



Natural
Resources
Commission

Review of the Water Sharing Plan for the Border Rivers Unregulated Water Sources 2012

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>

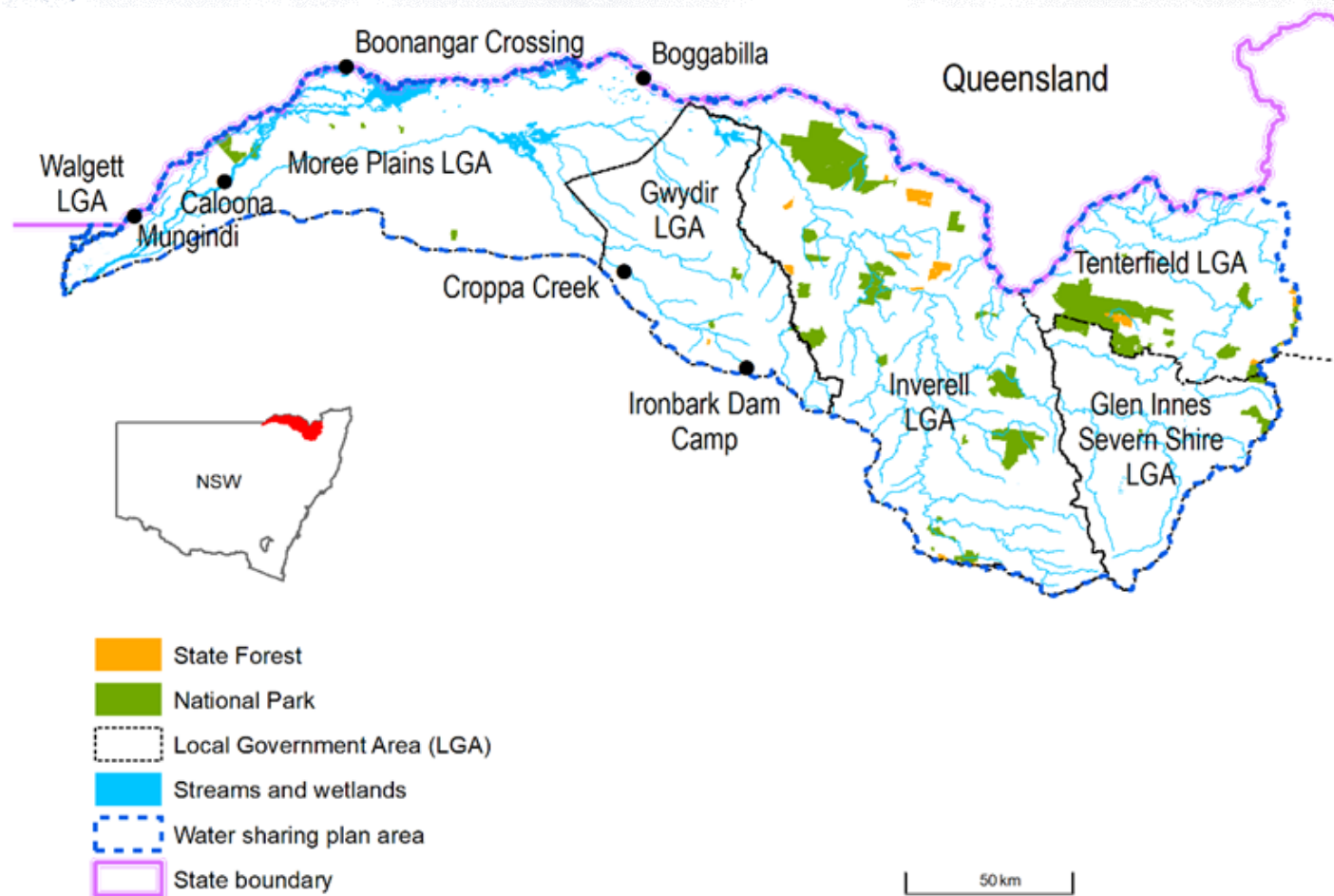
Acknowledgement of Country

- The Commission acknowledges and pays respect to the Traditional Owners past, present and future of lands and waters in the Plan area, the Gomeroi/Kamilaroi/Gamilaraay, Bigambul, Githabul, Kambuwal, Kwiambul, Ngarabal and Western Bundjalung, 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

Plan area



Plan area

- The Border Rivers catchment straddles the NSW-QLD border, with the Border rivers merging to become the Barwon River near Mungindi
- Highly connected to Border Rivers and Gwydir regulated river plans and the Barwon-Darling unregulated plan
- Contains nationally significant Aboriginal cultural places – including the Morella Watercourse, Pungbougai Lagoon and Boobera Lagoon (the resting place of Garriya, the rainbow serpent)
- Includes over 70 regionally-significant wetlands
- Heavily impacted by drought during the Plan period

Overall finding on Plan extension and replacement

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

Overview of key issues



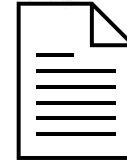
New data available

- New information to inform Plan remake since the Plan was developed
- Includes water resource plan (withdrawn) risk assessment, a long-term water plan, DPI-Fisheries' 'fish & flows' advice



Key risks

- Entitlement greatly exceeds estimated extraction limits
- No compliance assessment against extraction limits creates high risks from overextraction
- Floodplain harvesting occurring in the Plan area is managed under a different plan
- Plan creates inequities between users, particularly on the Boomi River
- Water intended to be protected for specific purposes – including environmental needs – at risk of extraction
- Culturally-significant Boobera Lagoon not adequately protected
- Drought conditions not effectively managed



Plan remake should:

- Set and assess compliance against sustainable, numeric long-term average annual extraction limits (LTAAELs), setting suitably precautionary available water determinations (AWDs) until this occurs
- Consider and manage impacts of floodplain harvesting on plan outcomes
- Address potential inequities within and across plans
- Better recognise and protect Aboriginal values, rights and interests, particularly for Boobera Lagoon
- Strengthen environmental protections, including protecting flows across connected areas
- Secure town water supply and manage risks from climate change and drought

Establishing sustainable extraction

Key issues

- The Plan lacks numerically defined LTAAELs based on sustainable extraction assessment
- Current entitlement almost 40% greater than original Plan entitlement
- Plan entitlement is significantly higher than Basin Plan's estimated Baseline Diversion Limit
- LTAAEL compliance has not been undertaken and AWD has continued to be set at 100% for all users, creating significant risk that Plan limits are exceeded and planned environmental water is being extracted – particularly in the Croppa Creek and Whalan Creek Extraction Management Unit (EMU)
- Climate change may place limits on available water and has not been considered in LTAAELs

Key recommendations for DPE-Water

- Establish and assess compliance with sustainable, numeric LTAAELs based on best available information including ecological requirements, all forms of interception and extraction, and climate change
- Until this occurs, the Minister should consider setting an AWD equal to the ratio of LTAAEL to entitlement where there is a significant risk of exceeding the LTAAEL – this should apply for all unregulated river access licences (excluding local water utility and domestic and stock access licences)
- Consider trade into high flows to manage climate change risks and protect low flows

Improving equitable water sharing

Key issues

- Most issues are found on the Boomi River in the Croppa Creek and Whalan Creek Water Source
- Access conditions for the Boomi River may allow users to access replenishment flows intended for downstream users
- Restrictions placed on upstream regulated users do not apply to downstream unregulated users on the Boomi River
- Licence holders of the same category within the same water source have greatly different access licence conditions
- Placement of conditions on work approvals may lead to an erosion of protections

Key recommendations for DPE-Water

- Set clear objectives for equitable water sharing
- Include provisions to protect water intended to meet environmental needs
- Review the application of cease to pump rules and ensure these are equitably applied to licence holders of the same category in the same water source
- Ensure provisions are clear, consistent and enforceable
- Place access conditions on licences, not work approvals
- Subdivide Croppa Creek and Whalan Creek Water Source into smaller management zones to allow for better management

Improving outcomes for Aboriginal people

Key issues

- Significant cultural values are being impacted in Boobera Lagoon, including risks from extraction, floodplain harvesting, long periods of low flow, livestock and activities on the Lagoon
- Reoccurring, systemic state-wide issues including limited engagement, limited consideration of values, and barriers to use of water by Aboriginal people

Key recommendations for DPE-Water

- Work with Traditional Owners of Boobera Lagoon, develop rules to protect its values
- Proactively engage with Traditional Owners to consider native title and Aboriginal Places and support and protect values
- Identify and protect other high value water dependent cultural sites
- Better support Aboriginal water access and use
- Embed rules to achieve actions in the *NSW Water Strategy* relating to Aboriginal peoples' rights and interests

Strengthening environmental protections

Key issues

- Default 'no visible flow' access rules likely inadequate to protect ecosystems
- Reintroduced rights for licence holders to drawdown some in-river pools is a backwards step in environmental protections
- Provisions not adequate to realise connectivity or other environmental objectives
- Floodplain wetlands are at risk
- Environmental flow rules for town water supply infrastructure (dams and weirs) are not included in the Plan

Key recommendations for DPE-Water

- Use river gauge network where possible to replace no visible flow rules with high and low flow classes and flow-based cease to pump rules
- Review rules around first flush and drawdown in pools in medium to high risk water sources
- Ensure provisions consider connectivity, including rules that contribute to achieving Barwon-Darling flow targets
- Draw on significant new data from long term water plans and fish & flows framework, and instream values (HEVAE) mapping
- Maintain protections for high ecological value third order streams
- Assess risks to regionally significant wetlands and amend provisions where necessary to adequately protect them
- Ensure environmental flows are included in the Plan and can be met by available infrastructure

Securing town water supply

Key issues

- Plan did not effectively manage major droughts
- Water availability was a major issue during droughts and bushfires

Key recommendations for DPE-Water

- Assess adequacy of and revise access rules for local water utilities and unregulated river access licences to prioritise town water supply
- Include appropriate first flush triggers in line with the *Independent Panel Assessment of the Management of the 2020 Northern Basin First Flush Event 2020*
- Align rules to latest town water planning, including drought and emergency management, ensuring rules can adapt to change



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