

[REDACTED]

The Manager
Regional Water Strategies
Department of Planning Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Sir

Re: Submission to Draft North Coast Regional Water Strategy

Thank you for the opportunity for Council to make a submission to the draft North Coast Regional Water Strategy. The draft strategy was considered by Council at its meeting of 27 April 2021, and Council resolved (Resolution 6c.21.044) to endorse this submission to the strategy.

Option 1 (Expand the Clarence-Coffs Harbour Regional Water Supply Scheme)

This option investigates the potential benefits of connecting Bellingen Shire Council and Nambucca Valley Council to the Regional Water Supply Scheme (RWSS). The RWSS, which was constructed between 2002 and 2008, was primarily funded by Clarence Valley Council (CVC) and Coffs Harbour City Council (CHCC), with a small financial contribution from the State Government under the County Towns Water Supply and Sewerage Scheme. The RWSS provides water supply capacity for future development within CHCC and CVC up to at least the year 2046. The expenditure providing capacity for future development is currently recouped through Section 64 contributions from developers. Any investigation of this option would therefore need to consider how the historic investment by CVC and CHCC ratepayers providing capacity for future development within the Council areas is to be recouped. It is noted that under “considerations”, the assessment of this option states “Interconnection options would also require consideration of governance and funding arrangements, including potential identification of new funding streams to facilitate these works.”

Option 4 (Augment Shannon Creek Dam)

This option investigates augmenting Shannon Creek Dam up to its designed maximum capacity of 75 GL to provide additional town water security for the Clarence and Coffs Harbour local government areas. The strategy assumes Shannon Creek Dam will remain an off-river storage and be filled from the Nymboida, with the dam operation continuing to be “transparent” to Shannon Creek as is required by the current licence. An issue with the dam being “transparent” to Shannon Creek is that to avoid potential algal blooms in the dam, the dam is only filled when the turbidity in the Nymboida is low, as turbid water

will potentially seed algal blooms. This has meant, for example, that the current 30 ML storage which dropped to around 78% in January 2020 has at the time of writing this submission only been able to be refilled to 78.2%. Since the end of the drought in early 2020 there have been two major flood events in February 2020 and March 2021, which would have more than filled the dam if all incoming flow from the local catchment did not have to be released. Notwithstanding that the downstream Orara River was at major flood level, local Shannon Creek inflow which could potentially have been attenuated by Shannon Creek Dam was required by the licence to be released. This issue could be exacerbated if the current flow extraction limit from the Nymboida (no extraction below 95%ile) is increased. The current Shannon Creek Dam licence indicates this flow extraction limit could be reviewed to a limit of up to 80%. A combination of a “transparent” licence and an increased flow extraction limit may mean that an augmented dam would never be filled to capacity. It is recommended the strategy consider off-creek storages being able to retain localised inflow when there is a major flood event.

The assessment notes this option may also provide additional benefit to any other towns connected to the RWSS in the future and, as noted above, the financial arrangements for any additional participants in the RWSS would need to be considered. A significant concern to Council is that future “moving of goalposts” and in particular possible future changes to approval requirements could preclude the viability of this option. It is recommended that, if the option is progressed, the strategy provide for “grandfathering” of current approval requirements so that future planning for this option can proceed. It is again noted that under “considerations” the assessment of this option states “this option will need to consider funding, environmental impact, operation and maintenance of the asset.”

Option 24 (Improve fish passage in the North Coast region)

This option proposes replacing or remediating four high priority fish barriers, as identified in the NSW Fish Passage Strategy, which includes the Nymboida Weir which is where Council’s drinking water supply is extracted. Investigation and possible future construction of this option would need to ensure that Council’s access to drinking water is not compromised. It is noted that under “Considerations” the assessment of this option indicated it was important that “local council and water user access requirements, including funding, are considered in the design of new fishway structures to ensure reliability of supplies are not negatively impacted or are offset.”

Mining (Metals and Coal) Impacts

The draft strategy notes that there is currently one mining operation active in the region and at least four companies currently considering future exploration, and further notes that “the potential environmental impacts from all phases of mining operations are now better controlled through legislation, regulation, standards and statutory approvals processes”. Council is particularly concerned that the strategy has not adequately considered the potential adverse impacts of future mining (metals and coal) proposals which may not be adequately addressed by “regulation, standards and statutory approval processes”. At its meeting of 24 November 2020 Council resolved in part (Resolution 6a.20.049):

to oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences.

In accordance with its adopted policy position Council requests the strategy recommend a moratorium on further mining exploration licences and the cancellation of existing licences.

A related issue is that Local Water Utilities (LWU) are not notified of exploration or mining proposals within drinking water catchments. Currently the only avenue for LWUs to find out about mining proposals in drinking water catchments is through public advertisements. Given mining poses a potentially significant risk to drinking water quality, it is recommended that an outcome from the strategy be a change to the statutory approval process requiring that LWUs be notified of mining proposals within drinking water catchments so that they can make submissions.

Proposals for diversion of the Clarence to the Border Rivers

The draft strategy notes that it does not identify any option to dam any of the major rivers in the region for the purpose of diverting water to inland catchments or storing water for use within that region on the basis that:

“such options were deemed to not yield any direct benefits for towns, communities, Aboriginal people or the environment in the region and were not considered to meet the water-related challenges identified in the draft strategy. Furthermore, diversion options have the potential to pose additional water security and access risks to water users in the North Coast.”

However, the draft North Coast Regional Water strategy does not reject diversion as a possible option as it also notes the draft Border Rivers Regional Water Strategy included options to divert flow from the North Coast region’s rivers inland, and indicates that feedback on these diversion options is welcomed to help inform the options assessment process in the Border Rivers and Namoi regions.

Council has considered the issue of diversion on numerous occasions, and its position has consistently been to oppose any diversion. Council’s opposition is best summarised in Resolution 6a.20.036 from its meeting of 22 September 2020:

That Council reiterate its policy position of opposition to any proposal that would result in any diversion of water from Clarence catchments, as previously resolved by Council resolutions 12.005/06, 05.006/07, 10.017/10 and 15.081/16.

In the Draft Border Rivers Regional Strategy the “considerations” section regarding Option 8 noted that: *Previous investigations into major water diversion schemes have found these to be technically, economically or environmentally unfeasible.*

Given previous investigations as referenced in the Draft Border Rivers Regional Strategy indicated diversion as being unfeasible, Council considers the diversion option should be rejected outright by the North Coast Regional Water Strategy. Any diversion of the Clarence is considered to adversely impact both the local economy (in particular the fishing industry) and also the natural environment. Diversion of the Clarence would reduce the well documented benefits of flood flows, which include:

- Increased soil fertility,
- Flushing and spreading of nutrients,
- Groundwater recharge, and
- Maintaining the natural ecological cycle.

Council reiterates its position that any proposal to divert the Clarence cannot be justified from an economic, environmental or social perspective.

Thank you for the opportunity to make this submission. If you require further information please contact Council’s Manager Water Cycle, [REDACTED], on [REDACTED]

