

Department of Planning, Industry and Environment – Water

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## **SUBMISSION Draft NSW State Water Strategy**

### **Introduction**

Healthy Rivers Dubbo (HRD) is a grass roots community network dedicated to providing a strong voice for our local rivers, aquifers and wetlands in the Murray-Darling Basin for the benefit of wildlife, plants and people. We pay our respects to Elders past and present, and acknowledge that this land was never ceded.

HRD understands the importance of strategic planning, and support the principle of a NSW Water Strategy. However this document has come after the issue of several draft regional water strategies, and we feel it lacks a clear pathway to ecologically sustainable water use for the next 20 years.

### **Transparency**

HRD has been following the implementation of the WRAP<sup>1</sup> process, including the transparency element.

From our perspective, there have been many opportunities and imperatives for NSW to vastly improve transparency of information, and reduce complexity in water management. We consider on the whole these opportunities have been missed by NSW.

HRD was dismayed that NSW accepted the findings of an independent review in the Matthews report that found full transparency, as proposed by the Matthews Report would expose commercially sensitive information and be too expensive.<sup>2</sup>

Earlier this year NSW put out a consultation paper about the transparency of water trading and water ownership information in NSW. HRD finds it unacceptable that all NSW is doing is re-organising aggregated valley wide information that has always been available.

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<sup>1</sup> Water Reform Action Plan (NSW DPIE – Water)

<sup>2</sup> NSW ICAC report Investigation into complaints of corruption in the management of water in NSW and systematic non-compliance with the Water Management Act 2000.

If NSW was serious about transparency, there would have been immediate steps to develop a free access public water register following the Matthews Report containing the following information about every water access licence holder:

- information on the location of the license;
- clear transparency on the owner of the licence;
- site use approvals;
- real-time quantity of extraction under each licence;
- historic pumping times, dates and river level;
- trading of licences within and across valleys, and both zero-value and costed trades;
- storage capacity of all works; and
- a list of convictions against each water licence.

HRD considers NSW should immediately reassess its response to the Matthews Report instead of deferring a commitment to transparency to a 20 year strategy. We find that NSW putting transparency as priority one in the draft water strategy is un-reconcilable with recent actions.

### **Priorities of the Water Management Act 2000 (WMA)**

In December 2020 the Independent Commission against Corruption released a report into water management in NSW.<sup>3</sup>

The report detailed a history of water agencies' ['undue focus on irrigator's interests', including more than a decade of failure to give 'proper and full effect to the objects, principles and duties'](#) of the *Water Management Act 2000*.

HRD has followed the development of NSW Water Resource Plans, and have concluded than none of the NSW Water Sharing Plans we looked at met the obligations of the Basin Plan. Some examples that let down the WMA priorities are:

- Class A licences still operate on the Barwon, pulling out low flows.
- There are still no end of system targets in many Water Sharing Plans like the Macquarie and the Lower Darling-Baaka.
- The definition of Planned Environmental Water in several Water Sharing Plans is different to the full definition in the WMA.

Connectivity is critical for rivers of the Murray Darling Basin, especially the Darling-Baaka River. Water Sharing Plans should talk to each other, and through the inclusion of end of system targets, connectivity must be enshrined in water sharing rules.

HRD is very encouraged to see the results of the climate change forecasts that have been included in the draft Regional Water Strategies. However we are extremely concerned that climate change forecasts are not included in the modelling that determined the unit shares of floodplain harvesting entitlements in the Border Rivers, Gwydir and Macquarie Water Sharing Plan rules.

There is a legal imperative for NSW to use the best science available and make decisions about water management so that extraction is limited to ecologically sustainable levels. HRD is pleased to be a dedicated environmental stakeholder in the water management process, and is committed to working with NSW towards a future with sustainably managed waterways.

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<sup>3</sup> ibid

## **First Nations Rights to Water**

HRD stands by the Northern Basin Aboriginal Nations and their statement:

“Federal and state water management policy, programs and projects should result in spiritual, cultural, environmental, social and economic outcomes that are equitable, sustainable and appropriate for all First Nations people.”

HRD stands by the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and their statement:

“First Nations have inherent rights to use and manage waterways, in order to sustain our cultural traditions and build sustainable livelihoods for our communities.

These rights are recognised in international agreements and protocols, as well as in Australia’s domestic law and policy.”

We agree with MLRIN that all Australian Governments including NSW have failed on these commitments.

HRD does acknowledge the effort NSW made in consulting with First Nations groups for the draft Regional Water Strategies, and hope there are some meaningful outcomes for all parties as a result.

## **Murray Darling Basin Plan**

Most of the extraction of water from the Murray Darling Basin happens in NSW, therefore it is logical that most of the water recovery must come from NSW as well. There is no unfair burden on NSW compared to other states to recover water for the rivers when one considers the great privilege NSW industries have had extracting the lion’s share of water for over 100 years.

Given that the Basin Plan began nine years ago, it is a concern to environmental stakeholders that NSW is behind by 276,000 megalitres in water recovery.

HRD does not support an extension of time beyond 2024 for the full implementation of the Basin Plan.

HRD objects to water that is extracted being referred to as ‘productive water’ when rivers, wetlands, aquifers and floodplains are extremely productive environments when they have enough water.

Most communities and businesses in the Murray Darling Basin are not irrigation based, and rely completely on healthy rivers, wetlands, floodplains and aquifers to survive. In the Northern Murray Darling Basin large scale irrigation has only been around since the 1980s and 1990s. Regional towns like Warren have been around a lot longer than that, and with larger agricultural job markets since highly streamlined monoculture irrigation corporations stepped in.

HRD objects NSW conflating corporate irrigation enterprises (often owned by large multi-national conglomerates) with ‘our towns and communities’, and asks NSW to see our Basin communities for who we really are.

There is no escaping the fact that a sustainable volume of water must be returned to the river system from irrigation. The volumes signed off on in the Basin Plan are heavily compromised and don’t take climate change into consideration.

HDR asks the NSW Government to support the Federal Government to buy back more water for rivers through voluntary, open-tender processes.

### **Dam Projects**

There is a lot of stress and concern stirring in communities over several dam and infrastructure projects in NSW. The Regional Water Strategies presented some of these projects as done deals:

- Wyangala dam wall raising
- Macquarie River re-regulating storage project
- Dungowan Creek dam
- Mole River dam

The community are worried about the impacts to industries like recreational fishing (\$1 billion a year in the Basin), tourism, unregulated downstream irrigation and floodplain grazing.

The business cases for all of these projects must be released as soon as they are complete. The business case for the Macquarie project is ready to a point and could be released now.

### **Conclusion**

HRD will always support a good strategic plan, and considers that the NSW draft water strategy could use some more workshopping.

Healthy Rivers Dubbo is pleased to work with NSW into the future as an environmental stakeholder, and is grateful for the opportunity to be involved with the development of water management rules in NSW.

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