

Ref: 32035.08
5th August 2010

Draft GMR WSP,
NSW Office of Water
PO Box 2213
Dangar NSW 2309

Re: Draft Greater Metropolitan Region Water Sharing Plan

WSROC welcomes the opportunity to make a submission to the draft of the Greater Metropolitan Region Water Sharing Plan.

Councils in the Western Sydney region have a vital interest in the arrangements for improving environmental flows and protecting water sources in the region's waterways and groundwater supplies, while ensuring fair and reasonable access to current and future water users.

Healthy, sustainable waterways and the continued re-charge and storage in aquifers, have a major impact upon environmental quality and amenity for the population of Western Sydney. Councils have a significant role in managing and regulating native vegetation and biodiversity that are dependent upon healthy waterways and groundwater systems.

This submission has been prepared in conjunction with advice from WSROC member councils and has been informed by the views of irrigators from the region. The submission does not repeat concerns raised with respect to local access issues arising from the potential application of new access regulations and cease-to-pump rules.

Councils – supported by WSROC - are in a position to describe these local implications in detail in their individual submissions.

Irrigators raise serious concerns about the continued viability of agriculture in the region. These concerns should be carefully considered in the development of the final Water Sharing Plan.

This submission relates principally to three strategic issues which were inadequately dealt with in the Draft Plan and we look forward to ongoing liaison with the Office, and the NSW Government, in resolving these outstanding matters.

If you have any queries with regard to this submission, please contact Mr Colin Berryman, Manager of WSROC's Water in the Landscape Project on 9676 8267 or colin@wsroc.com.au.

Yours sincerely,

Alison McLaren

President

WSROC Submission to the Draft Greater Metropolitan Region Water Sharing Plan

The purpose of the Water Sharing Plan for the Greater Metropolitan Region, as stated in the background documents, is to ensure that “the sharing of water must protect the water source and its dependent ecosystems and must protect basic landholder rights”.

To achieve the goals to protect water sources and dependent ecosystems, the Draft Plan identifies Groundwater Dependent Ecosystems (GDEs) and, for waterways, categories of in-stream environmental value. The Plan then proposes restricted licensing and extraction rules designed to protect these values and ecosystems while retaining basic user rights and seeking to fairly share “excess” water from these systems amongst other users.

Beyond this narrow purpose, the surface- and ground-water resources that are to be managed through the implementation of the Plan are crucial for the maintenance of environmental quality, the continuance of food production and overall regional amenity for the population of Greater Western Sydney. It is upon the broader implications of the Sharing Plan that this submission will focus.

From this broad perspective, there are three aspects of the draft Plan that are of concern to WSROC and its member councils, with respect to their own operations and on behalf of the residents of the Western Sydney region:

1. The effectiveness of the Draft Plan to deliver environmental benefits;
2. The limited scope of the Draft Plan in an urban context; and
3. The inevitable impact upon current agricultural activity and production in the region.

Effectiveness of the Draft Plan to Deliver Environmental benefits

The mechanism proposed in the draft Plan for the enhancement of environmental values and protection of GDEs is based upon the not unfounded assumption that the protection of minimum environmental flows (in the case of waterways) and the preservation of a percentage of estimated aquifer recharge rates (in the case of groundwater) will have a beneficial environmental impact.

The means by which the potential environmental benefits are to be measured and the Draft Plan reviewed, include the development of a Monitoring, Evaluation and Reporting (MER) Framework, regular collection of Performance Indicators and an audit by the Natural Resources Commission to assess “to what extent the water sharing provisions have contributed to the relevant state wide targets, and natural resource standards and targets in the relevant catchment management area.” It is understood that the Commission will call for public submissions when undertaking its review.

However, upon enquiry with the Commission we were advised that it has yet to be contacted by the NSW Office for Water with regard to this role and, accordingly, has made no preparations with regard to specific goals for the region, issues to monitor or other Terms of Reference for such a review.

Furthermore, the Monitoring, Evaluation and Reporting (MER) Framework has yet to be developed and the Performance Indicators proposed are of a general nature. Liaison with WSROC member councils suggest that the Performance Indicators (PIs) proposed may have limited value. For example

“changes in groundwater extraction relative to the long-term average annual extraction limit” are not monitored and already exceed sustainable limits.

Other Performance Indicators, such as changes in flow regimes, water quality and ecological condition, will fluctuate according to parameters other than extraction rates, such as rainfall variability, stormwater management, new development and Climate Change.

In the context of scientific uncertainty, the current lack of measurement and monitoring processes and the very early stage of development of a MER framework, it is not possible to form a view about whether the plan will deliver any environmental benefit, until the review by the Commission in 10 years time.

However, it is apparent that many waterways and groundwater sources and their dependent ecological systems in the region are in a degraded state. Accordingly, the precautionary principle indicates that it would be appropriate for the Plan to include an active program to, over time, reduce extraction from licensed and unlicensed bores in the Blue Mountains (at least in those areas where Groundwater Dependent Ecosystems are apparent) and pumping from the Hawkesbury Nepean River (at least in Management Zones with high in-stream environmental values).

Recommendation 1. The Water Sharing Plan for the Greater Metropolitan Region include an active program to reduce - over time - extraction from licensed and unlicensed bores in the Blue Mountains (at least in those areas where Groundwater Dependent Ecosystems are apparent) and pumping from the Hawkesbury Nepean River (at least in Management Zones with high in-stream environmental values).

Recommendation 2. The Monitoring, Evaluation and Reporting Framework should be included in the Water Sharing Plan for the Greater Metropolitan Region when it is gazetted.

Limited Scope of the Draft Water Sharing Plan in the Urban Context

In the region’s urban areas, the flood and stormwater management policies and works implemented by WSROC member councils have an impact upon local water balances, and potentially upon regional water balances in the future, as more of these policies are implemented and urban development intensifies. Stormwater retention and harvesting, Water Sensitive Urban Design and emerging technologies in aquifer storage and recovery can impact waterway flow regimes, biodiversity and riparian vegetation protection, and even recharge of groundwater.

Accordingly, the management of stormwater should be a part of a Water Sharing Plan that includes significant urban development areas. It is understood that policy with regard to stormwater is being prepared with a view of appending this to the Plan at some time in the future. However, until such a policy is prepared and adopted, councils may be constrained in their forward planning with regard to these important land and water management tools. It is understood that Penrith and Blacktown City Councils have, in their submissions, argued that policy clarity in this area is essential for them to progress new strategies for stormwater harvesting and reuse.

Recommendation 3. A clear policy with regard to the inclusion of stormwater management practices in the Water Sharing Plan for the Greater Metropolitan Region should be developed in consultation with local government and included in the Plan when it is gazetted.

In preparing such a policy, it should be considered that stormwater “harvesting” in an urban environment is actually stormwater “retention” in a landscape that would otherwise shed rainwater at a greater rate than would be the case for undeveloped land, due to hard surface areas, and drainage infrastructure. Stormwater retention is redressing a water deficit that is otherwise created by urban development and, in this sense, is not an “extraction” from a natural water cycle system.

Furthermore, this retention is effected by councils in order to support environmental outcomes (i.e. local biodiversity in riparian lands and waterways, natural aesthetic values, etc) and also to water civic assets, such as gardens, parks and playing fields for the public benefit.

Accordingly it would not be appropriate to count stormwater retained or “harvested” from urban areas as upstream extractions from inputs to flow in waterways or recharge of aquifers.

Where stormwater is harvested from non urban areas and/or is used for commercial purposes then it would be appropriate to include such schemes in accounting of waterway flow regimes. It is noted that the draft Plan does so with respect to farm dams, which are restricted to 10% or less of runoff.

Recommendation 4: In the development of policy for stormwater management and retention practices, stormwater retained or “harvested” from urban areas should not be counted as upstream extractions from inputs to flow in waterways or recharge of aquifers, except where there is a commercial use for the water.

The Impact of Water Constraints upon Current Agricultural Activity and Production in the Region

In the periodic circumstances of low rainfall and water shortage, the protection of minimum environmental flows proposed by the Draft Plan could result in denial of access to water for commercial irrigation by licence holders. Where the monitoring of aquifer recharge indicates that extraction rates threaten adequate aquifer recharge and storage, the draft Plan also proposes that extraction rates be permanently reduced.

The increased uncertainty of access to water at crucial times in the cropping cycle that would result from implementation of the Draft Plan has led many farmers in the Region to conclude that the cease-to-pump provisions are a threat to their ongoing viability. Farmers have expressed this view to WSROC and our member councils. There may be similar concerns with regard to constraints upon groundwater extraction.

With 15% of the fresh produce consumed in Sydney grown in the greater Sydney basin, the agricultural and food manufacturing industries on which they rely in Sydney employ approximately 84,000 people in greater Sydney. The impact of a Water Sharing Plan should not be underestimated on a sector of this significance.

However, the needs of the agricultural sector for a share of the available water resources must be framed as part of a coherent agricultural plan for the region. The NSW government has promised to prepare a Sydney metropolitan Agricultural Plan for some years now, and the advent of the Water Sharing Plan highlights the importance of a policy position and plan for continued agricultural production in the region.

The need to redress environmental degradation caused by over-allocation of water resources (where this occurs) and the prospect of reduced water yields from the region’s catchments due to Climate

Change, may mean that restructuring of agricultural production and practices will be necessary. This need for restructuring is partly acknowledged by the “Water Smart Farming” project currently operating in the Hawkesbury Nepean.

The NSW government should provide leadership and certainty through commitment to agricultural production embodied in an Agricultural Plan for the Region. Currently farmers’ claims on water resources exist in a policy vacuum that makes it difficult for the them to invest in restructuring for a water-scarce operating environment.

Recommendation 5: As a matter of urgency, establish and implement a regional Agricultural Industry Plan to complement the Water Sharing Plan for the Greater Metropolitan Region.