

From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
To: DPIE Water CoffsHarbour WSP Mailbox
Subject: Submission for the draft remake water sharing plan Coffs Harbour
Date: Thursday, 17 February 2022 11:49:37 AM

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: Yes

Your details

Are you making a submission as an individual or on behalf of an organisation?: Individual

Which of the following best describes the kind of stakeholder you are?: Community member

If you selected other, please state:

Email address:

Question 1.1

Do you think this is appropriate? Why / why not?: No because it is totally flawed by having no effective monitoring

Question 1.2

Do you think this is appropriate? Why / why not?: That is not going to help the damage that will already have been done & our environment is too erratic for that to be effective

Question 2.1

Do you have any comments on this aspect of the draft plan?: I repeat -there is no effective monitoring in the plan so there are no real limits at all. The current limits are NOT adhered to anyway

Question 3.1

Do you have any comments on this aspect of the draft plan?: rules but no consequences = pointless

Question 4.1

Do you have any comments on this aspect of the draft plan?:

Question 5.1

Do you have any comments on this aspect of the draft plan?: monitored by who ? & penalties of what ?

Question 6.1

Do you have any comments on this aspect of the draft plan?: Limits are not working, prohibition is pointless if not monitored & no consequences.

Question 7.1

Do you have any comments on this aspect of the draft plan?: This is also not monitored by anyone but the person taking the water. This is a "not funny" joke

Question 8.1

Do you think this is appropriate?

Why / why not?:	After the fact ? then what ? put the water back ??
Question 9.1	
Do you have any comments on this aspect of the draft plan?:	Why were the recommendations of the Traditional Owners ignored ?
Question 10.1	
Comments on any aspect of the draft plan:	Where is there any provision for environmental water ? Where is the ecosystem protection ?
10.2	
Upload a submission or any supporting documents:	No file uploaded

From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: Submission for the draft remake water sharing plan Coffs Harbour
Date: Monday, 21 February 2022 10:10:22 PM

Permission

I would like my submission to be treated as confidential? No

I would like my personal details to be treated as confidential? Yes

Your details

Are you making a submission as an individual or on behalf of an organisation? Individual

Which of the following best describes the kind of stakeholder you are? Community member

If you selected other, please state:

Email address:

Question 1.1

Do you think this is appropriate? Why / why not? Yes seems treasonable to adjust extraction limits according to flows determined by rainfall.

Question 1.2

Do you think this is appropriate? Why / why not? Yes

Question 2.1

Do you have any comments on this aspect of the draft plan?: Current water use extraction must not be exceeded due to impact on river health flows and associated environmental impacts including on flora and fauna particularly bird life. Furthermore river flows and chemistry significantly impacts negatively the ecology of marine environment including fish and their food sources.

Question 3.1

Do you have any comments on this aspect of the draft plan?: This is a critical issue and has not been adequately addressed by this Plan. Seems easy to bypass/ get around the proposed regulations

Question 4.1

Do you have any comments on this aspect of the draft plan?: All wetlands must be protected by the most stringent requirements. The health of our waterways demand 100% protection of wetlands.

Question 5.1

Do you have any comments on this aspect of the draft plan?: I agree with this.

Question 6.1

Do you have any comments on this aspect of the draft plan?: I agree

Question 7.1

Do you have any comments on this aspect of the draft plan?: If the current level of pumping is safe and is not endangering the river ecology and associated marine ecology than I do not have a problem with this clause. However. casual observations tell a different story whereby the river levels and flows have been drastically reduced over past few years at Red Rock. Why is this? I have not yet read an adequate explanation for these worrying changes.

Question 8.1

Do you think this is appropriate? Why / why not?: I totally object to this change. Already the Corinidi River is experiencing serious trouble due to reduced and uneven flows. An authorized 30% increase in harvestable rights would be disastrous for our River, Especially during low rainfall periods. Farmers rights to extract water should not override other rights especially the right for an environmentally safe plan to ensure river health. The river is our life and in particular access to a healthy bountiful river is a fundamental right of the local indigenous peoples. I note there appears to not have been any explicit involvement of the local traditional owners in drafting this draft plan yet they have

sovereign water rights.

Question 9.1

Do you have any comments on this aspect of the draft plan?:

The Coffs Shire Council is obliged to negotiate with the local TOs and their representative organizations especially the local Land Council regarding the management of the river systems. Indigenous water rights are recognized under international law plus national legislation such as iNative Title legislation and State Land Rights legislation.

Question 10.1

Comments on any aspect of the draft plan: It seems to me that this proposed new plan serves the economic capitalist interests of landowners especially farmers depended on irrigation or vast quantities of water to grow crops such as blueberries. It is shortsighted overlooking the critical importance of our river systems to the overall health and well being of our communities. Furthermore all our local communities require vibrant rivers supporting an abundance of plant life, bird life, marine life and wildlife in order to survive the pending climate crisis . I strongly oppose any increase in extraction of water from local the river systems and call on the Shire Council to honour its promise to protect our natural assets and to build a sustainable economy for the benefit of all residents.

10.2

Upload a submission or any supporting documents:

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SUBMISSION UNSUCCESSFULLY LODGED ONLINE 10/2/22

NOTE: On completion of the submission on-line today 10/2/22, we submitted our comments/Submission using the SUBMIT at the end of the Form and then received an automated response that there were errors in the Form – it indicated we had not completed the Permission questions at the start of the form, which we had completed – see details below! (We had “copied & pasted” into a Word document, the content of our Submission, so that information is shown below). **When we attempted to re-answer the Permission questions and progress to page 2 we found that ALL OUR PREVIOUS ANSWERS WERE BLANK!**

PLEASE REGISTER & RECORD OUR SUBMISSION

Submission form for the draft replacement Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022

If you have any questions about the submission form, please email coffsharbour.wsp@dpie.nsw.gov.au

A copy of your submission appears below. Use the previous page button to go back and make changes, or use the submit button to send us your submission.

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: Yes

Your details

Are you making a submission as an individual or on behalf of an organisation?:

Individual

Which of the following best describes the kind of stakeholder you are?:

Community member

If you selected other, please state:

Email address:

Question 1.1

Do you think this is appropriate? Why / why not?:

Standard and Higher limits for extraction from the Corindi River are both too high. The Corindi River is now suffering from lack of adequate flows, especially downstream before Saltwater Creek, and the small tributaries upstream of Saltwater Creek.

Question 1.2

Do you think this is appropriate? Why / why not?:

No. Leave more of the natural flows in the Corindi Rver at all times. The river is dying!

Question 2.1

Do you have any comments on this aspect of the draft plan?:

Alluvial groundwater should not be extracted, especially in the upper reaches of the Corindi River.

Question 3.1

Do you have any comments on this aspect of the draft plan?:

"Minimal harm" is still harm and should not be allowed. The rules "require new groundwater works to be greater than 500m from a contamination sources and 200m from a culturally significant site." Groundwater extraction at all, in any area (not just those mentioned areas) should not be permitted. Extractions for agricultural purposes in the upper

reaches of the Corindi River have already destroyed the flows and the riparian environment in the Corindi River.

Question 4.1

Do you have any comments on this aspect of the draft plan?:

The wording "minimal harm" is of great concern. There should be no harm allowed, at all, to any wetland mapped under the Coastal SEPP.

Question 5.1

Do you have any comments on this aspect of the draft plan?:

No new in river dams on any of the listed rivers/streams should be permitted - the damage has already been done. ALL existing dams, water holding devices and extractions should be thoroughly investigated. Downstream flows in the Redbank River (Corindi River) have been decreasing progressively every year for more than 20 years. This has had a detrimental impact on the fish population downstream, even with the protected zones in Saltwater Creek and other areas downstream. Trees are dying along the riparian zones, falling into the river and restricting the flows.

Question 6.1

Do you have any comments on this aspect of the draft plan?:

"Potential additional extractive stress" should not be allowed! Additional extractions should not be allowed - this would avoid the potential stress - SURELY THAT IS COMMON SENSE! By even proposing additional extraction limits, the State Govt is pampering to the voices of the over-grown agricultural industry, particularly the blueberry industry in the Coffs Harbour local government area.

Question 7.1

Do you have any comments on this aspect of the draft plan?:

Patrol and enforcement of the existing rules is obviously not adequate.

Question 8.1

Do you think this is appropriate? Why / why not?:

It is totally inappropriate to increase the harvestable rights. Adverse impact from pumping upstream in the Corindi River has been evident for many many years. To increase the harvestable rights is ABSOLUTELY OUTRAGEOUS!

Question 9.1

Do you have any comments on this aspect of the draft plan?:

ANY increase in groundwater or river extractions, by Aboriginal Communities, or any person, company or development, SHOULD NOT BE PERMITTED.

Question 10.1

Comments on any aspect of the draft plan:

As mentioned in our comments in previous questions, we TOTALLY OPPOSE all proposed changes in the current water sharing plan that would allow any increase in permissible extractions. As residents near the lower reaches of the Corindi River, and regularly recreational users of the Corindi River, we are highly concerned at the deteriorating flows that have been occurring in that river for many many years - obviously already suffering from extractions upstream. It is unbelievable that the NSW Govt would even propose including increased extractions through the revision of this Water Sharing Plan for the Coffs Harbour area.

10.2

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From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: Submission for the draft remake water sharing plan Coffs Harbour
Date: Sunday, 13 February 2022 2:39:09 PM
Attachments: [Coffs Harbour water management plan 2022.docx](#)

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: Yes

Your details

Are you making a submission as an individual or on behalf of an organisation?: Individual

Which of the following best describes the kind of stakeholder you are?: Community member

If you selected other, please state:

Email address:

Question 1.1

Do you think this is appropriate? Why / why not?:

Currently there is no ongoing plan to monitor the pesticide levels in the Corindi or any other rivers and lakes in the Coffs Coast area. How is this legal or environmentally ethical considering the documented large scale poisoning of the waters of Hearn's Lake in Woolgoolga with pesticides at the highest level of any waters along the east coast of Australia. 2. This problem should be resolved before any other water management plans are enacted. Whoever is responsible for the poisoning of waterways along the Coffs coast should be exposed and prosecuted. 3. The recreational use of these waterways should have equal weight as the use of waterways for farming. The environmental impact of Coffs Harbour water management plan on the Solitary Island marine park is unknown and should be studied before any decision has been made. Tourism in Coffs harbour area relies on our relative unspoiled beaches and clear water in the Solitary Island

marine park.

Question 1.2

Do you think
this is
appropriate?
Why / why
not?:

Question 2.1

Do you have
any
comments on
this aspect of
the draft
plan?:

Question 3.1

Do you have
any
comments on
this aspect of
the draft
plan?:

Question 4.1

Do you have
any
comments on
this aspect of
the draft
plan?:

1. Currently there is no ongoing plan to monitor the pesticide levels in the Corindi or any other rivers and lakes in the Coffs Coast area. How is this legal or environmentally ethical considering the documented large scale poisoning of the waters of Hearns Lake in Woolgoolga with pesticides at the highest level of any waters along the east coast of Australia. 2. This problem should be resolved before any other water management plans are enacted. Whoever is responsible for the poisoning of waterways along the Coffs coast should be exposed and prosecuted. 3. The recreational use of these waterways should have equal weight as the use of waterways for farming.

Question 5.1

Do you have
any
comments on
this aspect of
the draft
plan?:

Question 6.1

Do you have
any
comments on
this aspect of
the draft
plan?:

Question 7.1

Do you have
any
comments on
this aspect of

the draft
plan?:

Question 8.1

Do you think
this is
appropriate?
Why / why
not?:

There seems to be no environmental studies of what will be the resultant impact of this increase in water taken from the rivers. This increase should not happen until there is a significant independent scientific study into this change in water allocation.

Question 9.1

Do you have
any
comments on
this aspect of
the draft
plan?:

Question 10.1

Comments on
any aspect of
the draft plan:

10.2

Upload a

submission or Coffs Harbour water management plan 2022.docx, type
any application/vnd.openxmlformats-
supporting officedocument.wordprocessingml.document, 17.7 KB
documents:

As a resident of Red Rock and someone who swims in the Corindi River everyday I am deeply concerned of this Coffs Harbour water management plan to both extract water from the river and also extract water from the artesian water basin.

1. Currently there is no ongoing plan to monitor the pesticide levels in the Corindi or any other rivers and lakes in the Coffs Coast area. How is this legal or environmentally ethical considering the documented large scale poisoning of the waters of Hearn's Lake in Woolgoolga with pesticides at the highest level of any waters along the east coast of Australia.
2. This problem should be resolved before any other water management plans are enacted. Whoever is responsible for the poisoning of waterways along the Coffs coast should be exposed and prosecuted.
3. The recreational use of these waterways should have equal weight as the use of waterways for farming.
4. Residents who use the artesian water to water their gardens should also have equal weight as the use of this water for farming.
5. The environmental impact of **Coffs Harbour water management plan on the Solitary Island marine park is unknown and should be studied before any decision has been made.** Tourism in Coffs harbour area relies on our relative unspoiled beaches and clear water in the Solitary Island marine park.

ABC news report on Coffs coast 2022

In recent years, researchers found high amounts of nitrogen from fertilisers in Coffs Coast waterways, particularly in the Hearn's Lake catchment, where most horticulture farming occurs.

Southern Cross University PhD candidate Shane White and his team estimated the catchment's nitrogen levels were six times higher than the Australian east coast average.

"We found one of the highest nitrate loads coming off those farmlands on the east coast of Australia," Mr White said.

High nitrogen and nutrient levels in waterways can have devastating environmental impacts, including algal blooms, which lead to fish kills.

After rainfall events, the nitrogen levels in the Hearnese Lake catchment were at least 50 times higher than recommended under water-quality guidelines set by the Australian and New Zealand Environment Conservation Council (ANZECC).

The catchment's waterways flow into the Solitary Islands Marine Park, which is home to hundreds of species of fish and dozens of types of coral.

To reduce fertiliser run-off, researchers have been trialling a system called a bioreactor, which has been in use in Queensland to prevent run-off affecting the Great Barrier Reef.

Coffs Coast Outlook website Pesticide use at Hearnese Lake non-compliant Response to Hearnese Lake pollution "Silent Springs" post

I am totally gobsmacked at the EPA weak response to the fish kill in Hearnese Lake. The article quotes 25 instances of alleged non-compliance of the pesticide and they were unable to identify the source of the chemical chlorpyrifos. I have been involved in horticulture for over 35 years and I am legally required to hold a chemical certificate to use such toxic chemicals. This chemical is banned in most European countries and only approved for commercial operations in the USA. There has been a strong action group in the US to ban this toxic chemical totally. Half a cup of this concentrate was enough to kill all shrimp and insect life along 15km of a river in the UK in 2013. This poisoning in Hearnese Lake most likely came from a commercial horticultural operation near Hearnese Lake. You don't need to be a rocket scientist to realise it was commercial work with related heavy rain and runoff. The EPA needs to look closely at any commercial operation nearby that includes fruit growing, golf courses and possibly deliberate poisoning?

Sad as it is they cannot say who is to blame because all 25 were recklessly using this highly toxic chemical illegally. Remember this kind of arrogant disregard for our health and our environment has been going on since the late 70's in the Coffs Harbour / Woolgoolga area; birth defects of facial deformity, spina bifida, heart / lung / urethra defects etc. etc from 1980 onwards are 7 times the national average, and were caused by the same types of chemicals still illegally used today by these selfish environmental vandals. You've got no excuses, you just don't give a crap about other people or the environment. I think they need to start confiscating properties responsible and using their sale to fund remediating the damaged people, soil and water they are responsible for.

From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
Sent: Sunday, 30 January 2022 1:34 PM
To: DPIE Water CoffsHarbour WSP Mailbox
Subject: Submission for the draft remake water sharing plan Coffs Harbour

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: Yes

Your details

Are you making a submission as an individual or on behalf of an organisation?: Individual

Which of the following best describes the kind of stakeholder you are?: Community member

If you selected other, please state:

Email address:

Question 1.1

Do you think this is appropriate? Why / why not?:

Question 1.2

Do you think this is appropriate? Why / why not?:

I think its too much of a risk for our environment to trust those who have proven they dont care for the limits they are given. So much damage can be done in a year as long as they see a way to let their greed thrive they will take advantage of it. I feel it also needs to be assessed location to location because the blueberry farms are doing fine while local farms that have been here and respected their limitations struggle. We need to make sure these policies are helping those that need help and leave those that are already suspiciously thriving given the current limits and clearly dont need more assistance.

Question 2.1

Do you have any comments on this aspect of the draft plan?:

I think there should be more information available in these questions tonmake it more accessible to average people.

Question 3.1

Do you have any comments on this aspect of the draft plan?:

I think the distance should be at least two times the distance proposed depending on what is being done as companies in this country have proven time and time again that they will extend past these limits and risk harming the environment.

Question 4.1

Do you have any comments on this aspect of the draft plan?:

Question 5.1

Do you have any comments on this aspect of the draft plan?:

Question 6.1

Do you have any comments on this aspect of the draft plan?:

Question 7.1

Do you have any comments on this aspect of the draft plan?:

Question 8.1

Do you think this is appropriate? Why / why not?:

Question 9.1

Do you have any comments on this aspect of the draft plan?:

Question 10.1

Comments on any aspect of the draft plan:

10.2

Upload a submission or any supporting documents:

I think this is a good proposal but we must make sure we stand our ground on what these limits are and make them as strict as we can.

After reading part 7 my concern is that it must not be likely to cause significant impact to the environment i think it should be at least moderate but preferably minimal.

I dont believe we should have a %200 increase of what can be taken. Alot of the commercial agriculture in the area especially the local blueberry farms are owned by people who didnt care or report endangered species of flora and fauna that they destroyed or dehomed. Theyve show that they dont care for their legal limitations if we give them more they'll take it upon themselves to take even more if theyre given a bigger supply. Without someone there to regulate them strictly and constantly it cannot be an option. The water belongs where the water is we have a beautiful country that looks after itself and all its ccreatures if we take away from that it will start to die and we can start saying goodbye to having some oc the most beautiful natural tourist destinations. All we will be doing is allowing the greedy that dont care cor anything that isnt theirs to abuse the system more and fatten their wallets past obesi

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From:
Sent: Sunday, 27 February 2022 11:59 PM
To: DPIE Water CoffsHarbour WSP Mailbox
Subject: Submission Coffs Harbour Water Sharing Plan Draft
Attachments: CH Water Saring Plan.pdf

In addition I was unable to make any comments on the last section of your form .

I would like to add that given Bonville creek pulls 148ML/yr with basic Landholder right of a total of extraction of 752ML (the Highest amount of the catchments) the fact there is no increase is somewhat overshadowed by the fact that perhaps too much has been happening in an ecological sensitive area anyway. This also applies to the share of unregulated river access licences (2nd highest) , again aquifer access licences highest again with 54 out of a total of 213 shares.

I found it of interest as to where the Bonville Creek water source was. I was not sure as to how surface water taken from Bonville Creek when flows are greater than 82ML day could be measured at Orange Grove in the Clarence River catchment seemingly so far away.

I was also concerned about the coastal wetlands and the 200m zone also under the Ministers opinion as to minimal harm.

There was more but time limited me.

Thank You Regards

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Office use only	Submission number
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How to fill out this form

The department is seeking your comments on the draft replacement Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022.

For general background about the draft plan development, proposed changes and the finalisation process please refer to the background and proposed changes documents. For water source specific details including proposed rules, please see the water source report cards.

Key issues and changes have been summarised in this submission form, although comment on all aspects of the water sharing plan is welcome. For water source specific details including rules, please see the water source report cards. More detailed comments are welcomed as attachments.

Send completed submissions to:

Post: WSP Comments for the Coffs Harbour Area,
Department of Planning, Industry and Environment
Locked Bag 10
Grafton NSW 2460

Email: coffsharbour.wsp@dpie.nsw.gov.au

Note: Submissions close 27 February 2022

Information on privacy and confidentiality

Submissions received by NSW Department of Planning, Industry and Environment for the proposed amendments will be considered by the department and the Coastal Water Planning and Policy Working Group to review and inform the draft amendments. The department values your input and accepts that information you provide may be private and personal.

If you would prefer your submission or your personal details to be treated as confidential, please indicate this by ticking the relevant box below.

If you do not make a request for confidentiality, the department may make your submission, including any personal details contained in the submission, available to the public.

Please note that, regardless of a request for confidentiality, the department may be required by law to release copies of submissions to third parties in accordance with the *Government Information (Public Access) Act 2009*.

I would like my submission to be treated as confidential	<input type="checkbox"/> Yes	<input type="checkbox"/> No
I would like my personal details to be treated as confidential	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- ***Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022***

Stakeholder Group

(please indicate which of the following best represents your interest by **ticking one box**)

Irrigation Interests
Fishing Interests
Local Govt./ Utilities

Aboriginal Interest
Local Landholder
Other (specify)

Environment Interests
 Community Member

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Long term average annual extraction limit

The replacement plan creates two long term average annual extraction limits (LTAAELs).

- The Standard LTAAEL which sets a limit on extraction from all flows except for higher flows.
- The Higher flow LTAAEL that manages extractions that can only take from higher flows.

The reason for the two extraction limits is to limit extractions from all other flows and encourage extraction from higher flows

Information on the LTAAELs can be found in Part 4 of the plan

<p>Do you think this is appropriate? Why / why not?</p>	
<p>The Standard LTAAEL includes licensed extraction and all basic landholder rights extraction including from harvestable rights dams. If there is a growth in uptake of harvestable rights that increases total annual extraction to above the Standard LTAAEL by more than 5% then there will be reduced water allocated to licenced water users in the following year.</p> <p>Do you think this is appropriate? Why / why not?</p>	

New coastal floodplain alluvial groundwater water source

The draft plan proposes to establish the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Water Source which contains alluvial groundwater below the tidal limit.

Further information is contained in Part 1 of the Plan and in the Coffs Harbour Area Coastal Floodplain Alluvial Water Source Report Card

<p>A long-term limit on extraction is proposed based on a proportion of recharge. Additional water for licensed take could be made available through controlled allocations. Do you think this is appropriate? Why / why not?</p>	
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Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Water supply works approvals

Works such as pumps, pipes, bores, and weirs used for extracting water under licence require a water supply works approval. Rules controlling the granting of water supply works approvals or the nomination of water supply works are included in the Plan to minimise impacts on existing extraction and sensitive areas.

These distance rules are contained in Part 7 of the plan.

<p>The plan specifies distances from where a new or replacement bore can be located, such as the distance from a contaminated source, a groundwater dependent ecosystem, or a culturally significant site for example.</p> <p>Do you think these distance rules are appropriate? If not, why?</p>	
<p>The plan includes rules that prohibit approval or amendment of approvals for in-river dams in water sources with high instream value or above a marine park.</p> <p>How would this impact on your current operations?</p>	
<p>Works that cause more than minimal impact to coastal wetlands are prohibited under the Plan.</p> <p>Do you think this is appropriate? If not, why?</p>	
<p>Have you noticed any effects from extraction on water levels in the groundwater source? If so, please specify.</p>	

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Draft trading rules

The trading rules are contained in Part 8 of the Plan and in the “Draft water trading (dealing) rules” section of the report card.

Do you think the dealing rules to prohibit trade with water sources within other Water Sharing Plans are appropriate? If not, what should they be and why?

Do you have any comment on the proposal to prohibit trade into water sources determined to have a high ecological value

Draft Access Rules for surface water sources

The cease to pump (CtP) rules protect unregulated rivers from risks to the environment from low flows. It is the level on the river/stream at which water users need to cease pumping. There are no proposed changes to CtP rules.

This section refers to Part 6 of the Plan and “Draft Access Rules” section of the report cards.

Do you have any comments on this aspect of the draft plan?

Managing the risks of increased harvestable rights

In 2022 the volume of water that can be captured in harvestable rights dams in coastal draining catchments will increase from 10% to 30% of rainfall runoff.

This could impact on the volume of flow that reaches rivers. The plan includes a requirement that the uptake of harvestable rights will be assessed at year 3 and then access and trade rules will be reviewed if the uptake is greater than 10% of rainfall runoff.

The amendment provision can be found in Part 10 of the draft Plan

Do you think this is appropriate? Why / why not?

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Application for Aboriginal Community Development access licences

It is proposed to permit applications for Aboriginal Community Development access licences in the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Water Source.

Further information can be found in Part 5 of the draft Plan as well as the report card for the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Water Source

Do you think this is appropriate? Why / why not?

Additional feedback

The above sections relate to the key proposed changes from the current water sharing plan. However, comments on all aspects of the plan are welcome and encouraged. Please use the space below, or attachments if required or preferred.

Do you have comments on any aspect of the draft plan?

© State of New South Wales through Department of Planning, Industry and Environment 2020. The information contained in this publication is based on knowledge and understanding at the time of writing (December 2021). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.

From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
Sent: Wednesday, 23 February 2022 10:31 PM
To: DPIE Water CoffsHarbour WSP Mailbox
Subject: Submission for the draft remake water sharing plan Coffs Harbour

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: Yes

Your details

Are you making a submission as an individual or on behalf of an organisation?: Individual

Which of the following best describes the kind of stakeholder you are?: Other

If you selected other, please state: farmer not irrigating

Email address:

Question 1.1

Do you think this is appropriate? Why / why not?: This is not appropriate as both extraction limits have been set with insufficient research and modelling to ensure that they are sustainable over the long term.

Question 1.2

Do you think this is appropriate? Why / why not?: If total annual extraction is too high then it is good management to reduce extraction as needed to ensure a healthy river system that continues to support downstream ecosystems and economies such as tourism and commercial fishing. Its not just whether theres a 5% increase in the standard LTAAEL but also whether there is sufficient water available in El Nino years under a range of Climate Change scenarios.

Question 2.1

Do you have any comments on this aspect of the draft plan?: The extraction limit for the proposed water source is much greater than current water use levels. This primarily advantages horticulture activities but the draft plan does not provide any detailed data or modelling to show the impact on estuarine and nearby coastal environments. Reduced freshwater flows can very significantly effect water quality, estuarine entrance opening regimes and the extent of important fish breeding and habitat areas such as mangroves, saltmarsh and seagrass. This plan does not consider the full range of social, cultural and economic outcomes that depend on healthy downstream rivers estuaries and coasts

Question 3.1

Do you have any comments on this aspect of the draft plan?:

There is a lack of data for the Groundwater Dependent Ecosystems in the draft. The map only shows where GDEs may possibly occur. Ground truthing to describe and map GDEs has apparently not been done although the Natural Resources Commission in their review recommended that this plan should be updated to identify key GDE assets and their functions and needs. How can the draft plan sensibly propose "to prohibit works within 200m of a GDE" without knowing what and where GDEs are located. Compliance with water take laws is a significant issue and ill defined statements above like "unless it can be shown the work will have no more than minimal harm." and "Exemptions for these rules are also proposed" will lead to compliance issues

Question 4.1

Do you have any comments on this aspect of the draft plan?:

Coastal wetlands include Endangered Ecological Communities such as Coastal Saltmarsh, Freshwater Wetlands on Coastal Floodplains and Swamp Oak Floodplain Forest amongst others. Many species in these EECs are listed as threatened or critically endangered and need sufficient water flows to survive. The draft plan proposal to prohibit the granting of approvals for surface or groundwater works near a coastal SEPP is strongly supported.

Question 5.1

Do you have any comments on this aspect of the draft plan?:

New in-river dams on third order or larger streams in the water sources listed above should be prohibited due to their effect on both down stream users and the aquatic environment. The deleterious effects of these dams are likely to be very significant in times of low flow and drought years.

Question 6.1

Do you have any comments on this aspect of the draft plan?:

Changes aimed at reducing potential additional extractive stress to high-risk freshwater ecosystems is strongly supported for the reasons given in previous comments

Question 7.1

Do you have any comments on this aspect of the draft plan?:

The cease to pump rules are only effective if they are complied with. Compliance and enforcement of water extraction plans is a significant issue in this area. (Natural Resources Commission Review 2009 Summary). Examples of non compliance, lack of metering, overuse of water in other river systems like the Darling river clearly show the consequences that can be devastating for both down stream users and the environment.

Question 8.1

Do you think this is appropriate? Why / why not?:

A shift towards more intensive horticulture leads to more water being captured in farm dams (up to 30% of rainfall runoff now being allowed). This will negatively impact river flow volumes especially in times of low flow. The plan details high or very high likelihood of risk and consequence in several water catchments,. For example Korora, Double Crossing, and Station Creek are rated as having high inflow sensitivity to changes in freshwater inflows yet their extraction limits have been increased. Fertilizer runoff needs to be flushed out of the water system yet these rule changes reduce the flows needed to maintain river and estuarine health. 0

Question 9.1

Do you have any comments on this aspect of the draft plan?:

The proposal to permit up to 100 ML/year to aboriginal community development organizations is supported subject to assessment and monitoring

Question 10.1

Comments on any aspect of the draft plan:

I strongly object to the extremely large increase in water extraction proposed in this draft plan. There will be large changes in freshwater flows particularly in drier times. Water quality will diminish with smaller flows leading to very significant deleterious effects on Endangered Ecological Communities downstream and in our estuaries. Lower aquifers will harm groundwater dependent ecosystems and reduce river flows. This plan enables a narrow section of society -intensive horticulturists to benefit economically without taking sufficient account of other activities such as tourism,

commercial fishing and recreation which depend on healthy rivers and estuaries. The plan fails to take into account the full range of economic benefits and impacts that are needed to inform the setting of extraction limits. It is questionable policy to make extremely large increases in water available and then have to restrict future supply because of miscalculation or climate effects.

10.2

Upload a submission or any supporting documents:

No file uploaded

From:
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: Comments on the Draft Coffs Harbour Water Sharing Plan
Date: Saturday, 26 February 2022 3:48:18 PM
Attachments: [Water Sharing Plan for the Coffs Harbour area unregulated and alluvial water sources 2022 Hearnese submission.docx](#)
[Coffs WSP submission.pdf](#)

It appears that you have closed submissions early? Bit unfair on those of us still trying to plough our way through the documentation and make some sense out of it. Luckily I had downloaded a submission form, so here it is,

We look forward to your response to the issues raised.

Regards,

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Office use only	Submission number
-----------------	-------------------

How to fill out this form

The department is seeking your comments on the draft replacement Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022.

For general background about the draft plan development, proposed changes and the finalisation process please refer to the background and proposed changes documents. For water source specific details including proposed rules, please see the water source report cards.

Key issues and changes have been summarised in this submission form, although comment on all aspects of the water sharing plan is welcome. For water source specific details including rules, please see the water source report cards. More detailed comments are welcomed as attachments.

Send completed submissions to:

Post: WSP Comments for the Coffs Harbour Area,
Department of Planning, Industry and Environment
Locked Bag 10
Grafton NSW 2460

Email: coffsharbour.wsp@dpie.nsw.gov.au

Note: Submissions close 27 February 2022

Information on privacy and confidentiality

Submissions received by NSW Department of Planning, Industry and Environment for the proposed amendments will be considered by the department and the Coastal Water Planning and Policy Working Group to review and inform the draft amendments. The department values your input and accepts that information you provide may be private and personal.

If you would prefer your submission or your personal details to be treated as confidential, please indicate this by ticking the relevant box below.

If you do not make a request for confidentiality, the department may make your submission, including any personal details contained in the submission, available to the public.

Please note that, regardless of a request for confidentiality, the department may be required by law to release copies of submissions to third parties in accordance with the *Government Information (Public Access) Act 2009*.

I would like my submission to be treated as confidential	<input type="checkbox"/> Yes	<input type="checkbox"/> No
I would like my personal details to be treated as confidential	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

How to fill out this form			
Name			
Postal Address			
Telephone			
Email address			
Stakeholder Group <small>(please indicate which of the following best represents your interest by ticking one box)</small>	<input type="checkbox"/> Irrigation Interests <input type="checkbox"/> Fishing Interests <input type="checkbox"/> Local Govt./ Utilities	<input type="checkbox"/> Aboriginal Interest <input type="checkbox"/> Local Landholder <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Environment Interests <input type="checkbox"/> Community Member
If your comments refer to a specific water source, which one?			

Attach extra pages if required

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Long term average annual extraction limit

The replacement plan creates two long term average annual extraction limits (LTAAELs).

- The Standard LTAAEL which sets a limit on extraction from all flows except for higher flows.
- The Higher flow LTAAEL that manages extractions that can only take from higher flows.

The reason for the two extraction limits is to limit extractions from all other flows and encourage extraction from higher flows

Information on the LTAAELs can be found in Part 4 of the plan

<p>Do you think this is appropriate? Why / why not?</p>	
<p>The Standard LTAAEL includes licensed extraction and all basic landholder rights extraction including from harvestable rights dams. If there is a growth in uptake of harvestable rights that increases total annual extraction to above the Standard LTAAEL by more than 5% then there will be reduced water allocated to licenced water users in the following year.</p> <p>Do you think this is appropriate? Why / why not?</p>	

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The draft plan proposes to establish the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Water Source which contains alluvial groundwater below the tidal limit.

Further information is contained in Part 1 of the Plan and in the Coffs Harbour Area Coastal Floodplain Alluvial Water Source Report Card

<p>A long-term limit on extraction is proposed based on a proportion of recharge. Additional water for licensed take could be made available through controlled allocations. Do you think this is appropriate? Why / why not?</p>	
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Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



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<p>The plan includes rules that prohibit approval or amendment of approvals for in-river dams in water sources with high instream value or above a marine park.</p> <p>How would this impact on your current operations?</p>	
<p>Works that cause more than minimal impact to coastal wetlands are prohibited under the Plan.</p> <p>Do you think this is appropriate? If not, why?</p>	
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Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

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The trading rules are contained in Part 8 of the Plan and in the “Draft water trading (dealing) rules” section of the report card.

Do you think the dealing rules to prohibit trade with water sources within other Water Sharing Plans are appropriate? If not, what should they be and why?

Do you have any comment on the proposal to prohibit trade into water sources determined to have a high ecological value

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In 2022 the volume of water that can be captured in harvestable rights dams in coastal draining catchments will increase from 10% to 30% of rainfall runoff.

This could impact on the volume of flow that reaches rivers. The plan includes a requirement that the uptake of harvestable rights will be assessed at year 3 and then access and trade rules will be reviewed if the uptake is greater than 10% of rainfall runoff.

The amendment provision can be found in Part 10 of the draft Plan

Do you think this is appropriate? Why / why not?

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Application for Aboriginal Community Development access licences

It is proposed to permit applications for Aboriginal Community Development access licences in the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Water Source.

Further information can be found in Part 5 of the draft Plan as well as the report card for the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Water Source

Do you think this is appropriate? Why / why not?

Additional feedback

The above sections relate to the key proposed changes from the current water sharing plan. However, comments on all aspects of the plan are welcome and encouraged. Please use the space below, or attachments if required or preferred.

Do you have comments on any aspect of the draft plan?

© State of New South Wales through Department of Planning, Industry and Environment 2020. The information contained in this publication is based on knowledge and understanding at the time of writing (December 2021). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.

The Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022

General comments on the Draft CH WSP, including specific comments regarding Double Crossing Creek Water Source.

The Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 begins by stating its vision and objectives. The first vision listed for the Plan is to provide for ‘the health and enhancement of the water sources and their dependent ecosystems’. The first objective listed is ‘to protect, and where possible enhance and restore, the condition of the water sources and their water-dependent ecosystems’.

However, a significant feature of the proposed draft CH WSP is its comprehensive lack of regard for, not only environmental but also community water needs.

Specifically, there is no metering, and no gauging in some water sources, and therefore no way to understand the natural flow patterns and the impact of extraction on high flows, freshes and periods of low flow. There appears to be no mechanism to protect freshes and small floods, needed to maintain natural flow variability and ecosystem function, including estuarine, coastal and coastal lagoon berm function (in the case of Hearn's Lake). Ecosystem functions and their flow requirements are not defined, neither within stream nor estuarine and coastal ecosystems. It is possible that some of these are considered in the accompanying Risk Assessment, but the metadata used to develop the risk assessment is not available and thus the comprehensiveness of the data used for the assessment of each individual water source is unknown.

Environmental assets are not identified beyond ‘high priority’ groundwater dependant ecosystems. The process used to identify high priority GDEs focuses on terrestrial vegetation GDEs only. Wetlands are excluded! Medium and low priority GDEs are not identified. The flow requirements of GDEs are not identified. There is no assessment of groundwater – surface water connectivity.

Moreover, it is not possible to establish whether key environmental assets and ecosystem functions, their conditions or the factors driving their condition were identified. The level of assessment, if any, of the flow requirements of these assets and functions is also unknown.

The implementation of the key provision for ecosystem protection (cease to pump rules) have not been reviewed for their effectiveness in protecting the instream ecosystem or downstream environment, and their implementation is not monitored.

There is no acknowledgement or assessment of the impacts of the recent tripling of rainwater harvesting allowance (Harvestable Rights), which was established with no regard to the environmental impact, and justified by the results of a survey of ‘community members’, most of whom were landowners who stood to gain a financial windfall through this increase in water access. In fact, the NSW Government reports that the responses were dominated by landholders (88% of respondents), with a reasonable portion coming from intensive horticulture operators around the Coffs Harbour region who are keen to increase harvestable rights limits to expand their water access for commercial irrigation purposes. Harvestable Rights consultations virtually ignored environmental and non-agricultural community water users (eg. commercial and recreational fishers, other recreational users, Solitary Islands

Marine Park). The NSW Government also predicts that as a result of the increase in Harvestable Rights, “there will be more frequent periods of no flow or low river flow and reduced flushing flows”.

The accompanying WSP Risk Assessment document states that ‘In Double Crossing Creek, the use of dams to capture water from a significant proportion of the catchment for irrigation has the potential to increase the frequency of low flows and decrease the volume of freshes downstream of the dam.’ Thus, natural flow variability and therefore the dependant ecosystems will be further degraded.

While the intention of the Plan is that all ‘Basic’ rights will be subtracted from the LTAAEL, since there is no gauge and no meters, this cannot be enacted, and the potential addition of Native Title Rights is likely to extend the period of low and no flow conditions in stream even further, resulting in additional degradation of the already compromised instream and downstream environmental values.

Beyond the lack of identification of key environmental assets and ecosystem functions, there is no acknowledgement, definition or consideration of the flow requirements of non-extractive social and economic values, including downstream requirements. These values include estuarine and coastal function, water dependant industries, such as commercial and recreational fisheries, tourism, community amenity and the freshwater flow requirements of ICOLLs such as Woolgoolga Lake and Hearn Lake, and the Solitary Islands Marine Park.

Since there are no meters on pumps used to access licenced water takes, it is not possible to ensure compliance with water extraction limits, beyond onsite visits by NSW Natural Resources Access Regulator compliance personnel. Given the recent record of non-compliance within the Double Crossing Creek Water Source, a reliance on an honesty system for ensuring compliance is clearly highly exploitable and unlikely to result in water extractions remaining within the limits proposed by the Plan. Given there were 19 regulatory actions by the NSW NRAR in the CH WSP area for the years 2019 and 2020 for breaches of the Water Management Act (2000) by irrigators, it is clear that non-compliance is common, and that water sources remain unprotected by the WSP rules.

Where there is no gauge in the watercourse, there is no way to measure the impacts of climate change on river flow. While there is an allowance for Plan amendments to address longer-term water availability based on evidence of changing climatic conditions, there is no mechanism for collecting such evidence. Therefore, it is not possible to ensure that the Plan functions to protect environmental and non-extractive community needs under a range of climate change scenarios.

There is no Plan-specific monitoring, evaluation and reporting framework. This means that degradation of the aquatic components of the water source will not be evidenced, and therefore cannot be remediated.

The Risk Assessment for CH WSP classifies Double Crossing Creek Water Source as having high instream value and high hydrologic stress; high risk of insufficient base or low flows and medium risk for freshes, for freshwater riverine ecosystems; high risk of insufficient groundwater for dependant ecosystems in upstream alluviums; and high risk of insufficient low flows for estuarine ecosystems. Regardless of this knowledge, the proposed WSP will

guarantee an increase in hydrologic stress and contribute to the further degradation of the environmental values of Double Crossing Creek and Hearnes Lake.

Double Crossing Creek terminates in Hearnes Lake. Hearnes Lake and surrounds are a series of integrated wildlife habitats including Endangered Ecological Communities and Threatened Species habitats, and support species from endangered frogs, coastal saltmarsh communities and swamp sclerophyll forest, to a broad range of aquatic, migratory and predatory bird species, including the threatened Black Neck Stork, Osprey and Glossy Black Cockatoo. Its importance as a wildlife sanctuary and a major recreational resource for local communities is well documented.

Hearnes Lake includes high conservation value riparian vegetation, high conservation native vegetation, wildlife corridors and endangered wetland coastal floodplain, which is recognised by the NSW Government as breeding ground for fish crucial to the well-being of the Solitary Islands Marine Park Sanctuary zone. In addition, Hearnes Lake discharges to the ocean (when open) into the most biodiverse section of the entire SIMP. Why have the high ecological values and high ecological risks of reducing the crucial low flows and freshes to Hearnes Lake not been recognised and accounted for? Recent deaths of mangroves, swamp oak and salt marsh in the margins of Hearnes Lake have been attributed to the extraction of low and medium flows upstream of the Lake. This prevented the breaching of the beach berm and resulted in water levels in the Lake remaining abnormally high for an extended period of time, drowning vegetation along the margin. This WSP will exacerbate the extraction of low and medium flows and increase the probability of another vegetation death event.

In conclusion, The Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 is not only inconsistent with its objective ‘to protect, and where possible enhance and restore, the condition of the water sources and their water-dependent ecosystems’, it is effectively and actively antagonistic to that objective. It will lead to longer periods of no or low flow and reduce freshes which help to flush creek beds through. This will result in lower habitat and therefore biological diversity within-stream, and also in riparian and downstream habitats, degrading the very ecosystems the Plan purports to protect. It will increase pressure on the already highly impacted Hearnes Lake. It will reduce the amenity of our local waterways for community aquatic recreation, commercial fisheries and tourism, and degrade our natural spaces.

As such, the Draft WSP if implemented would contravene the objects of the Water Management Act (2000), namely:

3(b) to protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality, and

3(c) to recognise and foster the significant social and economic benefits to the State that result from the sustainable and efficient use of water, including: (i) benefits to the environment, and (ii) benefits to urban communities, agriculture, fisheries, industry and recreation.

From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
To: DPIE Water CoffsHarbour WSP Mailbox
Subject: Submission for the draft remake water sharing plan Coffs Harbour
Date: Thursday, 3 February 2022 10:20:59 AM

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: No

Your details

Are you making a submission as an individual or on behalf of an organisation?: Individual

Which of the following best describes the kind of stakeholder you are?: Community member

If you selected other, please state:

Email address:

Question 1.1

Do you think this is appropriate? Why / why not?: This seems to be another example of greed and unnecessary taking from the environment after decades of mismanagement by local, state, and commonwealth agencies. All environments adapt from low and high levels. To state the obvious, that is how it has evolved over millions of years. Most of the damage from mismanagement can't be returned. Don't continue to make the same greedy mistakes of the past.

Question 1.2

Do you think this is appropriate? Why / why not?: That description above begs the obvious question - then WHY DO IT ? Why allow higher extra tone year, to then be punished and disadvantaged the following year ?? Ridiculous !! Where is the consistency for producers AND the environment ?

Question 2.1

Do you have any comments on this aspect of the draft plan?:

Rubbish. These are predictions and estimations - and these always result in unexpected repercussions which the agencies then cover up or apologise for - "we didn't expect that to happen". .

Question 3.1

Do you have any comments on this aspect of the draft plan?:

Unbelievable - no more than minimal HARM . . . It's still harmed - you know it's going to be yet are still planning to go ahead ?? Incredulous. And there may be exemptions so there's always the opportunity to create greater harm. There's going to be a train wreck, but there'll only be minimal casualties - so that's ok.

Question 4.1

Do you have any comments on this aspect of the draft plan?:

Same issues - there will be harm.

Question 5.1

Do you have any comments on this aspect of the draft plan?:

Question 6.1

Do you have any comments on this aspect of the draft plan?:

Reduce stress to sensitive waterways - again, you are confirming there will be stress and you will need to manage it - but you can't and have failed previously.

Question 7.1

Do you have any comments on this aspect of the draft plan?:

How is this policed in any serious way. Really ?

Question 8.1

Do you think this is appropriate? Why / why not?:

Unbelievable to think you're prepared to risk the rivers and associated areas - why do it when you're predicting risk and harm ? Give it 3 years the have a look - maybe too late by then for some areas. X

Question 9.1

Do you have any comments on

No group should contribute to harm - that's certainly not how Indigenous

this aspect of communities have survived and thrived throughout history.
the draft
plan?:

Question 10.1

Comments on any aspect of the draft plan: Disgraceful that this plan predicts harm but is planning to go ahead anyway. ..

10.2

Upload a submission or any supporting documents: No file uploaded

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Office use only	Submission number
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How to fill out this form

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I would like my submission to be treated as confidential	<input type="checkbox"/> Yes	<input type="checkbox"/> No
I would like my personal details to be treated as confidential	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

How to fill out this form			
Name			
Postal Address			
Telephone			
Email address			
Stakeholder Group <small>(please indicate which of the following best represents your interest by ticking one box)</small>	<input type="checkbox"/> Irrigation Interests <input type="checkbox"/> Fishing Interests <input type="checkbox"/> Local Govt./ Utilities	<input type="checkbox"/> Aboriginal Interest <input type="checkbox"/> Local Landholder <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Environment Interests <input type="checkbox"/> Community Member
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From:
Sent: Sunday, 27 February 2022 1:54 PM
To: DPIE Water CoffsHarbour WSP Mailbox
Subject: SUBMISSION DRAFT WSP 2022
Attachments: BEC SUMISSION WSP 2022 DRAFT 260222 copy.docx

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

RE: Submission Draft WSP 2022

The Bellingen Environment Centre has been operating since 1990 across the region. We join with the IPA(Intensive Plant agriculture Inc), Communities Voices for Water who have expressed their grave concerns about the deteriorating state of Coffs Harbours water sources and we still continue this outreach support work in the Coffs Harbour area.

Please find attached to this email our submission for the Draft WSP 20222.

Yours in Connection
For the Earth

Chairperson Bellingen Environment Centre

BELLINGEN ENVIRONMENT CENTRE Inc

4/1 Church Street Lane Bellingen 2454 PO Box 461 ABN 12 164 311 446

Dedicated to the conservation of the natural environment of the Bellinger Valley since
1990

To Whom it May Concern,

Re: We strongly oppose the Draft Water Sharing Plan for the Coffs Harbour Area Unregulated Alluvial Sources 2022.

For the following reasons:

The Environment is not a special interest, everyone has a stake in a Water Source. There are six Endangered Ecological Communities listed in the North Coast Region Bio Region. The current proposal to extract massive amounts of water from local sources, more than ten times greater than the previous decade will be disastrous for these fragile eco systems.

Firstly, no provisions for Environmental Water under the 2022 plan, nor the 2009 plan, despite recommendation for such in "Review of the Water Sharing plan for the Coffs Harbour Area Unregulated and Alluvial water sources 2009", published by NRC in April 2020.

Coffs Coast is officially the first, certified eco-tourism destination in NSW. This means that Coffs Coast has met 100 points of accreditation and proven a strong, well-managed commitment to sustainability and high-quality nature-based tourism. The Solitary Islands Marine Park is the oldest Marine Park in NSW and is home to one of the largest populations of endangered grey nurse sharks in Australia. These Water Sources are the well-spring of residents' lives and have invaluable regional economic and cultural significance.

Consultation with the Traditional Custodians, The Gumbaynggirr Nation is inadequate. The report gives no clear indication to the nature of Aboriginal Consultation which is referenced to have occurred, besides the mention of, a single meeting in November, furthermore stakeholders are not clearly outlined, number of parties present, or various organisations they may represent. It is alarming that; no Native Title Licenses were granted under the previous plan or within the new proposed plan. This would appear to be at odds with the " Targeted Aboriginal Cultural Objectives" (P27 Article 12 of 2022 draft WSP.

There are major ongoing problems with Compliance and Enforcement which were not addressed in the 2009 Plan and remain problematic. Non compliance with licensing rules with irrigators, has been highlighted as frequently occurring on the NSW Mid North Coast. Monitoring of extraction is impossible without gauges suitable to measure low flows and managing access to flows at certain locations. The Bellingen Environment Centre expects a smart metering program and

implementation of digital technology to improve data capture, maximising the accessibility and distribution of data.

Compliance can be rectified by limiting daily extraction limits, thereby protecting river catchments and Estuarine health. Ground water dependent (GDE) eco systems data and information is lacking within the plan and either lowering or increasing ground water levels has the potential to modify groundwater (GDE)structure. High priority (GDE) is not identified or described within the plan. There is a high volume of water dependent threatened or endangered flora and fauna species under the EPBC Act 1999.

Furthermore, if the significance of Groundwater systems which interact with the Marine Environment and other terrestrial Eco Systems are not properly addressed, it would appear to be in breach of the Marine Estate Management Act 2014, The EPA Act 1979, the EPBC Act 1999 and the TSC Act 1995.

The increase in Harvestable Rights from 10 to 30% is based on Insufficient, Patchy Data and Consultation that largely did not occur in the local area.

The modelling within this report is incomplete and only includes data from ONE out of the TWELVE water sources in the Coffs catchment, Woolgoolga creek.

“Ecological flow requirements vary considerably between different rivers and catchments; however, for this study, no detailed ecological investigations were undertaken to assess the relative impacts of the harvestable rights scenarios on water available for the environment”

90% of respondents in the Coastal Harvestable Rights review Survey were stakeholders who had expressed a prior desire to increase their own harvestable rights on their land.

No Current data was available assessing the risk of Groundwater Quality changes to both the Environment and Water users.

Acid Sulphate Risks are clearly not adequately assessed under the draft WSP 2022.

The DRAFT WSP offers no assurances that reducing the flows is safe, in the context of exposing acid sulphate soils which are known to occur along the coastline of the entire catchment.

- *The department does not ground truth acid sulphate soils and the current acid sulphate maps are over ten years old.*
- *The Audit undertaken in 2014 (of the 2009 WSP) appeared to contain no data points, calculations, tables or any figures.*
- *Coastal Climate Change Risk Assessments not prepared at time of community consultation.*

How can the Monitoring, Evaluation and Reporting (MER) framework happen when the framework was not completed at the time of community consultation?

The Bellingen Environment Centre recognise, the predicted impact of Climate Change and the expected reduction in water availability of the future. We support Community efforts to reduce water consumption through the provision of resources, education programs and incentives to encourage uptake of water efficiency measures. The natural environment of the Coffs Coast Region is highly valued by the Community. The Community anticipate that the Bellingen Environment Centre ensures that Water Resources will be used sustainably. The Bellingen Environment Centre expects the DPI to include water efficiency targets and implementation actions to address the license requirements.

In conclusion, the Bellingen Environment Centre has found that there is inadequate provision for the protection and long-term sustainability of all water sources within the Coffs Coast Region. There are already significant impacts to coastal lakes and estuaries from water extraction and pollution. These fragile ecosystems are on the frontline of this intensive agricultural experiment. If we do not manage our waterways sustainably the draft WSP 2022 will put the Solitary Islands Marine Park in grave danger of irreversible harm. It will also put the significance of the Coffs Harbour Council's hard won Eco Tourism status in jeopardy.

We are in a Climate Emergency and the content and lack of thorough, inclusive consultation with first Nations Communities and all stakeholders, and the broader community is entirely lacking. It is Water NSW responsibility to ensure there is adequate water to sustain all life forms for future generations. Without Water there is no life!

Yours in connection

For the Earth

Chairperson for the BEC

Bellingene@gmail.com

We acknowledge the Aboriginal custodians of the land in the region where we live and work, the Gumbaynggirr people, and Elders past and present.

From:
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: Clarence Environment Centre's submission to Coffs Water Sharing Plan
Date: Sunday, 27 February 2022 4:39:20 PM
Attachments: [Submission to the Draft Coffs Water Sharing Plan.pdf](#)

Dear DPIE team

Please find attached, the Clarence Environment Centre's submission to Coffs Harbour Water Sharing Plan.

When I clicked on the "make a submission" button, I received a message saying the page was unavailable. Therefore, in the event that I have sent this to the wrong address, please forward it to the appropriate officer/s.

Regards
Honorary Secretary
Clarence Environment Centre



CLARENCE ENVIRONMENT CENTRE Inc

87-89 Skinner Street
South Grafton 2460
Phone/ Fax: 02 6643 4611
Web site: www.cec.org.au
E-mail: admin@cec.org.au

Date: 27th February 2022

Submission

to the

Draft Water Sharing Plan for the Coffs Harbour Area

Introduction

The Coffs Harbour District Water Sharing Plan has attracted our attention because it is supposed to address the extreme pressures on water supplies from an unregulated intensive horticultural industry. Of course, that industry isn't restricted to the coastal rivers of the Coffs Coast, but is now rampant in the Orara Valley hinterland, and spilling across the Dirty Creek range into the Clarence Valley. It is what is happening there that is having serious impacts on river flows and water quality in the Clarence River catchment.



This is what the Orara River looks like every time there is any rain heavier than a drizzle

Therefore, this opportunity to comment provides us with an opportunity to identify what we see as glaring deficiencies in this water sharing plan specifically.

Main concerns

Only months ago, the harvestable right of landowners along coastal NSW, was tripled, allowing them to retain 30% of all rainfall run-off on their properties. Unfortunately, as the regulators have discovered over the past three years, some 80% of horticulturalists in the Coffs Harbour area are already breaching water use rules. i.e., stealing water. Allowing a 200% increase in harvestable rights simply legitimises that theft.

Potentially, that capture on-farm of almost one third of the rainfall run-off will significantly reduce river flows, a fact acknowledged in the Plan, and something we had hoped to see addressed in this Water Sharing Plan when it states: ***“This document provides high-level background information on the planning process and details the changes proposed in the draft plan from the management arrangements in the current plan”***.

Imagine our surprise therefore, when reading the published FAQs; specifically: ***“What changes are being proposed to rules governing water take?”***, to see the response: ***“No changes are proposed to current rules governing water take”***!

As we see it, in an area suffering from water stress as a result of over-extraction, the DoPIE has not only failed to reduce extraction rates, but has allowed an extra 20% of run-off to be captured before it even reaches the rivers.

That decision, which can, at best, only be described as highly irresponsible, is compounded by the retention of the ruling that allows licence holders to continue to pump water out of those rivers as long as, ***“there is a visible flow at your pump site”***.

In short, the Draft Plan makes a bad situation worse because, combined with changes to harvestable rights, it has legitimised the water theft that led to the problem in the first place.

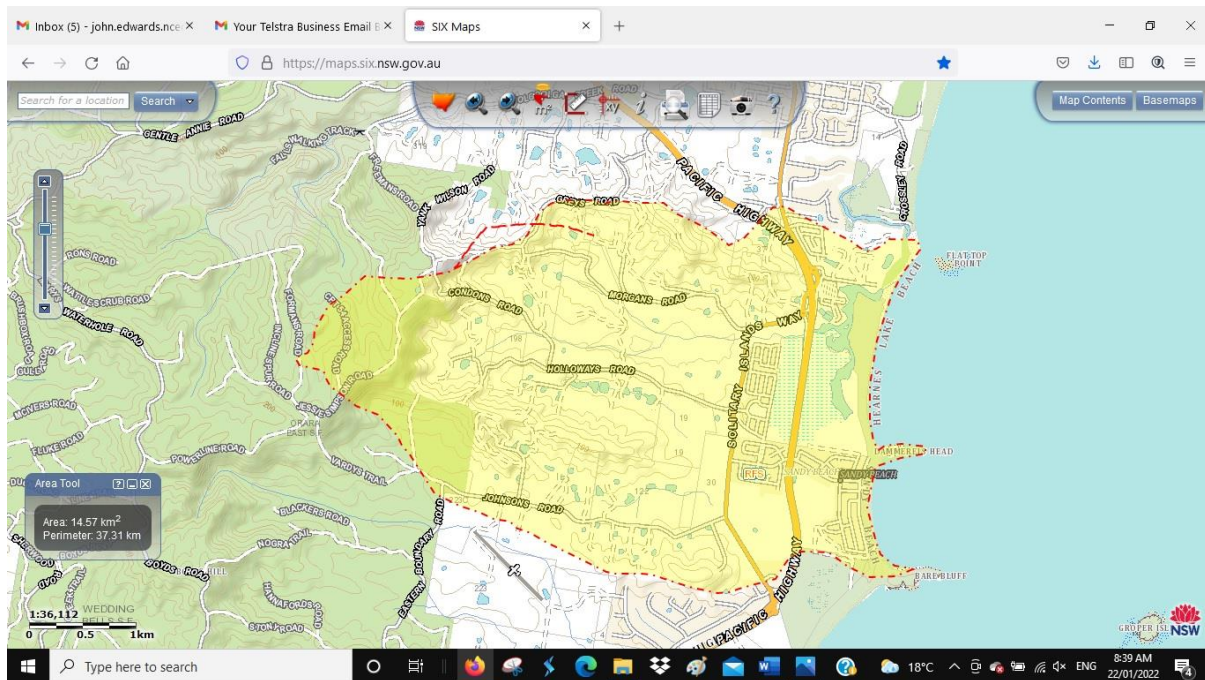
Even more concerning is the fact that, nobody knows how much water is being captured in farm dams, Not the DoPIE, the Access Regular, or local Councils, and all because nobody has been prepared to regulate the horticultural industry. It has not been for lack of warning. Our own organisation begged authorities to act on regulation more than fifteen years ago, over illegal land-clearing that resulted in massive erosion and pollution of Dundoo Creek.



Cleared forest at Halfway creek, where massive erosion polluted Dundoo Creek, and the Orara River

The then Interagency Blueberry Advisory Group came to the same conclusion 5 years later, identifying a raft of problems right across the spectrum, but again, no action was taken. The Clarence Environment Centre's pleaded with the planning minister at the time, asking that intensive horticultural operations be required to present an EIS and a comprehensive water management plan for approval. He responded with the 'gob-smacking' statement that he was not in favour of regulation because it would encourage non-compliance!

A Case Study



The above Six Maps screenshot shows the relatively tiny, 1,500 hectare, Double-Crossing Creek catchment area, where intensive horticulture has proliferated in recent years. There are some 55 farm dams in that catchment, guaranteeing that there will be no flows in the main creek lines unless there is a major rainfall event. Now, those dams can apparently be legally enlarged to three times their current capacity, or alternatively, another 110 dams of similar size could be built to contain the increased harvestable rights. This situation should never have been allowed to occur.

Recommendations

We believe there needs to be an immediate embargo placed on all new intensive horticultural development, pending a thorough review of water availability and current usage, with minimum environmental flow levels determined for all waterways. Attaining those environmental flows should be a long-term goal, achieved by water efficiency measures, reduced orchard size, or natural attrition (economic failure of non-viable orchards), and possible licence buy-backs.

We also recommend that consideration be given to reversing the decision to increase harvestable rights across the board. This should include acting to legalise any currently non-complying dams. i.e., reducing capacity to previous legal levels.

All orchards should be required to prepare and present drought strategies for approval.

All pumps, even out of farm dams must be metred, and extraction rates randomly monitored to ensure harvestable rights are not exceeded.

In catchments such as Double-Crossing Creek, where there is clear evidence of excessive water extraction, albeit probably legal because of past regulatory failures through over allocation etc, water usage must be closely monitored.

We thank the Department for the opportunity to comment and, as usual, hope that some of the issues we have raised will be addressed.

Yours sincerely

Honorary Secretary

From: [Clarence Valley Conservation Coalition](#)
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: Submission on Draft Water Sharing Plan for Coffs Harbour Area
Date: Sunday, 27 February 2022 10:28:19 PM
Attachments: [SubmissionOnDraftWaterSharingPlan,CoffsHarbour27-2-22.pdf](#)

Attached is a submission from the Clarence Valley Conservation Coalition on the Water Sharing Plan for the Coffs Harbour Area. Would you please acknowledge receipt of this submission.

Hon Secretary



Clarence Valley Conservation Coalition (CVCC)

| clarencevcc@gmail.com
| <http://clarencevalleycc.blogspot.com/>
| facebook - Clarence Valley Conservation Coalition
| phone - President, Secretary, Leonie Blain



27th February 2022

**Submission on the
Draft Water Sharing Plan for the Coffs Harbour Area
Unregulated and Alluvial Water Sources**

The Clarence Valley Conservation Coalition (CVCC) is a community group based in the Clarence Valley. Formed in 1988, the CVCC has been involved with environmental issues – both locally and beyond – since that time. It has had a long-term interest in water and its management and the maintenance of riverine health in our local area and further afield.

The CVCC, along with other community groups and individuals, has for years been concerned about the unsustainable use of water that has been associated with the unregulated intensive horticultural industry in our area. It is obvious to us that the former Water Sharing Plan for this area was totally inadequate in dealing with the expansion of the blueberry industry as was for many years the level of monitoring and compliance by the state authorities responsible for ensuring the health of our rivers and streams¹.

Brief Comments on the Some of the Changes Listed in the Fact Sheet

a) Addition of a new water source – Coastal floodplain alluvial groundwater: How strongly based on scientific evidence is the inclusion of this new water source and its annual long-term annual extraction limit of 625 ML?

b) Water Supply Works Approvals – Prohibitions

The CVCC supports the prohibition of:

- i) construction or amendment of in-river dams in water sources that either have high ecological value or are upstream of or include parts of the Solitary Islands Marine Park. Furthermore the CVCC urges that in-river dams be prohibited on **all** third order streams throughout the area of the Water Sharing Plan.
- ii) the granting or amending of water supply work approvals where there will be more than minimal impact on Coastal SEPP wetlands in water sources where they exist. Furthermore the CVCC is concerned about how the minimal impact level is determined and the strength of the scientific evidence on which this has been based.
- iii) groundwater works on land classified as having a high probability of occurrence of acid sulfate soils.

c) Access and Trade Rules – Trade not permitted between disconnected water sources or into areas of high ecological value or ecological stress : The CVCC supports this provision.

¹ It was only towards the end of 2020 that state authorities finally started serious investigation of issues that had been drawn to their attention for years – as a report in *The Sydney Morning Herald* on September 21, 2020, noted: <https://www.smh.com.au/environment/sustainability/rampant-expansion-of-blueberry-farms-trigger-compliance-crackdown-20200919-p55x7q.html>

d) Impacts of increased harvestable rights - The CVCC strongly opposed increasing harvestable rights in coastal catchments in its submission in May 2021 to the review into this matter. Obviously the likelihood that increased harvestable rights would have a serious impact on water availability and the health of waterways and aquifers should have prevented the ill-considered changes which were adopted last year. This was a further case of “bending over backwards” to further please those in an over-developed and unsustainable industry who have minimal interest in the long-term health of the land they are mining or the waterways they are destroying. This plan to act when the over extraction inevitably occurs is a case of “shutting the stable door after the horse has bolted” and is another example of far too little, too late.

Improving Water Management in the Coffs Harbour Area

The following are some of the measures the CVCC believes will be essential in order to improve managing water access and sharing in the Coffs Harbour area as well as in maintaining healthy waterways:

- Appropriate resourcing (staffing and financing) of regulatory authorities and those undertaking further scientific studies to increase understanding of the natural systems which provide the water resources.
- Metering of pumps.
- Regular random monitoring of water use and on-farm dam structures and capacities.
- Effective compliance of all regulations to ensure that the abuses of recent years do not occur again.
- Progressively wind back the increase in coastal harvestable rights.

Hon Secretary

From:
To:
Cc: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: CHDLALC Submissions for Draft water sharing plan for the Coffs Harbour Area. Friday,
Date: 4 March 2022 12:30:45 PM

Importance: High

Thank you for your reply and the information sheet.

It's unfortunate we have not been granted the extra week for comments (The floods have taken out a few days this week).

Coffs Harbour and District Local Aboriginal Land Council request for an ongoing working relationship going forward with DPIE Water, as a minimum it would be good to meet twice a year to speak about monitoring DPIE Water Operations, potential changes in policy, and the Implementation of Cultural Recommendations – Would Water DPIE agree?

Coffs Harbour and District LALC Cultural Recommendations and Submissions from Review of Water Sharing Plan:

- An increase in Harvestable Water rights from 10% to 30% should trigger the need to reduce river and aquifer extraction limits over time as new dams are built or expanded. Will a condition be placed on existing River/Aquifer water extraction license holders looking to expand their harvestable capacity beyond 10% to reduce their river/aquifer extraction? What is DPIE Water's strategy of balancing out the take and capacity from water sources with the incremental implementation of more dams and less water capacity in the rivers. Will there be educational programs? Operational programs? Targets for a reduction in River/Aquifer Extraction over time? CH&DLALC could assist with Local Elder Groups generating cultural content as required.
- The Harvestable Water Rights Increase from 10% to 30% gives direct cause to the heightened potential of adversely impacting traditional cultural heritage of Gumbaynggirr People via ground disturbance and earthworks based activities. These alterations made in policy by DPIE Water make DPIE Water liable and responsible for such cultural impacts and damages shall they occur. We request that the developers and implementers of the new water sharing plan and harvestable water rights make reasonable efforts in liaising with Local Government Councils and agencies – to prompt the implementation of new measures in Local Environmental Plans and Local Council Procedures that protect/minimize impacts to Aboriginal Cultural Heritage that would potentially be caused by an increase in water storage, dam construction and water extraction projects – which includes conditions on all landholders of cultural heritage assessment to be included for dam construction/s over 10% harvestable water rights. What this looks like >> Harvestable Rights Dam Construction is to be included in all Local DA Listings and notification processes for that LGA and DA Listings be issued directly to Local Aboriginal Lands Council's – giving the opportunity for desktop assessment and further cultural heritage consultation/s – which may if warranted lead to further cultural protections/measures based on the project locations cultural sensitivity.
- Could you please provide information on the extent, scale and frequency of compliance reporting that NRAR provide DPIE Water each month/year etc? CHDLALC would like some disclosure on the reports if possible? Who would be the local point of contact for the NRAR representative of Coffs Harbour WSP?

- Clause 8 (a) – Include additional words “the health, **[preservation, protection]** and enhancement of the water sources.”
- Clause 8 (c) – Include additional word “provide for the spiritual, social, cultural and ecological benefits of water **[sources]** to Aboriginal Communities”
- Clause 9 (a) – Include additional words “to protect, **[preserve, maintain]**, and where possible enhance and restore the condition of water sources.
- Clause 9 (c) – Include additional words “water sources” – Could you include also the wording of the old objective in 2009 WSP – Clause 10 (b) – protect, preserve, maintain or **[where possible]** enhance the Aboriginal, cultural heritage values of these water sources. – It captures our cultural values better.
- Clause 10 (e) – Please Include additional Wording >> manage the construction and use of water supply works to minimize impacts on groundwater **[and surface water]** dependent culturally significant areas.
- Clause 10 (f) – Please include - Third order **[and second order]** or higher streams.
- Clause 10 (j) – Please include – manage access to water consistently with native title rights **[except for commercial mining uses]**.
- Clause 10 (k) – Please include – provide, **[protect and preserve traditional water sources]** associated with Aboriginal Cultural Values
- Clause 11:1(c) – Please include – Aboriginal Cultural Benefits **[and cultural heritage preservation]**.
- Part 6 Div 3 Clause 29:2 (a) In-River Pools – Clause 29:1 should apply to this.
- Part 6 Div 3 Clause 30:1 – All River Water Sources in Coffs Harbour Water Sharing Plan need to be listed here and Clause 30:2 to apply to it.
- Part 6 Div 3 Clause 31:1 (a) (i) – Fruit washing should be the only exemption if any to Clause 29 and 30 – (a)(ii, iii, iv) – Must not have an exemption and should be using Dam/Tank Water or recycled/reclaimed water for washdown purposes.

The change of the above wording is important to capture a fuller sense of cultural values.

Please consider carefully the advice and recommendations CH&DLALC and Garby Elders have collectively provided – we also like to have our finger on the pulse when it comes to water in Gumbaynggirr Country, so the sooner we form and demonstrate a trusted working relationship with DPIE Water and NRAR the better outcomes it will have for all parties, the community and Gumbaynggirr Country.

Kind Regards,

Yarri Yarrang



Coffs Harbour and District
Local Aboriginal Land Council
PO Box 6150 Coffs Harbour NSW 2450
02 6652 8740

**Coffs Harbour
& District LALC**

Gumbaynggirr — Ngjyaala junga-ngarraanga Girrwaanbi-biin gungangulam wajaarrqundi gilinggal-wangaan-will.

I acknowledge the traditional custodians of country throughout Australia and their continued connections to land, water and community.

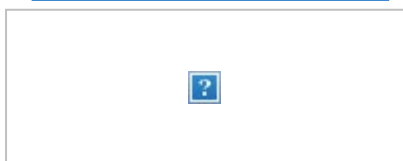
I pay my respects to Elders past and present of the Gumbaynggirr nation where I live and work.

From:
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: Coffs Harbour City Council Submission to the Draft Coffs Harbour Water Sharing Plan
Date: Thursday, 24 February 2022 12:08:07 PM
Attachments: [image001.jpg](#)
[Cover Letter Draft Water Sharing Plan Feb 2022.pdf](#)
[Coffs Harbour City Council Submission to the Draft Coffs Harbour Water Sharing Plan Feb 2022.pdf](#)

Please find attached cover letter and submission.

Regards,

Team Leader Biodiversity, Coastal & Flooding
Local Planning | Coffs Harbour City Council
| W: www.coffsharbour.nsw.gov.au | [@coffscouncil](#)



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COFFS HARBOUR CITY COUNCIL



24 February 2022

Coastal Water Planning Team
Department of Planning and Environment–Water
Locked Bag 10
Grafton, NSW 2460
coffsharbour.wsp@dpi.nsw.gov.au

To the Coastal Water Planning Team,

Re: Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022

This submission has been prepared by Council officers at Coffs Harbour City Council, for lodgement with the NSW Department of Planning and Environment as a response to the draft replacement Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022. The consultation period closes on 27 February 2021.

Council thanks the NSW Government for the opportunity to provide input into the review. The attached submission contains a number of matters which Council requests are taken into consideration during the development of any amendments.

Please contact myself at sally.whitelaw@chcc.nsw.gov.au if you require any further information.

Yours faithfully

Team Leader Biodiversity, Coastal & Flooding

**SUBMISSION BY COFFS HARBOUR CITY COUNCIL TO THE DRAFT REPLACEMENT
WATER SHARING PLAN FOR THE COFFS HARBOUR AREA UNREGULATED AND
ALLUVIAL WATER SOURCES
February 2022**

General

This submission has been prepared by Council officers at Coffs Harbour City Council, for lodgement with the NSW Department of Planning and Environment as a response to the Draft Replacement Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022. The consultation period closes on 27 February 2022.

Council understands that the NSW Government is has prepared a draft replacement water sharing plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 that seeks to set out locally appropriate rules and management arrangements for specific water sources that align with the principles of the *Water Management Act 2000*.

Natural Resources Commission (NRC) Independent Review.

Council noted the NRC independent review and in particular that advice that: *'There is a significant amount of work required to address these recommendations –due to the risks to the unique environmental, social and economic values of the Coffs Harbour Plan area, the Commission encourages appropriate funding and resourcing to address these issues.'*

While Council understands that there are timeframes and deadlines associated with the delivery of a new plan, it is disappointed that resourcing was not allocated to fill the knowledge gaps and the noted limited evidence which means the current plans impacts are not fully understood. Council recommends that provisions remain available for an interim review and update of this plan as more up to date data and information comes available in the coming years.

Coastal Management Programs (CMPs)

Council is at various stages of developing Coastal Management Programs (CMPs) under the *Coastal Management Act 2016* for all of its major estuaries in the Local Government Area. Through these plans, modified freshwater flows, agricultural landuse and water extraction has commonly been raised as one of the biggest threats to water quality and estuary health. This is further exacerbated by Coffs Harbour's short steep catchments, paired with its small and fragile Intermittently Closed and Opened Lakes and Lagoons (ICOLLS) and the importance of the adjoining Solitary Islands Marine Park. As this has been such a high priority issue for our community and coastal management stakeholders, Council has been closely following the Water Sharing Plan process in anticipation that this plan would go some way towards addressing these key issues, particularly in light of the NRC report.

Due to the lack of data, and based on community feedback, Council remains concerned that the current level of water take from these coastal streams is not sustainable. Moreover, insufficient modelling, data and information has been sourced to support proper long term decision making. Impacts from current water take and trends on downstream habitats, biodiversity, recreational value, estuary and entrance hydrodynamics are not well understood, particularly when overlaid with increasing climate change complexities.

Further, through the Coastal Management Program consultation process, both Government Agencies and the community have raised significant concerns regarding changed estuary entrance dynamics. Anecdotal evidence suggests that both fluvial and marine sediments are progressively building up in the estuaries with a limited capacity to be flushed out due to lack of catchment flow. There are strong views within the Coffs Harbour community that estuary entrances are remaining closed longer, or closing more rapidly than in the past due to lack of catchment flow and increased upper catchment water storage. While Council understands the complexities with this issue, more data and information should be attained to better understand estuary entrance dynamics and how they are impacted by upper catchment water harvesting and use.

A Sustainable Long Term Average Annual Extraction Limit (LTAAEL) and Flow Classes

Council notes that the draft plan includes an amendment provision to move to sustainable extraction limits should they be developed in the term of the plan. Council is supportive of this amendment and understands that some metering information will be available on the coast from December 2023. However, Council is not supportive of the removal of total and individual daily extraction limits in favour of water being able to be extracted up until there is no visible flow at set locations. Allowing water to be extracted up to the point of no visible flow denies adequate environmental water for downstream (and instream) fragile coastal ecosystems and is contrary to s10(d) of the plan which lists as a strategy for reaching the objectives of the Plan to, *'reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including connectivity between tidal pools and estuaries.'*

The Draft Regional Water Strategy: North Coast recognises that many of the region's rivers are under high hydrologic stress and are affected by poor water quality and that there has been a shift towards intensive horticulture that requires irrigation as opposed to rain fed crops.

To rectify this data gap and reduce the current high hydrologic stress as identified by the Draft Regional Water Strategy, Council is supportive of the work to review the Coastal Hydrometric Network and hopes that gauges will be installed within the Coffs Harbour area to improve decision making.

Council notes that although the total entitlement limits have not increased in the draft plan, these entitlements were not, in reality, fully utilised back in 2009 as the majority were held by lower water users such as graziers and banana farmers. With the rapid intensification of land use in the area via the expansion of horticulture, water usage has increased with many of these entitlements being divided among multiple properties with higher water requirements. A recent audit of water users in the region by the Natural Resource Access Regulator (NRAR) found high levels of non-compliance with unauthorised water extraction particularly among intensive plant agriculture operations. Once metering is introduced and a more accurate estimate of extraction obtained, Council recommends that a review be conducted 3-5 years into the revised plan.

Council further notes that the reference points to determine flow can be some distance from the sites of water extraction. It is recommended that signs be installed at these reference points that indicate the flow class. These could be updated by the community and communicated easily by way of various community networking channels. Alternatively, an

SMS network could be developed by the department that notifies licensees when a change occurs to a flow class.

Harvestable Rights

It is noted that as part of the implementation of the increase to harvestable rights in coastal draining catchments, a catchment-based assessment will be done to determine the appropriateness of the 30% limit on the capture of average regional rainfall runoff.

Council is very concerned on the impact to the downstream environment from any changes to harvestable rights, particularly to sensitive estuaries which are already under stress from modified freshwater flows, agricultural land use and water extraction.

Council notes the proposed amendment to enable the plan to be changed if there is significant uptake of additional harvestable rights and understands that there will be a requirement to register dams to allow the risk to be evaluated. While Council is supportive of the amendment, further thought needs to be undertaken as to how the review will be done as relying on self-reporting is not adequate for an issue with such potential negative ramifications.

The Water Sharing Plan should be reviewed in light of any changes to harvestable rights.

Water Supply Works

Council is supportive that no new in-river dams on a third order or higher streams be constructed and hopes that this will be applied to existing unauthorised dams.

Council also supports the no new approvals of water supply works where there will be more than minimal impact on coastal wetlands mapped under the *State Environmental Planning Policy (Coastal Management) 2018* (Coastal SEPP), and no groundwater works on land classified as having a high probability of occurrence of acid sulfate soils. Council recommends that the term 'minimal impact' be clarified and linked back to the provisions of the Coastal SEPP for consistency.

The support of the proposed amendments to the Water Supply Works is due to the high ecological values surrounding and within the water source, and that all the water sources flow into the Solitary Island Marine Park.

Groundwater-Dependent Ecosystems (GDEs)

Council understands that map of GDEs has been created and supports the amendments that restrict or prohibit new water supply works (bores) within specified distances of the groundwater-dependent ecosystems.

Council requests the GIS and metadata for this map for use in land use planning applications. It is noted that this map still refers to the now superseded SEPP 14 wetlands and believes that this should be updated to include the coastal wetlands from the *State Environmental Planning Policy (Coastal Management) 2018*.

Review Period

It is noted that the last plan came into effect in 2009, given the current high hydrologic stress being experienced by these coastal waterways as recognised by the Draft Regional Water

Strategy, the rapidly changing horticulture industry and hopefully the introduction of gauges to inform decision making, Council recommends an interim review of 3-5 years for this next plan.

Conclusion

While Council understands that there are timeframes and deadlines associated with the finalisation of the new water sharing plan, Council notes that both the Draft Regional Water Strategy and the NRC independent review recognised the importance of improved data collection as *'a better understanding of how changing water needs may impact the region's water resources is critical to ensuring these resources are managed sustainability into the future'* (Draft Regional Water Strategy, 2021). Council supports the need for improved data collection and wishes to impress the need for this to inform all future reviews of the plan.

Council is supportive of amendments and actions to preserve and improve the natural environment and to manage water resources sustainably into the future.

From: FEA <forestecologyalliance@gmail.com>
Sent: Sunday, 27 February 2022 11:43 PM
To: DPIE Water CoffsHarbour WSP Mailbox
Subject: RE: Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 - FEA Submission (Online Form also forwarded)
Attachments: FEA Submission DPIE Water Extraction (Word).docx; FEA Submission DPIE Water Extraction (PDF).pdf

Follow Up Flag: Follow up
Flag Status: Flagged



forestecologyalliance@gmail.com

26 February 2022

FOREST ECOLOGY ALLIANCE (FEA) SUBMISSION

to Department of Planning, Industry and Environment
re: DRAFT Water Sharing Plan for Coffs Harbour Area Unregulated and Alluvial Water Sources 2022.

WSP Comments for the Coffs Harbour Area,
Department of Planning, Industry and Environment Locked Bag 10
Grafton NSW 2460
Email: coffsharbour.wsp@dpie.nsw.gov.au

Introduction

The Forest Ecology Alliance (FEA) is strongly opposed to the DRAFT Water Sharing Plan for Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 as it does not prioritise environmental protection. It is crucial to maintain healthy waterways if we are to protect all existing thriving ecosystems.

Since colonisation, waterways in the Coffs Harbour area have been damaged, escalating biodiversity loss. The proposed 2022 Water Sharing Plan does not incorporate a course of action to attempt to repair past mistakes and encourage recovery. Instead, it increases allowable water extraction from 10% to 30% without addressing the added risk of irreversible harm to fragile ecosystems.

Forest Ecology Alliance (FEA) is an environmental organisation based on the Mid North Coast of New South Wales.

Group members are ecologists, botanists, citizen scientists and local residents who work together with the aim to safeguard Country and mutually support other community organisations.

FEA works towards the conservation of native forests, waterways and biodiversity on Gumbaynggirr homelands.

FEA members primarily conduct field studies in local forests, co-ordinate citizen science ecological surveys, compile data and produce reports. FEA lobby, make recommendations and attempt to negotiate with various organisations and stakeholders (eg. Forestry Corporation of NSW and NSW Environmental Protection Authority).

FEA works to educate our community about forest management and protection through information stalls, media releases and arranging public forest appreciation events. FEA are a non-exclusive alliance and we are not affiliated with any political party.

FEA are concerned that the proposed Coffs Harbour Water Sharing Plan could directly add to catastrophic environmental impacts in the Coffs Harbour area.

WaterNSW have long quoted that, “Water is Life”. Since the previous Water Sharing Plan of 2009, extensive environmental research has concluded that there is an urgent need to protect all natural waterways, floodplains and riparian zones from further deterioration. FEA find it difficult to comprehend that DPIE intend to allow vastly increased water extraction and thereby escalate known negative impacts.

It cannot be understated that we are facing an extinction crisis. FEA members have directly observed how **climate change** is adversely affecting headwater and stream flow in catchment areas. In recent years Coffs Coast region has experienced a prolonged drought, powerful storms and extensive, repeated flood damage. Deforestation and melting polar ice caps are currently disrupting the water cycle and contributing to unseasonal increased rainfall over coastal and ocean areas. Mega bushfires in 2019-20 not only destroyed whole ecological communities and forests, including ancient Gondwana rainforests that had previously never burned, but they also caused unprecedented silting of waterways in the region as gravel, sand and eroded soil clogged headwaters and streams through to the ocean.

The more we take from and disturb water sources, the more we risk losing threatened species and diminishing their vital **food chains**. For example, freshwater shrimp, found in our local streams are an important food source for native fish, eels, platypus, reptiles and birds. All aquatic and terrestrial lifeforms require clean water. If we are to urgently address species losses, we must begin with waterway and forest habitat protection.

The single most effective way to mitigate climate change is to protect existing native forests and grasslands. Rapid, poorly regulated **land clearing** in Coffs Harbour region for agriculture, road building and housing construction has directly contributed to species decline, soil depletion, invasive weed infestation and changed water flow.

As discussed by Nabuurs, G.J. *et al* (2022):

Afforestation may result in better balance in the regional water cycle balance by reducing run-off, flooding and control of groundwater recharge and watersheds protection.

The interdependence of forests, biodiversity and waterways is widely recognised.

Despite indisputable scientific evidence that destruction of native forests leads directly to soil erosion and an interrupted water cycle that can irreversibly affect waterways, our local forests are currently increasingly being clear felled. Industrial-scale forest annihilation has been enabled both in state forests and on private land by recent changes to wildlife and environmental protection regulations. It is inconceivable that, if more water access permits are to be made available, landholders will be allowed to deplete currently available water that is so necessary to sustain ecosystems.

In the past two years FEA have conducted field studies on at least a weekly basis in state forests including Newry, Little Newry, Nambucca (including Wirrimbi Rd), Oakes and Kalang. We have also conducted ecological surveys in seven forests mapped wholly or partially within the draft mapped Coffs Harbour Water Sharing Plan, namely, Pine Creek, Tuckers Nob, Conglomerate, Wedding Bells, Orara East and Boambee State Forests and Bongil Bongil National Park.

Within these forests, FEA have observed the negative impact of poor management decisions made by government bodies such as Forestry Corporation of NSW. As one example, we note Forestry Corporation of NSW regulation breaches in Conglomerate State Forest that directly caused creek, embankment, wetland and riparian zone deterioration or destruction.

DPIE and EPA response to reported breaches in forests and on private properties has proven to be increasingly ineffective in recent years and there is inadequate disincentive for lawbreakers.

Riparian zone protection is vital.

Of major concern is that each time water is extracted from waterways there is added human, livestock or mechanised pressure on fragile riparian zone vegetation, groundwater and subsurface flows.

In 2010 Hansen *et.al.* noted:

The riparian zone (riparia) is the interface between aquatic and terrestrial environments (Naiman and Décamps, 1997) and it mediates the flow of energy, and physical and biotic vectors between the two (Lake, 2005, Naiman *et al.*, 2005). Consequently, riparia are often environments of exceptionally high diversity. The importance of intact riparian zones is universally acknowledged as critical to aquatic-terrestrial ecosystem function and ultimately, to waterway health.

Riparian areas support a diversity of plants that are adapted to greater water availability. This specially adapted vegetation provides habitat for a wide range of wildlife from macro-invertebrates through to fish, mammals and large birds.

Increased availability of water for livestock and extensive agriculture will negatively impact greenhouse gas emissions and increase the probability of stream and riparian zone deterioration due to poorly managed farming practices.

It is a backward step for Coffs Harbour region to increase the volume of water that can be captured in harvestable rights dams in coastal draining catchments from 10% to 30%, as it will open up the probability of more permit applications for livestock watering systems and extensive agriculture (specifically for production of crops and fodder).

As opposed to natural grasslands (such as those found in open ranges) which effectively store carbon, a recent CSIRO study conducted by Chang *et al.* (2021) concluded that:

...grasslands intensively managed by humans have become a net source of greenhouse gas emissions – in fact, it has greenhouse gas emission levels similar to those of global croplands, which represent a large source of greenhouse gases.

Poorly managed or unlimited stock access to riparian areas can lead to catchment degradation, significant sediment and unbalanced nutrient deposits and gully erosion.

FEA members found it difficult to ascertain exactly which crops will be permitted to extract water. It is strongly advised that specific applications should be made available for public perusal.

Funding for increased water regulator gauges and inspections should be prioritised.

One water monitoring device in the Coffs Harbour area, namely Gauge 204068 Orara at Orange Grove in the Clarence River Catchment, is woefully inadequate.

There is a clear and immediate need for increased waterway monitoring and regulation enforcement, yet the 2022 Draft Plan neither appears to recommend or provide for either. In fact, the onus of responsibility for water flow measurement records and reporting is in the main left to the landholder.

To assume that all landholders will self-regulate and accurately report water flow rate, record water uptake, trade licences responsibly, estimate water extraction over a three year term and hold records for inspection for five years is a preposterous situation.

The fact that the expense of increasing inspectors and purchasing gauges appears a low priority indicates how open the system is to fraud and how little value is placed on environmental protection.

Respect for Gumbaynggirr Rights and Water Dependent Cultural Asset Protection

FEA members wish to state our full support of the right of Gumbaynggirr people to permanent sovereignty over all natural resources, including unlimited water access.

In Part 3 Requirements for Water, Division 1 the Draft Plan states that:

On the commencement of this Plan, the amount of water required to satisfy native title rights is estimated to be 0 ML/year.

Thankfully the draft appears to recognise that Gumbaynggirr people should be able to “take and use water in the exercise of native title rights” and protect water dependent cultural assets. We also heard mention by online webinar presenters that there has been and will be ongoing Gumbaynggirr consultation. However FEA find it difficult to accept that this consultation has resulted in 0 ML/year water extraction for native title rights.

FEA members understand that it is not respectful to publish Gumbaynggirr consultations, but we wish to state that we fully support Gumbaynggirr people who wish to advise or make long-term decisions in regard to water management. FEA hope that all Gumbaynggirr native title holders have been individually contacted, their rights have been explained and their stated wishes have been fully honoured.

Specific Points of Concern Noted in the Draft Plan

Applies to all ground water upstream of tidal limits.

10b. Strategy reserves a portion of natural flow.

11. Performance indicators need to include all environmental dependant impacts not only ecological condition of water sources

15. Harvestable rights of 752 ML/yr across - domestic stock, water utility and river access and aquifer licence

29/30. Does not apply to in river pool or dam or off river pool. This is a worrying condition which applies to 6 sites Boambee, Coffs, Korora, Bonville, Corindi and Woolgoolga

36. Although the litres are measured and reported by the extractor the environment is not measured for its diversity and impacts of lower supply within the catchment. FEA would like to see monitoring of all flora and fauna including aquatic biota. Long flows back to the Clarence are more than likely to have detrimental long term effects.

37. Measuring contaminates needs to be more clearly controlled to limit pollution into the catchment.

38. The minister appears to have the right to override proximity of extraction from wetlands if it is in his/her opinion to have no more than minimal harm.

The wetland system is not static and changes its composition and area depending on conditions. Closer extractions of 200m from wetlands is never suitable.

41. States that replacement of existing extraction points is allowed and restrictions formulated in this doc does not apply. We should be improving catchment management not accepting what is in place and adding others. Assessment of all existing extraction points should be included in normal maintenance of Sharing Water.

46. Changing from existing access licence of aquifer and high flow to new category dealings includes 2.5 times for Bonville 46 unit shares and 104 shares for Corindi. This seems like a large amount. Is this because industry needs more here? What are the impacts of this increase in use?

53. General conditions rely on the extractor to notify minister of over use. Stating conditions will be changing in Dec '23. This requirement is too vague and the onus is on the user to be honest and trustworthy. What are the ramifications of this and what are the changes?

62. Has the right to change Part 4 or Schedule1. This is also an unclear amendment and could too easily allow scope for misrepresentation or misinterpretation.

Schedule 2. States access is permitted from very low flows at seven sites Boambee, Bonville, Coffs, Double Crossing, Korora, Moonee and Woolgoolga. These catchments seem to be heavily accessed. Where is the monitoring? Only mentions 31.(3) measured at Gauge 204068 Orara at Orange Grove in the Clarence River Catchment.

FEA members found the Draft plan complex to interpret and thus we are concerned about many contradictory or vague points. For example;

A unit share is equal to a mega litre ?? harvesting 2867unit shares from river access licence across eleven sites would be more than the total of 752 ML/year. Division 2 17. States long term average use aims for 625ML/Year however point 62 states they have right to change this.

We also would like clarification of the following:

How are licences applied for?

Can licences be sold or traded?

Where can the public access information about or a list of licence holders?

Part 2 10.

(g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,

12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 752 ML/year and is distributed as follows—

(a) 17 ML/year in the Arrawarra Creek Water Source, *.10ML per day 2013 3.56 ML per day*

- (b) 89 ML/year in the Boambee Creek Water Source, .56
- (c) 148 ML/year in the Bonville Creek Water Source, .77
- (d) 41 ML/year in the Coffs Creek Water Source, .45
- (e) 21 ML/year in the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Source,
- (f) 111 ML/year in the Corindi River Water Source, .31
- (g) 13 ML/year in the Dirty Creek Water Source, .10
- (h) 33 ML/year in the Double Crossing Creek Water Source, .11
- (i) 78 ML/year in the Korora Basin Water Source, .20
- (j) 73 ML/year in the Moonee Creek Water Source, .28
- (k) 62 ML/year in the Pine-Bundagaree Creek Water Source, .27
- (l) 14 ML/year in the Red Bank River Water Source, .10
- (m) 3 ML/year in the Station Creek Water Source, .10
- (n) 49 ML/year in the Woolgoolga Creek Water Source. .21

5 Share components of access licences in the water sources—the Act, s 20(1)(c)

Requirements for water under access licences

(1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 23 ML/year and are distributed as follows—

59ML per year 2013

On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 10 ML/year and are distributed as follows—

10ML per year 2013

On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 2867.5 **unit shares** and are distributed as follows—
2,472.5 unit shares 2013

On the commencement of this Plan, the share components of aquifer access licences are estimated to be a total of 213 unit shares and are distributed as follows—

149 unit shares 2013

In determining the standard LTAAEL for the water year, the following share components, if any, within the extraction management unit must be excluded from the sum referred to in clause 18(b) —

(a) the share components of an access licence cancelled in order to grant a higher flow extraction licence after the commencement of this Plan,

(b) the share components of an access licence cancelled after the commencement of this Plan if the licence is cancelled for an environmental purpose.

Rules for granting access licences 25 Specific purpose access licences

(1) A person may apply for the following specific purpose access licences if the share component of the licence is not more than 10 ML/year—

(a)

record the following information in a Logbook whenever the water supply work does not have both an operational meter and an operational data logger—

(i) the date and the start and end time during which water was taken using the water supply work, (ii) the volume of water taken on that date,

(iii) the access licence under which water was taken on that date or, if water was taken under some other authority, the authority under which water was taken,

- (iv) the purposes for which the water was taken on that date,
- (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
- (vi) if metering equipment has been installed for use in connection with the water supply work and is operational, the meter reading before each time water is taken,
- (vii) if metering equipment has not been installed for use in connection with the water supply work, or has been installed but is not operational, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and retain the information recorded in the Logbook for 5 years from the date to which that information relates.

(b) public consultation draft

Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 [NSW] Part 9 Mandatory conditions—the Act, s 17(c)

Division 3 Water supply work approvals

55 General conditions

- (1) Water supply work approvals must have mandatory conditions to give effect to the provisions of this Plan.
- (2) A water supply work approved for the purpose of monitoring, an environmental remediation activity or emergency services must be used only for that purpose.
- (3) On becoming aware of a breach of any condition of the approval, the approval holder must—
 - (a) notify the Minister as soon as practicable, and
 - (b) if the notification is not provided in writing, give the Minister written notice within 7 days of becoming aware of the breach.

56 Record keeping conditions (1)

Table A – Access licences other than town water supply clauses 28(a) and (e) and 31(b) Column 3

Water Access Licence number

17174
17171
17144
17182
17178
30181
17299
17208
17209
16867
19971
19970
19969
19959
17229
17248

CONCLUSION/RECOMMENDATIONS:

FEA members wish to thank DPIE for the opportunity to provide feedback on the Draft Water Sharing Plan. We acknowledge the complex task of public consultation.

FEA members are citizens who are concerned that local forests and waterways are increasingly under pressure in a time when all Australians (indeed all peoples on earth) should be actively working to repair and restore our fast declining biodiversity and ecosystems.

The proposed Water Sharing Plan for 2022 trades vital water resources for, in many cases, overdevelopment and unsustainable agricultural or industry practices.

We do not have faith in a consultation process if the final stage is that one government Minister can disregard all feedback, change terms of the plan or make all final decisions.

We fully support the recommendations presented by Professor Graeme Samuel (October 2020) in his Independent Review of the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). Over 30,000 Australians contributed to the review process.

Professor Samuel outlined 38 recommendations for substantial necessary environmental protection reforms. The review found that, “Australia’s natural environment and iconic places are in an overall state of decline and are under increasing threat”. He refers to the ever obvious fact that our laws are “not fit to address current or future environmental challenges”.

Professor Samuel concluded that we face a very real extinction crisis unless we act immediately. He states that, “The current environmental trajectory is unsustainable” and refers to the need to introduce strong environmental protection standards backed up with independent oversight and increased public accountability.

FEA do not accept that the DRAFT Water Sharing Plan for Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 either acknowledges or prioritises serious environmental concerns. Further, we see an immediate need for the appointment of an independent arbiter who can assure the public that full transparency and accountability will be observed.

When water, our most precious natural resource, is being allowed to be traded and its use and management virtually unmonitored, it is simply not appropriate to place all decisions in the hands of one government Minister. We hope, first and foremost, that an independent overseer is appointed.

REFERENCES

Chang et al. (2021). Climate warming from managed grasslands cancels the cooling effect of carbon sinks in sparsely grazed and natural grasslands. *Nature Communications*.

Hansen B., Reich P., Lake P.S. and Cavagnaro T. (2010). Minimum width requirements for riparian zones to protect flowing waters and to conserve biodiversity: a review and recommendations. With application to the State of Victoria. report to the Office of Water, Department of Sustainability and Environment.

Nabuurs, G.J.*et al*/ Nabuurs, G.J., O. Masera, K. Andrasko, P. Benitez-Ponce, R. Boer, M. Dutschke, E. Elsidig, J. Ford-Robertson, P. Frumhoff, T. Karjalainen, O. Krankina, W.A. Kurz, M. Matsumoto, W. Oyhantcabal, N.H. Ravindranath, M.J. Sanz Sanchez, X. Zhang, 2007: Forestry. In *Climate Change 2007: Mitigation. Contribution of Working Group III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [B. Metz, O.R. Davidson, P.R. Bosch, R. Dave, L.A. Meyer (eds)], Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

Prof. Graeme Samuel AC (2020) Final Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

From:
To:
Cc: [DPIE Water CoffsHarbour WSP Mailbox](#);
Subject: Re: Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022
Date: Monday, 7 March 2022 8:45:34 AM
Attachments:

Thank you for your response to our request for and extension to thoroughly review the Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022.

It is unfortunate that we have not been granted the extra weeks to thoroughly review and appropriately respond.

We also advise due to the flood conditions that our consultant was unable to have responses back to us in time for submissions.

We wish to advise that we put forward our rejection to the non-extension until further Cultural Rights are addressed with **Due Diligence of the NPWS Act 1974**.

From the short time we have had to review and submit our responses to the Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022, please find below comments:-

1. **Page 7 of Part 1**

Item 7 Maps

We have not been provided with the Maps, where are the Maps for viewing?

2. **Page 8 Part 2**

Item 8 Vision Statement – the Act, s 35(1)(a) Reads as

(c) the spiritual social, customary and economic benefits of water to Aboriginal communities

Should read Cultural benefits of water to Aboriginal communities

Page 8 Part 2

Item 10

(d) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including connectivity between tidal pools and estuaries – **Maps needed**.

(g) provide for trade of water allocations and share components subject to environmental constraints and local impacts.

(Registered Aboriginal Parties to be implemented)

Page 10 Part 3 Requirements of Water

Item 14 Harvestable rights

We need to determine Native Title rights

Page 11

(b) the variation of local water utility licenses under the Act, section 66

What is Act Section 66 or Water Act 1912

(d) amendments to access licenses under the Act, section 68A

What or Where the amendments to access licenses under the Act Section 68A

Part 4 Limit to the availability of water-the Act, s 20(2)(b)

Division 1 Available water determinations

Item 16

(2) At the start of each **water year**, the Minister must consider making the following available water determinations-

What is a Water Year?

(3) this clause is subject to clauses 21 and 24

Note – the Minister may make available water determinations, at any time,

including at the start of the water year, in relation to the availability of water for a category or subcategory of access license-see the Act, section 59.

We note that we Rebut the Minister in making decisions without proper community consultation.

Item 20

(3) There is noncompliance with the standard LTAAEL if the 3-year average standard extraction exceeds the LTAAEL by 5% or more.

Who can access the old water rights if cancelled. Gumbayngirr people wish to express a water right to claim. Consultation process needed.

Page 16

Part 5 Rules for granting access licenses

What is section 61(1) (a)?

Page 24

Item 42 Coastal wetlands

1. A water supply work must not be constructed within 200m of coastal wetlands unless, in the Minister's opinion, there will be no more than minimal harm to the coastal wetlands.

Rejected as it's a filter to our estuaries

Page 27

Item 48 (1) c

Reason being not stated or consulted about.

Page 29

Division 2 Access licences

Item 53 General conditions

(d) notice to the Minister must be given in writing to the email address for enquiries specified on the Departments website,

It would be preferred that a hard copy be supplied as emails may not be considered a Legal Document and concerns are that emails can be deleted or lost.

Page 33

Part 10 Amendment of this Plan – the Act,s 17(d)

We need to have access to the Act,s 17(d) so we can see the difference in amendments

Page 37 (last paragraph) Water account debit means a water allocation that is taken, assigned under the Act, section 71T or 71V, or other wise debited or withdrawn from a water allocation account.

water year means a period of a 1 year commencing on 1 July.

Propose 1yr/7yr/14yr as full guideline still not stating who is testing waters LGA, State, Independent. EPA should be monitoring water quality shifts and License approval monitoring self reliance does not work.

Regards

From:
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Cc: jpawatchinfo@gmail.com
Subject: IPAW Response to Coffs WSP
Date: Sunday, 27 February 2022 8:17:16 PM
Attachments: [Intensive Plant Agriculture Watch response to Coffs WSP.docx](#)

Hi all,

Please find a submission in response to the exhibited draft WSP for Coffs. Thank you for the opportunity to comment,

Regards,

on behalf of IPAW

Intensive Plant Agriculture Watch

PO Box 1626

Coffs Harbour NSW 2450

27 Feb 2022

Water NSW

To Whom It May Concern,

Thank you for the opportunity to respond to the draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 (the Plan). The Intensive Plant Agriculture Watch (IPAW) organisation aims to provide information and support to landholders and organisations who are concerned with the impacts of Intensive Plant Agriculture. As noted throughout the Natural Resources Commission (NRC)'s Review of the Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009 (NRC Review), water extraction by IPA represents a major component of water use in the Plan area and also that a broad lack of compliance with water take laws is a significant issue in the Plan area.¹

IPAW is deeply concerned at what appears to be systemic, widespread and ongoing non-compliance in the horticultural industry. This is a huge issue for management of the water resource, since the Plan is predicated on accuracy of licenced limits. These (often ignored and largely unmetered) limits, along with a very coarse estimate of Basic Landholder Rights, essentially mean that planners have no real idea of how much water is actually in the system and no real idea of the true extraction profile. It is hoped that mandated metering will address this deficiency to some degree. However, as noted by the NRC, the majority of pumps in the

¹ Natural Resources Commission *Final Report Review of the Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009* (April 2020) P3.

Plan area will fall below the diameter threshold² and so it seems unlikely that significant improvement can be expected. It is further hoped that, as per NRC's recommendation, the Department do all in its power to support the compliance activities of NRAR and opportunities for mandated metering as conditions of consent for water trade or works approvals should be considered. It is noted that the Department commits to establishing a comprehensive Monitoring Evaluation and Review (MER) program for coastal catchments; this is critical for the ongoing health of waterways.

Without accurate measurements due to lack of metering and flow gauges, and without any reasonable confidence in compliance of take levels and without including harvestable rights in the full assessment, the Plan is unfortunately unable to deliver on most of its objectives. It is hoped that a whole of government approach to rectifying this will occur urgently.

Having said that, the Plan does improve on the previous plan in some ways. The restrictions on in-river dams and restrictions on trade between water sources is supported. The enhanced mapping of groundwater dependent ecosystems (GDEs) is also supported. However, the requirement for the Department to confirm in order to apply distance rules rings alarm bells. Mapping should be accurate and defensible at the outset and IPAW suggests that the level of knowledge of GDEs should be sufficient to predict and map with accuracy, especially given the existence of Coffs Harbour LGA's Class 5 Vegetation Mapping.

IPAW hopes that the Department will see the re-make of the Plan as a beginning, not an end in itself and will strive to meet NRC recommendations. It is clear from the series of water quality studies undertaken by Southern Cross University that many of the waterways within the Plan are suffering due to the impact of IPA water users. It is also clear from the NRAR

² Natural Resources Commission *Final Report Review of the Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009* (April 2020) P74.

compliance reports that illegal dams, over extraction, unlicensed extraction and many other permutations of water theft are commonplace. The situation is dire and unfortunately the Plan in its current form is unable to do much to arrest the problems.

The Department must commit to increase flow gauges and data collection, mandate metering wherever possible, commit to a comprehensive MER program, identify and support environmental values within the Plan area, recognise the environmental and social values of healthy waterways and continue to refine its approach to water management in the Plan area.

Thank you for the opportunity to comment.

Yours sincerely,

On behalf of IPAW

From:
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: Submission of the Coffs Harbour Water Sharing Plan
Date: Tuesday, 22 February 2022 2:42:30 PM
Attachments: [COFFS HARBOUR WATER SHARING PLAN.docx](#)

Dear Sir, Please find attached my submission.

Yours Sincerely

COFFS HARBOUR WATER SHARING PLAN

SUBMISSION

Monitoring of water use is inadequate, with no meters and relying on a perceived visible flow leaves it open to over allocation and abuse. There also need to be meters placed in topping up of farm dams.

Coffs Coast has always prided itself on its pristine water, both council and residents have also treasured this. However now this is not the case, we are becoming increasingly worried about the health of our creeks, waterways and estuaries. In wet weather chemicals wash down into estuaries from our ever burgeoning horticulture industry. You only need to look out to sea in periods of excessive inclement weather to see the big brown slick that sits just off shore. We are losing soil which will in turn impact on our coral reefs. In dry weather the overuse of water will also have a negative effect on our estuaries. Fish breeding will also be in decline, this will have a negative affect of both commercial and recreational fishing.

In relation to the above specific studies in regard to estuary function is essential.

Water used for stock should be pumped into troughs, to keep cattle away from creeks and waterways which are adding to erosion of creeks and a cause of pollution.

Water used for washing fruit or cleaning of dairies etc. needs to be caught and not be permitted to escape untreated down our waterways.

There should be no selling of water rights, not just with other water sharing plans but between individual creeks and waterway catchments under this Coffs Harbour Water Sharing Plan.

There needs to be a full range of economic outcomes of each water source, such as horticulture, tourism and ecological services such as recreation, fish breeding etc. For Instance oversupply in some areas will have to be balanced by water allocations and availability.

Yours Sincerely

Corindi Beach 2456

From:
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: Water Sharing Plan for the Coffs Harbour area unregulated and alluvial water sources 2022
Date: Sunday, 27 February 2022 11:48:30 PM
Attachments: [Response to Coffs Harbour Water Sharing Plan _Joelle Bridger.docx](#)

Dear All

Please find my response to this plan attached.

Kind regards

Response to The Draft Replacement of the Coffs Harbour Area Water Sharing Plan

Safety Beach NSW 2456

Dear All

Response to the Draft Water Sharing Plan to the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022

Water is Nature's Gold - The liquid gold of the 21st Century

Do you decide to allow a few people in the community to receive the most benefit from this liquid gold (water)?

Or

Do you ensure the environment has the lion share of this asset, and that an equitable share of this wealth is maintained to produce a healthy environment to sustain Aboriginal communities, communities, ecosystems, visitation for healthy lifestyles as well as the economic ventures of tourism and agriculture.

It pays to keep in mind that the local Coffs Harbour community has already paid a high price for agriculture through the contaminated lands when banana farming made it's impact.

Need to ensure Ecosystem health

Water for the environment

Water for aquatic systems

Water for the Solitary Islands Marine Park where fish nurseries are paramount to supporting the Marine Park as well as the local fishing and tourism industries.

Consider water re-use on a community scale.

We have had some impacts from a changing climate. These will come thick and faster than we are ready to deal with. Therefore it is paramount to adequately prepare Risk Assessments.

Create a robust foundation for water management in this way this can be shared and managed for the public good; not for the few.

This framework needs to ensure it is focused on solutions and that the framework has integrity. Ensure a set of water sharing rules that have integrity and you'll have the best outcome you can ever have for our Coffs Harbour area needs.

How has this Draft Water Sharing Plan captured water on farms and businesses for re-use.

There is no mention in this water-sharing plan that water value will be maximized and just how will the protection of the public good and the community expectations of fairness be upheld?

“The NSW legislation for Water Management (8(2)) unfortunately suggest that a water source do not need to specify that a minimum of water is required to be present in the water source at all times.” Is a sad reflection on working from the wrong premise.

The amount of water required to satisfy harvestable rights had not been estimated for native title rights. This Draft Water Sharing Plan is set up on unceded lands.

The increase in harvestable rights for landholders in coastal-draining catchments – this increase from 10% to 30% follows a review and community consultation of harvestable right limits. Unfortunately 88% of respondents were from agricultural pursuits, this shows a bias, therefore the premise does not stand.

Water use practices could support three times as much activity as is possible under traditional water use practices where it is used once and thrown away. Improvement of water resource productivity needs to be adhered to before water sharing comes into play.

Aboriginal aspects need to be highlighted first

I believe in Part 2 Vision etc

8 Vision statement, objectives of the Plan, and strategies for reaching that objective, change to (a) in each of theses

c) the spiritual, social, customary and economic benefits of water to Aboriginal communities needs to be earlier than the economic benefit.

and

.. provide for water associated with Aboriginal cultural values and uses, and community development from (k) to (a)

By necessity the Aboriginal cultural benefits need to be (a)

Ten years is too long. Re-visit this plan in 3 to 5 years to ensure decisions can be made to rectify any glaring deficiencies, of which there will be many.

The heavy-handed waste of fresh clean water. There is a great need to embed water recycling into any future agricultural and housing developments.

I note there is no plan-specific monitoring, evaluation and reporting framework. Nor is there a get out clause to enable the government, the people, to regain control of the water if it transpires that it brings about inequitable rights to water.

Sharing is the operative word in the Water Sharing Plan and generally means a fair share.

Endangered Ecological Communities exist in the Woolgoolga Lake Estuary Environment. Very little research has been undertaken worldwide into the Leaf Oysters. Leaf Oysters were found in a variety of silty natural and artificial habitats in the Tweed and Brunswick Rivers. This research may lead the way to a possible future native reef forming species. These have also been found in the Woolgoolga Lake. As very little is known about them and studies are currently underway. Any large scale increase in the extraction of water from the system will greatly impact this endangered community.

It is more difficult to restore these water systems, as can be seen in the Murray – Darling Basin, therefore it makes more intelligent sense to avert disasters by being cautious in our approach. NSW may well be on the brink of destroying the beauty and landscape of this precious area of the Mid North Coast of NSW. The environment can often respond slowly. We need to put the integrity of the environment first.

Be cautious about water sharing because environmental flows need to be kept first and foremost. This will deliver better outcomes for food production and ecosystem health upon which we humans rely for our every day needs.

We need err on the side of caution to retain the beauty that Aboriginal Australians still have in their memories today.

Each of these decisions needs to be taken with the concept in mind of “ How will the seventh generation from now view these Water Sharing plans?” Have we left a robust framework to provide a positive legacy for these future generations?

I look forward to your reply and revision of this plan.

Thank you in anticipation

Kind regards

Community member of many organizations
Woolgoolga Lake Working Group
Saftey Beach Landcare
Woolgoolga Lake Working Group Landcare
Woolgoolga Community Gardens

-----Original Message-----

From:

Sent: Thursday, 24 February 2022 7:23 PM

Subject: Coffs Harbour Water Sharing

Hi ,

Thanks for your time this afternoon discussing The Coffs Harbour Water Sharing Plan .The Woolgoolga Creek catchment is my specific area of interest having held an irrigation licence since 1990 with works approval on this creek . I have read through the draft plan and would like to submit my response to some of the plan.

I do see an almost impossible task of fulfilling the Vision and objectives stated that aim to provide water for a healthy creek environment and improve access for productive Agriculture . I have witnessed over the 40+ years of continuous residency at our current address decline in the health and continuous flow of Woolgoolga Creek . My observations are anecdotal so little science involved.

The Creek suffers increased Boom and Bust - bigger and more violent floods and longer and increased number of ' Cease to Pump ' periods. Obviously climate change is at play but also a recent increase in demand for irrigation water for intensive horticulture . Irrigation Licence approvals may not have increased but I guess it's possible not all interested parties comply with licence or water harvest rights takes which could explain the increase in no flow periods in the creek . Any improvement in access for agriculture as in new licences or increased in water harvesting rights must result in less for the environment so very difficult to achieve both objectives.

The 'Cease to Pump ' flow or lack of flow is a little difficult to establish at the reference point of the reserve on the western side of the Solitary Islands Road crossing. The water ponds behind a small concrete weir making it difficult to determine flow . I have witnessed flow at my pump point but not at the Reserve . Ceasing to pump for my nursery results in having to use town supply at considerable cost to keep my nursery plants going . Improved measurement of creek flow could be helpful.

I see a need to improve the estimate for water take under harvestable rights . The amount of water held back in farm dams directly influences the creek flow but there is little data available . NSW Water and NRAR have been working hard on compliance with dam size and illegal water take and are to be commended . I understand the difficulties in water sharing and appreciate any efforts to implement a plan that does consider local residents recreation , the needs for agriculture and preservation of our north coast environment which is increasingly abused .

Regards

Sent from my iPhone

From:
To: [DPIE Water CoffsHarbour WSP Mailbox](#)
Subject: Coffs WSP submission
Date: Saturday, 26 February 2022 7:51:33 PM
Attachments: [WaterShare fillable-form.pdf](#)
[Water Sharing Plan for the Coffs Harbour area unregulated and alluvial water sources 2022 Hearnes submission.docx](#)
[DPIE WSP 260222.pdf](#)

Please see attached

(NBRA President)

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Office use only	Submission number
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How to fill out this form

The department is seeking your comments on the draft replacement Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022.

For general background about the draft plan development, proposed changes and the finalisation process please refer to the background and proposed changes documents. For water source specific details including proposed rules, please see the water source report cards.

Key issues and changes have been summarised in this submission form, although comment on all aspects of the water sharing plan is welcome. For water source specific details including rules, please see the water source report cards. More detailed comments are welcomed as attachments.

Send completed submissions to:

Post: WSP Comments for the Coffs Harbour Area,
Department of Planning, Industry and Environment
Locked Bag 10
Grafton NSW 2460

Email: coffsharbour.wsp@dpie.nsw.gov.au

Note: Submissions close 27 February 2022

Information on privacy and confidentiality

Submissions received by NSW Department of Planning, Industry and Environment for the proposed amendments will be considered by the department and the Coastal Water Planning and Policy Working Group to review and inform the draft amendments. The department values your input and accepts that information you provide may be private and personal.

If you would prefer your submission or your personal details to be treated as confidential, please indicate this by ticking the relevant box below.

If you do not make a request for confidentiality, the department may make your submission, including any personal details contained in the submission, available to the public.

Please note that, regardless of a request for confidentiality, the department may be required by law to release copies of submissions to third parties in accordance with the *Government Information (Public Access) Act 2009*.

I would like my submission to be treated as confidential	<input type="checkbox"/> Yes	<input type="checkbox"/> No
I would like my personal details to be treated as confidential	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

How to fill out this form			
Name			
Postal Address			
Telephone			
Email address			
Stakeholder Group <small>(please indicate which of the following best represents your interest by ticking one box)</small>	<input type="checkbox"/> Irrigation Interests <input type="checkbox"/> Fishing Interests <input type="checkbox"/> Local Govt./ Utilities	<input type="checkbox"/> Aboriginal Interest <input type="checkbox"/> Local Landholder <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Environment Interests <input type="checkbox"/> Community Member
If your comments refer to a specific water source, which one?			

Attach extra pages if required

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Long term average annual extraction limit

The replacement plan creates two long term average annual extraction limits (LTAAELs).

- The Standard LTAAEL which sets a limit on extraction from all flows except for higher flows.
- The Higher flow LTAAEL that manages extractions that can only take from higher flows.

The reason for the two extraction limits is to limit extractions from all other flows and encourage extraction from higher flows

Information on the LTAAELs can be found in Part 4 of the plan

<p>Do you think this is appropriate? Why / why not?</p>	
<p>The Standard LTAAEL includes licensed extraction and all basic landholder rights extraction including from harvestable rights dams. If there is a growth in uptake of harvestable rights that increases total annual extraction to above the Standard LTAAEL by more than 5% then there will be reduced water allocated to licenced water users in the following year.</p> <p>Do you think this is appropriate? Why / why not?</p>	

New coastal floodplain alluvial groundwater water source

The draft plan proposes to establish the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Water Source which contains alluvial groundwater below the tidal limit.

Further information is contained in Part 1 of the Plan and in the Coffs Harbour Area Coastal Floodplain Alluvial Water Source Report Card

<p>A long-term limit on extraction is proposed based on a proportion of recharge. Additional water for licensed take could be made available through controlled allocations. Do you think this is appropriate? Why / why not?</p>	
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Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Water supply works approvals

Works such as pumps, pipes, bores, and weirs used for extracting water under licence require a water supply works approval. Rules controlling the granting of water supply works approvals or the nomination of water supply works are included in the Plan to minimise impacts on existing extraction and sensitive areas.

These distance rules are contained in Part 7 of the plan.

<p>The plan specifies distances from where a new or replacement bore can be located, such as the distance from a contaminated source, a groundwater dependent ecosystem, or a culturally significant site for example.</p> <p>Do you think these distance rules are appropriate? If not, why?</p>	
<p>The plan includes rules that prohibit approval or amendment of approvals for in-river dams in water sources with high instream value or above a marine park.</p> <p>How would this impact on your current operations?</p>	
<p>Works that cause more than minimal impact to coastal wetlands are prohibited under the Plan.</p> <p>Do you think this is appropriate? If not, why?</p>	
<p>Have you noticed any effects from extraction on water levels in the groundwater source? If so, please specify.</p>	

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Draft trading rules

The trading rules are contained in Part 8 of the Plan and in the “Draft water trading (dealing) rules” section of the report card.

Do you think the dealing rules to prohibit trade with water sources within other Water Sharing Plans are appropriate? If not, what should they be and why?

Do you have any comment on the proposal to prohibit trade into water sources determined to have a high ecological value

Draft Access Rules for surface water sources

The cease to pump (CtP) rules protect unregulated rivers from risks to the environment from low flows. It is the level on the river/stream at which water users need to cease pumping. There are no proposed changes to CtP rules.

This section refers to Part 6 of the Plan and “Draft Access Rules” section of the report cards.

Do you have any comments on this aspect of the draft plan?

Managing the risks of increased harvestable rights

In 2022 the volume of water that can be captured in harvestable rights dams in coastal draining catchments will increase from 10% to 30% of rainfall runoff.

This could impact on the volume of flow that reaches rivers. The plan includes a requirement that the uptake of harvestable rights will be assessed at year 3 and then access and trade rules will be reviewed if the uptake is greater than 10% of rainfall runoff.

The amendment provision can be found in Part 10 of the draft Plan

Do you think this is appropriate? Why / why not?

Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022



Submission form

Application for Aboriginal Community Development access licences

It is proposed to permit applications for Aboriginal Community Development access licences in the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Water Source.

Further information can be found in Part 5 of the draft Plan as well as the report card for the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Water Source

Do you think this is appropriate? Why / why not?

Additional feedback

The above sections relate to the key proposed changes from the current water sharing plan. However, comments on all aspects of the plan are welcome and encouraged. Please use the space below, or attachments if required or preferred.

Do you have comments on any aspect of the draft plan?

© State of New South Wales through Department of Planning, Industry and Environment 2020. The information contained in this publication is based on knowledge and understanding at the time of writing (December 2021). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.



nbrainc2456@gmail.com

26 February 2022

The Officer in Charge
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Madam/Sir

**RE; DRAFT REPLACEMENT WATER SHARING PLAN
FOR THE COFFS HARBOUR AREA UNREGULATED AND ALLUVIAL WATER SOURCES 2022**

I write on behalf of a community based organisation, NBRA Inc, whose expertise is not in Water Management per se. However our region is dependent economically on tourism and agricultural. As a community we have a responsibility to protect waterways to maintain and sustain a healthy environment.

We have some high level comments on the Part 2 of the draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022:

“10 Strategies for reaching objectives—the Act, s 35(1)(c)

The strategies for reaching the objectives of this Plan include the following—

- (a) reserve all water volume in excess of each long-term average annual extraction limit for the environment
- (b)”

“11 Performance indicators—the Act, s 35(1)(d)

- (1) The performance indicators used to measure the success of the strategies for reaching the objectives of this Plan are the changes or trends, during the term of this Plan, in the following—
 - (a) the ecological condition of the water sources,
 - (b) economic benefits,
- (2) The performance indicators must be monitored and evaluated in the way approved by the Minister for the purposes of this clause”

in relation to 10 above water take volumes are likely to increase for one reason or another. By deduction water volumes available to the environment are lessened rendering impossible the prospect of the vision and objectives of the Act being achieved.

Any improvement in access for agriculture as in new licences or increased water harvesting rights must result in less for the environment. It is very difficult to achieve both objectives. On this point it should be made very clear to farmers that the recent increase in harvestable rights from 10% to 30% does not

apply to IPA (that is Berry Farming and Banana Growing (inter alia)).

Section 11 (1) is a basket of measures which are impossible to link adequately to the vision and objectives of the Act. If this is accepted the role of the Minister in 11(2) would not seem particularly onerous.

The difficulties of Water Management are many. Any effort to implement an enforceable plan that considers local residents, recreation, the needs for agriculture and preservation of our north coast environment which is increasingly abused is welcomed.

We attach a report produced by The Hearnese Lake Catchment Management Group whose interest is primarily around Sandy Beach where the Double Crossing Creek is the relevant water source.

Yours sincerely

President
Northern Beaches Residents' Association Inc
By email and CC: NBRA Extended Exec.

The Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022

General comments on the Draft CH WSP, including specific comments regarding Double Crossing Creek Water Source.

The Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 begins by stating its vision and objectives. The first vision listed for the Plan is to provide for ‘the health and enhancement of the water sources and their dependent ecosystems’. The first objective listed is ‘to protect, and where possible enhance and restore, the condition of the water sources and their water-dependent ecosystems’.

However, a significant feature of the proposed draft CH WSP is its comprehensive lack of regard for, not only environmental but also community water needs.

Specifically, there is no metering, and no gauging in some water sources, and therefore no way to understand the natural flow patterns and the impact of extraction on high flows, freshes and periods of low flow. There appears to be no mechanism to protect freshes and small floods, needed to maintain natural flow variability and ecosystem function, including estuarine, coastal and coastal lagoon berm function (in the case of Hearn's Lake). Ecosystem functions and their flow requirements are not defined, neither within stream nor estuarine and coastal ecosystems. It is possible that some of these are considered in the accompanying Risk Assessment, but the metadata used to develop the risk assessment is not available and thus the comprehensiveness of the data used for the assessment of each individual water source is unknown.

Environmental assets are not identified beyond ‘high priority’ groundwater dependant ecosystems. The process used to identify high priority GDEs focuses on terrestrial vegetation GDEs only. Wetlands are excluded! Medium and low priority GDEs are not identified. The flow requirements of GDEs are not identified. There is no assessment of groundwater – surface water connectivity.

Moreover, it is not possible to establish whether key environmental assets and ecosystem functions, their conditions or the factors driving their condition were identified. The level of assessment, if any, of the flow requirements of these assets and functions is also unknown.

The implementation of the key provision for ecosystem protection (cease to pump rules) have not been reviewed for their effectiveness in protecting the instream ecosystem or downstream environment, and their implementation is not monitored.

There is no acknowledgement or assessment of the impacts of the recent tripling of rainwater harvesting allowance (Harvestable Rights), which was established with no regard to the environmental impact, and justified by the results of a survey of ‘community members’, most of whom were landowners who stood to gain a financial windfall through this increase in water access. In fact, the NSW Government reports that the responses were dominated by landholders (88% of respondents), with a reasonable portion coming from intensive horticulture operators around the Coffs Harbour region who are keen to increase harvestable rights limits to expand their water access for commercial irrigation purposes. Harvestable Rights consultations virtually ignored environmental and non-agricultural community water users (eg. commercial and recreational fishers, other recreational users, Solitary Islands

Marine Park). The NSW Government also predicts that as a result of the increase in Harvestable Rights, “there will be more frequent periods of no flow or low river flow and reduced flushing flows”.

The accompanying WSP Risk Assessment document states that ‘In Double Crossing Creek, the use of dams to capture water from a significant proportion of the catchment for irrigation has the potential to increase the frequency of low flows and decrease the volume of freshes downstream of the dam.’ Thus, natural flow variability and therefore the dependant ecosystems will be further degraded.

While the intention of the Plan is that all ‘Basic’ rights will be subtracted from the LTAAEL, since there is no gauge and no meters, this cannot be enacted, and the potential addition of Native Title Rights is likely to extend the period of low and no flow conditions in stream even further, resulting in additional degradation of the already compromised instream and downstream environmental values.

Beyond the lack of identification of key environmental assets and ecosystem functions, there is no acknowledgement, definition or consideration of the flow requirements of non-extractive social and economic values, including downstream requirements. These values include estuarine and coastal function, water dependant industries, such as commercial and recreational fisheries, tourism, community amenity and the freshwater flow requirements of ICOLLs such as Woolgoolga Lake and Hearn Lake, and the Solitary Islands Marine Park.

Since there are no meters on pumps used to access licenced water takes, it is not possible to ensure compliance with water extraction limits, beyond onsite visits by NSW Natural Resources Access Regulator compliance personnel. Given the recent record of non-compliance within the Double Crossing Creek Water Source, a reliance on an honesty system for ensuring compliance is clearly highly exploitable and unlikely to result in water extractions remaining within the limits proposed by the Plan. Given there were 19 regulatory actions by the NSW NRAR in the CH WSP area for the years 2019 and 2020 for breaches of the Water Management Act (2000) by irrigators, it is clear that non-compliance is common, and that water sources remain unprotected by the WSP rules.

Where there is no gauge in the watercourse, there is no way to measure the impacts of climate change on river flow. While there is an allowance for Plan amendments to address longer-term water availability based on evidence of changing climatic conditions, there is no mechanism for collecting such evidence. Therefore, it is not possible to ensure that the Plan functions to protect environmental and non-extractive community needs under a range of climate change scenarios.

There is no Plan-specific monitoring, evaluation and reporting framework. This means that degradation of the aquatic components of the water source will not be evidenced, and therefore cannot be remediated.

The Risk Assessment for CH WSP classifies Double Crossing Creek Water Source as having high instream value and high hydrologic stress; high risk of insufficient base or low flows and medium risk for freshes, for freshwater riverine ecosystems; high risk of insufficient groundwater for dependant ecosystems in upstream alluviums; and high risk of insufficient low flows for estuarine ecosystems. Regardless of this knowledge, the proposed WSP will

guarantee an increase in hydrologic stress and contribute to the further degradation of the environmental values of Double Crossing Creek and Hearnes Lake.

Double Crossing Creek terminates in Hearnes Lake. Hearnes Lake and surrounds are a series of integrated wildlife habitats including Endangered Ecological Communities and Threatened Species habitats, and support species from endangered frogs, coastal saltmarsh communities and swamp sclerophyll forest, to a broad range of aquatic, migratory and predatory bird species, including the threatened Black Neck Stork, Osprey and Glossy Black Cockatoo. Its importance as a wildlife sanctuary and a major recreational resource for local communities is well documented.

Hearnes Lake includes high conservation value riparian vegetation, high conservation native vegetation, wildlife corridors and endangered wetland coastal floodplain, which is recognised by the NSW Government as breeding ground for fish crucial to the well-being of the Solitary Islands Marine Park Sanctuary zone. In addition, Hearnes Lake discharges to the ocean (when open) into the most biodiverse section of the entire SIMP. Why have the high ecological values and high ecological risks of reducing the crucial low flows and freshes to Hearnes Lake not been recognised and accounted for? Recent deaths of mangroves, swamp oak and salt marsh in the margins of Hearnes Lake have been attributed to the extraction of low and medium flows upstream of the Lake. This prevented the breaching of the beach berm and resulted in water levels in the Lake remaining abnormally high for an extended period of time, drowning vegetation along the margin. This WSP will exacerbate the extraction of low and medium flows and increase the probability of another vegetation death event.

In conclusion, The Draft Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 is not only inconsistent with its objective ‘to protect, and where possible enhance and restore, the condition of the water sources and their water-dependent ecosystems’, it is effectively and actively antagonistic to that objective. It will lead to longer periods of no or low flow and reduce freshes which help to flush creek beds through. This will result in lower habitat and therefore biological diversity within-stream, and also in riparian and downstream habitats, degrading the very ecosystems the Plan purports to protect. It will increase pressure on the already highly impacted Hearnes Lake. It will reduce the amenity of our local waterways for community aquatic recreation, commercial fisheries and tourism, and degrade our natural spaces.

As such, the Draft WSP if implemented would contravene the objects of the Water Management Act (2000), namely:

3(b) to protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality, and

3(c) to recognise and foster the significant social and economic benefits to the State that result from the sustainable and efficient use of water, including: (i) benefits to the environment, and (ii) benefits to urban communities, agriculture, fisheries, industry and recreation.

From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
To: DPIE Water CoffsHarbour WSP Mailbox
Subject: Submission for the draft remake water sharing plan Coffs Harbour
Date: Thursday, 17 February 2022 7:38:58 AM

Permission

I would like my submission to be treated as confidential? No

I would like my personal details to be treated as confidential? No

Your details

Are you making a submission as an individual or on behalf of an organisation? Individual

Which of the following best describes the kind of stakeholder you are? Irrigator/farmer

If you selected other, please state:

Email address:

Question 1.1

Do you think this is appropriate? Why / why not?

increased extraction in several High-risk-High-Consequence water sources The plan indicates high or very high likelihood of risk & consequence in several water sources; however their extraction limits are still increased. Double Crossing, Korora, Station Creek and Woolgoolga are rated as having HIGH inflow sensitivity changes to the freshwater inflows. This will negatively impact the health of the adjoining estuaries. Daily Extraction Limits are removed under the New Plan. The remedy of Daily Extraction limits is a solution to protecting River Health however this remedy cannot be implemented or enforced due to lack of metering and gauging infrastructure. Compliance and enforcement of the plan is problematic, and the current system requires no metering, relying on an honesty system for the reporting of Water taken. How can the public have confidence in this proposal for Water Sharing when Flow gauging

infrastructure is lacking, and NRAR's 2021 site inspections showed 48% of Irrigator

Question 1.2

our Waterways on the Coffs coast are already in a fragile state with evidence of high levels of nitrogen pollution. We have had two fish kills, mangrove die back is occurring up and down our coast and throughout Australia we are experiencing record lows in wetland bird numbers with some of our local species making the endangered list. To suggest extracting vast amounts of Water out of our already damaged Waterways will only lead them to die, just like the Murry Darling basin. There are a number of environmentally catastrophic problems with the Water Sharing plans that need to be urgently reviewed.

Question 2.1

No Current data available assessing the risk of Groundwater Quality changes to both the Environment and Water users Groundwater Dependent Ecosystems data and information is lacking within the plan and background documents and includes only a map of where GDE's may possibly occur in the catchment with no supporting information. High priority Groundwater Dependent ecosystems are not Identified or described changes in water quantity, either by the decrease in groundwater levels through extraction to meet the needs of agriculture or industry. Increases in groundwater levels through land clearing are threats to Groundwater dependent ecosystems.

Question 3.1

No Current data available assessing the risk of Groundwater Quality changes to both the Environment and Water users Groundwater Dependent Ecosystems data and information is lacking within the plan and background documents and includes only a map of where GDE's may possibly occur in the catchment with no supporting information. High priority Groundwater Dependent ecosystems are not Identified or described changes in water quantity, either by the decrease in groundwater levels through extraction to meet the needs of agriculture or industry. Increases in groundwater levels through land clearing are threats to Groundwater dependent ecosystems.

Question 4.1

Australia's wetlands are under threat recording record lows in wetland birds some of our local birds are now considered threatened. If waterways aren't flowing wetlands can't be growing. We have just recovered from the drought and we are starting to replace some kind of balance but you want to start taking 30% more water it's not right!

Question 5.1

Increased extraction in several High-risk-High-Consequence water sources The plan indicates high or very high likelihood of risk & consequence in several water sources; however their extraction limits are still increased. Double Crossing, Korora, Station Creek and Woolgoolga are rated as having HIGH inflow sensitivity changes to the freshwater inflows. This will negatively impact the health of the adjoining estuaries.

Question 6.1

The increase in Harvestable Rights from 10 to 30% is based on Insufficient, Patchy Data and Consultation that largely did not occur in the

Do you have any comments on this aspect of the draft plan?:

local area. The modelling within this report is incomplete and only includes data from ONE out of the TWELVE water sources in the Coffs catchment, Woolgoolga creek. "Ecological flow requirements vary considerably between different rivers and catchments; however for this study, no detailed ecological investigations were undertaken to assess the relative impacts of the harvestable rights scenarios on water available for the environment" 90% of respondents in the Coastal Harvestable Rights review Survey were stakeholders who had expressed a prior desire to increase their own harvestable rights on their land.

Question 7.1

Do you have any comments on this aspect of the draft plan?:

Daily Extraction Limits are removed under the New Plan. The remedy of Daily Extraction limits is a solution to protecting River Health however this remedy cannot be implemented or enforced due to lack of metering and gauging infrastructure. Compliance and enforcement of the plan is problematic, and the current system requires no metering, relying on an honesty system for the reporting of Water taken. How can the public have confidence in this proposal for Water Sharing when Flow gauging infrastructure is lacking, and NRAR's 2021 site inspections showed 48% of Irrigators targeted were non-compliant.

Question 8.1

Do you think this is appropriate? Why / why not?:

Reducing the water flow to our natural waterways is only going to be more harmful to the already damaged waterways. Not having proper regulations to measure water is only going to lead to water theft. We need to grow crops suited to the area and not high water use crops this is really a backwards step. Why do irrigators need so much more water in such a high rainfall area?

Question 9.1

Do you have any comments on this aspect of the draft plan?:

I is disgusting that all recommendations from Traditional owners were ignored. This is a breach of their human rights as Water is a vital part of culture and the voices of indigenous people must be included in any discussion about Water Sharing.

Question 10.1

Comments on any aspect of the draft plan:

This proposed Water Sharing Plan is appalling and the contempt it shows for the health of Community and the Environment is a disgrace. Solitary Islands Marine Park is a place where the warm waters of the East Australian Current meet cooler waters from the south. They bring together tropical, subtropical and temperate marine life. Many species mingling here are at the northern or southern limit of their range and if we do not manage our waterways sustainably we will put the Marine Park further at risk. At this critical point in time for our Natural world and we need to become informed about the facts of this Water Sharing Proposal. We must make smart choices ensuring the future Health of our Waterways and our own Human Survival. Please think of the future.

10.2

Upload a submission or any supporting documents:

No file uploaded

From: digital.services=squiz.dpie.nsw.gov.au@squiz.regional.nsw.gov.au on behalf of digital.services@squiz.dpie.nsw.gov.au
Sent: Friday, 18 February 2022 1:37 PM
To: DPIE Water CoffsHarbour WSP Mailbox
Subject: Submission for the draft remake water sharing plan Coffs Harbour

Permission

I would like my submission to be treated as confidential?: No

I would like my personal details to be treated as confidential?: Yes

Your details

Are you making a submission as an individual or on behalf of an organisation?: Individual

Which of the following best describes the kind of stakeholder you are?: Community member

If you selected other, please state:

Email address:

Question 1.1

Do you think this is appropriate? Why / why not?: I am concerned already about the fragile state of our waterways and the damage that has already been done by industry removing and polluting large amounts of water. High flows have a flushing effect when the water is clean. Depleting our waterways in order to support our local blueberry etc industries to grow ever larger will only destroy whatever fish, and seabirds that remain.

Question 1.2

Do you think this is appropriate? Why / why not?: I understand that landholders have "harvestable rights" to Newmans Dam at Woolgoolga. I have noticed that the birdlife has decreased there since the pipelines have been in the dam. I wonder how the above measure will be policed.

Question 2.1

Do you have any comments on this aspect of the draft plan?:

Question 3.1

Do you have any comments on this aspect of the draft plan?:

Question 4.1

Do you have any comments on this aspect of the draft plan?: I would be unhappy with ANY harm to a wetland. Who judges what is "minimal harm"? Once damage is done it is done. Again, what happens when non-compliance is discovered? And it usually takes concerned citizen scientists, in their own time, at their own expense, to expose breaches, and then there are little consequences for those who do harm.

Question 5.1

Do you have any comments on this aspect of the draft plan?: Excellent idea, but what about the extraction capacities of the old dams? And who owns these rights?

Question 6.1

Do you have any comments on this aspect of the draft plan?:

Question 7.1

Do you have any comments on this aspect of the draft plan?: i am aware that in the Murray Darling system, illegal pumping and dismantling of meters were discovered but there were no consequences to the landholder, and major consequences to fish and downstream. There needs to be tougher rules and harsher penalties.

Question 8.1

Do you think this is appropriate? Why / why not?: No. Why is it being increased? There needs to be limits to the amount of farming, and destruction of nature, that is happening in Coffs area. The negative changes I have observed in the last 7 years have been unbelievable.

Question 9.1

Do you have any comments on this aspect of the draft plan?:

Question 10.1

Comments on any aspect of the draft plan:

10.2

Upload a submission or any supporting documents: No file uploaded