



Regional Water Strategies
Department of Planning, Industry and Environment
regionalwater.strategies@dpie.nsw.gov.au

20 May 2022

Submission on the Murray Draft Regional Water Strategy

Dear Sir/Madam,

The National Parks Association of NSW (NPA) was formed in 1957 and sixty-three years later there are 15 branches, 4,000 members and over 20,000 supporters. NPA's mission is to protect nature through community action. Our strengths include state-wide reach, deep local knowledge, evidence-based approach to conservation advocacy and commitment to the creation and professional management of protected areas in NSW.

NPA believes that healthy and resilient river systems are vital for our collective wellbeing. We have consistently advocated for sound environmental and community outcomes through participation in government processes and collaborative projects with other environmental groups and academic bodies.

NPA welcomes the opportunity to comment upon the *Murray Draft Regional Water Strategy*. Please note that we have chosen to make this submission as a letter rather than through your webportal or submission questionnaire. The following confidentiality and privacy information is provided as per the submission questionnaire:

I give permission for my submission to be publicly available on the NSW Department of Planning and Environment website

I do not need the following personal details to be kept confidential:

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I do not identify as an Aboriginal person.

I am making this submission on behalf of an organization, the National Parks Association of NSW, a peak environmental organization.

General comments

The objects of the Water Management Act 2000 are to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The National Parks Association of NSW (NPA) therefore believes a primary consideration for all regional water strategies should be to protect and sustain

healthy and resilient freshwater ecosystems and their associated biodiversity (flora and fauna). This is because water is more than just a resource; it is fundamental to life. Healthy and resilient freshwater ecosystems underpin health and resilient regional communities. Despite this, freshwater ecosystems are amongst the most vulnerable and threatened ecosystems in the world.

The regional water strategy for the Murray sets out the regional context and outlines the options under consideration. Forty-four options cover a range of issues from indigenous ownership through to hydrological processes in bushfire management. The NPA is supportive of most of the options listed in the RWS. For each option, a list of considerations is provided. The NPA is of the view that the list of considerations in many of the options listed is too narrow and needs to be expanded. It is also of the view that the ecological targets and objectives of the Murray-Lower Darling Long term water plan have been largely overlooked and need to be more strongly incorporated within the plan.

Detailed comments

1. Meeting the needs and aspirations of Aboriginal people: options 1-7

Water Act 2007 (Cth) stipulates that Aboriginal people's values and aspirations must be taken into account in water resource policy and management directives. The Water Management Act 2000 (NSW) also provides for legal recognition of native title rights for 'personal, domestic and non-commercial traditional uses' and has provision for a cultural access licence. While the NPA are supportive of the overall description of each of the eight options, the considerations listed for both Option 2 and Option 7 are too narrow.

- Option 2 commits to a review of cultural access licence framework. However, the existing licensing arrangements for water were formulated before we understood what genuine consideration of indigenous cultural perspectives means (Indeed in option 6 of the RWS this is acknowledged in the statement "Aboriginal *people's rights and obligations are not adequately recognised or provided for in current water laws and policies*"). The NPA therefore believe the focus on clearly defining 'what the licences can be used for' must extend to include the possibility of amending the legislation to enable proper inclusion of a diversity of cultural water perspectives.
- Option 3 commits to support long-term participation of local Aboriginal people in water related matters. However, the scope excludes operating their own water. Option 4 commits to fund water entitlement for Aboriginal communities. Neither option encompasses the implementation of an indigenous water right. Once indigenous groups do own a water entitlement it is important, they can implement that entitlement as they see fit. One of the problems not mentioned in either option is that the fees involved in water licencing and use inhibits Indigenous group being actively involved in water management- particularly when the use of that water has no economic return. The NPA believes either option 3 or 4 needs to consider operational problems and that there is a need to include a consideration of "*how the costs involved in managing Indigenous water allocation with no financially productive use can be reduced*".
- Option 6: shared benefit project. This option is not supported. The Murray River is one of the most highly regulated rivers in Australia. The construction of water storage and

regulatory structures has caused immense damage to the natural environment – as was recognized by the Commonwealth Government’s multi-billion-dollar investment in the Murray-darling basin plan. A portion of this funding as resulted in a pool of environmental water.

This limited resource (i.e. the pool) must be focused on environmental benefit. While traditional knowledge might add value to how the water is managed, and there may be situations where Indigenous interests and environmental benefit co-occur, the primacy of the need to maintain or improve the health and resilience of our freshwater and freshwater dependent ecosystem must be retained.

The Murray River system has already experienced a significant decline in water availability and climate change is expected to reduce it further. There must be no further erosion of the key purpose and application of our precious environmental water.

2. Current water sharing arrangements based on 120year of data: options 8-13

The NPA supports options 8 – 13 that cover reviewing different aspects of current water sharing arrangements subject to these being in the context of improved outcomes for environmental health. Thus, there is a need to include other considerations including:

- considerations within Option 9 should commit to an outcome rather than an activity. Thus *“any environmental impacts, including impacts on aquatic ecosystems”* should be re-stated as *“reducing any environmental impacts, including impacts on aquatic ecosystems”* as well as *“an assessment of how the rules can be used to help realize the ecological objectives and targets in the long-term Murray Lower Darling Long Term Water Plan”*.
- considerations of Option 11 which is focused on a review of groundwater extraction limits states it will *“incorporate up-to-date information, including scientific studies”*. We know that our understanding of groundwater ecosystems and groundwater dependent ecosystems is rudimentary Thus, an additional consideration that needs to be listed to align with the intent of Option 11 would be ‘including scientific studies’ would be: *“any improvements in our understanding of the health of groundwater ecosystems and groundwater dependent ecosystems”*
- Option 13 investigate Water Access Licence Conversion. This option is part of a wider intent to test the level of security that could be achieved in each region. Climate predictions suggest there will be declining water availability in the future. Thus, an additional consideration needs to include *the liability risk to government that may arise from failing to meet the increased security of access in any conversion of a licence*

3. Insufficiently integrated land and water planning and management: options 14-19.

While supportive of the overall intent of these options. The scope of considerations within some of the options need to be broadened.

- **Option 14** should also add a consideration that limited water availability might trigger restrictions in land use planning legislation which limits the growth and land use in an area. That is, we should not just predict development and provide water to where

development should occur- it is a 'two-way street'- where water limitations may direct/encourage development to other more appropriate areas.

- **Option 17** enhance southern floodplain management plans, needs to give specify that these plans will give primacy to wetland ecosystems and the water requirements of these wetlands. There are a significant number of wetlands that could be affected along the Murray.

4. Vulnerability of town water supplies and amenity: Options 20-25

The NSW NPA strongly supports option 20 to encourage water recycling opportunities for all towns. Water can be used for a range of purposes, and it is a waste of resources to treat water to a potable standard only to use it to water gardens or hose down driveways when lower quality water can achieve the same outcome.

Option 21 is supported as such storage could reduce the need for extraction directly from our river systems, minimise evaporation, and the need for dams or weirs. Thus, considerations within this Option need to include the benefits for aquatic ecosystems that would result from reduced direct extraction from our rivers and streams.

Option 23 aimed at maintaining amenity needs to also consider what is regarded as 'amenity'. The NPA is concerned that the breadth and scale of this option remains unclear. Specifically, while there is the potential for a relatively small volume of water to have many benefits to a large number of people: why can't the water be purchased on the market? Or why don't the residents in the town vote for local councilors who will make this a priority? Overall, the NPA does not see why this option cannot be resolved through other existing mechanisms

Option 24 The extent of the investigation is not clear in the option. The NPA does not support intervalley transfers.

5. Degradation of riverine and floodplain ecosystems: Options 26-34

The NSW NPA strongly supports options 26 – 34, but recommends the following:

- That two additional considerations be inserted in most of these options. Those being: "the ecological objectives and targets in the long-term Murray Lower Darling Long Term Water Plan" and "the objectives of the Murray Darling Basin Fish strategy".
- Option 28 aimed remediating fish passage needs an additional consideration of "how different fish passage structures may affect different species ability to navigate or incur mortality through that passage"
- Option 30 needs to not only consider the environmental watering requirements of the Murray Long-Term Water Plan but also the native fish ecological objectives in that plan.
- Similarly, Option 31 needs to include a consideration of the native fish ecological objectives in the Murray Long-Term Water Plan but also

6. Limits to water availability in times of a changing climate: Options 35-44

The NSW NPA generally supports options 35-44. However:

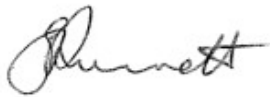
- Option 41: This option should be amended to address the need for research and

reporting into the efficacy & cost of the current cloud seeding program in the context of climate change predictions. NPA does not support expansion of cloud seeding in water catchments.

- Option 44 that considers hydrological process in bushfire management also needs to consider the status of aquatic fauna. That is during the research phase, the focus will be on reaches within the larger Murray catchment. Several of these catchments are the last remaining refuges of native fish that no longer exist in the lower areas (e.g., Macquarie Perch). Prioritization of which reaches to focus on should give priority to those reaches that contain important remnant populations of aquatic and semi-aquatic fauna.

I can be contacted at garyd@npansw.org.au or on 0432 757 059

Yours sincerely,



Gary Dunnett
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National Parks Association of NSW
protecting nature through community action