



Natural
Resources
Commission

Review of the Lower Murray-Darling and Intersecting Streams unregulated water sharing plans

Report Summary

This slide pack provides an overview of findings and recommendations – the Commission’s full and official advice is available via our website –

<https://www.nrc.nsw.gov.au/wsp-reviews>

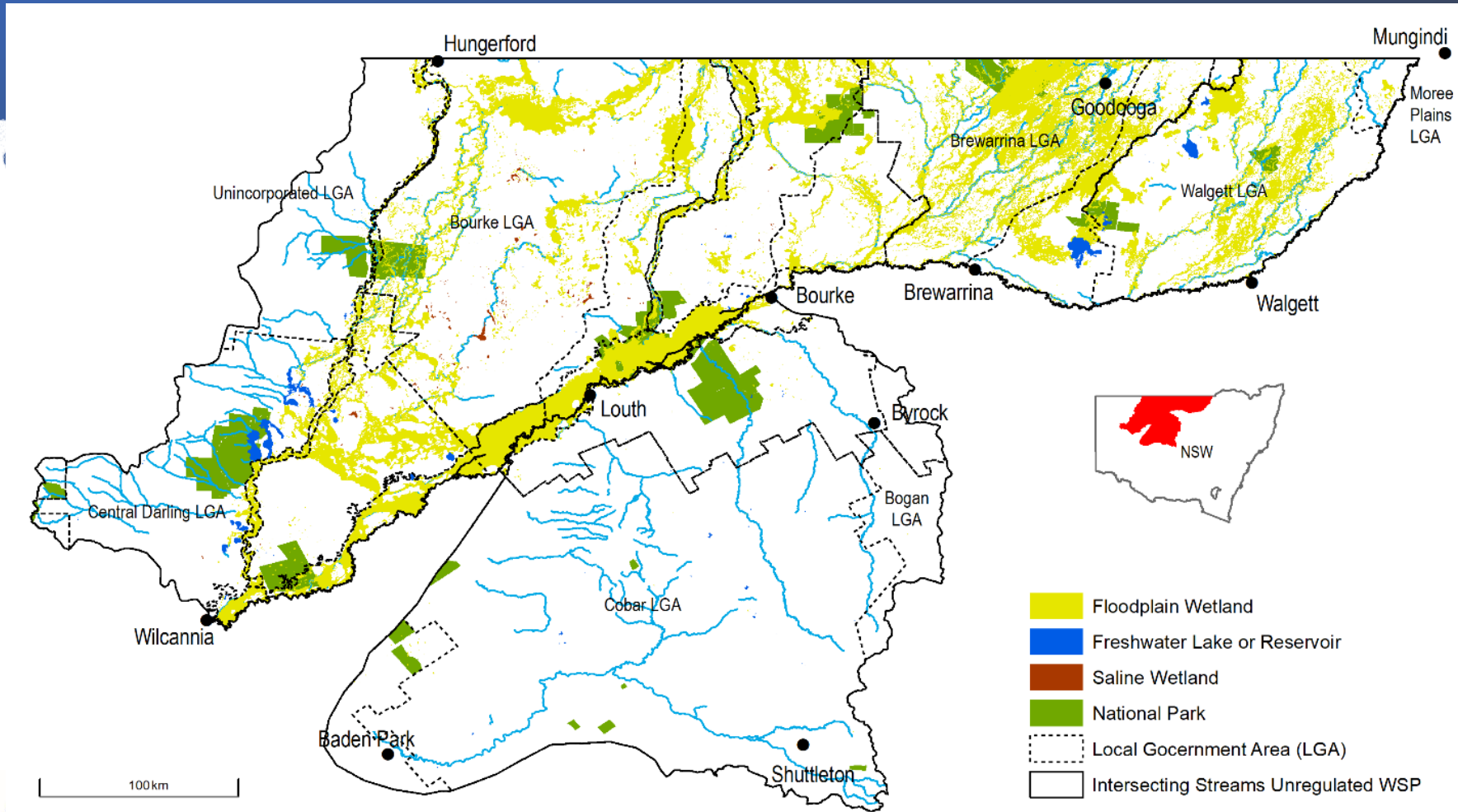
Acknowledgement of Country

- The Commission acknowledges and pays respect to the Traditional Owners past, present and future of lands and waters in the Plan area, Barkandji, Muthi Muthi, Yitha Yitha, Ngemba, Ngiyampaa, Wangaaypuwan, Wayilwan, Maraura, Budjiti, Euahlayi, Gomeroi / Kamilaroi, Guwamu, Kunja, and Murrawarri, as well as other Aboriginal peoples for whom these waterways are significant.
- Aboriginal peoples have a deep cultural, social, environmental, spiritual and economic connection to their lands and waters. We value and respect their knowledge in natural resource management and the contributions of many generations, including Elders, to this understanding and connection.

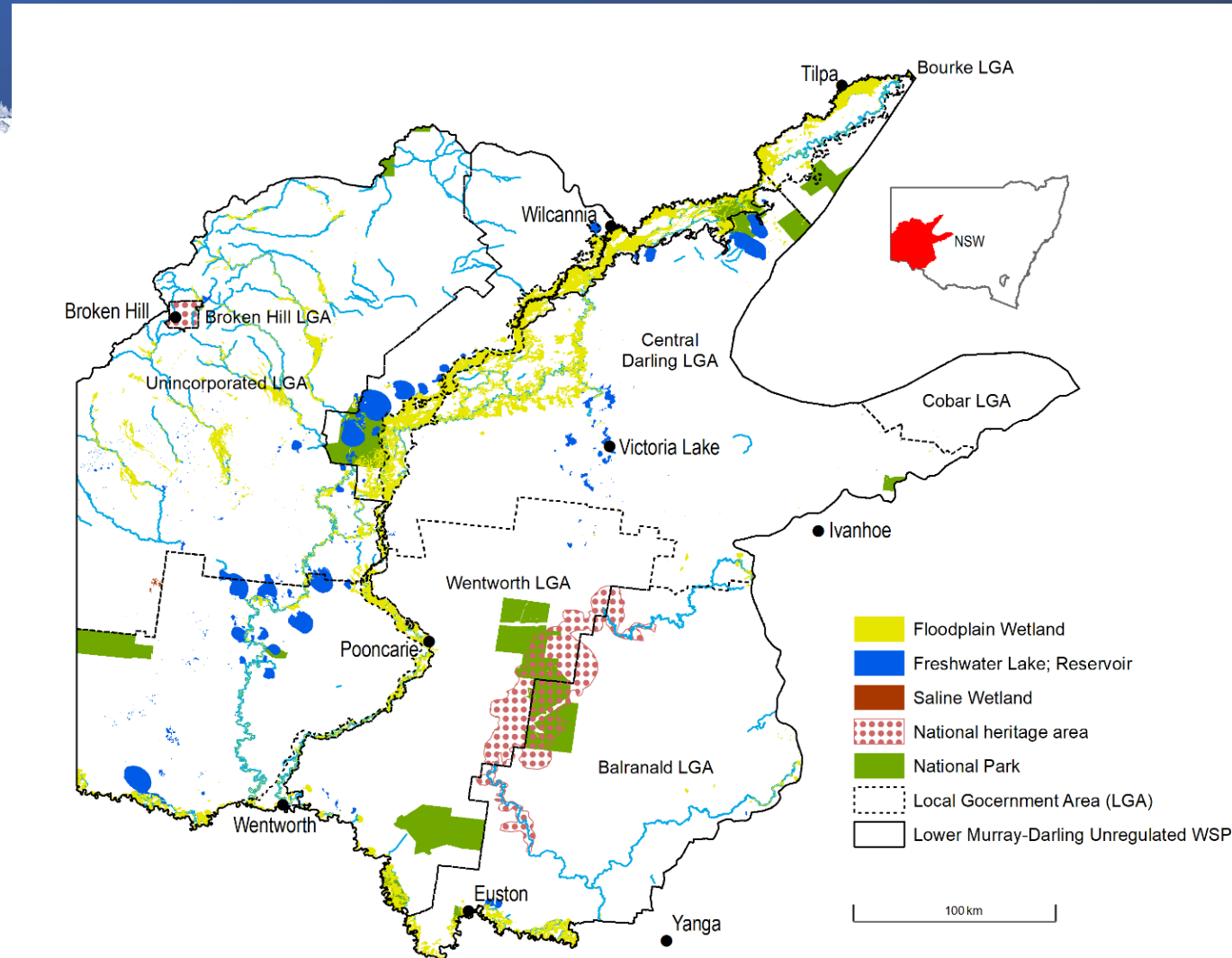
Our review

- The Natural Resources Commission (the Commission) has a statutory role under s43A of the *Water Management Act 2000* (the Act) to review water sharing plans approaching expiry
- Our reviews consider if a plan's environmental, social, cultural and economic outcomes have been achieved, and what improvements can be made
- As part of our reviews, we recommend whether a plan should be extended or replaced
- Our reviews consider relevant data and documents, technical advice, stakeholder consultation and public submissions
- We acknowledge that critical Covid-19 outbreaks at the time of review impacted on the ability of organisations to participate in this review

Intersecting Streams Plan area



Lower Murray-Darling Plan areas



Plan areas

- Comprise part of the Murray-Darling Basin – together the Plans cover the length of the Baaka/Darling River in NSW, and were included in one review to more holistically assess issues in the Baaka/Darling
- Managed under the NSW Western Land Division – water management in this area is unlike other NSW unregulated systems
- 100% of run off allowed to be captured under harvestable rights
- Subject to intergovernmental agreements – Intersecting Streams borders Queensland, while Lower Murray-Darling borders Victoria
- Intersecting Streams includes high-value environmental assets, including Ramsar wetlands, and Dharriwaa/Narran Lakes (also culturally significant)
- Lower Murray-Darling supports several threatened species, and the Darling Anabranh provides a crucial corridor connecting the Menindee Lakes with the Murray river system when there is adequate flow

Overall finding on Plan extension and replacement

- The Commission has identified several opportunities to improve outcomes that justify replacing the Plans
- The Commission recommends an extension of two years to the existing Plans to allow time to undertake required data collection and analysis, consultation, and development of amended provisions

Overview of key issues



New data available

- Considerable new information to inform Plan remake since the Plans were developed
- This includes water resource plan (withdrawn) risk assessments, long-term water plans, cultural flows research (Intersecting Streams) and various monitoring programs



Key risks

- Cross-border water resource development significantly impacts Intersecting Streams
- Lack of understanding of current level of extraction and its sustainability
- Important wetlands and environmental flows not adequately protected
- Connectivity not adequately addressed
- Town water supply needs not fully reflected in the Plans
- Aboriginal outcomes not adequately supported
- Potential for inequitable sharing of available water



Plan remake should:

- Improve cross-border governance arrangements and incorporated agreed flow targets
- Set and assess compliance against sustainable, numeric long-term average annual extraction limits (LTAAELs), considering all forms of take
- Ensure flow rules adequately protect critical environmental flows and held environmental water
- Ensure the plan fully reflects town water needs and entitlements
- Better recognise and protect Aboriginal values, rights and interests
- Specify how any potential reductions or available water will be allocated across users

Cross-border water management (Intersecting Streams)

Key issues

- Development upstream in Queensland significantly impacts flows in the Plan area
- Queensland rules only protect a percentage of average annual flow, leaving low flows at risk
- Potential for upstream trading – for example to Queensland – poses a risk to users and the environment in NSW

Key recommendations for DPE-Water

- Leverage existing governance arrangements to establish agreed end of system flows to protect Ramsar wetlands and Barwon-Darling water sources
- Agree on flow targets with Queensland and include requirements for the targets in the Plan
- Ensure any interstate trade if it occurs in the future does not disadvantage the environment or downstream water users

Establishing sustainable extraction

Key issues

- No sustainable, numerically defined LTAAELs
- Current level of extraction has not been adequately determined
- Interception and harvestable rights not accounted for in the LTAAEL
- Interception not consistently assessed across borders
- LTAAEL compliance not undertaken, resulting in no adjustment to available water determinations (AWDs)

Key recommendations for DPE-Water

- Establish and assess compliance with sustainable, numeric LTAAELs based on best available information including assessment of interception on the floodplains
- Use LTAAELs and LTAAEL compliance to ensure there is no growth in overall take

Strengthening environmental protections

Key issues

- Connectivity not well addressed
- Important wetlands at risk due to lack of integrated water planning
- Management of environmental flows through Toorale could be improved
- Held environmental water from Queensland not adequately protected in NSW
- Significant off-river pools in Lower Murray-Darling not adequately protected

Key recommendations for DPE-Water

- Ensure the Intersecting Streams Plan includes provisions for held environmental water to be protected through active management
- Ensure pumping thresholds for management zones in the Narran River Water Source adequately protect ecosystems and ecosystem functions
- Include rules in the Intersecting Streams Plan (coordinated with Queensland) to protect critical flows for waterbird breeding in Narran Lakes
- Ensure drawdown rules in Lower-Murray Darling Plan adequately protect off-river lagoons
- Clarify environmental flow management for Toorale, including objectives, flows contributions from the Warrego to the Darling River and flows onto the Western Floodplain

Accounting for town water supply

Key issues

- Town water supply needs and changes to supply regime not fully reflected in the Lower Murray-Darling Plan
- Licence for Umberumberka does not reference the correct water source
- Town water supply needs for Intersecting Streams are unclear

Key recommendations for DPE-Water

- Review local water utility entitlement for Lower Murray-Darling Water Source in light of implementation of the Broken Hill pipeline
- Include updated local water utility volumetric entitlement in Lower-Murray Darling Plan to ensure transparency
- Update Lower Murray-Darling Plan to clarify that Umberumberka Reservoir sits outside the Plan
- Consider allocating any available entitlement due to reduced town water entitlement for achieving Aboriginal outcomes
- Ensure all town water needs are adequately reflected in the Intersecting Streams Plan

Improving outcomes for Aboriginal people

Key issues

- Reoccurring state-wide issues including limited engagement, limited consideration of values, and barriers to use of water by Aboriginal people
- Aboriginal cultural specific access licences are highly constrained
- Country-based planning approach and National Cultural Flows Methodology can be better leveraged
- There are examples where cultural water needs have been assessed, but they have not yet been provided for

Key recommendations for DPE-Water

- Proactively engage with Traditional Owners to consider native title and Aboriginal Places and support values
- Identify and protect high value cultural sites in the Plan area
- Better support Aboriginal water access and use
- Ensure that, where cancelled or surrendered entitlements become available, that Aboriginal water needs are assessed and provided for as a priority
- Embed rules to achieve actions in the *NSW Water Strategy* relating to Aboriginal peoples' rights and interests

Improving equitable water sharing

Key issues

- Plans lack objectives around equitable sharing of water
- Risk of potential reduction in allocation is not transparent due to lack of LTAAEL compliance
- Potential growth in use from floodplain harvesting or overland interception could inequitably impact licenced extraction

Key recommendations for DPE-Water

- Set clear objectives for equitable water sharing
- Assess risks associated with a reduction in water availability and potential for growth in use
- Ensure provisions clearly specify how reductions will be fairly allocated consistent with the Act's priorities
- Include provisions to specify how any additional water that becomes available will be allocated



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