THE LAW SOCIETY OF NEW SOUTH WALES
young LAWYERS

Inquiry into Water Management

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Submission to the Legislative Assembly Standing Committee on Natural Resource Management (Climate Change)

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Executive Summary

The Young Lawyers Environmental Law Committee (Committee) welcomes the opportunity to make a submission on the Inquiry into Water Management to the Standing Committee on Natural Resources Management (Climate Change).

In this submission we comment on paragraphs (b) and (c) of the terms of reference.

Key Recommendations

Recommendation 1:

New WSPs must be prepared to replace those that will expire in 2014. These must be underpinned by sound ecological scientific data that incorporates the drier climate scenarios that are currently projected for NSW. They must also incorporate a degree of flexibility that allows them to be amended to incorporate new scientific information.

Recommendation 2:

A transparent statute-based decision making framework is required for water management in NSW that allows for public access to information on how water allocations between environmental water and consumptive water are decided. This framework must apply consistently across the state in relation to all catchments, whether the relevant WSP is suspended or not.

Recommendation 3:

A modified water title system is required for the Murray Darling Basin to ensure that the environment is given a formal share of every type of water entitlement.

Recommendation 4:

The NSW government must accelerate the acquisition of environmental water.

Recommendation 5:

The Committee considers that the WM Act or subsidiary legislation should set out parameters for the recruitment of water management committee members, participation in the preparation of management plans, ethical considerations and other protocols to assist in committee decision-making and ensure proper representation of all water users.

Recommendation 6:

The Committee recommends that a consensus approach to decision-making within the water management committees constituted under the WM Act should be mandated.

Recommendation 7:

That Part 3A of the *Environmental Planning and Assessment Act 1979* be amended to require the Minister for Planning to take into account any relevant WSP in assessing a development under Part 3A of the Act.

Recommendation 8:

That subsection 75U(h) of the EP&A Act be deleted, so that Water use approvals, water management work approvals and activity approvals under the WM Act are required for developments assessed under Part 3A of the EP&A Act.

Recommendation 9:

Part 3A of the EP&A Act must be amended to make the Mining SEPP a mandatory consideration for the Minister for Planning in assessing Part 3A developments.

Recommendation 10:

The *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* must be amended to prohibit open cut mining within a specified buffer zone for rivers, wetlands, flood plains and specified water catchments.

Recommendation 11:

The *Mining Act 1992* and the *Environmental Planning and Assessment Act 1979* should be amended to require mining companies to provide, and receive approval for, a Subsidence Management Plan prior to lodging a development application for a mine (whether a new mine or an extension to an existing mine).

Best Practice Recommendations

The Committee considers that the following best practice requirements are fundamental to a robust water management regime under climate change:

- Solid research and consultation networks are required to increase the level of knowledge on the impacts of climate change on catchments and the hydrological cycle (including the relationship between surface and groundwater) and to ensure that there is a solid scientific foundation underpinning water management regimes.
- WSPs and other water management plans must be underpinned by the latest scientific data in relation to the current condition of catchments, the projected climate scenarios, and the predicted impact of those scenarios on catchment health and availability of water for both the environment and users. Water management planning regimes must be flexible and adaptive to enable changes in information to be incorporated into planning and decision making.
- Environmental allocations must be a mandatory consideration in the preparation of water management plans.
- A transparent statute-based decision making framework is required for water management across the state.
- All key stakeholders must have an equal opportunity to participate in water management decision making and decision making by stakeholder committees must be consensus based.
- Different pieces of legislation governing water management must be consistent with each other.
- Legislation, water management plans and SEPPs that provide for water management and water approvals must be applied to all development and activities across the state. In particular, development assessed under Part 3A of the Environmental Planning & Assessment Act must not be exempt from water management and approvals requirements.

Introduction

Water is a vital resource which provides for our basic survival and that of the environment in which we live. People require water to drink, to wash and to prepare food. We require water to produce our food including to irrigate crops and to water stock. We require water for a great number of industrial purposes which support our modern way of life. Our environment requires water to sustain itself and provide healthy ecosystems in which plants and animals can thrive.

In recent times Australia has experienced reduced rainfall and surface water flows which has placed immense stress on most of our surface and groundwater sources, reduced water supply and quality and resulted in a degraded environment in many catchments, notably the Murray Darling basin. This situation is predicted to worsen as a result of climate change in the near and distant future.

The following climate change impacts are predicted in Australia:

- Annual average temperatures are predicted to increase over all of Australia;[1]
- Annual rainfall will decline over most of southern Australia and, while there is considerable uncertainty in rainfall change by 2030, the average annual rainfall averaged across the entire Murray Darling Basin would be reduced by 3%;[2]
- Potential evaporation (or evaporative demand) is likely to increase.[3]

It is the Committee's view that in managing our water resources climate change impacts must be factored into policy, legislation and decision making, to ensure environmentally sustainable water use.

[1] IPCC 2007. Australia and New Zealand. *In:* Parry, M. L., Canziani, O. F., Palutikof, J. P., Van Der Linden, P. & Hanson, C. E. (eds.) *Climate Change 2007: impacts, adaptation and vulnerability. Contribution of Working Group II to the fourth Assessment Report of the Intergovernmental Panel on Climate Change.* Cambridge: Cambridge University Press.
[2] CSIRO 2008. Water availability in the Murray-Darling Basin. A report to the Australian Government from the CSIRO Murray-Darling Basin Sustainable Yields Project. Canberra: CSIRO, at 24.
[3] IPCC 2007, n 1 above, at 515.

(b) Approaches to the management of water resources by all water users including provisions for environmental flows

Management arrangements

In NSW water is managed under the *Water Management Act 2000* (NSW) (WM Act), which controls the extraction of water and the rules for water sharing, how water can be used, the construction of works such as dams and weirs, and the carrying out of activities on or near water sources. The Act requires approvals to be obtained for the taking and use of water, and for the construction and use of works (such as pumps, drains and pipes) relating to water use.

Water management within the Murray-Darling Basin is also managed by the Federal Department of the Environment, Water, Heritage and the Arts (note that this submission does not address federal management of water in NSW). The bulk of regulated water in NSW is in the Murray Darling system. Therefore, the Federal government has a significant influence on water management in NSW. The Murray–Darling Basin Authority[4] is currently preparing the first strategic plan for the integrated and sustainable management of water resources in the Murray–Darling Basin, known as the "Basin Plan".[5] The Basin Plan, which is planned to commence in 2011, will be a strategic plan for the integrated and sustainable management of water resources in the Murray–Darling Basin. The Plan will have implications for NSW water management as state water resource plans will need to comply with the Basin Plan if they are to be accredited under the *Water Act 2007* (Cth).

NSW Water Sharing Plans (WSPs)

Water Sharing Plans (WSPs) are the principal planning instrument under the WM Act for water resource management in NSW. Their primary purpose is to set rules for sharing water between the environment and other users. They also provide for such matters as management of local impacts, water quality management, protection of groundwater dependent ecosystems and monitoring and reporting.[6] Approximately ninety percent of water resources within NSW are now managed by WSPs.[7]

The National Water Commission has criticised the development of the major NSW regulated water source WSPs.[8] Reviews of the implementation of the national water management reforms in 2005 expressed concern that the ecological science used to develop some WSPs was inadequate to inform decision making. As a result, the Commission considered that it was "difficult to conclude that the environmental allocations are within a range of outcomes that could reasonably be reached on consideration of the best available science and robust socioeconomic evidence". The

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[4] In December 2008, the Murray-Darling Basin Authority assumed responsibility for all of the functions of the former Murray–Darling Basin Commission. The key functions of the Authority are: to prepare the Basin Plan including setting sustainable limits on water extraction; advising the federal Minister on the accreditation of state water resource plans; developing a water rights information service which facilitates water trading across the Murray–Darling Basin; measuring and monitoring water resources in the Basin; gathering information and undertaking research; and engaging the community in the management of the Basin's resources.

[5] For further information on the Basin Plan see: http://www.mdba.gov.au/basin_plan (15 March 2010).

[6] See, for example, the Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003.

[7] NSW Department of Environment, Climate Change and Water (2009), 'State of the Environment NSW, Chapter 6, available at <http://www.environment.nsw.gov.au/soe/soe2009/chapter6/print_chp_6.1.htm> (25 January 2010).

[8] Commonwealth of Australia, National Water Commission (2006) '2005 National Competition policy assessment of water reform progress': <http://www.nwc.gov.au/resources/documents/2005-NCP-NSW-PUB-200406.pdf > (4 February 2010).

Commission also concluded that NSW has not demonstrated transparent processes for determining environmental and consumptive water allocations. [9]

In the 2007 follow up report the National Water Commission found that NSW had demonstrated sufficient progress in relation to ecological science, transparency and monitoring.[10] This progress was in relation to new WSPs. However, it was acknowledged that little had been done to rectify the deficiencies in the 2004 WSPs.

In relation to climate change, CSIRO consider that current water sharing arrangements for the three highest water use regions in NSW, the Murray, Murrumbidgee and Goulburn-Broken, would protect water users from much of the climate change impact and thus transfer a disproportionate share of the climate change impact to the environment.[11]

WSPs are scheduled to run for a period of 10 years from their commencement. Most WSPs for regulated water sources in NSW commenced in 2004 and are due to expire on 30 June 2014. This includes the highly regulated river WSPs currently suspended in the southern Murray Darling Basin. The Committee considers that it is not desirable to wait until 2014 to replace the WSPs, but rather new WSPs should be prepared as soon as possible.

Recommendation 1:

New WSPs must be prepared to replace those that commenced in 2004. These must be underpinned by sound ecological scientific data that incorporates the drier climate scenarios that are currently projected for NSW. They must also incorporate a degree of flexibility that allows them to be amended to incorporate new scientific information.

Management arrangements where WSPs suspended

Currently six WSPs are suspended due to severe lack of water availability. Of a total of nine regulated water sources WSPs which exist in NSW, the Committee understands that four regulated WSPs are suspended. If current climate conditions persist it is conceivable that currently suspended WSPs could remain suspended until 2014. All 12 Groundwater Sharing Plans are active.[12]

While regulated WSPs are suspended, decision making and water management with respect to environmental flow allocations is carried out under the 'NSW Drought Contingency Plan'. The Committee considers that this process lacks transparency and consistency, and reflects an ad hoc and reactive approach to environmental water management.

Further, the role of the various environmental advisory groups, such as the statutory Environmental Water Advisory Groups (EWAG), created by the Minister under Division 3 Part 2 of the WM Act to provide advice on environmental water management in the regulated water sources, is unclear and there is a lack of transparency with respect to advice and decision making by these groups. 'Critical Water Advisory Groups' (CWAG) have been established in catchment areas where the relevant WSP has been suspended, to provide additional advice to the NSW Minister for Water with respect to water allocations.[13] CWAGs have no statutory basis and their decision making lacks transparency in the Committee's view.

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[9] Ibid at 2.23-2.28.

[10] Commonwealth of Australia, National Water Commission (2007) '2005 National Competition Policy - follow up assessment of water reform policy, Water planning in New South Wales, June 2007', Canberra, National Water Commission, p iii-iv.

[11] CSIRO (2008) *Water availability in the Murray-Darling Basin*, at 53.

[12] NSW Office of Water (2009) 'Water Sharing in the Lachlan Regulated River Source, progress report 2004-2008.

[13] See for example, NSW Department of Water and Energy (2007) Critical Water Planning in the Murray Valley, 15 May 2007, Issue 1':
<'http://www.water.nsw.gov.au/ArticleDocuments/34/crit_water_murray_150507.pdf.aspx>
(4 February 2010).

Recommendation 2:

A transparent statute-based decision making framework is required for water management in NSW that allows for public access to information on how water allocations between environmental water and consumptive water are decided. This framework must apply consistently across the state in relation to all catchments, whether the relevant WSP is suspended or not.

Provision for environmental flows

Environmental flows are vital to maintain healthy functioning rivers that can support viable communities. The need for environmental flows has been acknowledged by Commonwealth and state governments through the 2004 COAG Agreement, the *Water Act 2007* (NSW) and the WM Act.

It is also clear that in many parts of the state insufficient water is being allocated to the environment. The Wentworth Group of Concerned Scientists have found that since 1965 consumptive use in the Murray Darling Basin has exceeded sustainable yields.[14] The *Sustainable Rivers Audit* of river health, released in June 2008, reveals that the majority of rivers in the Murray Darling system show signs of long-term ecological degradation.

However, existing allocation rules in many parts of the state still accord priority to consumptive uses, despite the fact that this runs counter to the National Water Initiative and the Commonwealth's 2007 Water Act.[15]

The Committee endorses the following recommendations of the Wentworth Group of Concerned Scientists to ensure adequate environmental flows:

- a modified water title system for the Murray Darling Basin to ensure the environment is given a formal entitlement to all allocations of water to the shared water pool. In order to manage risk, the environment should be given a formal share of every type of water entitlement in the Basin and be allowed to carry forward or sell any unused water allocations with adjustment for evaporative losses;[16] and
- accelerated acquisition of environmental water by governments; the science indicates that the Federal Government's purchases under the *Water for the Future* program will not be sufficient to avert an economic and environmental crisis.[17]

Recommendation 3:

A modified water title system is required for the Murray Darling Basin to ensure that the environment is given a formal share of every type of water entitlement.

Recommendation 4:

The NSW government must accelerate the acquisition of environmental water.

Water Management Committees and Draft Water Management Plans

Corporate governance of water management committees

The WM Act provides for the establishment of water management committees to carry out specific tasks in relation to water management, including water sharing, water source protection, floodplain management and drainage management.[18] Management

[14] Wentworth Group of Concerned Scientists, *Submission: Senate Inquiry into the Urgent Provision of Water to the Coorong and Lower Lakes*, September 2008 at 8.
[15] *Ibid* at 16.
[16] *Ibid.*
[17] *Ibid* at 15.
[18] *Water Management Act 2000*, section 12.

committees may prepare draft management plans, among other things, [19] and, in this way, they have engaged in the process of preparing WSPs.

The WM Act provides that a compulsory number of members of a committee must come from various stakeholder groups.[20] However, it does not provide for corporate governance rules to address the differential resources of, for example, aboriginal representatives and environmental protection representatives as opposed to industry representatives, which may affect a stakeholder's capacity to engage. The Committee considers that parameters for recruitment of committee representatives, participation in management plan preparation, ethical considerations and other protocols to assist in committee decision-making should be stipulated to ensure that the interests of all water users are properly represented.[21]

The "majority rules" approach is commonly applied in the water management committees, however, the Committee considers that this is not appropriate in the context of water management decisions. If water management decisions continue to be made according to this model, then the needs of minority group participants in committee decisions will continue to be neglected, such as the interests of the rural poor.[22] The Committee recommends that a consensus approach to decision-making within the water management committees constituted under the WM Act should be mandated.

Recommendation 5:

The Committee considers that the WM Act or subsidiary legislation should set out parameters for the recruitment of water management committee members, participation in the preparation of management plans, ethical considerations and other protocols to assist in committee decision-making and ensure proper representation of all water users.

Recommendation 6:

The Committee recommends that a consensus approach to decision-making within the water management committees constituted under the WM Act should be mandated.

Water Management in relation to Coal Mining

Coal mining has a number of impacts on water in NSW and is, increasingly, becoming a significant stakeholder in relation to water management in NSW. Coal mines are thirsty and usually require a substantial amount of water, [23] often competing for water with local community users and with the environment.[24] Coal mines may have salinity impacts. They may, in the case of longwall mining, alter flora and fauna habitat as a result of subsidence which can crack the floors of valleys, creeks and rivers.[25] Currently some water approvals under the WMA are not required for mining developments and the WSPs are not a mandatory consideration for the Minister for Planning when assessing development applications for large mines. The Committee discusses these issues in this

[19] *Water Management Act 2000*, section 14.
[20] *Water Management Act 2000*, section 13.
[21] Tan, Dr Poh-Ling "Legislating for Adequate Public Participation in Allocating Water in Australia" (2006) 31:4 *Water International* 455.
[22] Wallace, J.S., M.C. Acreman & C.A. Sullivan. 2003. "The Sharing of Water between Society and Ecosystems: from Conflict to Catchment-Based Co-Management". *Phil Trans. R. Soc Lond. B.* 358.
[23] For example, Rio Tinto's Australian coal mining sites produced 29,786,000 tonnes of coal in 2008[23] with its NSW sites using 25 litres of freshwater per tonne of product and its Queensland sites using 539 litres per tonne of product. See Rio Tinto Coal Australia, *2008 Sustainable Development Highlights* (Brisbane: Rio Tinto, 2008).
[24] See for example, Calga Peats Ridge Community Group Incorporated, *Water Submission on Calga Sand Quarry Major Project Application 06_0278* March 2010.
[25] NSW Scientific Committee – Final Determination, *Alteration of Habitat following subsidence due to longwall mining – key threatening process listing:* <http://www.environment.nsw.gov.au/determinations/LongwallMiningKtp.htm> (1 March 2010).

part of the submission, and recommends legislative change to provide for better integration between water, planning and mining legislation in respect of water management.

Mining approvals under Part 3A

Most coal mines require development consent from the Minister for Planning as major projects under Part 3A of the EP&A Act.[26] Although an environmental assessment is required under Part 3A,[27] the EP&A Act does not specify the requirements in the environmental assessment.[28] Environmental planning instruments do not apply to Part 3A projects, [29] except for state environmental planning policies which apply in limited circumstances - the declaration of a project as a Part 3A project and the carrying out of a project.[30] The Minister can amend environmental planning instruments that purport to prohibit or restrict the carrying out of a Part 3A development.[31] The Minister may (but is not required to) take into account environmental planning instruments that would otherwise apply to the project.[32] Part 3A does not require the Minister to take into account the provisions of a water management plan (including WSPs) when assessing a project. The Committee's view is that this is a serious deficiency, given the importance of WSPs in the management of water in NSW, and we consider that legislative change is desirable to rectify this.

Recommendation 7:

That Part 3A of the *Environmental Planning and Assessment Act 1979* be amended to require the Minister for Planning to take into account any relevant WSP in assessing a development under Part 3A of the Act.

Water approvals required for mining developments

'Harvestable rights' under the WM Act[33] enable coal mines to construct and use a dam to capture and store rainwater run-off. If a coal mine needs more fresh water than is harvestable, they can purchase water access licences.[34] However, water use approvals, water management work approvals and activity approvals are not required for developments considered under Part 3A.[35] The Committee considers that this is a serious deficiency and recommends legislative change to require water use approvals to be obtained for Part 3A approvals.

Recommendation 8:

That subsection 75U(h) of the EP&A Act be deleted, so that Water use approvals, water management work approvals and activity approvals under the WM Act are required for developments assessed under Part 3A of the EP&A Act.

Water provisions under the Mining SEPP

The *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP) provides for the following safeguards against mining that will have a detrimental impact on water:

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[26] *Environmental Planning and Assessment Act 1979* (NSW) ss 75B and 75D.
[27] *Gray v Minister for Planning* [2006] NSWLEC 720.
[28] *Environmental Planning and Assessment Act 1979* (NSW) ss 75F and 75J.
[29] *Environmental Planning and Assessment Act 1979* (NSW) s 75R(3).
[30] *Environmental Planning and Assessment Act 1979* (NSW) s 75R(2).
[31] *Environmental Planning and Assessment Act 1979* (NSW) s 75R(3A).
[32] *Environmental Planning and Assessment Act 1979* (NSW) s 75J(3).
[33] *Water Management Act 2000* (NSW), section 53.
[34] *Water Management Act 2000* (NSW) Part 2. Part 3A does not exempt the requirement for a *Water Act 1912* (NSW) licence or WM Act section 56 access licence. See Webb R, 'Water Management and the coal mining industry in New South Wales' (2008) 25 *Environmental Planning Law Journal* 272-283 at 278.
[35] *Environmental Planning and Assessment Act 1979* (NSW) s 75U(h).

- mining cannot be carried out in any part of a waterway, an estuary in the coastal zone or coastal waters that are in an environmental conservation zone (clause 7(1)(c);
- certain complying development in relation to an existing mine is not complying if it is within the Sydney Water Catchment (clause 11);
- consent authorities must consider whether or not conditions are required to ensure that impacts on significant water resources are avoided or minimised to the greatest extent practicable before granting development consent to coal mines (clause 14(1).

However, these clauses have limited application to mining developments in the Committee's view. Large mining developments with the potential to have the most serious impacts on water resources are now assessed under Part 3A. As noted above, SEPPs have limited application under Part 3A of the EP&A Act. In *Rivers SOS Inc v Minister for Planning* [2009] NSWLEC 213 the Court found that SEPPs do not apply to the Minister for Planning's exercise of the power to approve or disapprove a Part 3A project. The Court found that the Minister for Planning may approve a Part 3A project that is prohibited by a SEPP as the Minister may overcome the prohibition by exercising his or her special power to amend the prohibiting SEPP, or by recommending to the Governor General the making of another SEPP removing the prohibition in the existing SEPP or authorising the carrying out of the approved project regardless of the prohibition.[36]

The Committee considers that, in order to ensure that water management and approval requirements are applied to mining developments, Part 3A of the EP&A Act must be amended to make the Mining SEPP a mandatory consideration for the Minister for Planning in assessing Part 3A developments.

Further, the Mining SEPP currently prohibits open cut mining only within the Lake Macquarie local government area.[37] The Committee endorses the view taken by Webb that this prohibition should be extended to specified buffer zones for rivers, wetlands, flood plains, and specified water catchments.[38]

Recommendation 9:

Part 3A of the EP&A Act must be amended to make the Mining SEPP a mandatory consideration for the Minister for Planning in assessing Part 3A developments.

Recommendation 10:

The *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* must be amended to prohibit open cut mining within a specified buffer zone for rivers, wetlands, flood plains and specified water catchments.

Subsidence

The alteration of habitat following subsidence due to longwall mining is now a key threatening process under the *Threatened Species Conservation Act 1995* (NSW). The NSW Scientific Committee in its final determination concluded that there is frequent association of subsidence with the cracking of valley floors and creeklines, with subsequent effects on surface and groundwater hydrology, permanent changes to riparian community structure and composition through water loss subsequent to cracking, decreased stability of slopes and escarpments, contamination of groundwater, and deterioration of water quality.[39]

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[36] *Rivers SOS Inc v Minister for Planning* [2009] NSWLEC 213 at paragraphs 91 to 113.
[37] *State Environmental Planning Policy (Mining, Petroleum, Production and Extractive Industries) 2007* cl 9 and Schedule 1.
[38] Webb R, 'Water Management and the coal mining industry in New South Wales' (2008) 25 *Environmental Planning Law Journal* 272-283 at 279.
[39] NSW Scientific Committee – Final Determination, *Alteration of Habitat following subsidence due to longwall mining – key threatening process listing:* <http://www.environment.nsw.gov.au/determinations/LongwallMiningKtp.htm> (1 March 2010).

The NSW Government's subsidence management policy and approvals process requires mining companies to provide a Subsidence Management Plan for consideration by an interagency committee and approval by the Director-General of the Department of Primary Industries.[40] Webb, noting that this is not a legislative requirement, recommends that the *Mining Act 1992* should require Subsidence Management Plans to be provided before preliminary mine planning. He proposed that this would occur prior to development assessment under the *Environmental Planning and Assessment Act 1979* (NSW).[41]

Recommendation 11:

The *Mining Act 1992* and the *Environmental Planning and Assessment Act 1979* should be amended to require mining companies to provide, and receive approval for, a Subsidence Management Plan prior to lodging a development application for a mine (whether a new mine or an extension to an existing mine).

[40] NSW Department of Primary Industries, *Mine Subsidence* <http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0009/56763/Mine_Subsidence_-_Primefact_21-final.pdf> (1 March 2010).

[41] Webb R, 'Water Management and the coal mining industry in New South Wales' (2008) 25 *Environmental Planning Law Journal* 272-283 at 279.

(c) Best practice in water conservation and management

The Committee considers that the following best practice requirements are fundamental to a robust water management regime under climate change:

- Solid research and consultation networks are required to increase the level of knowledge on the impacts of climate change on catchments and the hydrological cycle (including the relationship between surface and groundwater) and to ensure that there is a solid scientific foundation underpinning water management regimes.
- WSPs and other water management plans must be underpinned by the latest scientific data in relation to the current condition of catchments, the projected climate scenarios, and the predicted impact of those scenarios on catchment health and availability of water for both the environment and users. Water management planning regimes must be flexible and adaptive to enable changes in information to be incorporated into planning and decision making.
- Environmental allocations must be a mandatory consideration in the preparation of water management plans.
- A transparent statute-based decision making framework is required for water management across the state.
- All key stakeholders must have an equal opportunity to participate in water management decision making and decision making by stakeholder committees must be consensus based.
- Different pieces of legislation governing water management must be consistent with each other.
- Legislation, water management plans and SEPPs that provide for water management and water approvals must be applied to all development and activities across the state. In particular, development assessed under Part 3A of the Environmental Planning & Assessment Act must not be exempt from water management and approvals requirements.

END