

Department Planning and Environment – Water
Regional Water Strategy Team

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Submission

Draft Murray Regional Water Strategy

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 170 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

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.

NCC and HRD pay our respects to First Nations Elders past and present and acknowledge that this land was never ceded.

NSW Nature Conservation Council and Healthy Rivers Dubbo are pleased to offer comment on the first draft of the Murray Regional Water Strategy.

Introduction

The Murray River is highly regulated with major storages and weirs. It supports a significant number of important wetlands, migratory birds and threatened species habitat. First Nations groups wellbeing is closely connected to the riverine landscape and a healthy river system.

Basin Plan projects under the Sustainable Diversion Limit Adjustment Mechanism should be reassessed for environmental outcomes.

The Reconnecting River Country Project must maintain the flow targets agreed to under the Basin Plan.

Inadequate water management framework to meet the needs and aspirations of Aboriginal people

1. Improve access to culturally significant areas and waterways for Aboriginal people

Strongly support.

2. Review Aboriginal Cultural Water Access Licence framework

NCC & HRD strongly supports Cultural Water access licences being easier to acquire, however the use of these licences should not preclude economic activity.

3. Support long-term participation of local Aboriginal people in water-related matters

Strongly support.

4. Fund water entitlements for Aboriginal communities

Strongly support.

5. Secure flows for water dependent cultural sites

Strongly support – with the caveat that water for cultural flows, managed by First Nations people are required.

6. Shared benefit project (environment and cultural outcomes)

NCC and HRD support MLDRIN and NBAN's position on this matter as per their submission to the *Senate Select Committee on the Multi-Jurisdictional Management and Execution of the Murray-Darling Basin Plan*. A key recommendation made to the Committee was that 'all Basin jurisdictions must establish adequately resourced, formal mechanisms to support First Nations' input into environmental water planning, as required under the NWI. These mechanisms should include support for research, cultural assessments and input to watering plans at a local scale, backed by formal obligations on agencies responsible for annual and long-term planning'.ⁱ

NCC & HRD are concerned that this option could undermine the attainment of Cultural Water. First Nations have the right to own and manage water on Country to support self-

determination. There has been an unacceptable failure of Governments to deliver cultural water to First Nations communities.

7. Incorporate Aboriginal history of water and culture in the southern Basin into water data

First Nations people must have the right to protect and maintain culturally significant sites. The sovereignty of decisions made about how much information to share with Government must be honoured. There is a dark and recent history of cultural appropriation and destruction of cultural sites.

NCC & HRD supports the rights of First Nations Peoples to share as much or little information about sites as they feel comfortable.

Current water sharing arrangements based on 125 years of data

8. Review drought rules for the NSW Murray region

Strongly support.

9. Review the allocation and accounting framework in the NSW Murray (regulated system)

NCC & HRD support reviewing allocation and accounting framework from the perspective of increased protection for environmental assets and First Nations cultural protection. This would align with the priority of use of the NSW Water Management Act, the Cwlth Water Act and the Basin Plan.

10. Investigate Murray River system water sharing, delivery and accounting arrangements under the Murray–Darling Basin Agreement

NCC & HRD consider that a review of the Murray Darling Basin Agreement is not an appropriate option to include in a regional water strategy covering a single catchment.

11. Review groundwater extraction limits

Strong support for the review in-line with the priority of use principles in the Water Management Act.

The usable groundwater sources in the Murray are fully committed. Many of the ground water sources in the Murray are now saline due to over extraction.

The 2021 State of the Environment Report notes that Demand for groundwater increased significantly between 2017–18 and 2019–20 from roughly 11% of the state’s overall metered water use to 27%, mainly due to extended and severe drought. ⁱⁱ

It is not sustainable to so significantly increase reliance on groundwater in drought, just to maintain high levels of water use.

12. Provide increased clarity about sustainable groundwater management

Very strongly support.

The importance of overbank flows to groundwater recharge must be urgently assessed. This would help support the case for urgent constraints relaxation in the Southern Basin.

13. Investigate Water Access Licence conversion

Supportive.

As water becomes scarcer as the climate dries; food security will become an increasingly important issue. Already the dairy industry in the Southern Basin has suffered the impacts of a duopoly customer base and being out competed for water entitlements by a rapidly, and likely unsustainably, developing nut plantation industry that has secured a lot of high security water entitlements.

Industries like dairy should have the right to convert general security to high security entitlements to ensure their breeding herds survive.

Insufficiently integrated land and water planning and management

14. Investigate land use change and population growth impacts on water resources

Supportive.

NCC and HRD consider that as communities and populations along the Murray grow, it is vital that all opportunities to reduce demand on rainfall dependent water sources be applied.

15. Develop climate risk evidence base to inform the next Snowy Water Licence Review

Supportive.

16. Enhance southern inland floodplain management plans

Strongly supportive.

In the Northern Basin an expansion in floodplain works that have never been assessed for environmental impact have contributed to the NRC describing the Barwon-Darling/Baaka as an ecosystem in collapse.

A floodplain management plan is a lever that can protect the environment from unapproved floodplain works, if it is applied adequately.

17. Investigate water quality improvement measures

Strongly support.

18. Manage groundwater salinity

Strongly support.

NCC & HRD consider that addressing historic overuse of groundwater is critical in the management of salinity of groundwater sources.

The importance of overbank flows and flooding to groundwater recharge needs to be urgently assessed.

19. Monitor sediment compaction over the long term

Supportive.

Vulnerability of town water supplies and amenity

20. Review impediments to water recycling projects

Strongly support.

Reducing the demand for rainfall dependent water supplies is critical to water security.

21. Managed aquifer recharge investigations and policy

Supportive.

22. Secure and reliable access to groundwater for towns

Disagree strongly.

Groundwater sources are already over allocated and degraded. Simply expecting groundwater to behave like a magic pudding in times of drought is not a sustainable water security solution in a drying region.

23. Maintain water-related amenity in the NSW Murray region during droughts

Do not support in the strongest terms.

The Water Management Act prioritises critical human need and the environment in times of drought. This foundational legal principle should not be challenged in a non-legal document such as a draft regional water strategy.

24. Investigate inter-regional connections

Do not support.

Efforts to reduce reliance on rainfall dependent water supplies should take priority over resorting to pipelines.

25. Investigate groundwater desalination for industry and towns

Disagree strongly.

This would increase community reliance on groundwater sources that are already over used.

Degradation of riverine and floodplain ecosystems

NCC and HRD strongly support options 26 to 34 to be addressed as priorities:

- **26. Improve protection of groundwater dependent ecosystems**
- **27. Address cold-water pollution in the Hume Dam**
- **28. Remediate fish passage**
- **29. Implement fish-friendly water extraction**
- **30. Improve flows to important ecological sites**
- **31. Develop a river and catchment recovery program for the NSW Murray region**
- **32. Review environmental water arrangements**
- **33. Re-establish threatened fish species through habitat restoration and conservation restocking**
- **34. Better understand the economic value of ecosystem services of riverine environmental assets**

Limits to water availability in times of a changing climate

35. Better understand water use with data collection and analytics

Strongly supportive.

Data collection and information about water use is vital information and will become more so in an increasingly changed climate.

Metering

To this point, NCC and HRD strongly support the metering of stock and domestic water use. Irrigation infrastructure under 100mm diameter must be included in the metering policy currently being rolled out in NSW.

The metering rollout that NSW instigated in response to the Matthews report in 2017 has been slow to rollout. As of January 2022, only 69% of the largest pumps in the state are compliant. ⁱⁱⁱ

NSW should consider suspending water access for users that do not have compliant metering installed.

Protection of Planned Environmental Water

Planned Environmental Water is difficult to quantify, making it vulnerable to erosion through growth in use and non-compliance, despite a legal prohibition against doing so in the Basin Plan. It is also vulnerable to climate change.

Section 10.28 of the Basin Plan states: *'A water resource plan must ensure that there is no net reduction in the protection of planned environmental water from the protection provided for under state water management law immediately before the commencement of the Basin Plan'*.

In the Water Management Act 2000 there are three parts to the definition of Planned Environmental Water:

- (a) the physical presence of water in the water source,
- (b) the long-term average annual commitment of water as planned environmental water,
- (c) water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been made.

There must be consistency about the definition of Planned Environmental Water across all water sharing plans.

36. Improve the understanding of groundwater sources and processes, risks and impacts

Strongly supportive.

Turning to increased groundwater extraction in times of drought is unsustainable in a climate change-induced drier future.

Tight river management due to constraints means floodwaters rarely break the banks of the Murray like nature intended. The objectives of the Reconnecting River Country Program include the relaxation of these constraints; however, the process seems to be challenged by strong community concerns about high flows, rather than striving for the best environmental and social outcomes achievable.

The Reconnecting River country project must meet the flow targets in the Murray as notified in the original Constraints Management Project factored into the SDLAM environmental equivalence test.

37. Undertake a water dependent industry resilience study

Supportive.

38. Develop targeted education and capacity building programs

Supportive.

39. Investigate water availability in the NSW Murray region

Supportive.

40. Investigate non-residential water efficiency (towns and industries)

NCC & HRD are supportive of projects that increase the water efficiency of irrigation and other water intensive industries, provided the water savings are returned to the environment.

41. Investigate the expansion of cloud seeding in key water supply catchments

Strongly disagree.

Cloud seeding does not create rain, it simply moves it from one area to another.

42. Undertake joint exploration for groundwater with the NSW Geological Survey

Cautious in principle support.

Placing more pressure on groundwater sources to provide water security in drought and a drying climate is not sustainable. We are concerned that this option would add to existing over reliance on struggling groundwater resources, when focus should be on reducing demand for water overall.

43. Review water markets and trade

Support.

NCC & HRD support the recommendations of the ACCC report into water markets being the basis for water market reform.

We would add that the recommendations of the ACCC report were lacking reference to the legal requirement under the Commonwealth *Water Act 2007* Schedule 3, that restrictions to water trading are required to:

- avoiding environmental impacts
- protecting water quality
- facing delivery constraints
- geographical features are being impacted
- major indigenous, cultural heritage or spiritual significance would be impacted.

It is legally required that any water market reform be directed by the clause above.

NCC & HRD maintain that for the public to have confidence in water management in NSW, there must be a comprehensive Water Register that should enable the public to:

- freely access from a single source, all details of entitlements, including: name of holder;
- licence number;
- licence conditions;
- water entitlement;
- water allocations;
- meter readings;
- real time water account balance;
- and all trading activities.
- It is also important that any convictions from non-compliant water take is available.

We also consider the establishment of a National Water Trading Exchange to be foundational to a robust and transparent water trading system. As it stands, the ATO's foreign ownership register is voluntary, and not publicly available. Water purchases by private foreign investors will generally not be scrutinised by the Foreign Investment Review Board.

44. Consider hydrological processes in bushfire management

Strongly support.

NCC facilitates an [Ecologically Sensitive Bushfire Management Program](#) .

The objective of the program is to ensure that all bushfire management activity is ecologically sustainable while protecting life and property. The program has been actively involved in the successful evolution of fire management in NSW.

NCC is well placed to expand our involvement in Bushfire Management development, and would welcome the opportunity to be involved in the advancement of landscape scale action to improve river and catchment health.

Missing Options

- Improvement in channel sharing arrangements for optimal environmental outcomes.
- Opportunities for transition away from heavily water dependent industries.

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ⁱ MLDRIN and NBAN's joint submission can be viewed through the Committee's website:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Management_and_Execution_of_the_Murray_Darling_Basin_Plan/MurrayDarlingBasinPlan/Submissions

ⁱⁱ <https://www.soe.epa.nsw.gov.au/>

ⁱⁱⁱ <https://www.nrar.nsw.gov.au/news/almost-three-quarters-of-2020-group-comply-with-new-metering-rules>