

Draft Water Sharing Plan for the Tweed River Area Unregulated 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 Tweed River Area Unregulated and Alluvial Water Sources 2023. *Note: Submissions close 18/12/2022*

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: **Tweed River Area WSP**
 Department of Planning and Environment – Water
 Suite 5/620 Macauley St
 ALBURY NSW 2640

Email: tweedriverarea.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
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I would like my personal details to be treated as confidential	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Name	
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Suburb	
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Stakeholder Group (please indicate which of the following best represents your interest by ticking one box)	<input type="checkbox"/> Water user – Licence holder	<input type="checkbox"/> First Nation	<input type="checkbox"/> Community member
	<input type="checkbox"/> Water user – Basic Rights	<input type="checkbox"/> Local landholder	<input type="checkbox"/> Other (specify)
	<input type="checkbox"/> Fishing interests	<input type="checkbox"/> Other government	
	<input type="checkbox"/> Local govt./ Utilities	<input type="checkbox"/> Environment interests	

Did you attend an information session, webinar, or meet with staff from the department about the water sharing plan?	
If your comments refer to a specific water source, which one?	

Draft access rules for water access licences

A cease to pump is the flow level in a river at which water users need to cease extracting water.

In unregulated systems, cease to pump rules protect fundamental ecological values as well as basic landholder rights and water for health, hygiene and emergency purposes.

Pumping restrictions are restrictions around how many hours per day pumping can take place.

Pumping restrictions extend the period before a cease to pump is triggered.

Changes are being proposed for the Bilambil Creek, Brays Creek, Burringbar River – Burringbar River Management Zone, Byrrell Creek, Cobaki Broadwater, Cobaki Creek, Crystal Creek, Doon Doon Creek, Duroby Creek, Hopping Dicks Creek, Lower Oxley River, Mid Tweed River, Mid Rous River, Nobbys Creek, Piggabeen Creek, Pumpenbil Creek, Rowlands Creek, Smiths Creek, Upper Oxley River, and Upper Tweed River water sources.

The results of an ecological risk assessment undertaken by the department showed that there was a high risk to insufficient water for freshwater riverine ecosystems in these water sources at low flows - despite there already being cease to pump rules in place. This suggests that the current cease to pump rules may not adequately protect low flows.

These rules are contained in Part 6 and Schedule 1 of the draft plan. Further information is contained in the report cards for the relevant water sources.

Which water source/s does your answer refer?	<input type="checkbox"/> Bilambil Creek <input type="checkbox"/> Brays Creek <input type="checkbox"/> Burringbar River Management Zone <input type="checkbox"/> Byrrell Creek <input type="checkbox"/> Cobaki Broadwater <input type="checkbox"/> Cobaki Creek <input type="checkbox"/> Crystal Creek <input type="checkbox"/> Doon Doon Creek <input type="checkbox"/> Duroby Creek <input type="checkbox"/> Hopping Dicks Creek <input type="checkbox"/> Lower Oxley River <input type="checkbox"/> Mid Tweed River <input type="checkbox"/> Mid Rous River <input type="checkbox"/> Nobbys Creek <input type="checkbox"/> Piggabeen Creek <input type="checkbox"/> Pumpenbil Creek <input type="checkbox"/> Rowlands Creek <input type="checkbox"/> Smiths Creek <input type="checkbox"/> Upper Oxley River <input type="checkbox"/> Upper Tweed River
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Do you support the proposed cease to pump and/or pumping restriction rules? Why/why not?	
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<p>Will the proposed cease to pump rules and/or pumping restrictions impact your business? How? What could be done to mitigate that impact?</p>	
<p>Do you think that the proposed cease to pump and/or pumping restriction rules appropriately protect the environment? Why/why not.</p>	

Draft trading rules for water access licences

The principles behind water trading require that trading is not permitted between water sources where they are not hydrologically connected (i.e. drain into each other) or where trade of additional entitlement may impact on environmental objectives.

The draft plan proposes changes to rules governing trading 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 be prohibited into the following water sources:

- Brays Creek
- Burringbar River
- Byrrill Creek
- Christies Creek
- Cobaki Broadwater
- Cudgera Creek
- Doon Doon Creek
- Hopping Dicks Creek
- Mooball Creek
- Pumpenbil Creek
- Sheens Creek
- Terranora Broadwater
- Upper Oxley River
- Upper Tweed River
- Tweed River Coastal Floodplain Alluvial

The draft plan proposes to permit limited trade in volumes for 3 water sources, directional trade permitted for 5 water sources and trade in allowed for 9 water sources.

The proposed new rules aim to protect high ecological values and will enable trading to maximise social and economic opportunities.

Trade within water sources would be allowed in most water sources, subject to application and assessment.

Trade restrictions existing in the 2010 WSP would continue to prohibit trade between management zones of Burringbah River Water Source and trade into the Rous River Tidal Pool Management Zone from the Tweed Estuary Management Zone of the Tweed Estuary Water Source.

Further information on the trade rules for each water source can be found in the report cards for each water source on the Tweed water sharing plan public exhibition webpage.

<p>Do you have any comments on the trade rules proposed in the draft plan.</p>	
<p>What factors would encourage you to buy/sell water?</p>	

Applications for Aboriginal community development licences

The draft plan proposes to allow for applications for Aboriginal community development licences in the following water sources:

- Crystal Creek up to 33ML/yr
- Hopping Dicks Creek up to 72 ML/yr
- Mid Rous River up to 30ML/yr
- Nobbys Creek up to 18ML/yr
- Upper Rous River up to 68ML/yr
- Tweed Coastal Floodplain Alluvial Groundwater up to 500ML/yr

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

<p>Do you support allowing Aboriginal Community Development Licences in</p>	
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these select areas? Why/why not.	
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Conversion to high flow access licences
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In the Tweed River Area, 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:

- Brays Creek Water Source to 183 unit shares
- Lower Oxley Water Source to 240 unit shares
- Pumpenbil Creek Water Source to 391 unit shares
- Upper Tweed River Water Source to 271 unit shares

High flow conversions would be prohibited in Crystal Creek and Mid Rous River water sources where they are currently permitted.

These rules are contained in Part 8 (Clause 51) 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 in relation to this proposed change?	
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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 which 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?

Tweed 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 the tidal limit. 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 725ML/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 construction of water supply works, 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 11 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 think these proposed rules and distance conditions are appropriate?

Metering provisions

The non-urban water metering framework will apply to coastal areas of NSW.

Currently all works in the Tweed River Area Water Sharing Plan are required to have a meter. Under the replacement plan these works will be required to continue to be metered.

New works will also be required to adhere to the Non-urban metering framework.

Do you have any comments on this aspect of the draft plan?

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 3 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. However, 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?

How did you hear about the Public Exhibition?
 (please **tick one box**)

Communication from peak body
 Department of Planning, and Environment Website

Radio
 Social media
 Newspaper

Other (specify)
 Direct email