



The Chief Executive
(Attention: Judy Mercer)
Department of Natural Resources and Water
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Toowoomba QLD 4350

**Submission to Department of Natural
Resources and Water on the Condamine and
Balonne draft Resource Operations Plan**

The Inland Rivers Network (“IRN”) is a coalition of environment groups and individuals concerned about the degradation of the rivers, wetlands and groundwaters 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 New South Wales; Friends of the Earth; Central West Environment Council; and the Coast and Wetlands Society.

IRN would like to thank you for the opportunity to comment on the Condamine and Balonne draft Resource Operations Plan (“**the ROP**”).

IRN has reviewed the plan and is extremely concerned that both the process involved in developing the plan and the substance of the draft plan are inadequate and inconsistent with outcomes from the *Water Resources (Condamine Balonne) Plan 2004* (“**WRP**”) and commitments under the National Water Initiative to return overallocated or overused systems to *environmentally-sustainable levels of extraction* (Objective 23(iv)); provide environmental water with at least the same level of security as consumptive user entitlements (Clause 35); and protect the values of high conservation value freshwater areas (Outcome 25(x)).

Given the evidence that this plan will lock into place an unsustainable level of water extraction we request that the process be halted until an independent environmental and social impact assessment is conducted to determine the impacts of the plan both in New South Wales and Queensland.

Primarily IRN is of the opinion that the environmental flow rules for the Condamine Balonne are inadequate and hence the ROP fails to implement the outcomes identified in the WRP. Paragraphs 86 and 88, which enable the direct conversion of existing

water entitlements and also granting further licences are contrary to outcomes aimed at maintaining or improving biological diversity and are also contrary to commitments to sustainable extraction. It is to be noted that there are no outcomes that specifically require the delivery of sustainable levels of extraction.

IRN is also very concerned that issues with process brought up by previous participants in the water resources planning process were not addressed and the process continued without input from key stakeholders, namely representatives from NSW including landholders critically affected by the plan.

Further relevant details of these concerns are detailed below.

The level of water extraction in the Condamine Balonne is unsustainable and overallocated

The resource operations plan, along with the water resources plan, seeks to formalise overextraction within the Condamine Balonne system and as such is unsustainable and unviable.

The State of the Darling Report recently confirmed that a very high proportion of water is extracted from the Condamine Balonne system: the Narran Lakes have suffered a long term average loss of 52% overall flow volume, as well as a 63% decrease in floods over 1 in 5 year ARI (average recurrence interval). Similarly the Culgoa River has lost 55% loss of overall flow volumes as well as a 59% loss of flows over 1 in 5. These flows have been replaced by a trickle of low flows or no flows.

The scientific report commissioned by the Queensland Government completed by the Independent Scientific Review Panel, which consisted of Professor Peter Cullen, Dr Richard Marchant and Dr Russell Mein, reinforces these figures, stating that:

*“There will be **significant long term degradation** of the Lower Balonne floodplain and of the Narran lakes in particular once the system experiences the water extraction that is possible with the present infrastructure...”¹*

This information makes a clear case that the system is already overallocated and suffering unsustainable levels of extraction, which is contrary to outcomes of the WRP and National Water Initiative.

Granting of water licences unsustainable and inconsistent with the WRP outcomes (paragraphs 86 and 88)

Paragraphs 86 and 88 state that:

- Section 381 provides for water allocations granted and converted from existing water entitlements; and
- Section 384 provide for granting water licences to take overland flow water.

¹ Cullen, P. et al (2003) “Review of Science Underpinning the Assessment of the Ecological Condition of the Lower Balonne River System”.

These provisions lock in an unsustainable level of water extraction through enabling the direct conversion of existing water entitlements and also granting further licences. The information detailed above from the State of the Darling Report and the Independent Scientific Review Panel demonstrates that these paragraphs are unsustainable and are contrary to NWI requirements to address overallocation and protect high conservation value freshwater areas (such as the Narran Lakes and lower Culgoa and Balonne floodplains).

There is also the potential for a number of the licences being granted and converted, see for example 4.12 overland flow water licences, to undermine the security of other licences through conversion with insufficient restrictions on volumes and pumping.

IRN is seriously concerned that when water is returned to the environment through, for example, the purchase of secure water licences, the conditions attached to licences and level of extraction allowed through paragraphs 86 and 87 will provide insufficient restrictions to provide security or protection for these entitlements.

As detailed below this is inconsistent with water resource plan outcomes, particularly those under section 9(h) achieving ecological outcomes and also 9(f), which seeks to ensure safeguards are in place to protect the environment and the entitlements of water users.

The ROP does not deliver an environmental entitlement or specified volume of environmental water

Under paragraphs 97-100 the ROP provides details on managing low and medium flows and Narran Lakes filling events. These paragraphs provide no specified volume for environmental water or an environmental licence. This provides no water security for the environment and there is no ability to actively trade environmental water.

The ROP also implements the compensation rules, which means that any environmental water provided must later be paid back to consumptive users. This rule disregards the value of all levels of flow events to river systems and their floodplains and so is clearly contrary to outcomes related to the health of the floodplain and biological diversity. By enabling extractive users to take greater volumes in low and medium flows the incidence of floodplain-river connectivity is greatly reduced, putting the system and its ecology under ‘artificial drought’. For adequate environmental flows rules to be provided and NWI commitments to deal with overextraction plans must provide annual proportional limits on extraction that reflect the variability of flow (e.g. rules which only allow a limited volume to be extracted in medium flow years).

The rule relating to the Narran Lakes filling flow events is also insufficient and fails to specify a trigger or volume that would make the rule workable and enforceable. Rather the ROP requires a reduction in overland flow harvesting when there is a flow of “a sufficient volume” to fill the Lakes. The word winter creates unnecessary restrictions on the use of this rule and is inappropriate – at such times there are usually few flows of consequence, and bird breeding will occur when there is sufficient water. All bird breeding events require water, not just winter events.

This is contrary to requirements under the national Water Initiative to provide environmental water with *at least* the same level of security as consumptive entitlements (clause 35). The current provisions also prevent the trading of environmental water.

Plan inconsistent with the Water Resource Plan outcomes

Paragraph 13 details how the ROP is to implement the *Water Resources (Condamine Balonne) Plan 2004* and hence be consistent with the outcomes of that plan. However the ROP is inconsistent with a number of these outcomes, namely:

Protecting biological diversity and where possible reversing degradation & the particularly the outcomes identified under section 9(h) and 9(k): these outcomes cannot be achieved under the arrangements contained within the ROP. As discussed there is significant evidence available to demonstrate that the system is already over allocated and levels of extraction unsustainable. The ROP enables the direct conversion of existing water entitlements and also granting further licences so is contrary to this required outcome.

Furthermore it does not provide a secure, defined or tradeable environmental allocation or entitlement. Evidence that two compensation flows have not successfully made it through the system provide a clear example of the inadequacy of the current provisions to meet this outcome.

Managing Low Flows

Paragraph 97 should require the chief executive to make whatever announcements necessary to ensure that any release of water for a flow through event successfully reaches the end of system as defined under paragraph 94. For example, this may require an announcement requiring the temporary cessation of overland flow harvesting.

Monitoring

There is also a clear need for rigorous monitoring based on adaptive management principles that is conducted by an environmental reference group with technical qualifications. The current monitoring is supported but should be conducted on both sides of state border to ensure all impacts are monitored.

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