

## Draft Water Sharing Plan for the Richmond River Area Unregulated, Regulated, and Alluvial Water Sources 2023

### How to fill out this form

The department is seeking your comments on the draft Water Sharing Plan for the Richmond River Area Unregulated, Regulated, and Alluvial Water Sources 2023.

*Note: Submissions close 18/12/2022*

Please note that due to recent catastrophic floods and current community priorities, we are not proposing any changes that relate to the specific water access rules that define the flow classes, cease to pump and commence to pump rules. These types of rules directly affect an individual's current daily ability to access water. While key issues and changes have been summarised in this submission form, comment on all aspects of the water sharing plan is welcome. Comments on every question in this form are not necessary. Please comment on those sections of the water sharing plan that you are interested in. 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 either:

Post: **Richmond River Area WSP**  
 Department of Planning and Environment – Water  
 PO Box 1226  
 NEWCASTLE NSW 2300

Email: [richmondriverarea.wsp@dpie.nsw.gov.au](mailto:richmondriverarea.wsp@dpie.nsw.gov.au)

### Information on privacy and confidentiality

Submissions received will be considered by NSW Department of Planning, and Environment and the Department of Primary Industries. 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 your name and suburb, 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
Name		
Suburb		

# Department of Planning and Environment

## Submission on proposed changes



<p><b>Stakeholder Group</b> (please indicate which of the following best represents your interest by <b>ticking one box</b>)</p>	<input type="checkbox"/> Water user – Licence holder <input type="checkbox"/> Water user – Basic Rights <input type="checkbox"/> Fishing interests <input type="checkbox"/> Local govt./ Utilities	<input type="checkbox"/> First Nation <input type="checkbox"/> Local landholder <input type="checkbox"/> Other government <input type="checkbox"/> Environment interests	<input type="checkbox"/> Community member <input type="checkbox"/> Other (specify)
<p>Did you attend an information session, webinar, or meet with the department about the water sharing plan?</p>			
<p>If your comments refer to a specific water source, which one?</p>			

**Access rules for water access licences**

Due to recent catastrophic floods and current community priorities, we are not proposing any changes to access rules in the plan that affect an individual’s current daily ability to access water.

The draft plan has removed the exemption provisions for pumping restrictions if a licence holder has been accredited under the Efficient Water Use Accreditation Scheme in four water sources. The department could find no evidence that this scheme has been established therefore we assume there have been no accreditations and no exemptions exist.

All other 2010 access rules are proposed to remain.

As no changes are proposed to daily access in the draft plan an amendment provision has been included to amend access rules where new telemetered gauges have been established or within the first five years of the plan where it is identified that different access rules may be required. Any future access rule amendments will aim to reach a balance between ecological, social, economic and cultural needs. Future access rule amendments will be subject to consultation, public exhibition and submission processes.

Comments and submissions may still be made in relation to the unchanged rules.

*These rules are contained in Part 6; Divisions 3-5 of the draft plan. Further information is contained in the background document as well as the report cards for the relevant water sources.*

Which water source/s does your answer refer?	
Do you support the proposed cease to pump rules? Why/why not?	
Will the proposed cease to pump rules impact your business? How? What could be done to mitigate that impact?	
Do you think that the proposed cease to pump rules appropriately protect the environment? Why/why not?	

**New Bungawalbin Creek tidal and non-tidal management zones proposed**

The 2010 plan includes specific trade rules for the Bungawalbin Creek sub-catchment but does not establish management zones. To improve clarity and to support locally relevant trade rules the draft Richmond 2023 plan proposes to establish two new management zones in this water source:

- Bungawalbin Creek Tidal Management Zone (which includes the reach of Sandy Creek that drains to Bungawalbin Creek)
- Bungawalbin Creek Non-Tidal Management Zone (which includes the portion of the water source that drains to Sandy Creek)

*The proposed zones are included on the plan map. The plan map and detailed maps of the proposed new management zone boundaries are also available on the public exhibition website.*

*Further information is contained in the background document as well as the report cards for the Coraki Area Water Source.*

Do you have any comments in relation to the proposed establishment of the Bungawalbin tidal and non-tidal management zones?

**Draft trading rules for water access licences**

Trade between management zones or water sources are prohibited where they are not hydrologically connected (i.e. drain into each other), or where trade of additional entitlement may impact on environmental values.

Trade provisions from the 2010 plan are largely unchanged, except:

- Trade into Shannon Brook and Eden Creek water sources is now prohibited due to high ecological values.
- Trading into the new Richmond Area Coastal Floodplain Alluvial Groundwater Source is prohibited due to low hydrological connectivity with any other water source
- Trade into Alstonville Water Source will now be permitted as long as there is no increase in entitlement above the volume that exists at the commencement of the new plan.
- Trade into the main trunk of Coopers Creek from Coopers Creek tributaries is now permitted.
- Up to 2500 ML may be traded into the Richmond River Tidal Pool Management Zone from the Wyrallah Area Water Source
- Up to 2500 ML may be traded into the Wilson River Tidal Pool Management Zone from Coraki Area Water Source.
- Trade into the new Bungawalbin Creek Tidal and Non-Tidal management zones are proposed to be prohibited.

*These rules are contained in Part 8 the draft plan. Further information is contained in the background document as well as the report cards for the relevant water sources. Detailed maps of the proposed new management zone boundaries are also available on the public exhibition website.*

Do you have any comments on either the changed or unchanged aspects of trade rules proposed in the draft plan.

What factors would encourage you to buy/sell water?

**Applications for Aboriginal community development licences**

The issuing of Aboriginal Community Development Licences (ACDLs) provides for the take of additional water on top of current levels of entitlement. Updated data and risk assessment processes underpinning draft plan development highlighted the high ecological values of the water sources where ACDLs are currently permitted.

To prevent the further exacerbation of risks to environmental values it is proposed to prohibit ACDLs in the Eden Creek, Leycester Creek, Myrtle Creek and Shannon Brook water sources.

The draft plan proposes to allow for applications for ACDLs in the Richmond River Coastal Floodplain Alluvial Groundwater Source.

*These rules are contained in Part 5 of the draft plan.*

Do you have any comments in relation to this proposed change relating to ACDLs?

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**Conversion to high flow access licences**

In the Richmond River area, the current plan allowed for the conversion to high flow licences in nine water sources. Licence holders are able to apply to convert all or part of their licensed volume on a 5:1 basis (i.e. 10ML would become 50ML) to high flow access licences. These licences can only extract water in high flows. There has been a nil uptake in high flow conversion over the past 11 years.

The draft plan proposes the following changes

- High flow conversions no longer permitted in Myrtle Creek and Eden Creek water sources
- High flow conversions permitted in the Coopers Creek Water Source

These changes reflect updated risk assessment, hydrologic stress and flow data

*These rules are contained in Part 8 of the draft plan. Further information is contained in the background document as well as the report cards for the relevant water sources.*

Do you have any comments on the proposed change to high flow access licences?

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**Long-term average annual extraction limits**

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

- The Standard LTAAEL that sets a limit on extraction from all flows except for higher flow only extraction and includes extraction from basic landholder rights (including harvestable rights) at the commencement of the first plan.
- 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 lower flows and encourage extraction from higher flows.

*These rules are contained in Part 4 of the draft plan.*

Do you support the new LTAAEL (Long Term Average Annual Extraction Limits) definition?

Why/why not?

**Richmond Area Coastal Floodplain Alluvial Groundwater Source**

The draft plan proposes to establish a new groundwater water source that covers the majority of the alluvium downstream of approximately the tidal limits. The water source is being defined in recognition of its hydrogeological distinctiveness from upriver alluvial deposits which tend to be more connected to surface water.

The extraction limit proposed for the water source is 13,000ML/year. This volume is higher than current usage levels.

Water for licensed take may be made available through a controlled allocation process in the future.

The proposed new water source boundaries are available to view on the maps on the public exhibition website.

Do you support inclusion of this Groundwater Source?

Why/why not?



**Groundwater-dependant ecosystem maps**  
**Water supply works approvals**  
**Distance conditions in alluvial aquifers**

Works such as pumps, pipes, bores and weirs used for extracting water under licence require a water supply works approval. Changes to provisions relating to the granting of water supply works approvals or the nomination of water supply works to minimise impacts on existing extraction and sensitive areas include:

- prohibiting construction or amendment of in-river dams in 6 additional water sources identified as having high ecological values
- prohibiting the construction of water supply work approvals where there will be more than minimal impact on Coastal SEPP wetlands in water sources where they exist
- prohibiting groundwater works on land classified as having a high probability of having acid sulphate soils
- including a groundwater-dependent ecosystem (GDE) map (for which bore setback distances will apply)
- more clearly specifying the 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

*These rules are contained in Part 7 of the draft plan.*

Do you have any comments on the proposed changes to distance rules relating to new work approvals?

**Managing the risks of increased harvestable rights**

In May 2022 the volume of water that can be captured in harvestable rights dams in coastal draining catchments increased from 10% to up to 30% of rainfall runoff with the specific volume to be determined on a catchment by catchment basis.

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 5 and then access and trade rules may 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 have any comments on the proposed approach to assessing and addressing increases in harvestable rights?

**Other Changes and Additional feedback**

The previous sections relate to the key proposed changes from the current water sharing plan. Additional, less significant changes are described in the background document and in the relevant report card for each water source. Comments on all aspects of the plan are welcome and encouraged. Please use the space below, or attachments if required or preferred.

Comments on any aspect of the draft plan?

<p>How did you hear about the Public Exhibition? (please <b>tick one box</b>)</p>	<p><input type="checkbox"/> Communication from peak body <input type="checkbox"/> Department of Planning, and Environment Website</p>	<p><input type="checkbox"/> Radio <input type="checkbox"/> Social media <input type="checkbox"/> Newspaper</p>	<p><input type="checkbox"/> Other (specify) <input type="checkbox"/> Direct email</p>
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