



Mulgrave Landcare & Catchment Group Inc.

ABN: 80 330 757 279

Address: 98A Norman St. Gordonvale. Postal: PO Box 215 Gordonvale Q 4865

Ph/fax (07) 40 561 205 Mobile 0438 720 179 email: brucec@terrain.org.au

Submission: Nth. Aust Land & Water Taskforce – 18th September 09

Mulgrave Landcare have a strong interest in water use issues, both from a 'standard' conservation standpoint as well as from that of a stakeholder in the current proposal by a regional council to develop ground water harvesting of the Mulgrave Aquifer for urban water supply for the greater Cairns areas. The potential impact on natural ecosystems by a development not regulated by a WRP is a major concern.

The comments provided below apply to any water issue in Nth. Australia but are based on our direct experience with the difficulties of community have a meaningful input into a major water development. Though the current brief of the task force is well delineated as the drainage basins north of Cairns, we note that submissions made in 2007 by 'Advance Cairns' apply to the Mulgrave River Aquifer scheme in our catchment south of Cairns. We trust therefore that our comments will be assessed in consideration of this area, as have those previous submissions, as well as the specified Nth. basins.

Our comments are arranged as follows:

- 1. Northern development**
- 2. Feedback on the Taskforce Forum – Cairns.**
- 3. Issues.**
 - 3.1 Assessing water resources
 - 3.2 Assessing their useability (potential)
 - 3.3 Assessment of development proposals
 - 3.4 Land & water tenure
 - 3.5 Safeguards & community involvement
- 4. Summary.**

1. Northern Development.

Though our issues are from a conservation view point, we acknowledge the desire, needs and rights of Nth Aust Communities to responsibly develop their natural resources to enhance their economic and social wellbeing. What we wish to do is assist in preventing a repeat of past mistakes regarding misunderstanding of the basic resource, unrealistic water allocation, unguided development, and large scale enterprises that may benefit proprietary interests at the expense of local communities and the environment.

2. Feedback on the Taskforce Forum – Cairns.

The scope of the forum appears to have been to indentify interested stakeholders, gauge their areas of interest and concerns, and to outline taskforce processes. This it did well.

As more informed stakeholders however, we were expecting an outline of:

- the Aust experience of systematic regulatory failures that have led to current water allocation crises around Australia,
- the current land-use cultures and regulatory frameworks that apply to Nthn Australia & their strengths & weaknesses,
- the nut & bolt priorities if the NWI (eg water tenure security & mandatory water planning)
- how integration of all of the above can be focused on regulatory frameworks & reforms to allow reasonable use of Nthn water resources without repeating the same enormous & irreversible mistakes.

Though these encompassing themes could not possibly have been discussed in full, we were hoping for an acknowledgment that the devil is in the detail, and that such detail, in the end, is always within statutory frameworks. The real task therefore is to give all stakeholders even and timely input into those governing frameworks.

3. Issues.

3.1 Assessment of water resources.

There is an acute lack of understanding of the fundamentals of surface-water dynamics in these systems, ranging from lack of simple stream-gauging, to ignorance of the dynamic interactions between seasonal conditions, soil types, evapotranspiration, climate change and complex tributary systems. There is even less understanding of the groundwater systems that underpin these surface resources and the interaction between those ground and surface water systems under multi-variant conditions.

Even in our developed Mulgrave Catchment, such lack of data could not realistically be addressed, at the basic level of accurately gauging seasonal stream flows, in less than 5 years. The scale of systems in the Nth and the timelines needed to obtain meaningful figures really require a moratorium on development until such information is available. Research has to start immediately.

3.2 Assessing sustainable use.

After the basic physical extent of the resource is known and the complex interactions at least identified, the critical instrument in determining how much water is available for development, is an accurate environmental flow determination. We point out that there can be differences in the definition of environmental flow between regions. We roughly define it as the amount of water needed to be left in the stream to maintain ecological integrity.

A meaningful environmental flow determination tuned to Nth Aust streams will outline what has to be left in the system & therefore, by default, determines the sustainable yield of a development proposal. This issue is of such central importance to water use developments, that it has to immediately be investigated with best available science by politically independent scientists. It cannot continue to be 'estimated' and manipulated by consultants, interest groups or bureaucrats on a case by case basis as can happen now. The inclusion of independent scientists, not aligned with the developer, the local authority or governmental agencies, is of critical importance.

An associated problem is that due to the almost universal lack of real data regarding water balance components & dynamics, computer modelled outcomes are extensively used as a substitute. Being a very esoteric field, hydrographic-modelling does not lend itself to wide or intense scrutiny. The error potential within modelling exercises is huge due to inadequate real data availability and the myriad of assumptions that exponents have to make to base the model upon.

As with EF determination, the quality and extent of the use of modelling has to be addressed by regulatory systems before it can be used as the basis of investigations & reports that are usually the background to development proposals, and their EIS or Public Environment Reports. Failure to address these issues will result in the continuing commonness of tick-the-box-consultancy and poorly reviewed technical reports on environmental impact.

3.3 Assessment of development proposals.

Most water use developments will require assessment at some stage by local, state & federal government processes. In Qld examples are local council area plans, statutory Regional Plans, the Integrated Planning Act, the Water Act & the EPBC Act. All of these are well intentioned but all have well known deficiencies which tend to favour rapid throughput of applications at the expense of thoroughness of investigation. Examples range from ridiculously small timeframes for public input, non-expert & superfluous review of highly technical reports by assessment agencies, inappropriate assessment managers appointed, background information to tech reports being withheld, major project proposals by councils being assessed by themselves, and poor alignment of co-dependent timelines. Such deficiencies need to be comprehensively identified prior to new, major developments in the region, with reform advocated to redress them. From an experienced community view the paramount of these are developer self-assessment, the small length of time for public input & the lack of comprehensive and independent peer review of technical reports.

3.4 Land & water tenure.

We recognise the range of land tenures within the region, including freehold, leasehold, various indigenous tenures, protected areas and associated marine tenures. We are not familiar enough with the relationship between each of these and water use rights to make comment, except that there are bound to be many fine-detail issues that need to be identified and

made public as part of any initiative that is advocating holistic planning, prior to planning instruments or developments being put in place.

A particular issue however, is incremental investment by overseas interests resulting in foreign ownership of both very large tracts of land and very large water entitlements to service very large agri-enterprises. Concerns are that potentially large impacts on the natural environment, borne by local stakeholders and the Australian taxpayer, will be the price to pay for the financial benefit of a few very wealthy family enterprises and/or foreign interests. Of concern also is that national water security could be compromised.

3.5 Safeguards & Community involvement.

The NWI highlights the very high priority of water planning, including the ground-level instruments of Water Resource Plans. Many areas in Nth Aust with increasing water use development do not have these in place. Our own Mulgrave Catchment is in the process of being developed for a landmark ground-water use development that has not been well researched, investigated or peer reviewed and does not have a WRP. We suggest that any significant water-use developments being proposed should not be able to proceed before a properly conducted WRP is in place, having taken account of all such issues raised in this submission. Non-compliance of this would appear to be in contravention of the NWI & the COAG agreements on water reform.

An essential part of this WRP process needs to be some form of Nthn Aust science panel, to guide determination of some of the more critical components of such WRP's, such as environmental flow standards for Nth Aust streams and the standard & level of computer modelling, as previously explained. To date, the conservation and non-aligned scientific community have not been part of such critical processes.

In reality, the primarily relied upon assessment of water development proposals is by the three layers of government and their agencies, with token input from the public. Political and financial interests, lack of resources and time-constraints are often intertwined and result in anything but adequate assessment of proposals. The one component theoretically relied upon to provide balance and the raising of issues not foreseen, is public input. It is inconceivable therefore that the public, including the super-critical independent scientific community, it is not given adequate scope to fulfil this role.

The most obvious issue is time. While a developer has unlimited time to formulate a proposal and submit a draft document, and unlimited time to re-submit a full proposal after a public submission process, the public, in the middle of that process, usually has one chance only of making a submission within a ridiculously short timeframe – usually 10-30 business days.

- Given that the task is to
- a) actually procure the documents,
 - b) procure background reports & information
 - c) digest the material
 - d) seek expert advice /clarification
 - e) disseminate technical reports to the interested stakeholders (who did not know due to inadequate advertising requirements)
 - f) review new information from various sources
 - g) collate technical reviews and community attitude into a properly prepared submission and
 - h) submit on time,

this is an impossible task with anything but the simplest of applications.

With the developer having unlimited time, and the potential effects upon the environment and community usually being permanent, there is surely justification for public input periods within statutory frameworks to be lengthened considerably (3 months).

Summary.

Public discussion by the taskforce to date has been of a general nature, with an acknowledged priority of simply starting a process by which stakeholders can have meaningful input. We support that ideal, but remind the taskforce that delivering on that can only be achieved by reforming the current regulatory frameworks that have so far clearly demonstrated an inability to cope with serious, long-term water development issues. The taskforce acknowledgement that the meetings held to date are the start of the process is well received.

Our main issues with expected and extensive water use development in Nth Aust are:

- The resource is not well understood, either regards quantity, interaction between surface & ground waters or the complexities of overall water balance. Research of these has to begin now.
- The use of computer modelling is a valuable tool in improving understanding of the resource, but its very severe limitations dictate that it needs to be controlled by quality-control standards and an understanding of an appropriate level of use.
- The sustainable use of water resources cannot occur without a proper environmental flow standard, tuned to Nth Aust conditions, underpinning all water-use developments.
- The statutory frameworks, within which water-use developments are assessed, contain a number of well known “Statutory System Failures” that prevent quality assessment of proposals. Identification and reform of these should be a NWI priority.
- Land & water tenure is critical, with foreign ownership and water security being national concerns. Indigenous water rights are not yet well defined.
- The Water-Planning priority of the NWI needs to be demonstrated by Water Resource Plans being in place for any catchment facing water development issues, prior to development taking place.
- The role of public participation in developmental /statutory processes is poorly utilized to date. Simple remedies such as longer public submission times and the participation of the independent science community in determination of critical components of water planning and peer review of technical and environmental reports used to justify developments cannot be ignored by the task force and the NWI.

Yours Sincerely,

Bruce Corcoran
Coordinator

On behalf of:
Mulgrave Landcare and Catchment Group Inc.

