



Nature Conservation Council

Submission on the NRC review of South Coast Water Sharing Plans:

- **Clyde River Unregulated and Alluvial Water Sources 2016**
- **Deua River Unregulated and Alluvial Water Sources 2016**
- **Tuross River Unregulated and Alluvial Water Sources 2016**

24 November 2025

About NCC

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 200 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

www.nature.org.au

For further information about this submission, please contact:

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Acknowledgement

The Nature Conservation Council NSW acknowledges that we live and work on the land of First Nations. This land has been cared for since time immemorial by Traditional Owners, whose sovereignty was never ceded. We pay our respects to the Traditional Owners past and present of the many Countries within so-called New South Wales.

We respect the leadership of Traditional Owners in caring for Country and support the development of treaties that meaningfully empower them to do so. We acknowledge the dispossession of First Nations People, and the harm inflicted on people and Country since colonisation began. We acknowledge that colonisation is an unjust and brutal process that continues to impact First Nations people today. As people living and working on First Nations Country it is incumbent on us to play our part in righting the historical and ongoing wrongs of colonisation. Indeed, our vision of a society in which nature and communities thrive together depends upon it.

The Nature Conservation Council of NSW (NCC) respects and supports all First Nations people's right to self-determination as outlined by the UN Declaration of the Rights of Indigenous Peoples (UNDRIP), which extends to recognising the many different First Nations within Australia and the Torres Strait Islands. NCC commits to maintain open lines of communication and to build respectful mutual relationships with First Nations people in all the work we do and wherever possible, seek aligned outcomes with and support the goals of First Nations groups.

We commit, as an organisation, to empower and work together with First Nations people to protect, conserve and restore the land, waters, air, wildlife, climate and culture of the many First Nations people in NSW.

24 November 2025

Natural Resources Commission

By email: nrc@nrc.nsw.gov.au

SUBMISSION: NRC REVIEW OF THE SOUTH COAST WATER SHARING PLANS

Nature Conservation Council NSW (NCC) is pleased to provide comments to the NRC on the following South Coast Water Sharing Plans (WSPs):

- Clyde River Unregulated and Alluvial Water Sources 2016
- Deua River Unregulated and Alluvial Water Sources 2016
- Tuross River Unregulated and Alluvial Water Sources 2016

This submission does not cover the Snowy Genoa Unregulated and Alluvial Water Sources and offers a high-level policy review of the three listed WSP, as the NCC water team does not have on ground experience in these catchments.

The current Water Sharing Plans (WSPs) do not provide the tools required to protect rivers, estuaries, wetlands, cultural values, or downstream communities under present conditions. **Future replacement plans must not only address their current shortcomings, but must also contain rules that address the challenges that come with declining water quality, a warming climate and rising seas.**

Priority Actions

- Replace outdated "no visible flow" rules with strong low-flow and water-quality-based cease to pump (CTP) triggers.
- Embed climate datasets (historic, paleo, NARClIM) into adaptive, future-facing flow rules.
- Integrate Intertidal Marine Vegetation Strategies (IMVS) to better protect wetlands and facilitate their retreat from sea-level rise.
- Introduce explicit wetland protection objectives, monitoring and performance indicators.
- Establish water-quality triggers for pumping using ANZG Fresh and Marine Water Quality Guidelines.
- Account for harvestable rights, improve metering, and manage cumulative extraction.
- Return stolen water to Traditional Owners.
- Implement the principles of Free, Prior and Informed Consent (from the Declaration on the Rights of Indigenous Peoples).

Why the Existing Plans Fall Short

The current WSPs cannot meet the environmental, cultural, and social objectives of the *Water Management Act 2000* because they:

- a. Do not protect low flows or water quality
 - "No visible flow" rules allow extraction at ecologically damaging levels.
 - No mechanisms to protect water quality during drought, bushfire recovery, or first-flush events.
- b. Leave wetlands and estuaries unprotected
 - WSP boundaries stop at the "mangrove limit", excluding tidal wetlands.
 - No objectives or rules addressing wetland condition, inundation needs, or landward retreat.
- c. Cannot respond to a changing climate
 - Rules based on historical hydrology ignore climate-driven flow decline.
 - No ability to adjust CTP triggers or environmental protections based on new science.
- d. Fail to manage cumulative extraction
 - Harvestable rights volumes remain unaccounted.
 - Groundwater drawdown around wetlands and cultural sites is unmanaged.
 - Significant gaps in metering coverage.
- e. Poor support for First Nations water rights
 - No cultural water allocations
 - No mandated requirement for seeking Traditional Owner input into water management processes
- f. Performance against objectives not assessed
 - Compliance with long-term annual average extraction limits (LTAAELs) is not assessed
 - No data, monitoring or performance indicators to evaluate environmental, economic, social or cultural outcomes.

Recommendations to improve environmental outcomes

1. Introduce Modern, Climate-Responsive Cease-to-Pump Rules

Stronger CTP rules and an amendment provision that allows rules to be adjusted by Year 5 of the Plans in response to new information about risks to the water sources and their ecosystems should incorporate:



- Climate indicators based on the NARClIM future climate datasets: cumulative rainfall deficits, soil moisture, seasonal outlooks and evapotranspiration stress.
- Water quality thresholds based on the ANZ Guidelines for Fresh and Marine Water Quality: dissolved oxygen, salinity/EC, turbidity, temperature.
- Estuary protection: salinity-based triggers adjusting with sea-level rise. Modelling of freshwater inflow volumes needed to maintain estuary health would be required.
- First-flush protections: suspend extraction until post-fire or post-drought water quality improves.
- Wetland-specific flows: environmental flow regimes that mimic natural variability, including minimum inundation.
- Cumulative impacts: climate change driven reduced connectivity, groundwater drawdown and higher inception by harvestable rights.

2. Integrate Wetland and Estuary Protection

The current WSPs refer to “water-dependent ecosystems” broadly, but not to *wetlands* specifically, and they lack specific objectives and rules that protect wetlands and allow them to adapt to a changing climate. NCC recommends replacement WSPs:

- Include explicit statutory wetland protection objectives and clauses in the WSPs with strategies and performance indicators attached to ensure all water access rules are assessed for their impact on wetlands.
- Designate key wetland complexes as priority flow targets.
- Require that any management or licensing decision *demonstrates no net loss of wetland condition or extent*.
- Integrate Intertidal Marine Vegetation Strategies (IMVS) mapping and retreat pathways into WSP boundaries. To date, a strategy for the Tweed has been completed, and strategies for the Richmond River Estuary, Kiama Coast Estuaries and the Jervis Bay Marine Park Estuaries are underway. There have also been three non site specific strategies published regarding weed management, integrated landscape and seascape conservation and key approaches to mitigate risk. The integration would provide a mechanism to manage coastal wetland retreat under climate change. Integrating IMVMS would allow the WSP to explicitly protect the hydrological and spatial conditions needed for landward migration of mangroves, saltmarsh, and seagrass. Integration would support NRC recommendations for integrated mapping, flow protection, and adaptive review; and deliver on state-wide objectives under the *Biodiversity Conservation, Fisheries Management, and Water Management Acts*.
- Tighten groundwater drawdown limits where Groundwater Dependent Ecosystems (GDEs) and listed wetlands are at risk

- Establish setback rules for new and replacement groundwater works to 3 km for all listed wetlands and GDEs.
- Mandate riparian vegetation buffers along watercourses and wetland edges for all licenced works.
- Incentivise revegetation of degraded buffer zones, on-farm water efficiency and wetland restoration through water user licence conditions, licence fee rebates or offsets.
- Integrated Land Use controls – align the plan with Local Environmental Plans and coastal management programs to restrict intensive land use in wetland recharge zones.

3. Strengthen Monitoring, Extraction Accounting and Evaluation

All water sharing plans must include strategies and performance indicators that enforce the operationalisation of the objectives. Long term adequately funded monitoring and measuring program are required to provide data for assessments.

- Establish long term ecological and water quality monitoring linked to plan reviews, enabling adaptive, evidence-based management.
- Establish a Wetland and Water Quality Monitoring Program to inform 5-year rule reviews and ten-year WSP reviews.
- Develop a wetland and GDE condition index (combining hydrology, vegetation, and water quality metrics).
- Recent remade water sharing plans have been simplified with fewer objectives than the original plan. Objectives must be maintained in WSPs, linked to strategies and performance indicators.
- Meter all works and remove the exemption for >100 ML works in the *Water Management (General) Regulation 2025*.
- Estimate and publish harvestable rights volumes for inclusion as a part of LTAAEL take.

Recommendations to improve social outcomes

Social outcomes are neither defined nor measured, therefore if there are any social benefits of the WSPs, they are indirect. Awareness and community engagement around environmental water management is limited. More could be done to build social trust and knowledge about water management, including:

- Make efforts to de-mystify the complexity of water management for the community.
- Develop meaningful social objectives with input from the community.

- Increased metering requirements, transparency and monitoring will build trust.

Recommendations to improve economic outcomes

- Activate all sub-categories of Aboriginal access licence to support economic and cultural objectives. Aboriginal Cultural Special Access Licences allow only “ancillary or incidental” commercial benefit.
- The plan could include economic diversification mechanisms such as water efficiency incentives or non-rainfall dependent water supplies during water restrictions.
- Improved CTP rules will ensure fairer sharing between upstream and downstream users.
- Better water quality would reduce impacts on fisheries, aquaculture and tourism.
- Climate-informed rules reduce reliance on emergency restrictions.

Recommendations to improve cultural outcomes

There are no strategies or management strategies to achieve the objective to “protect, preserve, maintain or enhance Aboriginal cultural and heritage values”.

- Return stolen water to Traditional Owners - include explicit cultural water allocations.
- Expand groundwater setbacks to include culturally significant wetlands and sites.
- Embed Free, Prior and Informed Consent (FPIC) principles and create First Nations advisory roles.

Conclusion

South Coast Water Sharing Plans should be remade so they deliver a step-change in environmental protection. Without strong, climate-ready cease-to-pump rules and integrated wetland and estuary management, the Plans will fail to protect the rivers and communities that rely on them.

Thank you for the opportunity to participate in this consultation.



Your key contact point for further questions and correspondence is Melissa Gray, Water Campaigner, available via mgray@nature.org.au and (02) 9516 1488. We welcome further conversation on this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "JM", written in a cursive style.

Jacqui Mumford
Chief Executive Officer
Nature Conservation Council of NSW