

State Water EMP  
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8th March 2006,

Dear Sir/Madam,

WWF-Australia, The Nature Conservation Council of NSW, Inland Rivers Network and the Total Environment Centre welcome the opportunity to comment on NSW State Water's inaugural Environment Management Plan. We welcome initiatives by State Water to comply with the principles of Ecologically Sustainable development, and encourage water managers to establish goals and timelines for the achievement of both sustainable use and the broader environmental objectives that are achievable through sound planning processes.

State Water will already be aware that in 2004 state and Commonwealth governments signed on to the National Water Initiative (NWI), a progressive policy document which we believe has the potential to move all Australian states and territories towards sustainable water use, and the Commonwealth government established the Australian Water Fund.

We believe NSW's Implementation Plan for the NWI is an integral step in ensuring a national approach to water management. Accurate accounting and management of available water resources according to availability is essential to ensuring both license entitlements and environmental needs can be met.

We welcome the development of State Water's Environment Policy, and urge environmental managers at State Water to ensure efforts towards achieving environmental goals are recognized through the NSW Implementation Plan. We welcome initiatives by State Water to progress important environmental projects such as fish ladders and cold-water pollution remediation.

Our additional comments are summarised as follows:

**Objective 1** - The groups would like State Water to consider measures for the control of invasive fish as well as exotic flora, and the development of rigorous strategies to ensure that environmental water releases are effective and timely at all times.

It is imperative that State Water takes a pro-active approach in reporting events that cause detrimental impacts on rivers and water quality to the appropriate departments.

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**Objective 2** - We urge that water quality assessment initiatives include the monitoring of cold water pollution, and that relevant stakeholders are kept informed of water quality issues when they occur.

**Objective 5** - When State Water considers construction of new water infrastructure it is essential that obligations under the NWI are met. It is also important that major upgrades of infrastructure be assessed against the NWI, and where not viable serious consideration must be given to decommissioning them.

**Objective 6** - We urge State Water to take immediate action to cut greenhouse gas emissions by 60% by 2050, to explore participation in an emissions trading scheme or in other market mechanisms, to take all measures to ensure wise energy use.

**Objective 7** - We urge State Water to include initiatives to encourage use of recycled water within its own operations and across its customer base.

**Objective 8 & 9** - We urge State Water to ensure that the assessment of environmental and heritage values is completed in the shortest possible timeframe, and that provision is made within leases for protection of heritage places and the recovery of threatened species and ecosystems.

We appreciate State Water's recognition in the draft Environment Management Plan that, "*as a good corporate citizen*", the utility has an inherent responsibility to be environmentally responsible and to achieve ecologically sustainable development. We urge State Water to work pro-actively to the very limits of its "*limited capacity (and responsibility) to implement changes beyond the area of our immediate control*".

Once again, thank you for the opportunity to comment on this inaugural plan, and to work with State Water to achieve ecologically sustainable water use.

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Submission to:

State Water Corporation  
(SWC)

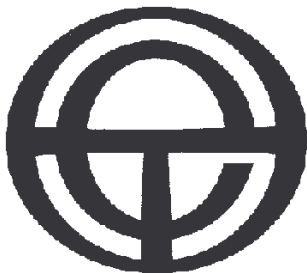


A Submission prepared jointly by:

WWF-Australia  
Nature Conservation Council of NSW  
Inland Rivers Network  
Total Environment Centre



March 2006



Total Environment Centre

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## Comments on State Water Corporation's inaugural Environment Management Plan

### Environmental water as recognised under NSW's Water Management Act 2000

State-based actions to secure the outcomes committed to through the National Water Initiative (NWI) relating to water for *Environmental and other Public Benefit Outcomes* will be crucial for ensuring water security and environmental benefits are maximised through the NWI.

The following excerpt from a 2004 COAG Communiqué encapsulates the spirit of the updated NWI objectives for achieving environmental outcomes:

*Under the NWI Agreement Governments agree to specify the environmental outcomes to be achieved in surface and groundwater systems, and require explicit provision of water and associated management arrangements to meet those outcomes in an accountable manner. Achieving environmental outcomes will no longer be seen as an optional extra in water management<sup>1</sup>.*

With this in mind our interpretation of Clause 35(i-ii) of the NWI is that statutory water plans must ensure:

- Environmental water is at least as secure as water for consumptive use
- Requirement for basic ecological function in water systems is given first priority
- Environmental managers are well-resourced and accountable for delivering environmental outcomes

For the environment to be protected, and indeed benefit, under the NWI the fundamental ecological needs of Australia's rivers, wetlands, estuaries and groundwater systems must have a guaranteed first priority call on water required to keep them healthy. If this safeguard is not in place, the interests of the environment will be eroded over time.

It remains to be seen whether NSW's *Water Management Amendment Act 2005* (WMA), most particularly those amendments relating to Section 8 and Schedule 10's newly enacted Part 5, will provide greater certainty regarding process and responsibilities involved in allocation of adaptive and planned environmental water flows, or provide greater clarity for water users.

If, within NSW's legislative structure, the government is to be successful in providing a legislative base for regional Water Sharing Plans (WSPs) and in reducing the risk of legal challenge to the gazettal of WSPs in the future, water for environmental and other public benefits must be accorded the highest possible security. To seek to commit planned environmental water "*by reference to the water remaining after the*

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<sup>1</sup> Attachment to COAG Communiqué June 25 2004

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*commitments to basic landholder rights and for sharing and extraction under any other rights”, as enacted in Section 8 (1A) of the WMA, decision-makers in the future may appear to be subverting the intent of the statutory scheme which seeks, as a primary function, to improve the environmental health of NSW’s rivers.*

Development of WSPs under a legislative regime whereby environmental needs are provisioned according to the needs of anthropologic demand, rather than according to the best possible scientific information on biological health and sustainability, cannot meet NSW’s commitments under the NWI. Similarly, such an approach would undermine the effectiveness of State Water’s Environment Management Plan.

### **Objective 1 - Improve the in-stream and riparian environment**

The groups welcome initiatives to improve in-stream and riparian ecological health. We are concerned that monitoring and reporting of the diversity and health of catchments is shouldered by the Catchment Management Authorities, and urge State Water to take a more pro-active role in biodiversity management. We welcome initiatives to address invasive species, such as willows and other weeds, however urge State Water to consider measures for the control of invasive fish and other aquatic species.

There are certain instances, such as bird breeding events, where timing of the release of environmental water is absolutely crucial. The groups would like to see rigorous strategies developed to ensure that environmental water releases are effective and timely at all times.

The Environmental NGO’s note State Water’s following comments on page 9:  
*“We have limited capacity (and responsibility) to implement changes beyond the area of our immediate control. For example, we are obliged to comply with numerous WSPs to achieve specified river flow regimes. Nor can we control landholder management practices in upstream catchments or adjacent to downstream waterways.* Since these practices have a significant impact on environmental values in storages and regulated rivers, environmental NGO’s feel it is imperative that State Water takes a pro-active approach in reporting events that cause detrimental impacts on rivers and water quality to the appropriate departments and have clear reporting strategies in place that ensure that personnel feel responsible for reporting instances like these to the appropriate bodies.

### **Objective 2 - Monitor water quality in storages**

We support the maintenance of a robust water quality program of monitoring and reporting, and the keeping of historical records in the NSW Water Quality Database. We urge that water quality assessment initiatives include the monitoring of cold water pollution downstream from major storage facilities, in order to provide information that would underpin action to address this particular threat to river health.

As relevant stakeholders in NSW water management, we would like to be kept informed of water quality issues as soon as they become apparent.

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### **Objective 3 - Manage storage releases to optimise water quality**

We welcome initiatives, in partnership with DNR, DEC and DPI, to develop actions for improvements to ameliorate the effects of cold water pollution, through the existing dam safety upgrade program. We believe significant and cost-effective biodiversity gains can be made through good management of release temperatures.

### **Objective 4 - Improve fish passage at weirs**

We welcome introduction of fishways to facilitate the movement of aquatic species throughout river systems, and look forward to the implementation of new fishways in NSW's waterways. Similarly, we see advantages in removal of smaller weirs that have no net benefit to the community, and we would welcome the opportunity to become involved in the development of a Fish Passage Strategies program by December 2007.

### **Objective 5 - Responsible asset management**

When State Water considers construction of new water infrastructure it is essential that obligations under the Intergovernmental Agreement on a National Water Initiative be met. New infrastructure should be constructed only when it is demonstrated to be economically viable and ecologically sustainable (Sec 69). In addition it should be required to demonstrate the ability to price the water supplied to fully recover costs (Sec 66). Dams recently approved in Tasmania and Queensland are not expected to be able to recover their costs.

It is also important that major upgrades of infrastructure, for example of the Keepit Dam, which is expected to cost over \$65 million, be assessed for their ability to meet the NWI requirements. If major upgrades to infrastructure are not both economically and financially viable, serious consideration must be given to decommissioning them. In the case of improving dam safety, reducing dam holding capacity may be a more economic option than making the additional investment.

Proposed refurbishment of existing infrastructure may provide the opportunity to dismantle weirs and dams that have shown to provide no net benefit to the community. Removal of infrastructure would alleviate cold water pollution problems, maximise opportunities for fish and other native aquatic biota to pass freely through the river system, and deliver environmental flows that optimise benefits for the native ecosystem.

### **Objective 6 -Manage energy consumption and investigate alternative sources**

We welcome initiatives to minimise greenhouse gas emissions in all operations, and urge State Water to set firm targets on greenhouse reductions.

We urge State Water to take immediate action to cut our greenhouse gas emissions by 60% by 2050, to explore State Water's participation in an emissions trading scheme or in other market mechanisms to trade greenhouse gas emissions as a powerful tool to meet reduction targets, to take all measures to ensure energy is used more wisely and to take a leading role in identifying and implementing solutions to reduce the impacts of human-induced climate change. If the important reduction target of 60% by 2050 is

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challenging in terms of reducing emissions at source from State Water's operations, then we urge State Water to reduce its remaining carbon footprint to the equivalent of a 60% emission reduction by 2050 through offsets.

With regard to climate change, State Water may face unique challenges relating to infrastructure maintenance as a result of the need to manage water infrastructure to deal with more intense storms, and to encourage new agricultural industries which require less fresh water.

**Objective 7 - Minimise and manage waste**

We welcome initiatives that implement the NSW government's Waste Reduction and Purchasing Policy. In encouraging the use of recycled products, we would urge State Water to include initiatives to increase the use of recycled water both within its own operations and more broadly across its customer base.

**Objective 8 & 9 - Manage and improve the foreshore land environment and enhance cultural heritage**

State Water is a significant landholder of areas that include ecologically precious freshwater foreshore areas. The groups are aware that, of all ecosystems, it is freshwater ecosystems that have shown the greatest decline in health and highest loss of species. State Water has a unique opportunity, through its management of leases, to provide for good environmental outcomes.

We encourage State Water to ensure that the assessment of environmental values and heritage values of land and foreshore areas, including Aboriginal heritage values, is completed in the shortest possible timeframe. We hope that provision is made within leases for protection of heritage places and the recovery of threatened species and ecosystems on State Water land through good management of the leasing process. Where leasing and environment or heritage values prove incompatible, we urge State Water to reserve lands in order to fulfill its responsibilities as a good corporate citizen.

**Objective 10 - Consult with stakeholders**

We welcome the opportunity to comment on State Water's inaugural Environment Management Plan, and look forward to being involved in supporting the achieving of a number of initiatives set out in the EMP. As important stakeholders in the push to achievement ecologically sustainable management of NSW's water resources, we believe our organisations need to remain involved in the planning process.