



Nature Conservation Council

The voice for nature in NSW

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Office of the NSW Chief Scientist & Engineer

By Email: fishdeaths@chiefscientist.nsw.gov.au

Submission: Menindee Fish Deaths

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 170 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

The environmental condition of the Darling-Baaka River and its tributary rivers has been spiralling towards collapse in recent years. This is due to the failure of the former NSW and Commonwealth Coalition governments to implement the Murray-Darling Basin Plan in good faith, and the inadequacies of the rules in water sharing plans to ensure the priorities of the *Water Management Act 2000* are met.

Floodplain harvesting is particularly damaging to the Darling-Baaka and its tributary rivers, as it removes the critical regular small and medium flow pulses that have allowed the Northern Murray-Darling Basin to evolve over millennia. These vital regular small and medium flows kept the amount of carbon material on the floodplains at reasonable levels, frequently washing leaves, bark and sticks into the rivers and kick starting the food web. Without these flows, too much carbon is built up on floodplains, and the risk of extreme blackwater events is increased.

Operating within the principles of ecologically sustainable development is not a primary objective of the WaterNSW Act. As a government owned corporation, the first principal objective of WaterNSW is to "capture, store and release water in an efficient, effective, safe and financially responsible manner".

Applying the principles of ecologically sustainable development are referred to at the end of Section 6 (2) Other Objectives of the WaterNSW Act, and only 'where its activities effect the environment'. Every action WaterNSW performs affects the environment. The modification of rivers has had significant impacts on groundwater aquifers, floodplains, wetlands as well as the rivers themselves.

Ramsar listed wetlands are protected under international agreements and legislation. Many iconic species of native fish, small-bodied fish, migratory birds and water birds are listed as



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vulnerable and threatened under NSW and Commonwealth legislation. Numbers of native fish in the Murray Darling Basin have reduced by 90% since colonisation.

Any actions taken by WaterNSW that reduce flows to Ramsar wetlands, reduce connectivity and impact the habitat of aquatic wildlife must be assessed under the principles of environmentally sustainable development.

Recommendations

- Significantly improve water management in NSW
 - Extraction limits in surface water sharing plans must be updated to ensure they are informed by climate change modelling;
 - there must be drought reserve 'floors' in public dams, and available water determinations must not be made on predicted inflows, only on water that is physically in the dams;
 - regulated water sharing plans must contain mandated Priority Flows to ensure connectivity is prioritised, adequate downstream water security and quality, protection of Ramsar wetlands, and First Nations right to access water;
 - The flow targets that manage floodplain harvesting and supplementary access must be bought in line with the environmental watering requirements of the catchments;
 - Floodplain harvesting licences must not be issued for the Namoi catchment until flow targets based on the environmental flow requirements of the catchment are established. Not issuing the licences should not delay the accreditation of the Namoi Water Resource Plan.

- Enact changes to the charter and culture of WaterNSW to bring the corporation more in line with the responsibilities of a public agency:
 - Amend the first principal of the Water NSW Act:
 - (a) to capture, store and release water **in line with the principals of ecologically sustainable development contained in Section 6(2) of the Protection of the Environment Administration Act 1991** and in an efficient, effective, safe and financially responsible manner, and
 - [....]
 - (d) to provide for the planning, design, modelling and construction of water storages and other water management works **under the principles of ecologically sustainable development contained in Section 6(2) of the Protection of the Environment Administration Act 1991**, and



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- (e) to maintain and operate the works of WaterNSW efficiently and economically and in accordance with the **principles of ecologically sustainable development** and sound Commercial principles.
- Require training for WaterNSW management and staff, and rewriting of internal procedures to facilitate a cultural shift in the corporate that would result in the principles of ecologically sustainable development being applied to river operations in NSW.

Thank you for the opportunity to participate in the consultation.

Your key contact point for further questions and correspondence is Melissa Gray, Water Campaigner, available via mgray@nature.org.au and (02) 9516 1488. We welcome further conversation on this matter.

Yours sincerely,

Jacqui Mumford
Chief Executive Officer
Nature Conservation Council of NSW