

The highly variable nature of flows in the Intersecting Streams must be taken into account in water sharing arrangements so that fish habitat is protected.

Protection of low flows: Ecosystem health depends on access to water in dry times.

The Intersecting Streams host a number of endangered species and ecological communities including the Lowland Darling River Endangered Ecological Community.

The health of riparian vegetation and connectivity flows between permanent water holes is essential. These ecosystem functions must be protected through water sharing rules.

Protection of vital flood flows: With major rainfall, breakouts occur along the watercourses causing widespread flooding across the semi-arid plains. These would normally flow into ephemeral lakes that are part of the Ramsar-listed Wetlands.

Floodplain harvesting (FPH) of widespread flooding is a form of unspecified take that has grown during the life of the plan without being properly accounted for.

The ecological value of breakouts along watercourses in the Intersection Streams must be taken into account in water sharing rules.

Floodplain Harvesting (FPH)

We note that WSP Clause 4 (5) (c) recognises the significance of FPH to the plan area in that *'These water sources do not include water taken under a floodplain harvesting access licence with a share component that does not specify one of these water sources.'*

The WSP has a provision under Clause 27 (2) (c) that allows for the *'estimated annual extraction of water averaged over the period from July 1993 to July 1999 by floodplain harvesting activities for which floodplain harvesting access licences were later issued in the respective water source.'*

We note that these licences have not yet been granted and that the assessment of the allocation of shares to FPH licences is still being undertaken.

While it is maintained that the volume of water extracted by FPH in this water source has already been included in the volumetric conversion of unregulated water access licences, there is the possibility that additional FPH licences will be granted.

It is imperative that the NRC review takes note of the environmental impact of FPH on the landscape, groundwater recharge and the health of rivers.

IRN is very concerned about the lack of consideration of the cumulative environmental impact of FPH and the poor record of NSW Government's ability to manage water.

Management of FPH across NSW and Queensland, including interstate governmental agreements for water sharing are critical for the health of this water source.

Response to Review Questions

1. To what extent do you feel the plan has contributed to environmental outcomes?

The WSP has failed to meet its environmental objectives to:

'protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources,'

No Total daily extraction limits (TDELs) or Individual daily extraction limits (IDELs) have been implemented during the life of the plan.

Flow classes and daily access rules have only been established for the Narran River. The very low flow classes are inadequate, particularly in Zone 3 management zone.

No other river system in the Intersecting Stream water source appears to be managed with daily access rules. Exemptions for surface water access rules under Clause 46 (10) do not provide protection for natural pools, lagoons or lakes that are less than 100% full.

Compliance with the long-term average annual extraction limit (LTAAEL) is the key provision in the WSP protecting environmental water. This provision has not been met.

There is no recognition of the GDEs in the WSP area and WSP rules protect only 75% of annual average rainfall recharge as the key source of environmental water in the Warrego and Paroo groundwater source.

2. To what extent do you feel the plan has contributed to social outcomes?

The WSP has failed to protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values or to protect basic landholder rights.

The carryover provisions for unregulated access licences and lack of protection of flows for downstream use has caused a failure to achieve social outcomes.

The management of FPH extraction is particularly important for the health of this water source.

3. To what extent do you feel the plan has contributed to economic outcomes?

The key intent of the WSP was to have negligible impacts on history of use. This has contributed to economic outcomes at the expense of balanced water sharing.

4. To what extent do you feel the plan has contributed to meeting its objectives?

As found in the Alluvium audit, the WSP has failed to meet its objectives including a contribution to the environmental and other public benefit outcomes identified under the Water Access Entitlements and Planning Framework in the *Intergovernmental Agreement on a National Water Initiative (2004)*

5. What changes do you feel are needed to the water sharing plan to improve outcomes?

In the context of the development of WRPs under the Basin Plan, the current MDBA accreditation process and amendments made to the WSP in June 2020 it is very difficult to track the current status of this WSP.

Rules must be strengthened to protect the integrity of natural pools, lagoons and lakes in recognition of their importance in the landscape.

Flows to important Ramsar listed wetlands must be protected.

Concerted research efforts into GDEs and the health of important naturally occurring water bodies in the landscape must be given high priority to inform a more balanced approach to water sharing under this WSP.

The provision of cultural flows and water allocation is also a high priority.

Due to the very infrequent flows in the Paroo and Warrego Rivers and the high dependence of floodplain ecosystems, especially the lakes, on these occasional floods, these rivers must be protected from further development.

Conclusion

IRN looks forward to recommendations from the NRC that will inform the making of new WSPs for the Intersecting Streams water sources.

It is hoped that a clearer understanding of the status and future of water planning for this area will be provided in the NRC report.

The recommendations must provide strong guidance to the NSW Government so that the approach to water sharing is undertaken without the current bias towards the extractive industries.

Yours sincerely

Brian Stevens
Secretary