

A new water sharing plan for the Towamba River

A summary of proposed changes in the draft *Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2022*

Water sharing plans in NSW are the primary legal framework for managing water access and sharing in NSW. The plans are valid for 10 years from their start date.

Near the end of the 10-year term, the Natural Resource Commission (NRC) conducts a formal review to identify any changes necessary to deliver better outcomes for all water users, including the environment.

Under the *Water Management Act 2000*, the minister may extend a water sharing plan for another 10 years or replace it with a changed plan, on consideration of the recommendation of the NRC.

In 2021, the NRC completed its review of the Water Sharing Plan for the Towamba River Unregulated Water Sources 2010 and recommended its replacement. This replacement is due by 1 July 2023. A copy of the NRC report is available from the [Publications pages of the NRC website](#).

A new water sharing plan – the Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2022 – has been drafted. When finalised, this plan will replace the current *Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010*.

The proposed changes to the plan range from administrative amendments to additional rules. This factsheet provides a summary of the proposed changes.

Addition of new water source

The proposed replacement plan for the Towamba River includes a new water source – the Towamba River Coastal Floodplain Alluvial Groundwater Water Source. The plan map has been changed to reflect the inclusion of this water source.

This new water source includes the alluvial groundwater below the mangrove limit within the water sharing plan boundary, which was previously excluded from the plan. A long-term average annual extraction limit of 202 ML/yr is proposed for this water source.

Licence shares in this water source can be granted through a controlled allocation process. Trading into the water source is prohibited. Trading within the water source is permitted, subject to an assessment of impacts on other water users and the environment, which happens once a trade application is made.

New definition for long-term average annual extraction limits

The long-term average annual extraction limit (LTAAEL) determines the maximum amount of water that can be extracted from a water source over the long term.

In response to recommendations from the NRC, the LTAAEL for all water sources except for the Towamba River Coastal Floodplain Alluvial Groundwater Water Source, has been split into 2 components – the standard LTAAEL and the higher-flow LTAAEL.

The standard LTAAEL applies to take from all flows by all licenced entitlements (except high flow only extraction licences). It includes all basic landholder rights – native title rights, domestic and stock rights and an estimate of take under harvestable rights. This is a fixed volume.

Including basic landholder rights in the standard LTAAEL and fixing the standard LTAAEL allows us to manage any growth in water extraction. If extraction increases to more than 5% above the standard LTAAEL (from licenced take or basic landholder rights take), a reduced available water determination will be announced to bring extractions back down to the extraction limit. The reduced determination can only be applied to licenced water users.

The higher-flow LTAAEL applies to extraction that can only occur from high flows. This volume can vary as licences are converted to high flows or as specific purpose access licences are granted in high flows, such as licences for initial fills of dams or Aboriginal Community Development Licences.

Water supply works approvals

Since the commencement of the 2010 water sharing plan, new information has been identified, including:

- Coastal Wetlands - The Towamba River area has had coastal wetlands identified in the Coastal Wetlands and Littoral Rainforest Area Map of the *State Environment Planning Policy (Resilience and Hazards) 2021*. These wetlands are known to occur in the following water sources:
 - Far South Coast Water Source
 - Wonboyn River Water Source
 - Green Cape Water Source
 - Towamba Estuary Tributaries Water Source
 - Curalo Lake and Tributaries Water Source
 - Pambula Lake Tributaries Water Source
 - Merimbula Lake Tributaries Water Source
 - Nullica River Water Source
 - Wallagoot Lake and Tributaries Water Source.
- Risk assessment - We have completed a risk assessment for the water sources in the water sharing plan area. It looks at the ecological values in the area and the likelihood that extraction of water will impact on these ecological values. The combination of ecological value

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and likelihood results in a risk rating for each water source. Three water sources have been identified with high ecological value:

- Merimbula Creek Water Source
- Pambula Lake Tributaries Water Source
- Lower Towamba River Water Source
- Acid sulfate soils - potential acid sulfate soil risk maps were updated in 2011.
- Marine Estates - The *Marine Estate Management Act 2014* began operating since the last water sharing plan was developed. This Act requires the Minister for Lands and Water to have regard to the NSW Marine Estate Management Strategy.

As a result of this new information, the replacement water sharing plan proposes changes to rules applying to water supply works approvals:

- construction of new water supply work approvals where there will be more than minimal impact on coastal and Ramsar wetlands in water sources where they exist
- groundwater works on land classified as having a high probability of having acid sulfate soils.

Updated groundwater-dependent ecosystem map

Recent work by the department has identified additional high-probability, high-priority groundwater-dependent ecosystems. The map in the draft plan includes the additional groundwater-dependent ecosystems. These ecosystems are referred to as groundwater-dependent vegetation ecosystems.

The draft plan includes rules that restrict or prohibit new water supply works (bores) within specified distances of groundwater-dependent ecosystems.

Distance rules for groundwater bores in alluvial aquifers

The draft plan proposes new rules to govern the minimum distance that groundwater bores can be located from certain sites or areas. The plan proposes that water supply works must not be constructed within an area classed as having a high probability of the occurrence of acid sulfate soils, based on the acid sulfate soil risk maps maintained by the department.

Similarly, there are proposed new rules governing the minimum distance that groundwater bores can be located from contamination sites and groundwater-dependent areas. New or amended water supply works will not be granted:

- 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 and 500 metres of the edge of a contamination plume where drawdown will occur within 250 metres of the edge of the contamination plume
- 100 metres from a groundwater-dependent culturally significant site if the bore is for basic landholder rights, and 200 metres for all other bores

- 100 metres from a high-priority, groundwater-dependent ecosystem identified on the groundwater-dependent ecosystem map (see previous section) for basic landholder rights bores and 200m for all other bores.

The new plan proposed to change distance rules for new bores near existing bores on neighbouring properties. Distance restrictions in the 2010 plan were smaller than other coastal water sharing plans. To prevent impacts to bores on neighbouring properties, standard distances will be applied:

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

Estimated water requirements for basic landholder rights and licensed take

The draft plan provides updated estimates of water requirements for basic landholder rights that take into consideration recent data sets for urban areas, number of houses and land use. We have also updated the total volumes or unit shares specified in the share components of all access licences to reflect current information.

Access rules and flow reference points

We propose to change access rules in the draft plan within the following water sources:

- Jingo Creek Water Source
- Upper Towamba River Water Source
- Lower Towamba River Water Source
- Mataganah Creek Water Source
- Myrtle Creek Water Source
- Wog Wog River Water Source
- Pambula Lake Tributaries Water Source

The current plan refers Jingo Creek, Upper Towamba River, Lower Towamba River, Mataganah Creek, Myrtle Creek and Wog Wog River water sources to gauge number 220004 Towamba River. Using the same gauge, the rules in the draft plan set the cease to pump at 6.5 ML/day and a commence to pump at 34 ML/day.

If you take water from the Pambula Lake Tributaries Water Source, a new flow reference point and access rules are being proposed. New access rules will be referenced at 220003 Pambula at Lochiel gauge with a cease to pump of 0.5 ML/day, and a commence to pump rule of 3.4 ML a day.

The proposed access rules aim to reach a balance between ecological, social, economic and cultural needs. Further information for each water source can be found in the [report cards](#) for each water source.

Aboriginal community development licences

The draft plan proposes to allow for applications for Aboriginal community development licences in the following water sources to a combined limit of to a combined total of 306 ML/yr:

- Jingo Creek Water Source
- Mataganah Creek Water Source
- Myrtle Creek Water Source
- Wog Wog River Water Source.

The draft plan proposes the prohibition of Aboriginal community development licences in the Upper Towamba River Water Source and Lower Towamba River Water Source, which will be a change from current rules.

High flow conversions

Water can be granted for extraction in high flows in the form of a high flow access licence in some water sources. To obtain water under a high flow access licence, shares of an unregulated access licence need to be surrendered. To encourage uptake of high flow conversions, 1 unit share of unregulated river access licence can be converted to 2.5 unit shares of high flow access licence. High flow conversions would be allowed in the following water sources, to the specified limits:

- Mataganah Creek Water Source to 44 unit shares
- Myrtle Creek Water Source to 65 unit shares.

High flow conversions would be prohibited in Jingo Creek, Upper Towamba River, Lower Towamba River and Wog Wog River water sources where they were previously allowed.

Total and individual daily extraction limits

We propose to remove references to total and individual daily extraction limits (TDELs and IDELs) from the plan and include an amendment provision to introduce IDELs if required.

TDELs and IDELs cannot be implemented because of the lack of metering and flow gauging. However, we believe that TDELs and IDELs are an appropriate management tool where they are practical. We want to be able to introduce them in the future if required, pending suitable infrastructure and metering.

Trade rules

Changes to rules governing trading would change for some water sources. These rules are described in the draft plan under Part 8 Access licence dealing rules, and in the water source report cards.

Trade would continue to be prohibited in the following water sources:

- Pericoe Creek Water Source
- Stockyard Creek Water Source
- Far South Coast Water Source
- Wonboyn River Water Source
- Green Cape Water Source
- Towamba Estuary Tributaries Water Source
- Nullica River Water Source
- Eden Tributaries Water Source
- Curalo Lake and Tributaries Water Source
- Merimbula Lake Tributaries Water Source
- Merimbula Creek Water Source
- Tura Beach Tributaries Water Source
- Sandy Beach Creek Water Source
- Pambula Lake Tributaries Water Source
- Bondi Lake and Tributaries Water Source
- Wallagoot Lake and Tributaries Water Source.

Trade is also prohibited into the Towamba River Coastal Floodplain Alluvial Groundwater Water Source.

Trade would generally be allowed between the other water sources in a downstream direction. Myrtle Creek, Mataganah Creek and Upper Towamba River water sources can trade in an upstream direction into Wog Wog River water source. Upstream trade would be allowed into Myrtle Creek and Mataganah Creek Water sources if licenced shares do not increase above the number of shares in each water source when the plan commenced.

Trade within water sources would be allowed. The only change to trading within a water source would be in the Lower Towamba River Water Source where upstream trade would be prohibited.

Possible effect of increased harvestable rights

In October 2021 the then Minister for Water, Property and Housing announced an increase in harvestable rights for coastal catchments in NSW.

This recent change has potential to effect downstream flow frequency and duration. The access and trade rules will manage provision of water for the environment and basic landholder rights.

An amendment provision is proposed in the plans to enable the plan to be changed if there is significant uptake of additional harvestable rights.

The proposed amendment provision requires the department to monitor the uptake of harvestable rights by year 3 of the plan. If uptake has grown to above 10% of rainfall runoff, access rules for the water sharing plan can be reviewed.

More information

The draft water sharing plan and other fact sheets are available from the Water pages of the [department's website](#).