

enquiries refer
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in reply please quote
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Dear Sir/Madam

Re: Submission – Far North Coast Regional Water Strategy

Thank you for the opportunity to provide comment on the proposed strategy and for attending Council in person to update our elected Councillors and receive their feedback directly. The following is offered in addition to that feedback for your consideration.

The document is well thought through and well researched, and reflects the need for a more strategic and integrated approach to water management in unregulated rivers on the Far North Coast. The options to supplement supply are comprehensive.

The following comments are provided on specific issues. They are made because they represent issues that Council is already experiencing or for which sectors of our community have made representation. Many represent legacy issues arising from policy or practices undertaken without the benefit of our existing scientific understanding of cause and effect in natural systems, and which now require a policy decision to be made to reduce the ongoing burden of past and present poor land management on the wider community. Whilst it is recognised that some of these issues cannot be resolved within the FNC Regional Water Strategy, and that they are multi-dimensional, they will require thought over time within the NSW Government agency framework to address and it is for this reason that they are put forward in this context as a starting point.

These comments are provided in approximate order in which the point they address is raised within the FNC Regional Water Strategy.

1. It is important that farming be recognised as a business, and that access to water and the security of that water becomes part of the business decision being made about the ongoing viability of the business. Climate variability including the availability of water is a part of agricultural business. Access to supply cannot be guaranteed.

Conversely, food and other production is vital to our local and state economy. Consideration of the fairest way to share water is a difficult balance to achieve. The FNC Regional Water Strategy makes a good case for the variability of water supply. It is explicit about which values receive the highest priority in times of drought or water stress. However, it may not be clear to some readers that a water license has conditions, that these conditions are legally enforceable and that regulatory action can be taken when conditions are not complied with. As part of ongoing education about water as a scarce resource, the FNC Regional Water Strategy is a potentially useful tool to begin the discussion about entitlements particularly during low flow periods.

Feedback provided by Council to the Richmond River Water Sharing Plan (RRWSP) including discussion around ensuring regulatory mechanisms were much more Page 2

proactive in stating the flow conditions (and therefore which license condition was applicable) at any particular time. There appears to be a reliance on licensees to self-regulate their compliance with license conditions which is not an optimal outcome for the environment in a low flow situations. As a first step in protecting low flows a proactive approach to communication and if required, regulation, would provide a fairer environment for water users and the environment.

2. The impact of sleeper licenses and issuing of licenses after catchments had been identified as stressed during the late 1990's was also questioned in Council's submission to the RRWSP. Representations made to the Natural Resources Access Regulator during this last drought were, perhaps understandably, given a lower priority for breaches of license conditions. The problems of towns running out of water in the Central and West of NSW is clearly a reason for focus of NRAR resources at that time. However, if ecological communities and water quality of catchments are to retain their resilience during climate variability, there does need to be a greater emphasis placed on ensuring breaches on the Far North Coast are investigated fully. The perception that this location is less susceptible because in general it receives more rain does not recognise the water dependent nature of both its ecosystems and agricultural systems. In turn, this potentially undermines the economic value of both.
3. There are a number of references throughout the document to floodplain drainage. These references are a little confused in how floodplain drainage and its purpose are represented. It would be useful to separate flood protection works (such as levees) from floodplain drainage works. Floodplain drains operate to drain low lying land more quickly from what may previously have been a complex mosaic of wetland and vegetation, to make it more useful to farm during wetter times. The information on page 49 presents an anthropogenic 'usage' view of floodplains which is then somewhat contradicted by the discussion on the inherent natural values of floodplains and wetlands on page 50.

Dr Mitch Tulau's PhD work entitled 'Lands of the richest character: agricultural drainage of backswamp wetlands on the North Coast of NSW, Australia: development, conservation and policy change: an environmental history' is very useful in describing how floodplain drainage developed over time and how its impacts have come to be understood. This is a difficult issue to address, particularly as floodplain drainage occurs on lands which will soon be impacted by sea level rise and may also respond poorly in terms of environmental impacts with expected changes in climate variability. A whole-of-government position on this difficult issue would greatly assist in working through how the extensive drainage networks on each floodplain can be managed in consideration of the expectations of both landholders and the community. This is particularly important where conditions are already changing as a result of climate change and sea level rise.

On page 91 discussion regarding ageing floodgate and drainage infrastructure requires further consideration in such a policy context to strike a balance between continuing to provide agricultural opportunities at an increasing environmental and economic cost. A decision may be made that these opportunities represent a public as well as a private good and should continue. At this time however, it is not clear that a policy decision has been made with different agency positions apparent even within the FNC Regional

Water Strategy. It is appreciated that this is a nuanced situation that requires more focused attention and collaboration across NSW Government agencies.

4. A forecast change in the frequency of cease to flow events, if not duration, is concerning with respect to the resilience of natural ecosystems over time. This also has direct and immediate implications for the review of the RRWSP including its regulation of medium flow, low flow and cease-to-pump events.

Council strongly supports an environmental contingency allowance across the whole Richmond River water source (not only Toonumbar Dam), and most urgently in the Very Low and Low Flow classes. Ultimately this support is extended across all flow classes both for environmental and cultural reasons. Reference could be made to the Ngunya Jargoan Cultural Calendar which refers to specific environmental triggers which are culturally important, such as the mullet run and salmon fishing. Table 2 could specifically identify cultural needs alongside those of the environment to highlight their interdependence and enhance awareness amongst non-Aboriginal people.

5. Oyster leases within the Richmond have experienced ongoing unexplained impacts (including oyster death). It is presumed this is from poor water quality. Upcoming studies hope to provide further information in relation to this matter.
6. Would it be possible to show licensed water use against flow classes to help readers understand the points being made with respect to low flows and competing demands for water.
7. Education for stock and domestic bore users with respect to issues of quality may be useful especially as sea level rise changes the availability of freshwater in some locations.
8. Comment on specific options is provided below. A lack of comment does not imply a lack of support for other options:-
 - a. Option 22 – this is supported but it would need to be accompanied by education and potentially regulation.
 - b. Option 24 – this option is strongly supported whilst recognising that long term resilience of species is dependent on low flow periods and natural flow triggers, and not only on wetlands and riparian vegetation.
 - c. Option 29 – please also include Ballina Nature Reserve, Victoria Park and Uralba Nature Reserve as groundwater dependent ecosystems.
 - d. Option 30 – Northern Rivers Watershed Initiative is supported as a concept but it is currently unfunded. The likely costs are beyond the ability of local government to fund.
 - e. Option 31 – our experience is that there is a high demand and community support for this style of work. Often this is without accompanying resources from landholders.

Programs such as this do need to have a degree of stability and a longish timeframe (a minimum of 6 years and more likely 10 years) for them to be accepted into the framework of resources available and allow reluctant Page 2

landholders time to understand what the program would mean for them personally and decide to become involved. Early withdrawal of or changes due to restructuring of government departments introduces fatigue and negativity within the landholder community and hinders the ability to deliver outcomes.

A mechanism to address landholders who do not wish to engage with such a program but are strategically important to a positive outcome would also be useful to ensure that momentum is not lost.

Once again, thank you for the opportunity to provide comment. If you would like to speak further with Council regarding these comments please contact [REDACTED]

Yours faithfully

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[REDACTED]
[REDACTED]

Public and Environmental Health Division