

Frequently asked questions

Following are answers to some frequently asked questions about the draft Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020.

What is a water sharing plan?

Water sharing plans are statutory plans made under the NSW *Water Management Act 2000*. The rules in the plans allow equitable sharing of water for all water uses, including the environment. The plans have a statutory timeframe of 10 years. The purpose of a water sharing plan is to:

- provide water users with a clear picture of when and how water will be available for extraction
- protect the fundamental environmental health of water sources
- ensure our water sources are sustainably managed in the long-term.

The plans clearly define the rules for sharing in the available water in a water source. They also provide irrigators and farmers with continuing or 'perpetual' licences, which have a title separate from the land, enabling better water trading opportunities. In addition, plans set out requirements for basic landholder rights – stock and domestic rights, harvestable rights and Native Title rights.

Water sharing plans support the long-term health of rivers and aquifers by making water available specifically for the environment.

Why is the Bellinger River area water sharing plan being replaced?

NSW water sharing plans are valid for 10 years and are subject to a review by the NSW Natural Resources Commission. The Minister may extend or replace a plan on the recommendation of the commission.

In 2018, the commission reviewed the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008* and recommended the plan be replaced. The department has prepared a draft replacement plan, which will be known as the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020*.

The replacement plan includes a number of changes to the current plan as recommended by the commission.

How are we consulting on the replacement water sharing plan?

Stakeholder input is critical to the development of water sharing plans in NSW. We are consulting the community through:

- public information and consultation sessions
- one-on-one sessions on request
- public submissions
- inter-agency consultation.

The plan will be on public exhibition for 40 days, from 17 February to 28 March. You can have your say by attending the public meetings and sending in a submission form, available on the department's website at <https://www.industry.nsw.gov.au/water>.

What changes are being proposed to rules governing water take?

If you take water under an access licence from either Coastal Kalang, Kalang River or Hydes Creek water sources, your current access rules permit the take of water while there is a visible flow at the pump site. The new plan proposes a cease-to-take rule that will be referenced to the Bellinger River flow gauge at Foster (gauge number 205016). The proposed rule only allows take from the Coastal Kalang and Kalang River water sources when flows at the gauge are more than 43 megalitres per day, and from the Hydes Creek water sources when flows at the gauge are more than 56 megalitres per day.

If you currently take water under licence from the Bellinger River, Boggy Creek or Coastal Bellinger water sources, your current cease-to-take rule of 16 megalitres per day is referenced to the Thora gauge. The draft plan proposes a new cease-to-take rule of 56 megalitres per day referenced to the Bellinger River flow gauge at Fosters (gauge number 205016).

If you take water under licence from either the Rosewood Creek or Never Never Creek water sources, the current access rules permit take of water only when flows are greater than 16 megalitres per day referenced to the Thora gauge. The draft plan proposes a change so that that take of water may only occur when flows exceed 4 megalitres per day referenced to the Never Never Creek at the Old Crossing gauge (gauge number 205019).

If you take water from Thora-North Arm Bellinger River Water Source, the current rule permits take of water when flows are greater than 16 megalitres per day. The draft plan proposes a new rule that permits the take of water only when flows exceed 20 megalitres per day. The referenced gauge for this water source has not changed, and would still be Bellinger River gauge at Thora (gauge number 205002).

You can find daily flow data at the flow gauges from the WaterNSW real-time data website at www.watarnsw.com.au/waterinsights/real-time-data.

Why are changes being made to current rules?

Since 2008, two new river flow gauges have been installed in the Bellinger River at Fosters and the Never Never Creek at Old Road Crossing. The plan proposes to update the reference points of water sources located closer to these new flow gauges than their existing reference points. This will ensure the take of water better reflects local flow conditions, and improves compliance and enforcement.

Water take rules for a number of other water sources are not referenced to any river flow gauge. With the installation of the new gauges, we propose to update the rules to also reference to new flow gauges, as appropriate.

During the term of the existing plan, 10 years of additional flow data became available for the Bellinger River at the Thora gauge. The flow for each of the flow rules has been updated accordingly.

What impact might the new rules have on my take of water?

Using updated flow data from the Thora gauge increases the frequency of the cease-to-take conditions from 1 in every 3.8 years to 1 in every 2.4 years. Total days of cease-to-take conditions over the 38 years of flow records increases from 106 days to 159 days.

We conducted a study of historical flow data that showed that moving the flow reference point from the Bellinger River at the Thora gauge to the Bellinger River at the Fosters gauge may increase the frequency of the cease-to-take conditions from 1 in every 6 years to 1 in every 3 years. Total days

of cease-to-take conditions over the 12 years of flow records increases from 22 days to 62 days. The maximum length of a cease-to-take event increases from 19 days to 20 days.

An analysis of flow data from Never Never Creek at the Old Crossing gauge suggests that moving the flow reference point from the Bellinger River at the Thora gauge to Never Never Creek at the Old Crossing gauge does not change the frequency of cease-to-take conditions at 1 in every 4 years. Total days of cease-to-take conditions over the 8 years of flow records decreases from 30 days to 14 days. The maximum length of a cease-to-take event decreases from 24 days to 8 days.

The flow percentiles that define each water take rule (95th percentile for example) are those percentiles established by the current plan. A flow percentile is the percentage of time a flow is exceeded. The higher the percentile, the lower the flow.

How will I know whether I can or cannot take water?

'Real time' flow data for each of the flow gauges is available on the WaterNSW website at www.watarnsw.com.au/waterinsights/real-time-data. Enter the gauge number in the 'find a site' box to access current flows in megalitres or river height. Compare current recorded flows with the flow rule to determine whether you are permitted to or prohibited from taking water.

Are changes proposed to rules governing the trade of licence shares or water allocations?

For the majority of water sources in the plan area, no changes are proposed to current trade rules. As large dams in Dalhousie Creek and Spicketts Creek water sources pose a high risk during periods of low flow, the draft plan proposes that trade into these water sources is prohibited.

How can I obtain a licence or obtain additional water to start a commercial enterprise?

New or additional licence shares or annual water allocations may be acquired through the water market. The plan establishes rules governing the buying and selling of shares and allocations within and between water sources.

The current plan provides for applications for Aboriginal community development licences. Aboriginal people may apply for a water licence to support community development in the Bellinger River Water Source, Boggy Creek Water Source, Coastal Bellinger Water Source, Coastal Kalang Water Source, and Hydes Creek Water Source.

The draft plan proposes a new water source—the Bellinger River Coastal Floodplain Alluvial Groundwater Water Source. This water source includes all waters in alluvial aquifers located below the tidal limit. The Minister may announce a controlled allocation of licence shares in the water source during the term of the plan. An expression of interest in licence shares may be made when a controlled allocation is announced publicly.

Are there any new rules relating to the location of groundwater bores in alluvial aquifers?

The draft plan proposes rules for the minimum distance from areas of acid sulphate soils that groundwater bores may be located. The plan proposes that water supply works must not be granted or amended within an area classed as having a high probability of the occurrence of acid sulphate soils on the Acid Sulphate Soil Risk Map maintained by the department.

The draft plan also proposes rules for the minimum distance that groundwater bores must be located from sites of contamination. The plan proposes that new or amended water supply works will not be granted:

- within 500 meters of a contamination site identified by the plan
- within 250 meters from the edge of a contamination plume and an onsite sewage system
- between 250 and 500 meters of the edge of a contamination plume where drawdown will occur within 250 meters of the edge of the contamination plume.

New rules regarding the minimum distance that a groundwater bore may be located from a groundwater-dependent culturally significant site are also proposed. New or amended water supply works will not be granted within the following distances of a groundwater dependent culturally significant site:

- 100 meters, if the bore is for basic landholder rights bores
- 200 meters, for all other bores.

Does the draft plan propose changes to the definition of planned environmental water in relation to alluvial aquifers?

We propose to change the way planned environmental water is specified for groundwater. We will define it more accurately, including removing the reference to recharge. This proposal will not alter the actual volume of planned environmental water or the timing of its availability to the environment.

You can find more information on this proposal in the fact sheet 'Specifying planned environmental water in groundwater plans', available from [industry.nsw.gov.au/water-resource-plans/general-resources](https://www.industry.nsw.gov.au/water-resource-plans/general-resources)

Does the draft plan propose changes to the estimated water requirements for basic landholder rights and licensed take?

We have updated the estimated water requirements of basic landholder rights. We have also updated the total volumes or unit shares specified in the share components of all access licences to reflect the current information.

More information

The draft Bellinger River Area water sharing plan and other fact sheets are available from <https://www.industry.nsw.gov.au/water>.

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