

16 July 2021

The Natural Resources Commission  
GPO Box 5341  
Sydney NSW 2001

Via email: [nrc@nrc.nsw.gov.au](mailto:nrc@nrc.nsw.gov.au)

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To whom it may concern,

**Submission to the statutory review of the Water Sharing Plan for the NSW Border Rivers  
Unregulated Water Sources 2012**

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 160 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

NCC welcomes the opportunity to participate in the Natural Resources Commission (NRC) review of the Water Sharing Plan for the NSW Border Rivers Unregulated Water Sources 2012 (the WSP). Regional Water Strategies and Water Sharing Plans across NSW must all reflect the objectives of the NSW Water Management Act 2000 (the Act). The Act prioritises environmental health of water sources and the principles of ecologically sustainable development. Repairing the ecological health of NSW rivers should therefore be of first-order importance.

Against the objective of protecting water fundamental to ecosystem health, the NCC Water Working Group provides the following feedback on the contribution of the WSP.

**The WSP contribution to environmental outcomes**

In 2019 an audit of the implementation of the WSP found that requirements to measure the success of the plan had not been put into effect, limiting the evidence available to improve river management.<sup>i</sup>

The audit found that total annual extraction had not been calculated and assessment of whether or not long-term limits on extraction had been exceeded hadn't been undertaken. The reason for this failure was the great difficulty estimating consumption when licences do not require meters. When rules intended to manage non-compliance are not implemented, it is likely that the intended objectives of the plan will not be met.

**The WSP contribution to social outcomes**

Water extraction is not being monitored under the operation of this WSP. With no monitoring of water extraction, there can be no discernible impact on social outcomes such as access to water for basic rights and water for cultural, heritage and recreational uses. There has been no

identification of culturally significant values in the water source area and no allocation of Aboriginal cultural special licences.

### **Changes to the WSP required to improve outcomes**

This WSP review is an opportunity to reduce the share of water taken, notably by floodplain harvesting, to sustainable levels. The targets now committed to in relation to Border Rivers regulated flow users will not meet all needs in the Barwon-Darling.<sup>ii</sup> Those targets and history of use should not be the only constraints on the volume taken by harvesting from the unregulated floodplain. NCC recommends the following changes to the WSP:

- The maxim “no metre, no pump” should become a rule in the WSP, banning all pumping until a metre is fitted to a pump.
- All access licences enabling pumping from in-river and off-river pools should prohibit pumping below the full capacity of the pool. The whole of Schedule 2 which exempts 19 licences should be removed.
- The WSP requires adequate ‘end of system’ targets to ensure that water is not taken at times when it is needed for higher priority environmental and basic rights needs in the Barwon-Darling River system.
- When granted, many if not all access licences for floodplain harvesting in the Border Rivers area will come under this plan or its replacement.<sup>iii</sup> NRC should recommend ways to ensure environmental, cultural, basic rights and economic needs of the Barwon-Darling River can be met by flows that would naturally reach the Barwon from any part of the Border Rivers area including via the floodplain south of Mungindi.
- Extraction of very low flows can contribute to cessation of flow downstream, with significant environmental impacts. Schedule 1A lists old licences with conditions limiting extraction to periods when flows are above a specified flow level while most other licences can be used whenever there is the smallest flow. Adding conditions protecting low flows to more licences should be considered.
- The success of access licence conditions in Tenterfield Creek that delay pumping in dry periods until there has been visible flow for 24 hours should be investigated. This approach benefits both ecosystems and people downstream. Similar conditions should be considered for all streams. This would improve longitudinal connectivity for environmental outcomes, for example supporting fish to move between pools.
- Listing and monitoring should not be restricted to endangered ecological communities because it is important to maintain and enhance all riparian communities.
- Protection for additional ecological communities dependent on water in or from the Border Rivers should be listed in the targeted objectives of the plan. These include open forests and woodlands dominated by Carbeen, River Oak, Weeping Bottlebrush or Black Teatree. These communities should be monitored to assess the WSP's effectiveness.
- The WSP should include sufficient conditions to maximise, when naturally possible, lateral connectivity of watercourses in the Macintyre; the Whalan Creek - Croppa Creek area, with their floodplain.

- The revised plan should prohibit any new floodplain harvesting.

NCC welcomes further discussion on this review. Your key contact point for correspondence is Strategy and Operations Director, [REDACTED] [REDACTED] on [REDACTED]

Sincerely,



**Chris Gambian**  
Chief Executive  
Nature Conservation Council of NSW

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<sup>i</sup> Alluvium and Vista Advisory (2019). Audit of the Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012. Report 5 by Alluvium Consulting and Vista Advisory for NSW Dept of Planning Industry and Environment.

<sup>ii</sup> As specified in and amended in accordance with the Water Sharing Plan for the NSW Border Rivers Regulated River 2021

<sup>iii</sup> The water is not in a regulated river when harvested so harvesting from the floodplain close to the Macintyre River may come under this plan along with harvesting closer to Whalan Creek, Croppa Creek, Morella Watercourse and Boomi River.