



Nature Conservation Council

Submission on the Cease to Pump rules for the unregulated Gwydir, Namoi & Peel, Macquarie/Wambuul and Lachlan water sharing plans

24 September 2025

About NCC

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 200 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

www.nature.org.au

For further information about this submission, please contact:

Name: Melissa Gray
Position: Water Campaigner/Community Organiser
Phone: (02) 9516 1488
Email: mgray@nature.org.au

Acknowledgement

The Nature Conservation Council NSW acknowledges that we live and work on the land of First Nations. This land has been cared for since time immemorial by Traditional Owners, whose sovereignty was never ceded. We pay our respects to the Traditional Owners past and present of the many Countries within so-called New South Wales.

We respect the leadership of Traditional Owners in caring for Country and support the development of treaties that meaningfully empower them to do so. We acknowledge the dispossession of First Nations People, and the harm inflicted on people and Country since colonisation began. We acknowledge that colonisation is an unjust and brutal process that continues to impact First Nations people today. As people living and working on First Nations Country it is incumbent on us to play our part in righting the historical and ongoing wrongs of colonisation. Indeed, our vision of a society in which nature and communities thrive together depends upon it.

The Nature Conservation Council of NSW (NCC) respects and supports all First Nations people's right to self-determination as outlined by the UN Declaration of the Rights of Indigenous Peoples (UNDRIP), which extends to recognising the many different First Nations within Australia and the Torres Strait Islands. NCC commits to maintain open lines of communication and to build respectful mutual relationships with First Nations people in all the work we do and wherever possible, seek aligned outcomes with and support the goals of First Nations groups.

We commit, as an organisation, to empower and work together with First Nations people to protect, conserve and restore the land, waters, air, wildlife, climate and culture of the many First Nations people in NSW.

24 September 2025

NSW Department of Climate Change, Energy, the Environment and Water
Water Group
By online form

To whom it may concern

**SUBMISSION: CEASE TO PUMP RULES FOR THE GWYDIR, NAMOI & PEEL, MACQUARIE/WAMBUUL
AND LACHLAN UNREGULATED RIVER WATER SOURCES 2025**

Nature Conservation Council NSW (NCC) is pleased to provide comment on the proposed cease to pump rules for the Gwydir, Namoi & Peel, Macquarie/Wambuul and Lachlan unregulated water sharing plans.

These rule changes are an important step to meet the water management principles under the *Water Management Act 2000 (NSW)*, which requires the Minister to prioritise the protection of water sources and their dependent ecosystems.

NCC supports the following proposed increases to the cease-to-pump rules.

Unregulated Gwydir Water Sharing Plan 2025:

- Moredun Creek Water Source replace the ‘no visible flow’ at pump site rule with a cease to pump rule when flows in the Gwydir River at Bundarra gauge (418008) are at or below 80 ML/day.
- Tycannah Creek Water Source replace the ‘no visible flow’ at pump site rule with a cease to pump rule when flows at the Tycannah Creek Horseshoe Lagoon Gauge (418032) are at or below 2 ML/day.
- Copeton Dam Management Zone replace the ‘no visible flow’ at pump site rule with a cease to pump rule when flows in the Gwydir River at Bundarra Gauge (418008) are at or below 80 ML/day.

Namoi and Peel Unregulated River Water Sources 2025:

- Cockburn River Management Zone replace the existing rules that restrict pumping during certain times of the year when the river at Kootingal Bridge Weir gauge (419114) is at or below 2.5 ML/day on a rising river and 0.3 ML/day on a falling river with a cease to pump rule when flows at the Kootingal Bridge Weir gauge (419114) are at or below 36 ML/day.
- Maules and Horsearm Creek Management Zone replace the existing rules that allow pumping until there is 1 ML/day or less at the Maules Creek at Avoca East gauge

(419051) with a cease to pump rule when flows at the Maules Creek at Avoca East gauge (419051) are at or below 75 ML/day.

- Macdonald River Upstream Woolbrook Management Zone replace the existing rule that allows pumping until there is 10 ML/day or less at the Macdonald River at Woolbrook gauge (419010) with a cease to pump rule when flows are at or below 60 ML/day.
- Macdonald and Namoi Rivers Management Zone replace the current ‘no visible flow’ rule over the weir crest at Manilla Weir with a cease to pump rule when flows at the Namoi River at North Cuerindi gauge (419005) are at or below 16 ML/day.

Macquarie/Wambuul Bogan Unregulated River Water Source 2025:

- Cudgegong River Downstream Management Zone replace the current ‘no visible flow’ at pump rule with a cease to pump rule when flows at the Cudgegong River at Rylstone gauge (421903) are at or below 3 ML/day.
- Lower Bogan River Water Source replace the current ‘no visible flow’ at pump rule with a cease to pump rule when flows at the Bogan River at Gongolgon gauge (421023) are at or below 48 ML/day.

Lachlan Unregulated Rivers Water Sources 2025:

- Lower Mandagery Creek Management Zone replace the current ‘no visible flow’ at pump rule with a cease to pump rule of 10 ML/day flow at Mandagery Creek upstream of Eugowra gauge (412030), and a 2 day ‘first flush’ requiring 2 days of flow at 10 ML/day at the gauge before pumping may commence.
- Boorowa River and Hovells Creek Water Source replace the ‘no visible flow’ at the Boorowa River at Prossers Crossing Gauge (412029) rule with a cease to pump rule when flows at the Boorowa River at Prossers Crossing Gauge (412029) are at or below 6 ML/day.

Recommendation:

That the unregulated Gwydir, Macquarie/Wambuul Bogan, Namoi/Peel and Lachlan Water Sharing Plans be updated to include to proposed cease to pump rules as proposed.

Equity for Water Users

DCCEEW’s consultation fact sheets explain that replacing “no visible flow” rules—which rely on conditions at each individual pump—with gauge-based cease-to-pump thresholds will deliver a fairer and more transparent system.

At present, irrigators cease pumping when the water is no longer visible at their own pumping point. This can lead to unfair outcomes: if upstream users continue taking water, downstream users may see their section of the creek dry up earlier. Under the proposed change, all licences within the same water source would be governed by the same flow threshold, no matter where the licence is located.

The consultation fact sheets present three consistent advantages of the new rules:

- **Uniformity** – every licence holder would start being restricted at the same threshold and at the same time, rather than being subject to differing local visibility or site-specific conditions.
- **Transparency**– with gauge-based thresholds, flow data would be publicly available, which should reduce conflicts and misunderstandings among users.
- **Fairness across catchments** – by tying multiple water sources (for example, Moredun Creek and the Copeton Dam management zone) to a single gauge (like the Bundarra gauge), no irrigator benefits simply because of their upstream or downstream position.

Impact to irrigators is overstated

The Department’s fact sheets present the projected impacts of the proposed cease-to-pump rules by comparing them with the current “no visible flow” rule. However, **the analysis is based on historic flow records that already reflect the impacts of past pumping, rather than a baseline that models natural flows in the absence of extraction. This approach must significantly overstate the impact of the proposed rule on licence holders.**

In effect, irrigators are being told they would lose access on “additional days” when, in reality, many of those days would naturally have had higher flows if extraction under the no visible pump rules had not been occurring.

The presentation of the projected impact of the new rules also fails to consider the benefits to irrigators who are downstream of one or more water users with no visible flow rules.

This method of comparison skews the perceived costs of the proposed rule towards irrigators, while understating the environmental degradation caused by the current rules. Even if there is no modelling available to create a no pump baseline scenario, the fact that these projected impacts were presented with no caveats on their accuracy has stoked anger in the irrigation community and continues to build mistrust of Water Group.

Recommendations:

- The overstated increased number of days that pumping would be disallowed must be removed from the fact sheets, and impacted water users informed of the inaccuracy of the impacts presented.
- There must be improved transparency about uncertainty in flow records and modelling outputs, so irrigators and environmental stakeholders can understand where estimates of lost pumping days may be more speculative due to data limitations.

Protection of the water source and its dependent ecosystems

The proposed cease-to-pump rules are a positive step to protect threatened species and restore the ecological health of inland NSW rivers. The *Water Management Act 2000 (NSW)* makes clear that water sources and dependent ecosystems must be protected as the first priority when developing rules for water sharing.

Increasing cease to pump rules in all eleven water sources create better conditions for riffle-dwelling macroinvertebrates, a key food source for fish that can take more than a year to recover after drying events

The Gwydir catchment supports several threatened species, including Murray Cod, the endangered Eel-Tailed Catfish and the Purple-Spotted Gudgeon. Fish monitoring shows the Gwydir community is in a degraded state, with recruitment and overall condition consistently rated poor to very poor. The endangered Bell's Turtle hatchlings need shallow flows between February and April to disperse between pools; prolonged drying forces them into deeper, predator-exposed waters.

The Lachlan catchment supports many threatened aquatic species including Murray Cod and Silver Perch. Critically, it supports several endangered species, including the Booroolong Frog, Sloanes Froglet, Southern Pygmy Perch, Yellow-Spotted Tree Frog, Purple-Spotted Gudgeon, Eel-Tailed Catfish, and the Lower Lachlan River endangered ecological community.

In **the Macquarie/Wambuul Bogan catchment** the Cudegong River supports threatened aquatic species, including the Murray cod, and endangered species including the Booroolong Frog, Golden Bell Frog, Purple-Spotted Gudgeon and Eel-Tailed Catfish. The Lower Bogan River Water Source has high instream values and supports many threatened aquatic species, including Murray Cod and Silver Perch, as well as endangered species, including Olive

Perchlet, Eel-Tailed Catfish, and the Lowland Darling River aquatic endangered ecological community.

The Namoi and Peel catchment including the McDonald River, Maules Creek, Horsearm Creek and the Cockburn River have high to medium instream values and support many threatened aquatic species, including the Murray Cod and Golden Perch. They support several endangered species, including the Tusked Frog, Eel-Tailed Catfish, and the vulnerable Davies' Tree Frog, the Booroolong Frog, Bell's Turtle, Purple-Spotted Gudgeon and the Olive Perchlet.

By securing minimum flows the proposed rules will maintain refuge pools, improve connectivity, reduce water quality risks, and strengthen ecosystem resilience. In line with the precautionary principle, improved thresholds are warranted to prevent further biodiversity decline.

Need for broader reform and improved gauging

While these changes are welcome, hundreds of water sources in unregulated inland NSW still require stronger cease-to-pump rules. Progress on this front is hampered by reliance on “gold standard” gauging, which is costly and slow to deliver. Waiting ten years after a gauge has been installed to consider it usable is too long. The current practice of downgrading high environmental risks to “tolerable” in the absence of gauges is unacceptable.

The Water Management Act is clear: water sources and their dependent ecosystems must be protected. Given the poor and worsening condition of many Murray–Darling Basin rivers, urgent action is needed. A precautionary approach should be adopted, using cost-effective gauging methods and conservative rulemaking to protect ecological outcomes without waiting decades for perfect data.

Recommendations

To advance the consideration of more cease to pump rule improvements across priority unregulated water sources:

- Prioritise new gauges in unregulated water sources and ensure equity between regulated and unregulated systems.
- Adopt a precautionary approach to rulemaking that errs on the side of protecting ecosystems where data are limited.
- Investigate and roll out lower-cost gauging technologies to enable wider application of cease-to-pump rules across inland NSW.

Thank you for the opportunity to participate in this 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