



**28 March 2024**

Australian Government  
Department of Climate Change, Energy, the Environment and Water

### **Submission on new National Environmental Laws**

The Water Services Association of Australia (WSAA) appreciates the opportunity to provide feedback on the proposed new National Environmental Laws.

The Water Services Association of Australia (WSAA) is the peak body for water utilities in Australia. Our members provide water and wastewater services to over 24 million people and many of Australia's largest industrial and commercial enterprises.

The Australian water sector plays a pivotal role in the environmental and economic wellbeing of Australia, and we align our strategic priorities with the nation's broader environmental goals. The Nature Positive Plan outlines a transformative approach to environmental protection, one that resonates strongly with our sector's commitment to sustainability and innovation in water management. By embracing practices that go beyond compliance, we aim to contribute significantly to the Nature Positive outcomes envisioned by the Plan, particularly in areas of water sustainability and biodiversity conservation.

#### **1. National Environmental Standards and decision-making**

The water sector supports the establishment of clear, outcome-based standards as advocated in the Nature Positive Plan. Such standards, especially those focused on Matters of National Environmental Significance, are crucial for the urban water industry, given our direct impact on aquatic ecosystems and biodiversity. Aligning with the Plan's call for improved environmental protection and laws that are "nature positive" (Nature Positive Plan, p. 11), we suggest the incorporation of freshwater quality and conservation standards that directly contribute to the health of Australia's waterways and habitats.

While the proposed reform mentions the development of National Environmental Standards, specific details are lacking.

**Recommendation:** Develop and share detailed standards related to freshwater quality, ecosystem health, and sustainable water use that directly impact the water sector.

#### **2. Environment Protection Australia responsibilities and the water sector**

Environment Protection Australia, as envisioned in the Nature Positive Plan, is essential for consistency and guidance across jurisdictions (p. 28). The water sector benefits from a harmonised approach to environmental regulation, ensuring our practices contribute effectively to

the national environmental objectives. The establishment of a unified framework for environmental protection and compliance can facilitate more effective water management across Australia. The key benefit of the development of Environment Protection Australia is therefore in the ability for the water sector to proactively engage and address issues to streamline regulation for the benefit of the environment and the communities we serve.

The expanded role of the Environment Protection Australia, as outlined in the Nature Positive Plan, is a further welcome development for ensuring adherence to National Environmental Standards. The Plan's emphasis on an "independent Environment Protection Agency" (p. 28) tasked with restoring trust and integrity through robust compliance and enforcement is particularly relevant.

For the water sector, clear guidance from Environment Protection Australia on issues ranging from managing contaminants to resource recovery and product development is crucial. This aligns with the Plan's vision for a circular economy and efficient waste management, promoting sustainability across states and territories.

The reform outlines the broad responsibilities for Environment Protection Australia but does not provide sector-specific guidance for the water sector.

**Recommendation:** Develop sector-specific guidelines under Environment Protection Australia oversight to address unique challenges and opportunities in water management, including resource recovery, water recycling, and infrastructure development, including restoration activities.

### 3. Environment Information Australia

The creation of Environment Information Australia (EIA) as a central hub for environmental data (Nature Positive Plan, p. 29) promises to enhance decision-making across sectors, including water management in cities and towns.

The Plan's commitment to making environmental data "publicly accessible" will enable the water sector to leverage this information for improved water quality monitoring, climate adaptation strategies, and more informed infrastructure planning, thereby aligning our operations with the overarching goals of the Nature Positive Plan.

The EIA is supported for improving the availability and accessibility of environmental data. However, we also support the establishment of the EIA including the mechanisms for sharing between the Environment Protection Australia, other entities, and the water sector.

**Recommendation:** Establish structured data-sharing and data protection mechanisms to support evidence-based decision-making and innovation within the water sector and other sectors.

#### 4. Regional Plans and the Water Sector

The emphasis on regional planning within the Nature Positive Plan (p. 19) aligns with the water sector's need for comprehensive guidelines on protection and development that consider water resources. The Plan's approach to "guide sustainable development and environmental restoration" through regional plans provides a framework within which the water sector can contribute to achieving nature-positive outcomes, especially in managing and protecting water catchment areas and contributing to biodiversity corridors.

The reform emphasises regional planning without explicitly detailing how water resources and infrastructure projects are integrated into these plans.

**Recommendation:** Include explicit provisions for integrating water resource management and water infrastructure development for cities and towns into regional planning processes.

#### 5. Priority Areas and Land Management

Recognising and protecting areas of high biodiversity value, as the Nature Positive Plan suggests, is critical for sustainable development (p. 21). The water sector supports this priority, understanding that the management of land adjacent to and connecting priority areas plays a vital role in maintaining and sustaining the quality of water sources. The water sector is well-positioned to contribute to the management and restoration of these areas, ensuring the protection of aquatic ecosystems and supporting the Plan's biodiversity goals.

#### 6. Restoration Actions

The call for Restoration Actions in the Nature Positive Plan (p. 21) mirrors our commitment to environmental stewardship, emphasising the need for actions that deliver tangible benefits to impacted ecosystems. The water sector's initiatives in habitat restoration and management of wastewater can significantly contribute to the 'like for like' benefits envisioned in the Plan, offering a model for integrated environmental management practices and value stacking across biodiversity, carbon, and nutrients.

The reform proposes a framework for restoration contributions but lacks detailed guidance on how charges will be calculated and assessed.

**Recommendation:** Provide clear methodologies and criteria for calculating restoration contributions to ensure transparency and predictability for the water sector and other sectors.

## 7. First Nations engagement

The Plan's focus on Partnerships with First Nations (p. 13) to improve environmental management and protect cultural heritage is crucial. The water sector acknowledges the value of incorporating Indigenous knowledge in water and land management practices. By fostering partnerships with First Nations communities, we can enhance our environmental strategies and contribute to the cultural and ecological objectives outlined in the Nature Positive Plan.

## 8. Additional Consideration – Climate change

Although the reform addresses environmental protection broadly, there is a need for a more integrated and focused approach on adapting to and mitigating the impacts of climate change.

**Recommendation:** The reforms present an opportunity to integrate specific climate change adaptation and mitigation strategies into the legal framework, recognising the urban water sector's critical role in resilience against climate impacts.

Thank you again for the opportunity to comment on the proposed new National Environmental Laws. The water sector is committed to environmental stewardship and looks forward to continuing collaboration with the Australian Government to ensure that the new laws support sustainable, efficient, and effective water and environmental management.

If you would like to discuss these issues further, please contact Jason Mingo, Manager Liveable Communities ([jason.mingo@wsaa.asn.au](mailto:jason.mingo@wsaa.asn.au)).

Yours sincerely,

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