

TITLE: [CNR-CM] Tweed District Water Supply Augmentation - Subsequent Issues

ORIGIN:

Water

SUMMARY OF REPORT:

Council resolved in its meeting of 1 November 2010 to adopt Byrrill Creek Dam as the preferred water supply augmentation option.

This report seeks to clarify matters relating to the previous Council resolution.

RECOMMENDATION:

That Council:

- 1. Writes to inform the NSW Minister for Water of Council's resolution to adopt Byrrill Creek as the preferred water supply augmentation option for the Tweed Shire, and request from the Minister that when the Water Sharing Plan is gazetted it will exclude prohibition of a water storage on Byrrill Creek.**
- 2. Proceeds with development of a Land Acquisition Plan to determine processes, timing, costs and other factors which will facilitate acquisition of properties or parts thereof as required.**
- 3. Proceeds with investigative and design works to upgrade the spillway of the existing Clarrie Hall Dam and that a detailed separate report on this matter be presented to Council at a later date.**
- 4. Retains ownership of land at Doon Doon Creek, and incorporates a possible future 77.0m AHD buffer into planning instruments to enable consideration of future water supply augmentations at Clarrie Hall Dam beyond the current planning horizon.**
- 5. Proceeds with planning approval investigations for Preliminary Geological / Geotech Studies, Seismic Studies and Hydrology Studies; a Legal and Planning Advice Study; a Land Acquisitions Plan; and liaising with Government Agencies regarding Planning Approval Requirements (EIS requirements, Adaptive Management requirements, Water Sharing Plan, Fisheries requirements).**

REPORT:

Council resolved in its meeting of 1 November 2010, to adopt Byrrill Creek Dam as the preferred water supply augmentation option.

This report seeks to clarify matters which have arisen during, or were not resolved at, that meeting.

Water Sharing Plan

Over the past decade, since the introduction of the Water Management Act 2000, Water Sharing Plans (WSPs) have been developed for rivers and groundwater systems across the State with priority given to the more highly stressed and or over allocated systems.

Under the Water Management Act 2000, the sharing of water must protect the water source and its dependent ecosystems and basic landholder rights. Amongst licensed water users, priority is then given to water utilities and licensed stock and domestic use, ahead of commercial purposes such as irrigation and industry.

Council was first invited to respond to the Tweed WSP process in March 2006 by providing comment on what was referred to as a "Report Cards" which had been developed for each sub-catchment (water source) in the Tweed. The Mid-Tweed and the Upper Oxley were the two Report Cards relevant to public water supply extraction.

Council's 2006 submission generally focused on the impacts on the secure yield of the public water supply system and the operational mechanisms proposed. The possibility of providing water to adjacent authorities was also canvassed.

The NSW Office of Water again invited Council to comment on the updated Report Cards and for the first time on the draft WSP document, in September 2009.

Council's 2009 submission was noted by Council in its meeting of 20 April 2010. The submission focused on secure yield impacts and operational issues, but also requested that:

- the Draft Water Sharing Plan be amended to continue to permit the option of a future dam for town water supply at Byrrill Creek (thereby maintain the existing situation). The submission stated "Council is not in agreement with Clause 36 which prohibits in-river dams on third order streams or higher in the Byrrill Creek water source. Council has purchased the majority of property likely to be inundated by a future dam since the mid 1980's. This proposal for a future dam site has been public knowledge since that time and is incorporated into the Current Local Environmental Plan (LEP) 2000 as Clause 52 Existing and Future Dam Areas. Council requests that the Draft Water Sharing Plan be amended to permit the option of a future dam for town water supply at Byrrill Creek".
- the Draft Water Sharing Plan be amended to permit options for the transfer of water to and from adjacent Water Utilities/Authorities in NSW and QLD for town water supply purposes within the share component of the Mid-Tweed Access Licence.

Since its submission, Council has not received any information to confirm that its concerns have been incorporated into the final WSP.

The Water Sharing Plan was originally anticipated to be gazetted by April 2010, but the latest indications from the Office of Water are that gazettal is expected in December 2010.

Given Council resolved in its meeting of 1 November 2010, to adopt Byrrill Creek Dam as the preferred water supply augmentation option, it is recommended that Council immediately writes to inform the NSW Minister for Water of Council's resolution to adopt Byrrill Creek as the preferred water supply augmentation option for the Tweed Shire, and:

- i) requests from the Minister that when the Water Sharing Plan is gazetted it will exclude prohibition of a water storage on Byrrill Creek.
- ii) suggests to the Minister that a Water Sharing Palm is an inappropriate instrument to prohibit a water storage on a particular local stream.

It should be noted that while Council was considered as a stakeholder within the State Government's consultation process and therefore was specifically invited to comment on the two occasions public input was sought, Council's input into this process is limited to the public submission opportunities provided.

Implications for Byrrill Creek Landholders

For the Byrrill Creek Dam to proceed, subsequent project phases will involve significant planning, investigations and approvals steps which have a long timeframe (+7 years) depending on the studies and requirements from government agencies.

Byrrill Creek Dam has been identified in Tweed Shire Council planning instruments for many years.

For the dam to proceed, several properties or parts of properties at Byrrill Creek will need to be acquired.

It is recommended that Council proceeds with development of a Land Acquisition Plan to determine processes, timing, costs and other factors which will facilitate acquisition of properties or parts thereof as required.

Clarrie Hall Dam Spillway

Given Byrrill Creek Dam has been adopted as the preferred option, work to upgrade the spillway on the existing Clarrie Hall Dam will now need to commence. It is recommended that the details of this matter be presented to Council in a separate report.

Future Clarrie Hall Dam Augmentation and Doon Doon Creek

The results of the Water Supply Augmentation Options Fine Screen Study highlighted that raising the existing Clarrie Hall Dam is a viable method of augmenting the water supply system. Preliminary studies suggest that an enlarged dam with a Full Supply Level (FSL) at 70m AHD (Australian Height Datum) and a flood buffer at 77m AHD.

It is recommended that:

- Council planning procedures incorporate the future possibility of raising the Clarrie Hall Dam to these levels to satisfy water augmentation requirements for planning horizons beyond those satisfied by the Byrrell Creek Dam augmentation.
- Council retains ownership of land at Doon Doon Creek to enable consideration of future water supply augmentations at Clarrie Hall Dam beyond the current planning horizon, and to maintain catchment management capabilities.
- Council considers the uncertainty that will be faced by landholders at Doon Doon Creek as to the long term land use for the area and liaises with landholders to reduce inconvenience to them.
- Council considers the possibility for acquisition of properties at Doon Doon Creek within the Land Acquisition Plan.

Byrrell Creek Dam - Project Planning

Attached is a Preliminary Pre-Approvals Program giving a general sense of the scope of works and draft cost estimates for investigations required for planning approval.

Items considered for immediate start are outlined in the attachment and include:

- Preliminary Geological / Geotech Studies.
- Seismic Studies.
- Hydrology Studies.
- Legal & Planning Advice.
- Land Acquisitions Plan.
- Liaise with Government Agencies regarding Planning Approval Requirements (EIS requirements, Adaptive Management requirements, Water Sharing Plan, Fisheries requirements).

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Significant resources are required to carry out the pre-approvals program.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Preliminary Pre-Approvals Program (ECM 23739458)
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