

# A new water sharing plan for the Hunter

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## A summary of changes made to the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009*

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The *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009* (WSP) was extended before its expiry so the NSW Department of Planning and Environment could replace it. This was in line with the recommendation of the Natural Resources Commission's review of the 2009 plan.

Before the Minister for Lands and Water can replace or amend a water sharing plan, the agreement of the Minister for the Environment is required. The ministers must 'take all reasonable steps to promote the water management principles of the *Water Management Act 2000*' (the Act), and observe the following priority order:

- a) sharing of water from a water source must protect the water source and its dependent ecosystems
- b) sharing of water from a water source must protect basic landholder rights
- c) sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b).

The department's Water group worked with colleagues from the Environment and Heritage group before submitting the 2022 replacement plan for the agreement and approval of the ministers.

Table 1 outlines the substantive changes from the previous 2009 plan that the ministers have approved for the 2022 replacement plan under the *Water Management Act 2000*. The department has also updated the plan to simplify and modernise its drafting, make the intent of its provisions clear, and to make it legally robust.

Table 1. Summary of changes to the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009*

Clause in 2009 plan	2022 Plan as made	Basis for change
<b>Part 1</b>	We have replaced the commencement date with the new date of 2022.	We have changed the commencement date to 2022 to reflect that we have remade the plan rather than amending it. This means that the 2009 plan has been repealed (cancelled), and the replacement plan will apply for 10 years from 1 July 2022. We can still amend the plan, if necessary, within its 10-year term.
<b>Part 1</b>	<p>We have included 2 water sources in the water sharing plan that cover the alluvial groundwater below the tidal limits of the Hunter River and Lake Macquarie. These water sources will be known as the ‘Hunter Coastal Floodplain Alluvial Groundwater Source’ and the ‘Lake Macquarie Coastal Floodplain Alluvial Groundwater Source’.</p> <p>The water sources had not been included in a water sharing plan before.</p>	We have included new coastal floodplain alluvial groundwater sources in the plan. This will align with other water sharing plans that have similar water sources included. We have separated the water sources from the upriver alluvium, as it is less highly connected to the river than the upriver alluvium and more influenced by coastal processes.
<b>Part 1</b>	<p>The 2022 plan establishes:</p> <ul style="list-style-type: none"> <li>• the Lake Macquarie Coastal Floodplain Alluvial Extraction Management Unit (EMU)</li> <li>• the Hunter Coastal Floodplain Alluvial EMU.</li> </ul>	The EMUs allow us to establish long-term average annual extraction limits (LTAAELs) and associated rules for the Lake Macquarie and Hunter Coastal Floodplain Alluvial Groundwater Sources.

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<p><b>Part 2</b></p>	<p>We have revised the vision, objectives, strategies and performance indicators.</p>	<p>The new vision, objectives, strategies and performance indicators deal with similar matters to the previous water sharing plan objectives.</p> <p>The Natural Resources Commission (NRC) recommended reviewing the objectives to strengthen monitoring, evaluation and reporting of the plan outcomes.</p> <p>We will include more detailed vision, objectives, strategies and performance indicators in the monitoring, evaluation and reporting plan. This information is in Appendix B of the Background document to the Hunter Unregulated and Alluvial Water Sharing Plan 2022.</p> <p>The plan includes a provision at Clause 11(2) that requires us to monitor and evaluate performance indicators.</p>
<p><b>Part 4</b></p>	<p>We have changed surface water access rules in the following water sources:</p> <ul style="list-style-type: none"> <li>a. Upper Hunter River</li> <li>b. Merriwa River</li> <li>c. Halls Creek</li> <li>d. Glennies</li> <li>e. Upper Wollombi Brook</li> <li>f. Williams River</li> <li>g. Paterson/Allyn Rivers</li> <li>h. Black Creek</li> <li>i. Dart Brook</li> <li>j. Upper Goulburn River</li> <li>k. Pages River</li> <li>l. Isis River</li> <li>m. Dora Creek</li> <li>n. North Lake Macquarie</li> </ul>	<p>The new access rules improve the balance between ecological, social, economic and cultural needs.</p>
<p><b>Part 4</b></p>	<p>We have changed access in water sources based on groundwater levels in the following water sources:</p> <ul style="list-style-type: none"> <li>a. Baerami Creek</li> <li>b. Bylong River</li> <li>c. Dart Brook</li> <li>d. Lower Goulburn River</li> <li>e. Lower Wollombi Brook</li> <li>f. Martindale Creek</li> <li>g. Pages River</li> <li>h. Widden Brook</li> </ul>	<p>The access rules allow for improved ecological and social management of these water sources.</p>

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<p><b>Part 4</b></p>	<p>We have changed the flow reference points in the following water sources and management zones:</p> <ul style="list-style-type: none"> <li>a. Baerami Creek</li> <li>b. Black Creek</li> <li>c. Bylong River</li> <li>d. Dart Brook</li> <li>e. Dora Creek</li> <li>f. Glennies</li> <li>g. Halls Creek</li> <li>h. Isis River</li> <li>i. Lower Goulburn River</li> <li>j. Upper Goulburn River</li> <li>k. Lower Wollombi Brook</li> <li>l. Upper Wollombi Brook</li> <li>m. Merriwa River</li> <li>n. Martindale Creek</li> <li>o. North Lake Macquarie</li> <li>p. Pages River</li> <li>q. Paterson/Allyn Rivers</li> <li>r. Widden Brook</li> <li>s. Williams River</li> </ul>	<p>This allowed us to change the access rules.</p>
<p><b>Part 4</b></p>	<p>The 2009 plan applied a rule that requires licence holders to stop pumping when there is no visible flow at the pump site in the Rouchel Brook and the Merriwa River water sources and from Year 6 of the plan in 15 water sources.</p> <p>The 2022 plan now also applies these rules to all water sources except when flows are in the very low flow class in water sources with cease to pump rules determined by groundwater monitoring bores, except for Glennies, Halls and Wybong creek water sources, where the flow in the river is intermittent.</p>	<p>This rule improves water quality at critical times and provides connectivity that maintains pools and habitats as long as possible.</p>
<p><b>Part 4</b></p>	<p>The environmental water provisions remain in the plan, but not in their own part. They are clauses that have been distributed throughout the plan into Part 4 – Limits to the availability of water, Part 6 – Operation of water allocation accounts and managing access licences and Part 11 – Rules for major utility storages.</p>	<p>We have changed the drafting of water sharing plans to improve readability and simplify the plans.</p>

Clause in 2009 plan	2022 Plan as made	Basis for change
<p><b>Part 5</b></p>	<p>The 2022 plan updates the estimated water requirements of people entitled to exercise basic landholder rights. It also updates the total volumes specified in the share components of all access licences to reflect the most current information.</p> <p>The 2022 plan establishes estimates for domestic and stock, basic landholder rights and share components (total volume water requirements) for aquifer access licences within the Lake Macquarie Coast Coastal Floodplain Alluvial Groundwater Water Source and Hunter Coastal Floodplain Alluvial Groundwater Water Source.</p> <p>Harvestable rights are now expressed as a volume.</p>	<p>This reflects updated land use since the 2009 plan commenced.</p> <p>We have included water requirements to support the management of the newly established Lake Macquarie Coastal Floodplain Alluvial Groundwater Water Source and Hunter Coastal Floodplain Alluvial Groundwater Water Source.</p>
<p><b>Part 6</b></p>	<p>We have removed Part 6 as it does not give any more information than exists in the <i>Water Management Act 2000</i> or elsewhere in the water sharing plan.</p>	<p>We have changed the drafting of water sharing plans to improve their readability and simplify them.</p>
<p><b>Part 7</b></p>	<p>We have updated licensed water requirements.</p>	<p>This reflects changes to licensed water entitlements since the 2009 plan began.</p>
<p><b>Part 8</b></p>	<p>The 2022 plan allows Aboriginal people to apply for aquifer (Aboriginal community development) access licences in the Hunter Coastal Floodplain Alluvial Groundwater Water Source and Lake Macquarie Coast Coastal Floodplain Alluvial Groundwater Water Source.</p>	<p>The Coastal Floodplain Alluvial Groundwater sources are not fully allocated, so we may be able to grant additional entitlement in these water sources.</p> <p>Granting licences in this category must not cause the sum of entitlements in the water sources to exceed 500 ML.</p>

Clause in 2009 plan	2022 Plan as made	Basis for change
<p><b>Part 9</b></p>	<p>We have banned in-river dams on third order or larger streams in the following water sources of the plan:</p> <ul style="list-style-type: none"> <li>a. Dora Creek</li> <li>b. Glennies</li> <li>c. Upper Hunter River</li> <li>d. Upper Wollombi Brook</li> <li>e. Upper Paterson</li> <li>f. Merriwa River</li> <li>g. Newcastle</li> <li>h. Paterson/Allyn Rivers</li> <li>i. Rouchel Brook</li> <li>j. Upper Goulburn River</li> <li>k. Williams River</li> <li>l. Wallis Creek</li> <li>m. Lower Wollombi Brook</li> <li>n. Widden Brook</li> <li>o. South Lake Macquarie</li> <li>p. Munmurra River</li> <li>q. Hunter River Tidal Pool</li> <li>r. Wallis Creek Tidal Pool</li> <li>s. Paterson River Tidal Pool</li> </ul>	<p>This restriction was previously in place for only the following water sources:</p> <ul style="list-style-type: none"> <li>a. Dora Creek</li> <li>b. Glennies Creek</li> <li>c. Upper Hunter River</li> <li>d. Upper Wollombi Brook</li> <li>e. Upper Paterson River</li> <li>f. Merriwa River</li> <li>g. Newcastle</li> <li>h. Paterson/Allyn Rivers</li> <li>i. Rouchel Brook</li> <li>j. Upper Goulburn River</li> </ul> <p>Our risk assessment identified the high ecological value of the additional water sources.</p>
<p><b>Part 9</b></p>	<p>We have banned the granting or amending of water supply work approvals, where it will cause more than a minimal impact on significant wetlands</p>	<p>With the introduction of <i>Coastal Management Act 2016</i> and <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP), water sharing plans allow us to ban works within specific distances of significant wetlands.</p>
<p><b>Part 9</b></p>	<p>We have banned construction of groundwater water supply within 200 m of a mapped, high-priority, groundwater-dependent ecosystem (GDE).</p> <p>The 2022 plan expands on the protection of existing GDEs by including a map identifying additional ones.</p>	<p>Following the updated approach to GDE protection established for inland groundwater plans, the Hunter unregulated and alluvial plan offers more GDE protection, based on the best available data. The plan now includes a map identifying high-priority GDEs.</p>

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<p><b>Part 9</b></p>	<p>We have applied distance rules for groundwater water supply works to protect:</p> <ul style="list-style-type: none"> <li>• other water users</li> <li>• contamination sources</li> <li>• groundwater-dependent, culturally significant areas</li> <li>• potential acid sulfate soils.</li> </ul> <p>These rules are for water supply works that take water from alluvial sediments.</p>	<p>These are the same distance rules adopted in other coastal water sharing plans</p> <p>Dewatering and exposing acid sulfate soils to air can release acid and have environmental impacts. This rule prohibits building bores within an area classed as having a high probability of containing acid sulfate soils.</p>
<p><b>Part 10</b></p>	<p>The 2022 plan establishes a long-term average annual extraction limit of 4,750 ML/year for the Hunter Coastal Floodplain Alluvial EMU.</p>	<p>The 4,750 ML limit is based on the risk assessment for the EMU and is a proportion of recharge. We have included these rules to support the environmental objectives for the newly established water source.</p>
<p><b>Part 10</b></p>	<p>The 2022 plan establishes a long-term average annual extraction limit of 825 ML/year for the Lake Macquarie Coastal Floodplain Alluvial EMU.</p>	<p>The 825 ML limit is based on the risk assessment for the EMU and is a proportion of recharge. We have included these rules to support the environmental objectives for the newly established water source.</p>
<p><b>Part 10</b></p>	<p>We have split the long-term average annual extraction limit for unregulated rivers into 2 components: a standard LTAAEL for take from all flows and a higher-flow LTAAEL for extraction that can only happen from higher flows.</p> <p>The standard LTAAEL has been fixed and is numeric. It includes basic landholder rights (including harvestable rights) at the start of the first water sharing plan.</p> <p>The higher flow LTAAEL can increase in limited circumstances, such as high flow conversions and where Aboriginal Community Development Licences are granted.</p>	<p>NRC recommendations included setting a fixed and numeric LTAAEL. This is the standard LTAAEL. This ensures that extraction from low flow will be no more than could happen at the commencement of the first water sharing plan.</p> <p>While the higher flow LTAAEL can increase, this is to allow us to implement high flow conversions This is where a larger volume of water can be taken at higher flows than at lower ones to reduce the stress on lower flows. This supports the department’s aim of increasing Aboriginal involvement in natural resource management.</p> <p>Fixing the standard LTAAEL and including harvestable rights in it allows us to manage any growth in water extraction. If extraction increases to more than 5% above the standard LTAAEL (from licensed take or basic landholder rights take), then we can announce a reduced available water determination (AWD) to bring extraction back down to the extraction limit. The reduced AWD can only be applied to licensed water users.</p>

Clause in 2009 plan	2022 Plan as made	Basis for change
<b>Part 10</b>	WSPs previously required the minister to make certain AWDs at a certain time. This is now amended to require the minister to consider making AWDs as set out in Part 10.	A provision of a WSP cannot require the minister to make certain AWDs at a certain time, as that is restraining the minister’s broad power in section 59 of the WM Act. Instead, the plan sets out that the minister must consider making the AWDs set out in Part 10.
<b>Part 11</b>	Licence holders cannot carry over unused water in their accounts to the next accounting period in the tidal pool water sources.	This will help to ensure salinity levels do not increase above natural levels upstream of the tidal limits.
<b>Part 11</b>	We have removed references to total daily extraction limits and individual daily extraction limits from the plan. However, an amendment provision allows us to implement them during the life of the plan if flow gauges and metering give sufficient information, providing the amendments do not substantially change a LTAAEL.	It is not possible to implement these rules now because of a lack of flow gauging and metering.
<b>Part 11</b>	We have moved access rules for water supply works that take water from alluvial sediments to Part 6	We have changed the drafting of water sharing plans to improve their readability and to simplify them.

Clause in 2009 plan	2022 Plan as made	Basis for change
<p><b>Part 12</b></p>	<p>Trade will be prohibited into the following water sources:</p> <ul style="list-style-type: none"> <li>• Dora Creek</li> <li>• Glennies</li> <li>• Hunter Coastal Floodplain Alluvial Groundwater</li> <li>• Hunter Regulated River Alluvial</li> <li>• Hunter River Tidal Pool</li> <li>• Lake Macquarie Coastal Floodplain Alluvial Groundwater</li> <li>• Lower Goulburn River Water source within or upstream of the Goulburn River National Park</li> <li>• Lower Wollombi Brook</li> <li>• Merriwa River</li> <li>• Munmurra River</li> <li>• North Lake Macquarie</li> <li>• Paterson River Tidal Pool</li> <li>• South Lake Macquarie</li> <li>• Upper Goulburn River</li> <li>• Upper Hunter River</li> <li>• Upper Paterson</li> <li>• Upper Wollombi Brook</li> <li>• Wallis Creek Tidal Pool</li> <li>• Wallis Creek</li> <li>• Widden Brook</li> <li>• William River</li> <li>• Wybong River</li> </ul> <p>Trade will generally be permitted into other water sources in a downstream direction, or in an upstream direction, if there is no net increase in the volume of water that can be taken from a water source.</p> <p>We will remove bans on trade within some water sources where trade into the water source is now permitted.</p> <p>Trades from below a major utility water storage to above the major utility water storage will be prohibited.</p>	<p>The previous plan allowed trade if there was no net increase in extraction in several water sources. This did not encourage the use of the water market as it was hard to trade into a water source if there was nowhere to which the licence holder could trade out.</p> <p>Water sharing plans should not allow trade between disconnected water sources, or into areas of high ecological value or high hydrologic stress</p> <p>We have based these changes on the risks that extraction poses to ecological values, as described in the risk assessment for the Hunter Unregulated and Alluvial Water sources, which we developed for the WSP replacement process.</p> <p>The new rules aim to protect high ecological values while allowing trading to maximise social and economic opportunities.</p>
<p><b>Part 13</b></p>	<p>We have updated this in line with current water sharing plan template</p>	<p>The updates are based on the Non-Urban Water Metering Framework.</p>

Clause in 2009 plan	2022 Plan as made	Basis for change
<b>Part 14</b>	The replacement plan includes new release rules for Chichester Dam and Seaham Weir, based on the NSW Government-endorsed environmental flow rules for Hunter Water.	Environmental release rules have been agreed to protect and enhance the environmental assets in the Williams River Water Source. These rules implement the environmental release requirements.
<b>Part 15</b>	<p>We have limited amendment rules to those that are possible under the WM Act, where we are well advanced in developing a policy that will require a change to the WSP, or where an administrative change is necessary.</p> <p>We can still amend the plan in any way during the life of the plan, if it is in the public interest to do so.</p>	Parliamentary Counsel's Office requires that wide-ranging amendments cannot be included in the draft plan where the outcome of a policy change is uncertain.
<b>Part 15</b>	<p>We have included several new amendment provisions to allow us to change the:</p> <ol style="list-style-type: none"> <li>plan if there is significant uptake of more harvestable rights</li> </ol> <p>The amendment provision requires the department to monitor the uptake of harvestable rights at year 3 of the plan. If uptake has grown to above 10% of rainfall run-off, then we will review the access and trade rules for the water sharing plan.</p> <ol style="list-style-type: none"> <li>LTAEL to a sustainable extraction limit during the life of the plan providing the amendments do not substantially change a LTAEL</li> </ol>	<p>These changes:</p> <ol style="list-style-type: none"> <li>are to manage the risk to stream flows that may result from increased uptake of harvestable rights</li> <li>reflect the department's intent to move to a sustainable extraction limit determined based on a proportion of flow over the coming years.</li> </ol>
<b>Part 15</b>	We have included an amendment provision in the plan to allow us to manage, for water sharing purposes, any potential take by Hunter Water that results from the construction of the Lostock to Glennies pipeline.	This will allow us to establish access rules and manage extraction limits to mitigate any impacts the extraction might have on downstream environments and water users.
<b>Part 15</b>	<p>An amendment provision has been included to manage salinity in the Hunter tidal pool water sources.</p> <p>If the amendments will not substantially change a long-term average annual</p>	This will enable sustainable management of the tidal pool water resource when low inflows result in increased salinity in the Hunter River Tidal Pool.

	<p>extraction limit or the time at which water may be extracted from a water source – to modify Part 4, Division 1 to establish rules to improve salinity management in the tidal pool water sources by 2024 after considering the following –</p> <p>(i) independent expert advice on the adequacy of different mechanisms to manage salinity,</p> <p>(ii) the needs of the environment, persons entitled to basic landholder rights and holders of domestic and stock access licences and local water utility access licences,</p> <p>(iii) the impact of different mechanisms on holders of unregulated river access licences and the long-term average annual amount of water available to be extracted,</p> <p>(iv) the views of stakeholders and other community members on the independent expert advice.</p>	
<p><b>Maps</b></p>	<p>We have updated the plan map to include Coastal Floodplain Alluvial Groundwater Sources and EMUs.</p>	<p>We have updated the map to include the new coastal floodplain alluvial groundwater sources.</p>

## More information

To read the draft *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022* and supporting information, visit the NSW Department of Planning and Environment’s website, [www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans](http://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans)