



Department of Planning, Industry and Environment – Water
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Re: Submission to Draft NSW Water Strategy

Dear Sir/Madam,

Thank you for an opportunity to comment on the draft NSW Water Strategy (draft Strategy).

We live in Sydney but have a “bush” block at Duckmaloi, Oberon LGA. I have a keen interest in the preservation of our natural bushland, biodiversity and inland waterways and groundwater. We have travelled extensively in central and western NSW. We are supportive of the various regional tourist initiatives, many reliant on healthy rivers and creeks, which we enjoy during our travels. I am a member of various conservation organisations.

Healthy inland waterways are integral to the quality of life in NSW, whether this is for those like ourselves who enjoy recreational visits to inland NSW or for everyone’s access to good quality foods from sustainable agricultural land-use activity.

Access to water is also critical for the wellbeing of First Nation peoples. This includes both the improved health outcomes associated with access to drinking water that is unpolluted and low in salt and the overall improved wellbeing of Aboriginal communities with legally assured access to water.

Young Aboriginal people must be growing up with the benefit of positive on country experiences within landscapes that support healthy ecosystems and contain opportunity for access to spiritual and cultural water.

An effective overarching strategic vision for all NSW water use and management is fundamental to robust water plans and policies and equitable water access. For a disillusioned public, NSW government must demonstrate its determination to reverse the environmental damage and trauma to regional communities consequent to historic over-extraction of water directed to unsustainable land-uses.

Such strategic vision will also be critically important for mitigation of, and adaptation to, a changing climate.

I have serious concerns about the adequacy of the draft Strategy to achieve any of the above especially as NSW moves to licence floodplain waters, realise its commitment to the Murray Darling Basin Plan and introduce water metering. I fear it is a look-like-government-is-doing-something document that in reality will support a continuation of the “business as usual” approach to NSW water use and management that has plagued inland waterways and resulted in the ecological collapse evident across the Murray Darling Basin.

Recommendations:

1. The process of “*co-ordinated governance*” that aligns the draft Strategy with other NSW strategic planning documents fails to prioritise the importance of sustainable water use and management and its requirement under water laws.

There is an assumption underpinning the draft Strategy that to state an alignment of various government plans and strategies to achieve “*co-ordinated governance*” framework based on Premier’s Priorities will assure improved outcomes across government policy and investment decisions. This is arguable in the achievement of improved natural resource management outcomes.

The stated Premier’s Priorities for NSW government from its webpage are:

- a strong economy,
- highest quality education,
- well connected communities with quality local environments,
- putting customer at the centre of everything we do and
- breaking the cycle of disadvantage.

Clearly from the above five dot points improved natural resource management of such a precious resource as water is not stated as one of the current Premier’s Priorities. Thus, strategic alignment of water plans with “...*economic, infrastructure and land use strategies, plans and programs...*” (draft Strategy pg 12) that are solely consistent with the Premier’s Priorities may deliver perverse outcomes that:

- compound the ecological collapse so evident across inland waterways,
- entrench the inequity in water access identified in many recent independent reviews,
- maintain current levels of over extraction across all water resources and
- facilitate further regulation of inland water sources to the detriment of regional towns, the environment and First Nation peoples access to spiritual and cultural water.

This “*co-ordinated governance*” approach to government planning may reflect consistency with the Premier’s Priorities but the Priorities themselves disregard the important principles underpinning sustainable outcomes in natural resource management and how these facilitate healthy ecosystems and waterways to support communities and the economy.

Nor will this simplistic alignment to “...*put water on the same footing as transport*” as the Minister states¹ restore public confidence that water is being properly managed for critical needs and that the water access rights of First Nation peoples will be met.

There is need for an overarching NSW Water Strategy that is strongly linked to the critical water plans and land-use planning decisions that really drive water use and water management in NSW. This requires a draft Strategy with the capacity to facilitate robust water management via a suite of complementary and connected water plans and strategies. Only then will there be a genuine rebuild of the community confidence in water management that is desperately needed in NSW.

¹ Minister’s Foreword, Draft NSW Water Strategy February 2021 page 5.

Leading practice needs to be strongly reflected in the draft Strategy as a genuine demonstration of government's stated commitment "*...to work with Aboriginal communities to increase their access to water, new actions at the landscape and catchment scale to improve waterway and ecosystem health, and fresh approaches to reduce risks to town water services, use water more efficiently and increase resilience to a changing climate in our cities and towns.*" (draft Strategy pg 5)

The draft Strategy, should in itself, as a comprehensive document, reflect properly the NSW water laws and agreements that are underpinned by the principles of ecologically sustainable development.

To instead align the draft Strategy with recently rewritten economic strategic plans such as "A 20 - year Economic Vision for Regional NSW February 2021", embeds into NSW water management the type of contradictions identified by ICAC² in relation to how environmental considerations were balanced against economic ones:

".....the so-called "triple bottom line" strategic approach to water resource management of that agency.

That approach was one by which social and economic considerations were at times given greater weight than environmental considerations. This approach was designed as a way of rectifying the perceived "imbalance", and harm to consumptive water users and the communities dependent on them, caused by what are recognised as the explicitly environmental objectives of the overarching Basin Plan."

Infrastructure decision-making, such as the contentious new dams announced by government in the absence of business cases and cost-benefit analyses, entail probity and due diligence considerations that are primarily separate to evidence-based water planning in NSW. To align strategic water planning with untested economic strategic plans introduces another risk to achievement of the improved water management outcomes as required under the National Water Initiative.

It is noted that the new dam projects are not mentioned specifically in the draft Strategy but they are identified in supporting Regional Water Plans as projects in response to drought and consistent with existing government commitment.

2. An Implementation Plan must be exhibited with the draft Strategy to drive genuine action on a number of important concerns to the community. The Water in NSW website does not indicate that the Final Strategy and Implementation Plan will be publicly exhibited.

The absence of an Implementation Plan suggests NSW government is not seriously committed to taking action to ensure the ecological restoration of inland water sources and improve their resilience into the future.

² ICAC Report Investigation into complaints of corruption in the management of water in NSW and systemic non-compliance with the Water Management Act 2000. November 2020.

The community has raised numerous concerns at the way NSW government has approached water management. This community concerns include:

a. Getting updated climate modelling meaningfully into NSW water plans.

Whilst it is pleasing to read statements in the draft Strategy about the incorporation of climate modelling into water planning, it remains unclear how and when climate modelling will be incorporated into the NSW Water Sharing Plans

Unlike the NSW WSPs, the draft strategy is not a statutory document: “*The NSW Water Strategy and the regional and metropolitan water strategies do not replace statutory instruments (such as water sharing plans).*” (draft strategy page 9). Thus unless climate modelling is also incorporated into WSPs the stated vision of the draft Strategy, “*Sustainable water resources for thriving people, places and ecosystems, both now and for future generations*”, is meaningless.

Over extraction persists, ecosystems continue to collapse and First Nation peoples are left without access to water: all matters that will be exacerbated with a changing climate and rectified, not in the production of glossy draft strategies, but by changes to the legal documents that govern NSW water sharing arrangements.

Further WSPs underpin the Water Resource Plans required under the Murray Darling Basin Plan and critical to achieving the intent of the Murray Darling Basin Plan to protect the basin’s water sources for future generations. NSW has demonstrated recalcitrance in meeting these commitments. The draft Strategy provides no strong statements on NSW government ongoing commitment to the MDBP.

b. Improved transparency in NSW water market.

A statement in the draft Strategy like “*Once the Australian Competition and Consumer Commission has reported in February 2021, serious investment in and commitment to reform of the Basin’s water markets...*” should be backed up by a clearly stated action in the Priorities and Actions section.

This could be a concise statement (such as that below) that is then linked strongly with a time frame in the Implementation Plan:

“*New South Wales to publish water access licence (WAL) and water trade data for the NSW Murray Regulated River water source in a manner that clearly identifies which zone(s) are associated with the WAL or trade (as applicable).*”³

c. Strong actions to address the ecological collapse of NSW’s inland waterways.

The ecological collapse of inland water sources has been shocking and saddening for all Australians. Many NSW government water plans and policies are underpinned by limited public available information and a demonstrated failure to apply the precautionary principle where knowledge gaps can be identified.

³ ACCC Murray Darling Basin Water market Inquiry Final Report February 2021, page 29.

The draft Strategy provides no direction to the Regional Water Strategies on how to meaningfully address this ecological collapse across inland water sources. Benchmarking of baseline ecological condition of water sources, as has occurred via HEVAE mapping, is a basic scientific prerequisite to any meaningful monitoring, evaluation and reporting of the effectiveness of NSW water plans.

That NSW government fails to prioritise evidence-based practice in the draft Strategy⁴ entrenches the broader community's perception that the NSW government approach to inland water planning is primarily economic driven and advised by irrigator input.

The NSW Water Strategy includes no clear statement on the need for immediate action to correct the failings in the current WSPs, many of which ironically could have a life past the draft Strategy with government tendency to just extend WSPs without change after their ten-year life span.

d. Recognition of within and between connectivity of water sources to drive NSW water planning.

Connectivity is fundamental to inland water planning whether this is to ensure the integrity of within catchment ecological condition or how each catchment contributes flows to downstream and groundwater sources. Clearly end of catchment flow targets are critical to the ecological health of Australia's most important ground and surface water system yet the draft Strategy fails to provide any direction to the Regional Water Strategies in how to achieve this with weak statements about the "*challenges in delivering water to the end of our long river systems*"⁵.

For a strategic planning document that claims to take account of the challenges of climate change and direct improved ecological outcomes for NSW water systems it is curious that the word "drought" is mentioned 103 times and "connectivity" has 39 mentions in the draft Strategy.

This bias in the draft Strategy has especial relevance as NSW government commences its long over due attempts to bring the use of water extracted from NSW's unique and complex northern floodplains into a state licencing system consistent with the intent of water laws.

e. Water access rights for First Nation peoples.

For First Nation peoples native title is incomplete without access to water. The right of access to cultural and spiritual water must be better prioritised in the draft Strategy.

Access to safe drinking water is a right for all people living in regional NSW but healthy ecosystems assures Aboriginal cultural heritage is protected and cultural practices can be learnt and continued through generations.

⁴ It is noted that the word "evidence-based" is not used one in the draft Strategy.

⁵ It is unclear actually what this sentence means!

3. That the draft Strategy be restructured to include a concise Executive Report, improve reader accessibility to its key components, contain all supporting documents and a finalised implementation plan as part of a proper exhibition process and then re-exhibited.

Overall, I feel that the draft Strategy could be more concise. It would benefit from an initial Executive Summary to include the priorities and actions outlined on pages 42 and 43 and a succinct explanation of the background and context of the draft Strategy. This arrangement would better balance with the “promotional” language that consumes much of the draft Strategy. It will assist readers to access the important more substantial elements of the draft Strategy more readily and meaningfully.

Public confidence in the plans and policies developed by NSW government via the various iterations of its “Water Department/s” has been seriously eroded. This fact has been documented in many independent reviews.

The implementation plan should be finalised and included in the draft Strategy as part of the public consultation and exhibition process. Exhibition of a comprehensive and complete strategy is critical in demonstrating that NSW government’s stated commitment to improved transparency and meaningful community consultation is genuine.

The draft Strategy would also benefit from a full list of references that support such a significant strategic planning document. Notable omissions include:

- NSW Fish Passage Strategy;
- Independent review of the climate risk method for the NSW Regional Water Strategies Program;

There is also need to ensure an agile draft Strategy that can take account of new evidence-based knowledge or recommendations of independent reviews of water plans and policies. For example:

- Recommendations by the Murray Darling Basin Authority for changes to any WSP supporting Water Resource Plans as part of the accreditation process (rather than continued threats by NSW government to withdraw from the Plan);
- Finalised 30 year Integrated Water Cycle Management Strategies for NSW’s 92 local water utilities;
- Evaluation of NSW government’s Safe and Secure Program;
- Recommendations from ACCC, Productivity Commission, IPART, NSW Audit Office etc.

CONCLUSION:

The draft Strategy is a disappointing document for those concerned to see improved social, cultural and environmental outcomes across NSW inland water sources. Given its failure to define meaningful linkages with key strategic planning documents such as WSP and Long Term Watering Plans its exact purpose remains unclear to the broader public.

Yours sincerely

