

28 June 2022

Department of Planning and Environment - Water
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DRAFT #2 BORDER RIVERS REGIONAL WATER STRATEGY

The National Parks Association of NSW (NPA) appreciates the opportunity to comment on the proposed actions for the Border Rivers Regional Water Strategy.

NPA's mission is to protect nature through community action. Our strengths include State-wide reach, deep local knowledge, evidence-based input to policy and planning processes, and over 65 years' commitment to advancing the NSW protected area network and its professional management. We also provide outstanding opportunities for experiencing and learning about nature through our unrivalled program of bushwalking, field surveys, bush regeneration, and other outdoor activities.

General comments

The full recovery of environmental water under the Basin Plan Sustainable Diversion Limit for the Border Rivers has still not been achieved. There remains a shortfall of 5.1 GL in the NSW Border Rivers. It is imperative that high priority is given to complete NSW legal requirements under the *Commonwealth Water Act 2007*.

Comments on the list Actions/Priorities

The NPA generally supports the four priorities identified in the RWS and provides additional comment on the following proposed actions under each priority:

1. Priority 1: Address knowledge gaps and make information easily accessible.

- The NPA endorses proposed action 1.1, 1.2, 1.3 and 1.4. However, the NPA believes the proposed state-wide Aboriginal Water Strategy needs to be prioritised and well-funded to establish culturally appropriate consultation processes that build capacity, recognise remoteness, and provide resources to enable meaningful participation before progressing proposed action 1.2 (see Hartwig et al. 2022). There may also be the need to consider as part of proposal 1.2 how the fees associated with water licences can be reduced for traditional/cultural uses.

2. Priority 2: Do more with less water

- Water is an agnostic resource that can be used for a variety of extractive and non-extractive uses. The concept of doing 'more with less' in the RWS is framed in terms of extractive use rather than the shared benefits that can arise from non-extractive uses and/or that water can be, in some cases, re-purposed after a particular use event. The NPA believes a range of non-extractive pursuits beyond ecotourism (such as boating, fishing, etc) need to be included where appropriate for priority 2 actions.

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- The NPA endorses proposed action 2.1 but would suggest that a range of options around subsurface irrigation technology and evaporation control options need to also be considered to realize this proposal.
- The NPA endorses proposed action 2.2. It aligns with the cooperative arrangements outlined with the long-term water plan. However, the NPA would support that this objective be expanded to include other types of water other than that solely identified for 'irrigation'. That is water should be managed as the sum of ALL its parts if there is to be synergy between uses. It also is noted that the wording of 'changes' within this action seems to suggest an emphasis on piggybacking flows together: when phased timing, volume, and duration are also factors that need to be considered as possible synergies.

There is a question regarding the impact of business opportunities: Given the RWS also has action 3.2 which emphasises economic diversification, then any impact would reduce over time. Moreover, most large-scale operations in the RWS area would have on farms storages and have high security licences.

- The NPA endorses proposed action 2.2. However, it is conceived as only addressing specific sites of environmental value. The river and its interaction with the floodplain provide an important dynamic that trigger breeding and spawning events. Reduced overbank flow is likely to be caused by floodplain harvesting and floodplain works in many areas. Thus, reducing floodplain works (action 3.7), which tend to be permanent structures, need to also be considered as an action within this proposal.
- Action 2.4. The environment has priority over consumptive users in the *Water Management Act 2000* (WMA) during drought except for critical human needs. It essential that the operation of the regulated river maintains critical environmental values such as drought refugia, maintaining healthy refuge pools, and allowing for first flush events. Additionally, the management of available water determinations must be based on the most recent drought of record to ensure they keep pace with climate change if this is going to be implemented.

3. Priority 3: Make the region more resilient to climate variability

- Action 3.1: *Increase the availability of high security water access licences*. The ecological assessment demonstrates extreme environmental impacts on frequency of no flows, frequency of small freshes, and frequency of large freshes. As such the NPA cannot support this proposal. Indeed, the NPA would question the logic of providing for productive use conversion as a priority over environmental use conversion when there are clear questions about public versus private good, windfall benefits, and that there is not only private benefit, but clear environmental loss.
- The NPA endorses Actions 3.2, 3.3, and 3.4
- The NPA sees actions that would *Mitigate the impact of infrastructure on native fish* (Action 3.5) as a key priority. This is basically a Northern Basin 'toolkit' measure that requires action to support an improvement in the health of in native fish populations. The removal of floodplain structures that impeded critical fish breeding opportunities must occur before floodplain works are licenced for floodplain harvesting. The detail about fish passage should include concepts such as 'both upstream and downstream' and 'low mortality design'.
- Action 3.6: Fully implement the NSW Floodplain Harvesting Policy. The NPA does not endorse the FULL implementation of the NSW Floodplain harvesting policy. Licensing, and measuring floodplain harvesting is important to detail unspecified take, but the proposed method of managing this will not result in sustainable water management in the region. The RWS identifies that more than one third of all surface water used in the Border Rivers region comes from water diverted from the floodplain and intercepted before it enters rivers and creeks.

There is widespread lack of trust in the modelling estimates, the higher priority needs of community and the environment are not protected, the structures used to intercept flows are

permanent in nature and have secondary effects on the breeding and dispersal of aquatic wildlife, and there no evidence to suggest management will deliver on legally mandated downstream outcomes. The regulation of floodplain harvesting must be preceded by an assessment of the cumulative environmental, cultural, and social impact of decades of floodplain harvesting and must include cease-to-divert flow targets that are scientifically based on environmental sustainability.

- Actions 3.7 and 3.8 are supported by the NPA. Our organisation believes 3.7 needs to be a high priority within the RWS.

4. Priority 4: Share water differently to address critical needs of Border Rivers and downstream users

- The NPA is supportive of action 4.1, 4.3 and Actions 4.5.
- Actions 4.2, and 4.4 which are focused on groundwater management within the RWS cannot be made before the State Groundwater Strategy is developed to ensure consistency at the regional level.

Literature Cited

Hartwig L. D., Jackson, S., Markham, F., & Osborne, N. (2022). Water colonialism and Indigenous water justice in south-eastern Australia. *International Journal of Water Resources Development*, 38(1), 30-63.)

Concluding statement

NPA can be contacted through [REDACTED]

Yours sincerely

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National Parks Association of NSW

protecting nature through community action

