

Department of Planning, Industry and Environment – Water
Locked Bag 5022,
Parramatta NSW 24
NSW.waterstrategy@dpie.nsw.gov.au

SUBMISSION

Draft NSW Water Strategy February 20

Dear Sir/Madam,

My name is Brian Stevens, also known as Barney. I was Secretary of the Darling River Action Group from 2003 to 2012, and continue to take an active interest in the inland river system, particularly the Barwon-Darling.

SUMMARY

I commend the incorporation of climate modelling into management of NSW rivers and commend the lip service given to the legal priorities of the Water Management Act 2000. The draft contains many commendable statements. However, I find it difficult to reconcile what is said in the draft, with what I have seen up to the present in respect of NSW river management. Therefore I have little faith that the required changes will occur.

It is strange that the NSW Water Strategy for the next 20-30 years is being constructed soon after numerous Water Sharing Plans were completed, locking in water management for 10 years. I also consider it inappropriate that decisions to build new dams were made before the formulation of a NSW Water Strategy. Given this inappropriate scheduling it is difficult to see how public confidence can be restored. Confidence and trust can only result from appropriate Government actions, not words.

Any worthwhile NSW Water Strategy would contain a policy towards end of system flows, but there is none for the Barwon-Darling River. This river was the the essential backbone for connectivity of all of the State's inland rivers, including the Murray River, and with the Southern Ocean. Excessive water extraction is at an unsustainable level and has not only destroyed connectivity, but has impacted badly on towns, deprived landholders of their basic rights and made native title rights to water null and void. The priorities in the NSW Water Management Act 2000 have been ignored, and the draft NSW Water Strategy gives me no confidence that the Act will be complied with in future.

Water trading is designed to send water to the most productive uses, but it has the effect of taking water from one community (e.g. dairy) and sending it to another community (e.g. nut trees). The draft has little to say about the effect of this on rural communities.

IRN does not feel that the draft Strategy will provide clear and adequate direction to ensure that sustainable levels of water use underpin land use activity now and within the challenges of a changing climate as is required by water laws.

COMMENTS ON THE DRAFT STRATEGY DOCUMENT

The draft strategy document at 153 pages is extremely long-winded and repetitive, full of “promotional” language and having the effect of deterring potential readers. The information of interest to virtually everyone is in Attachment 2. The Draft 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.

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

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

PRIORITY 1: BUILD COMMUNITY CONFIDENCE.....

Public confidence in the plans and policies developed by NSW government have been seriously eroded, as documented by many independent reviews. Public trust will only be restored by appropriate actions by the NSW Government.

One aspect of rebuilding confidence is rebuilding trust in compliance (page 53). Historically non-compliance has been rampant, especially by some large operators and compliance officers scarce on the ground and discouraged by senior management. I recognise that this has changed and urge that it continue and that the compliance organisation be independent of water authorities, especially DPIE and Water NSW. It would be better if they became a branch of the Police Force. The other aspect of compliance is the roll-out of tamper-proof meters. The fact that this has been delayed for so long leads to lack of trust.

Water trading is another area where trust is lacking. On page 48:

“Increase the amount and quality of publicly available information about water in NSW (while protecting privacy).”

I have no confidence in this statement after seeing the Minister fighting tooth and nail in NSW Parliament to stop access to knowledge about water trading. What is private about how much water is owned by whom? Land ownership is not private, so why is water ownership any different?

One aspect of gaining public confidence is the use of plain English. The word “stochastic” on Page 87 was also used extensively in the on-line webinar without explanation. This is not plain English. Even though it is defined in an appendix, it should be explained in the body of the draft Strategy.

PRIORITY 2: RECOGNITION OF ABORIGINAL RIGHTS AND VALUES AND INCREASE ACCESS TO AND OWNERSHIP OF WATER....

Many Aboriginal Communities live on the western, downstream reaches of the inland river system. Aboriginal Water Rights (page 59) are meaningless when there is no water in the river. In this context, will the NSW Water Strategy ensure that there is water in the rivers to feed the \$200 million program for water supply & sewerage for 62 the Aboriginal communities (page 37), including those on the western, downstream reaches of the rivers?

PRIORITY 3: IMPROVE RIVER, FLOODPLAIN AND AQUIFER ECOSYSTEM HEALTH AND SYSTEM CONNECTIVITY

Water Sharing Plans

The draft Strategy states:

“During normal operations, the highest priority for water sharing is the environment, followed by basic landholder rights (domestic and stock), native title and harvestable rights.” (page 32).

This follows from the Water Management Act 2000, but is not how the water resources of the NSW part of the Murray-Darling Basin have been prioritised up till now. For example various independent reviews have highlighted degradation to the Darling River as a consequence of the excessive extractions for irrigation purposes in the Northern Basin. This excessive extraction is at an unsustainable level and has deprived landholders of their basic rights and made native title rights to water null and void. The draft Strategy needs to make clear statements about the need to reverse this illegal management behaviour.

On page 90 there is a very telling statement about how water is really managed in NSW, in contrast to the motherhood statements in this draft:

*“After the Millenium Drought NSW opted **not** to take a more conservative approach to its water allocations to improve water security for critical needs in the event of a future severe drought.”*

Why is it that people have no trust in NSW water management?

Also on page 90:

“In some valleys this may trigger a need to change water sharing plan rules and water allocations in response to new extremes in water availability.”

But several water sharing plans are written in concrete for the next 10 years. Any changes can bring on monetary compensation. Why was this not considered when the WSPs were made?

On page 92:

“While the Millenium Drought (2002-2009) was a new drought-of-record for the southern Murray-Darling Basin....the recent drought (2017-19) became the new drought-of-record in Northern Basin Valleys – in some places far worse than previously experienced.”

Why then was the drought-of-record fixed as the 80 years prior to 2003, when constructing the Water Sharing Plans? Your statement above is contrary to NSW Government policy.

Connectivity

On page 68:

“improve.... system connectivity”.

The NSW Government collected funds for fishways over dams and weirs, but spent the money on other projects. Without adequate fishways there is no connectivity.

The connection between all of the rivers of the Northern Basin is the Barwon-Darling River. The connection between the Northern Basin and the Murray River and the Southern Ocean is the Barwon-Darling River. Without a plan to revive the Barwon-Darling River this draft NSW Water Strategy is futile. Historically, water has flowed at Wilcannia 85% of the time; the once-abundant freshwater mussels in the river required water and frequent flow. The NSW Water Strategy needs flow criteria for Wilcannia, for the lower Darling and for the

Great Darling Anabranch. If the Barwon-Darling River is healthy, it is most probable that the whole Northern Basin will be healthy.

PRIORITY 4: INCREASE RESILIENCE ... (VARIABILITY AND CLIMATE CHANGE)

I support the incorporation of climate modelling in water planning, but note that to date there has been no incorporation of climate change modelling in Water Resource Plans or Water Sharing Plans. It remains disappointing that the Office of the Chief Scientist & Engineer, Independent review of the climate risk method for the NSW Regional Water Strategies Program, April 2020 is not included as an attachment to the draft Strategy nor available on the Chief Scientist's website.

The incorporation of prehistoric data into climate modelling is desirable, but reliance on prehistoric worldwide data derived from coral data, tree-ring data etc (page 87) may not have meaningful relevance to variable local climate at an individual valley scale. I would like to see the opinions of the Chief Scientist on this and to see peer review of the applicability of far-away data to NSW valleys.

I support greater access to water planning models (page 50). The actual data and modelling should be made available to allow non-confidential peer review.

PRIORITY 5: SUPPORT ECONOMIC GROWTH WITHIN A CAPPED SYSTEM

Floodplain extraction

When the cap was put in place it only considered legal extractions. However, there have been increasing amounts of illegal floodplain harvesting and increasing volumes of on-farm storages. The NSW Government's current efforts to licence floodplain harvesting will result in the caps for individual valleys being exceeded and the overall cap for the Northern Basin being exceeded, unless at the same time other licences are revoked.

Water Trading

Enabling industries to maximise the value of production from the available water resources (page 98). This brings up the subject of water trading, designed to enable water to go to the most productive uses. In reality it has meant water shifting from one industry to another, from one area to another, causing chaos in rural communities that were previously relatively stable. But this is OK, because instead of sheeting the blame home to water trading, rural "leaders" have blamed the taking of water for the environment.

PRIORITY 6: SUPPORT RESILIENT... CITIES AND TOWNS

It is difficult to support the resilience of towns that have lost their water via water trading, e.g. the vast amounts of water that are now being transferred from previous uses, into irrigated cotton and to nut trees. The rapid shifting of resources from one area to another is reminiscent of mining booms that rise and fall, leaving behind ghost towns.

PRIORITY 7: ENABLE A FUTURE FOCUSED, CAPABLE AND INNOVATIVE WATER SECTOR

I support ongoing research and development studies in water-dependent industries.

Proposed One Basin CRC with 5 regional hubs (page 130). I support this concept and strongly suggests that Canberra should be one of the 5 hubs, given that much water expertise resides there.

INAPPROPRIATE MANAGEMENT OF RIVERS

The laws and agreements under which NSW water is managed are underpinned by the principles of ecologically sustainable development. Aligning the Water Strategy with economic strategic plans such as the recently re-written “A 20 - year Economic Vision for Regional NSW February 2021”, embeds the contradiction identified by ICAC¹ whereby the Department of Industry had responsibility for water resource management.

The ICAC Report states:

“...matters of NSW state politics and policy appear to have given rise to inconsistencies between the law and its application in departmental decision-making.

These matters include:

- *the fact that the state agency that had responsibility for water resource management and for leading the intergovernmental negotiations for, and implementation of, the Basin Plan, was the NSW Department of Industry (DOI)*
- *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.”

RIVER MANAGEMENT BY KNEE-JERK GOVERNMENT REACTION

Instead of firstly creating a NSW Water Strategy in order to find out what is needed, the NSW Government decided to build dams, in the almost total absence of business cases and cost-benefit analysis.

The February 2021 revised 20 year regional economic vision seems primarily driven by regional investment government announcements since the original July 2018 regional economic plan. These “investments” to be funded by \$6.2 billion in the Snowy Hydro Legacy and the Regional Growth Funds as part of a so called asset recycling programme. These decisions pre-empt the NSW Water Strategy and there is a lack of clarity in how the decisions fit within a national water market and Murray Darling Basin Plan commitments.

An approach to infrastructure that is driven by political announcements rather than evidence based decision-making is unconstructive and inconsistent with any overall NSW Water Strategy.

¹ 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.

In a recent NSW Upper House Inquiry Report², a dissenting report by three NSW government members about the Wyangala Dam wall raising proposed project identified some of the problems associated with an “announcement first” approach:

“To talk in certainties about potential construction impacts and costs is premature and highly speculative and serves only to create uncertainty among the communities potentially impacted by this project.” (pg 85).

The new dam projects are not mentioned in the draft Strategy but they are mentioned in the supporting Regional Water Plans. This includes the draft Namoi RWS³ that identifies the “*state significant dam projects*” as consistent with government commitment in response to drought (page 33).

Brian (Barney) Stevens
Former Secretary, Darling River Action Group
41 Bonton Rd Springwood 2777
barney.stevens@westnet.com.au/

² PORTFOLIO COMMITTEE NO. 7 Rationale for, and impacts of, new dams and other water infrastructure in NSW Part 1 Report 5 March 2021

³ Draft Namoi Regional Water Strategy March 2021