

Replacing the water sharing plans for Bega and Brogo and Murrah–Wallaga

The *Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023* will replace the previous 2011 plan for Bega and Brogo rivers and the 2010 plan for Murrah–Wallaga. This document answers frequently asked questions about the proposed changes.

What is a water sharing plan?

Water sharing plans are the primary legal framework for managing water access and sharing in NSW. They are made under the *NSW Water Management Act 2000* and have a legal timeframe of 10 years. The rules in the plans allow equitable sharing of water for all water uses, including the environment.

The purpose of a water sharing plan is to:

- give water users a clear picture of when and how water will be available for extraction
- protect the fundamental environmental health of water sources
- ensure our water sources are sustainably managed in the long term.

The plans clearly define the rules for sharing the available water in a water source. They also give irrigators and farmers continuing or 'perpetual' water licences, which have a title separate from the land. These enable better water trading opportunities. In addition, plans set out requirements for basic landholder rights – stock and domestic rights, harvestable rights and native title rights.

Water sharing plans support the long-term health of rivers and aquifers by making water available specifically for the environment.

Why is the department replacing and merging the plans for Bega and Brogo rivers and Murrah–Wallaga?

NSW water sharing plans are valid for 10 years and are reviewed by the NSW Natural Resources Commission. The minister responsible may extend or replace a plan on the recommendation of the commission.

In 2021, the commission completed its review of the *Water Sharing Plan for the Bega and Brogo Rivers Area Unregulated and Alluvial Water Sources 2011* and the *Water Sharing Plan for the Murrah–Wallaga Area Unregulated and Alluvial Water Sources 2010* and recommended the plans be replaced.

As part of the replacement of water sharing plans, the NSW Department of Planning and Environment takes the opportunity to consolidate plans where appropriate. We have combined the

Bega and Brogo and Murrah–Wallaga plans as they have common communities, industries and local government (refer to Table 1).

The department has prepared a draft replacement plan, which will be known as the draft *Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023*.

The draft replacement plan includes several changes recommended by the commission.

Table 1. How we are merging and replacing plans

Replacement plan	Previous plans
<ul style="list-style-type: none"> <i>Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023</i> 	<ul style="list-style-type: none"> <i>Water Sharing Plan for the Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources 2011</i> <i>Water Sharing Plan for the Murrah–Wallaga Area Unregulated and Alluvial Water Sources 2010</i>

How will the department consult on the replacement water sharing plan?

Stakeholder involvement and input is critical to the development of water sharing plans in NSW. We are providing information and consulting the community through:

- targeted consultation meetings
- inter-agency consultation
- public information sessions
- public submissions.

We will publicly exhibit the plan from 13 July to 21 August 2022. You can have your say by making a written submission (visit the [department’s website](#) for details).

Is there a limit on how much water I can take with my licence?

Water access licences show the amount of entitlement that you have – called the share component. This share component can be expressed as ML/yr or a number of ‘unit shares’ in the available water resource. The amount of water you can take is based on:

- your licensed share component
- the available water determination (AWD)
- your account management rules
- any relevant conditions on your access licence.

An AWD is made on 1 July each year. The AWD sets out a:

- volume of water per share that will be placed into your water allocation account at the start of a water year (1 July), or
- percentage of the entitlement volume if the share component is in ML/yr.

This is called an allocation. You can only take the volume of water that is in your water account, in accordance with your account rules, other rules in the water sharing plan and any relevant conditions on your access licence.

The total amount of water that all water users can take in a water source is limited. This limit is known as the long-term average annual extraction limit (LTAAEL).

The limit for all water taken (except for water that can only be taken in high-flows) is the standard LTAAEL. This is the sum of all licensed entitlement (except licences that are issued to only take water from high-flows) at the start of the 2023 plan and domestic and stock rights, native title rights and harvestable rights at the start of the first water sharing plan.

If the annual extraction in the Bega–Brogo Regulated Rivers water source – or a 3-year average annual extraction in all other water sources – is greater than the standard LTAAEL by more than 5%, licensed water users will receive a reduced allocation and may not get the maximum allocation placed into their accounts the following year. This is to reduce extractions back to the standard LTAAEL.

What changes does the department propose to the access rules that determine when I can take water? Why?

The results of an ecological risk assessment showed that there was a high risk that there would not be enough water for freshwater riverine ecosystems in some water sources at low-flows – even though cease-to-pump rules were already in place. This suggests that the current cease-to-pump rules may not protect low-flows adequately, so we propose the following changes.

In the Bega and Brogo area, we propose changes to access rules in the Upper Bega–Bemboka Rivers water source. This change aims to balance ecological, social, economic and cultural needs.

In this water source, the current water sharing plan has a ‘dual’ cease-to-pump rule. Licence holders who have carried out creditable, on-ground riparian improvement works can access low-flows down to a cease-to-pump level of 2 ML/day (the 97th percentile flow – the lowest 3% of flows). Licence holders who have not completed such works have a cease-to-pump level at 5 ML/day (the 90th percentile flow – the lowest 10% flows).

Research shows that when flows fall below the 95th percentile flow, a significant amount of the riverine habitat dries out. If these low-flows continue, there is a high risk of the loss of riverine ecosystems and reduced diversity.

As many licence holders can extract flows down to 2 ML/day, and then more extraction is permitted below that level for basic landholder rights or health and hygiene purposes, low-flows in the Upper Bega–Bemboka Rivers water source are not adequately protected.

In the draft water sharing plan, we propose to increase the cease-to-pump level for all licence holders to 5 ML/day referenced to the gauge number 219032 (Bega River at Kanoona). Extraction below this can still happen for basic landholder rights or health and hygiene purposes.

In the Murrah–Wallaga area, we propose changes to access rules in the Narira Creek, Dry River, Murrah River, and Bermagui River water sources to improve protection of low-flows and reduce the risk that there will not be enough low-flows for ecosystem health and diversity.

The current plan refers Dry River and Murrah River water sources to gauge number 219018 (Murrah River at Quaama) and Narira Creek water source to gauge number 219016 (Narira Creek at Cobargo). The rules in the draft plan propose a cease-to-pump level at 1.4 ML/day and a new B-Class flow at 10 ML/day for both gauges.

We consider that flow conditions in the Bermagui water sources are similar to that in the Narira Creek water source. The draft plan therefore proposes updated access rules, with a cease-to-pump level of 1.4 ML/day and a B-Class flow at 10 ML/day referenced to gauge number 219016 (Narira Creek at Cobargo). We do not propose changing access rules for any other water sources.

What happened to the Bega River Health Agreement?

The South Coast Water Management Committee negotiated the Bega River Health Agreement (BRHA) during the development of the 2011 Bega and Brogo area water sharing plan. Dual cease-to-pump rules were incorporated into that plan. This was on the understanding that there would be a trade-off between flow rules and other measures to improve river health through water users carrying out on-ground works on their properties.

While the on-ground works of the BRHA have been a success, water sharing plans can only regulate how water is shared between users. Managing river health through on-ground works is not within the control of a water sharing plan. Because of this, the BRHA will not be incorporated into the new plan. A single cease-to-pump rule will apply to all licensed users.

How will I know if I can or cannot take water?

Real-time flow data for each of the flow gauges is available on the WaterNSW website. Follow these steps:

1. Visit the Real-time data site.
2. In the 'find a site' box, enter the gauge number to access current flows in megalitres or river height.
3. Compare current recorded flows with the access rule to determine if you are allowed to take water.

Is the department proposing changes to rules that govern trading licence shares or water allocations?

In the draft plan, we continue to allow trade within each water source. It is still banned between water sources that are not hydrologically connected (that is, water sources that do not drain into each other).

In the Murrah–Wallaga area, the current plan only allows trade into the Narira Creek and Dry River water sources. In the draft plan, we propose maintaining this, but only into higher (B-Class) flows and only up to a total maximum of 220 ML for each water source. There is limited scope to increase trading in the Murrah–Wallaga area because it has small, low-yielding catchments that are hydrologically disconnected.

In the Bega–Brogo area, the current plan does not allow any trade between water sources. In the draft plan, we propose to allow trade into 7 water sources as follows:

Frequently Asked Questions

- Lower Bega–Lower Brogo Rivers Tributaries – up to 616 ML in B Class
- Sandy Creek – up to 308 ML in B Class
- Candelo Creek – up to 308 ML in B Class
- Wolumla Creek – up to 308 ML in B Class
- Upper Bega–Bemboka Rivers Tributaries – up to 616 ML in B Class but source of trade can only be from the Upper Bega–Bemboka Rivers Water Source
- Mid Bega River Tributaries – up to 1,430 ML in B Class but source of trade can only be from Mid Bega River Sands Water Source
- Tantawangalo Creek (Lower Zone) – up to 770 ML in C Class.

We have set maximum volumes to ensure the risk remains low that increased extraction in the higher-flow classes will affect riverine ecosystems. To protect the water of existing users, trade will not be permitted into water sources with already high levels of demand for available water.

Refer to the water source Report Cards for more detailed information.

Why is the department reducing the number of water sources where high-flow conversions are allowed in the Bega and Brogo areas? Why are high-flow conversions still banned in the Murrah–Wallaga area?

In the Murrah–Wallaga area, conversion to high-flow licences has not been allowed before. We do not propose changing this as the landscape, consisting of small, low-yielding catchments, does not support this type of water management rule.

In the Bega–Brogo area, the current plan allowed conversion to high-flow licences in 9 water sources. This enabled licence holders to apply to convert all or part of their licensed volume on a 3:1 basis (that is, 10 ML would become 30 ML), conditional on only extracting at high-flows. No-one has applied for high-flow conversion over the past 11 years.

We propose to **continue to allow** conversion to a high-flow licence in 3 areas only: the Upper Bega–Bemboka Rivers and Mid Bega River Sands water sources and the Lower Tantawangalo Creek Management Zone. We propose that conversion will still be on a 3:1 basis, with the extraction only from high (C-Class) flows. This is to continue to encourage licence holders in these areas to move their extraction out of highly stressed low-flows.

We propose to **prohibit** conversion to high-flow in the following 6 water sources:

- Lower Bega–Lower Brogo River Tributaries
- Upper Bega–Bemboka River Tributaries
- Sandy Creek
- Candelo Creek
- Wolumla Creek
- Mid Bega River Tributaries.

This decision is driven by updated information and risk assessment showing:

- there is not enough water available in the water source at high-flows (that is, these are small catchments), or
- a low risk to riverine ecosystems at low-flows (that is, encouraging users to move extraction out of low-flows is not urgent), or
- a medium risk to riverine ecosystems at higher flows (that is, allowing additional extraction at high-flows may induce stress at that flow level).

Some water sharing plans have a high-flow conversion factor of 5:1. Why does the conversion factor of 3:1 remain for the Bega River area?

Allowing conversion at a higher ratio cannot be supported without increasing the risk of affecting environmental requirements at higher flows.

Given the recent increase in the volumes that can be stored in harvestable right dams, the department considers that maintaining the current 3:1 conversion rate for high-flow conversion is appropriate.

How can I get a licence or additional water for a commercial enterprise?

You can get new or additional licence shares or annual water allocations through the water market. The plan establishes rules governing buying and selling shares and allocations within and between water sources.

In the draft plan, we propose to allow Aboriginal people to apply for Aboriginal community development licences. Rules governing Aboriginal community development licences have changed for some water sources.

Refer to the water source Report Cards for more detailed information.

Are there any new rules for the location of groundwater bores in alluvial aquifers?

In the draft plan, we propose rules for the minimum distance between areas of acid sulfate soils and groundwater bores. The plan proposes that water supply works must not be constructed within an area classed as having a high probability of containing acid sulfate soils on the Acid Sulfate Soil Risk Map the department maintains.

The draft plan also proposes rules for the minimum distance between groundwater bores and sites of contamination. The plan proposes that we will not grant licences for new or amended water supply works:

- within 500 metres of a contamination site identified by the plan
- within 250 metres from the edge of a contamination plume and an onsite sewage system
- between 250 metres and 500 metres of the edge of a contamination plume where drawdown will occur within 250 metres of the edge of the contamination plume.

We have also proposed new rules for the minimum distance between a groundwater bore and a groundwater-dependent, culturally significant site. We will not grant a licence for new or amended water supply works within the following distances of a groundwater-dependent, culturally significant site:

- 100 metres, if the bore is for basic landholder rights bores
- 200 metres, for all other bores.

The new plan proposes to change distance rules for new bores near existing ones on neighbouring properties. Distance restrictions in the current plans are smaller than other coastal water sharing plans. To prevent effects on bores on neighbouring properties, we will apply standard distances:

- 200 metres from a bore on a neighbouring property (whether it is used solely for basic landholder rights or licensed extraction)
- 100 metres from the boundary of another property that has a bore, unless written consent has been given from the licence holder of the bore on the neighbouring property.

On-farm storage is the future for securing water supply. Why does the department increasingly ban in-river dams on third-order stream and higher?

In-river dams on third-order and above streams in water sources are generally prohibited in water sources with high ecological values. The ban ensures these ecological values are protected from the effects of the construction and operation of new in-river dams. In these catchments, landholders can still construct off-river storages or in-river dams on first- and second-order streams.

Does the department propose changes to the estimated water requirements for basic landholder rights and licensed take?

We will update the estimated water requirements for basic landholder rights. We will also update the total volumes or unit shares specified in the share components of all access licences to reflect current information.

Will the increase of harvestable rights affect my ability to take water?

If more water is captured in harvestable rights dams, it is possible that less water may reach rivers. This could increase the frequency of very low-flows and result in more days where licensed water users must stop pumping.

Water that can be extracted from a water source is limited. If more water is captured in harvestable rights dams, less water may be available for extraction under a licence.

There are more details on how increased harvestable rights could affect water sharing in the fact sheet [*How increased harvestable rights will affect water sharing in coastal NSW.*](#)

More information

To read the draft water sharing plan and other fact sheets, visit [the Water pages of the department's website](#).