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**Submission on the draft Macquarie
River (Narromine to Oxley Station)
Floodplain Management 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 draft Macquarie River (Narromine to Oxley Station) Floodplain Management Plan (“**the plan**”).

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. The draft plan does not “maintain the flooding regimes to waterways and flood dependent ecosystems” nor has it “addressed environmental issues by removing barriers to natural flooding regimes and fostering ecologically sustainable development” (Department of Natural Resources website). Rather we are of the opinion that the plan isolates and alienates significant sections of the Macquarie River floodplain and interferes with the natural passage of floodwater critical for the health of the river system. Redirected water can cause significant damage to nearby ecosystems and properties.

Although the plan is being developed under the 1912 *Water Act*, the existence of the *Water Management Act 2000* necessitates the development of a plan that is consistent with requirements under the updated legislation, and there are several factors identified under the 2000 Act that have not been taken into account in the draft plan. We believe that the Plan must be rewritten taking the following key issues and recommendations (which are expanded on below):

Substance

- (i) *The draft plan lacks details required under the Water Management Act 2000*
- (ii) *The floodway identified has not been determined following robust environmental assessment*

- (iii) *Development requirements inadequate and will enable all unauthorised works to be retrospectively licensed with only limited modifications*
- (iv) *Levee banks are resulting in further alienation of Bogan Barwon system*
- (v) *Consideration of downstream impacts not in draft Plan*
- (vi) *Insufficient consideration of all rural flood control development within the Plan area*
- (vii) *No timeframes for the completion of actions are identified within the Plan*

Process

- (viii) *Committee process was not representative*
- (ix) *Committee process was not transparent or based on consensus decision-making*
- (x) *The planning process is contrary to community consultation commitments under the National Water Initiative*

Recommendations

IRN believes that the gazettal of the plan should be halted until a number of factors have been addressed and included within the draft plan.

- 1) A robust environmental assessment needs to be done to ensure that the plan is based on sound environmental information, that downstream impacts are assessed, and to ensure that the floodplain management requirements stipulated under the *Water Management Act 2000* are met.
- 2) The approval of all unauthorised works and development guidelines then need to be revisited based on this underlying environmental assessment and information on the natural flooding regime, and an effort made to reconnect isolated floodplain. Ecologically inappropriate flood works should then be removed.
- 3) Clear timeframes for removal and modification should be provided.
- 4) Further information should be made available to stakeholders and committee members to restore some confidence in and transparency to the process.

If you have any questions or wish to discuss the comments please contact me on 02 8270 9904 or via coordinator@irnsw.org.au.

Yours sincerely,



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Inland Rivers Network Submission on the draft Management Floodplain Management Plan

Content of the draft plan

(i) The draft plan lacks details required under the Water Management Act 2000

There is no indication within the draft plan of how the existing and future risk to life and property will be minimised, or how the current proposed plan will avoid or minimise land degradation, including decline of native vegetation, as required by the water management principles contained within section 5 of the Act. A limited amount of land will be reconnected but there is no indication of the extensive areas of floodplain still alienated or how they would be rehabilitated.

The draft plan is deficient of any information on the identified natural flooding regimes in the area, in terms of the frequency, duration, nature and extent of flooding, as required under section 29 (core provisions for floodplain management). This information should be clearly presented and contrasted with existing flooding and the impacts of existing works (authorised and unauthorised) on this natural flooding regime.

The plan provides scant detail on the ecological benefits of flooding in the area, with particular regard to wetlands and other floodplain ecosystems and groundwater recharge (as required under section 29) and insufficient detail about how the floodplain will be restored in the identified EIAs (as covered under section 30 of the *Water Management Act*), and also lack of detail about how the EIAs were selected and what areas of the floodplain remain isolated and degraded.

(ii) The floodway identified has not been determined following robust environmental assessment

The floodway network identified in the plan remains largely the same as the network identified in the 1978/82 Guidelines, which are clearly “outdated in terms of our current approach to sustainable natural resource management”, as acknowledged by the Minister for Natural Resources (in answers to questions on notice submitted by Mr Cohen, reference 0093). These original Guidelines, which demarcated areas of no development, were not developed with any consideration to environmental requirements. The network has then been modified somewhat to enable *further development* to encroach upon the floodway.

The restrictions on development size are also inadequate, as even within the greatly reduced floodway works are permitted to redirect 10% of flows. Below Warren there are not even any height restrictions for the levee banks.

This approach is clearly not consistent with protecting the floodplain and riverine environment, and it indicates that compromises were made and ancillary factors included during the desktop study of existing development and flood flows, thereby resulting in a plan devoid of any adequate environmental baseline data to inform floodplain planning and development assessment.

It is clear from this information that the plan *does not* “set out [a] scheme for the unimpeded passage of floodwaters”, as asserted on the DNR website.

(iii) Development requirements inadequate and will enable all unauthorised works to be retrospectively licensed with only limited modifications

IRN is concerned that the plan will enable the retrospective licensing of a number of unauthorised works that have been developed in inappropriate places, including works constructed in clear breach of the 1978/82 Guidelines. Further, following a groundtruthing process of the 'Hydraulic Areas of Concern' ("**HAC**") (that has raised its own concerns - see point (x) below), the number of HACs were dramatically reduced, which eliminated over one hundred previously identified HACs from further assessment and modification.

Of the remaining developments earmarked as being of particular concern, only one has been flagged for removal, with the others requiring modification.

The current unauthorised development significantly impinges on the floodplain, isolating large areas. It is not sufficient to merely require the modification of a reduced number of levee banks, particularly when based on, and often infringing upon, outdated guidelines.

(iv) Levee banks are resulting in further alienation of Bogan Barwon system

Modelling demonstrated that existing and proposed levee banks will proportionally reduce flows to the Bogan Barwon system by over 10%. Given that environmental flows have also been dramatically reduced through overextraction, the levee banks will greatly affect connectivity between the Macquarie and Bogan Barwon systems, and so downstream flows. It is likely that small and medium flows will not get through at all.

The draft Plan acknowledges that "flood inflows are vital to ecosystem health both in the Marshes and the Bogan catchment and significant changes in natural flow distribution due to floodplain management measures would impact on ecosystem values" (page 46).

Levee banks should only be approved where it can be shown that they have very little impact on flows to areas of the floodplain, wetlands and downstream areas.

(v) Consideration of downstream impacts not in draft Plan

The draft plan does not indicate how development will impact on downstream towns such as Nyngan or on the Bogan River or the Macquarie Marshes, or how these impacts will be mitigated. Anecdotal evidence confirms that the process did not take into account damage that will result to the environment, downstream users or property when flood height and velocity are increased or where vegetation that was not previously flooded is drowned.

(vi) Insufficient consideration of all rural flood control development within the Plan area

The plan does not consider works that affect flows below 20,000ML/day, which would include smaller banks that would impact on flows in small and medium flow years. The plan must require the licensing or removal of all rural flood control works within the plan area – the current approach to perpetuate the piecemeal approach to regulating floodplain development.

(vii) No timeframes for the completion of actions are identified within the Plan

Timeframes for when the required modifications will be completed are absent from the Plan. This raises strong concerns that important modifications will not be adequately prioritized or achieved within a suitable period.

(viii) The Plan has recognised Environmentally Important Areas

A positive aspect of the plan has been the identification of Environmentally Important Areas (EIAs) and the adjustment of the guidelines to enable them to be reconnected (or remain connected) to the floodplain. However, the plan clearly concedes that outcomes were influenced by existing works (paragraph 6.2), unauthorised or otherwise, which demonstrates that environmental considerations, and requirements to avoid land or vegetation degradation (as per section 5 of the *Water Management Act*) were at times sidelined to enable the approval of unauthorised works.

Process

(ix) Committee process was not representative

The committee involved consisted primarily of landholders in the area, whose unlicensed works were under scrutiny (including the chairperson). No environmental group was included in the process, nor were representatives from towns such as Nyngan that could be affected by altered flooding, or the Department of Environment and Heritage, despite the fact that Ramsar listed wetlands existed below the FMP area in the Macquarie Marshes. Given the far reaching impacts that development on the floodplain will have, these parties should have been included within the process.

(x) Committee process was not transparent or based on consensus decision-making

Macquarie Marsh landholders, DEC and DPI were excluded from a number of key processes and decisions, including the 'ground-truthing' of a desktop study of floodplain works - they did not get to see any of the floodplain covered by the plan. Following the tour of 'Hydraulic Areas of Concern' ("**HAC**"), the number of HACs were dramatically reduced (as mentioned above).

This is despite the fact that all decisions made by such committees are to be based on consensus.

(xi) The planning process is contrary to community consultation commitments under the National Water Initiative

For the reasons outlined above the process has failed to provide transparent decision making, which has resulted in the reduced confidence of a number of stakeholders in the water reform process. It is also clear from the issues outlined in point (x) that sound information was not available to all people on the committee and was deliberately withheld.

Recommendations

IRN believes that the gazettal of the plan halted until a number of factors have been addressed and included within the draft plan.

- 5) An environmental assessment needs to be done to ensure that the plan is based on sound environmental information, that downstream impacts are assessed, and to ensure that the floodplain management requirements stipulated under the *Water Management Act 2000* are met.
- 6) The approval of all unauthorised works and development guidelines then need to be revisited based on this environmental assessment and information on the natural flooding regime, and an effort made to reconnect isolated floodplain. Ecologically inappropriate flood works should then be removed.
- 7) Clear timeframes for removal and modification should be provided.
- 8) Further information should be made available to stakeholders and committee members to restore some confidence in and transparency to the process.