

# Report card for the Lower Bega/Lower Brogo Rivers Tributaries Water Source

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## Water source context

Water Sharing Plan:	Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023
Extraction Management Unit (EMU):	Bega River Catchment Extraction Management Unit
Area:	417 km <sup>2</sup>
Inflowing water source:	Nil
Receiving water source:	Bega and Brogo Regulated Rivers
Groundwater-dependent ecosystems:	Identified at plan commencement
Approximate average annual rainfall:	875 – 975 mm

## River flows

80 <sup>th</sup> percentile:	2.2 ML/day
Flow records:	Double Creek near Brogo gauge number 219017 (1966 – present)

## Basic landholder rights

Domestic and stock rights estimate:	574 ML/year
Native title rights:	0 ML/year

## Licensed water entitlements

Total surface water entitlement:	41.1 ML/year of Domestic and Stock access licences 1509 ML/year of Unregulated River access licences
Total groundwater entitlement:	0 ML/year
Local water utilities entitlement:	0 ML/year

## Rules

### Managing Access Licenses

Each water access licence has its own share component (volume of the licence) and a water allocation account that acts like a bank account where water is credited or debited.

- Water is credited to an account by an available water determination or if water is traded in (purchased) during the year from other licence holders
- Water is debited from the account when water is extracted or traded out (sold). Total extraction from a work (pump, bore, etc.) will be measured via metering or logbooks.

### Carryover and Individual Account Limits

Domestic and stock, unregulated river and aquifer access licence accounts:

- Carryover of water remaining in a water allocation account is permitted at the end of each water year up to 1 ML per unit share or 100% of share component (where expressed in ML).
- The maximum water account debit in any 3 consecutive water years is the volume of water allocated to the account over those 3 years from available water determinations plus any adjustments made for allocation assignments (trades) or water allocation re-credited into the account.

Table 1 Draft rules for granting access licenses

Type	Current rules	Proposed rules
<p>There are limited purposes for which a new licence will be granted. It is anticipated that most additional water needs will be sourced from the market. One reason a licence may be granted is for Aboriginal cultural purposes. Other reasons are identified in Clause 10 of the <i>Water Management Act General Regulation 2018</i>.</p>		
Aboriginal cultural access licence	Permitted up to 10 ML/year per licence, subject to assessment	No change
Aboriginal community development access licence	Permitted into B Class, up to a total of 500 ML/year for all ACD access licences in the Lower Tantawangalo Creek Management Zone and the following water sources: <ul style="list-style-type: none"> <li>• Lower Bega/Lower Brogo Rivers Tributaries</li> <li>• Mid Bega River Sands</li> <li>• Upper Bega/Bemboka Rivers</li> </ul>	Permitted, subject to assessment, into B Class up to a total of 500 ML for all ACD access licences in the Lower Tantawangalo Creek Management Zone and the following water sources: <ul style="list-style-type: none"> <li>• Lower Bega/Lower Brogo Rivers Tributaries</li> <li>• Mid Bega River Tributaries</li> <li>• Upper Bega/Bemboka Rivers Tributaries</li> <li>• Candelo Creek</li> <li>• Sandy Creek</li> <li>• Wolumla Creek.</li> </ul>

Table 2 Draft surface water access rules

Type	Current rules	Proposed rules
River flow can be viewed on <a href="#">WaterNSW Real-time Data website</a> . Search for a gauge under Rivers and Streams.		
<b>Cease to pump</b>	Take is not permitted when: <ul style="list-style-type: none"> <li>flow is at or below 2 <b>ML/day</b> at Double Creek @ Brogo (gauge 219017), or</li> <li>there is no visible flow at the point of take.</li> </ul>	No change.
<b>Commence to pump</b>	When flows exceed 2 <b>ML/day</b> at Double Creek @ Brogo (gauge 219017)  If flows have been less than 2 ML/day for a period of 30 or more consecutive days, take may not occur for <b>24 hours</b> after flows have risen above 2 ML/day.	No change.
<b>Flow classes</b>	Flows measured at Double Creek @ Brogo (gauge 219017)  <b>Very Low Flow Class:</b> equal to or less than 2 ML/day <b>A Class:</b> greater than 2 ML/day and equal to or less than 28 ML/d <b>B Class:</b> greater than 28 ML/day.	No change.
<b>Take from in-river dams</b>	Take is not permitted when the dam is below full capacity unless otherwise specified on the water supply work approval for the dam.	No change.
<b>Take from natural in-river pools</b>	Take is not permitted when the pool is below full capacity.	No change.
<b>Take from natural off-river pools</b>	Take is not permitted when the pool is below 50 % capacity unless otherwise specified on the water supply work approval.	No change.

Table 3 Draft alluvial groundwater access rules

Type	Current rules	Proposed rules
<b>Take of alluvial groundwater</b>	Take is not permitted when: <ul style="list-style-type: none"> <li>flow is at or below 2 <b>ML/day</b> at Double Creek @ Brogo (gauge 219017), or</li> <li>there is no visible flow in the river at the location closest to the supply work used for extraction.</li> </ul>	No change.  If the location closest to the water supply work in the river is a pool, then take is not permitted if the pool is below full capacity.

Table 4 Draft exemptions from access rules

Type	Current rules	Proposed rules
<b>Health and hygiene</b>	<p>For an access licence specified in the plan, no more than 20 kl/day for the following purposes:</p> <ul style="list-style-type: none"> <li>• fruit washing</li> <li>• cleaning of dairy plant and equipment for the purposes of hygiene</li> <li>• poultry watering and misting</li> <li>• cleaning of enclosures used for intensive animal production for the purposes of hygiene.</li> </ul>	<p>No change to the access rule except for the addition of “vegetable washing” (maximum take of 20 kl/day) as an exempt purpose.</p>
<b>Domestic use</b>	<p>No exemptions beyond year 3 of the plan.</p>	<p>Up to 1 kl/day may be taken for domestic use under a domestic and stock access licence.</p>
<b>Stock use</b>	<p>No exemptions beyond year 3 of the plan.</p>	<p>Take of stock water under an access licence is no longer exempt from the access rules.</p>
<b>Specific purpose</b>	<p>For access licences listed in the schedules of the plan.</p>	<p>For access licences listed in the schedules of the plan.</p>
<b>Aquifer interference activities</b>	<p>Take may occur for an access licence that nominates an aquifer interference approval.</p>	<p>Access rules do not apply to the take of surface water under an access licence for which a planning approval is in force if:</p> <ul style="list-style-type: none"> <li>• the licence holder complies with an approved water management plan, and</li> <li>• in the Minister’s opinion, the licence holder is not reasonably capable of complying with the access rules.</li> </ul>

**Note:** Water taken under basic landholder rights (domestic and stock rights, harvestable rights and native title rights) are not subject to the access and trade rules set by water sharing plans and therefore have not been listed in the above table.

Table 5 Draft restrictions for the location of surface water supply works

Type	Current rules	Proposed rules
In-river dams	Permitted, subject to assessment.	No change
All surface water works	Permitted, subject to assessment.	Not permitted within 200 m upstream of coastal wetlands defined in the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> or within 3 km upstream of Ramsar wetlands, unless assessed to pose no more than minimal harm.

**Note:** the distance rules for groundwater water supply works are detailed in the [Report Card for the Draft Rules for Groundwater Water Supply Works](#).

Table 6 Draft water trading (dealing) rules

Type	Current rules	Proposed rules
Trading covers conversion of access licence to a new category (for example from unregulated river to aquifer), assignment of rights dealings (trading of a licence), share component dealings between water sources (trading of entitlement between water sources), water allocation dealings (trading an annual allocation) and water supply works dealings (relocation of an extraction point).		
INTO water source	Prohibited	Trade permitted into B Class (28ML/day) up to a total entitlement for the water source of <b>616 ML</b>
WITHIN water source	Permitted	No change
Conversion from unregulated river to aquifer access licences	Permitted	No change
Conversion of aquifer to unregulated river access licences	Prohibited	No change
Conversions to high flow access licences	Permitted at a rate of 3:1 up to a total entitlement for the water source of <b>135 ML</b>	Prohibited

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## Key factors for decisions

- There is a suitable reference gauge for this water source and an existing cease to pump rule.
- A medium risk to insufficient water for freshwater riverine ecosystems at low flows has been identified for this water source. As a result:
  - No change to current access rules is considered required.
  - Facilitating trade out of low flows within the water source by allowing high flow conversion is no longer considered required.
- It is proposed that trade of A Class entitlement in other water sources be permitted into B Class in this water source, allowing trade without increasing stress on low flows in the water source as well as reducing overall extractions from low flows across the plan area.
- The *State Environment Planning Policy (Resilience and Hazards) 2021* identifies coastal wetlands in this water source, which require protection from over-extraction.
- The *Marine Estate Management Act 2014* requires the Minister for Lands and Water to have regard to the NSW Marine Estate Management Strategy.

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## Public exhibition

The Department of Planning and Environment seeks feedback from the public on the suitability of the proposed rules for this water source.

The draft Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023 and supporting fact sheets are available from the department's [Public Exhibition website](#).