

Replacing the Towamba River Water Sharing Plan

The Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2022 will replace the previous 2010 plan. This document answers frequently asked questions about the changes

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 that have a title separate from the land, enabling better water trading opportunities. In addition, plans set out requirements for basic landholder rights – domestic and stock 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 Towamba River 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 responsible minister may extend or replace a plan on consideration of the recommendation of the commission.

In 2021, the commission completed its review of the *Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010* and recommended the plan be replaced. The department has prepared a draft replacement plan for consultation – the *Draft Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2022*.

The draft replacement plan includes several changes recommended by the commission.

How will the department consult 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
- targeted consultation
- one-on-one sessions on request
- public submissions

- inter-agency consultation.

The plan will be on public exhibition from 9 May to 19 June 2022. You can have your say by attending the virtual meeting on 19 May or the face to face meeting in Towamba on 26 May, and completing the [submission form](#) available from the department's website.

Is there a limit on how much water I can take with my licence?

Water Access Licences show the amount of entitlement that you have – called the share component. This share component can be expressed as ML/yr or a number of 'unit shares' in the available water resource. The amount of water you can take is based on your licenced share component, the available water determination (AWD) and your account management rules and any relevant conditions on your access licence. An AWD is made at least on 1 July each year. The AWD sets out a volume of water per share that will be placed into your water allocation account at the start of a water year (1 July) or a % of the entitlement volume if share component is in ML/yr. This is called an allocation. You can only take the volume of water that is in your water account, in accordance with the rules in the water sharing plan and any relevant conditions on your access licence.

The total amount of water that can be taken by all water users in a water source is limited. This limit is known as the long-term average annual extraction limit (LTAAEL). The limit for all water taken (except for water that can only be taken in high flows) is the standard LTAAEL. This is the sum of all licenced entitlement (except licences that are issued to only take water from high flows) at commencement of the 2022 plan and domestic and stock rights, native title rights and harvestable rights at the commencement of the first water sharing plan.

If total annual extraction (averaged over 3 years) is greater than the Standard LTAAEL by more than 5%, licenced water users will receive a reduced allocation and may not get the maximum allocation placed into their accounts the following year. This is to reduce extractions back to the Standard LTAAEL.

What changes are being proposed to rules governing when I can take water?

There are no changes proposed to access rules for those who take water from 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
- Bondi Lake and Tributaries Water Source
- Wallagoot Lake and Tributaries Water Source.

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 to gauge number 220003 Pambula at Lochiel with a cease-to-pump of 0.5 ML/day and a commence-to-pump of 3.4 ML/day.

This change in access rule will mean a reduction of access. Under 2010 plan rules, a cease to pump would have applied 628 days during the period between 2010 and 2021. Under the rules in the draft plan, a cease to pump would have applied 896 days during the same period.

If you take water from the **Wog Wog River, Jingo Creek, Mataganah Creek, Myrtle Creek, Upper Towamba and Lower Towamba River water sources**, new access rules would be referenced to gauge number 220004 Towamba River, with a cease-to-pump of 6.5 ML/day and a commence to pump of 34 ML/day. Under 2010 plan rules, a cease-to-pump would have applied 466 days during the period between 2010 and 2021. Under the rules in the draft plan, it would have applied 658 days during the same period.

Access rules do not apply to take under basic landholder rights.

To find daily flow data at the gauge to determine when you can take water under your licence, go to [WaterNSW Real-time data](#), and navigate to the relevant gauge under 'Rivers and Streams'.

Why are changes being made to current rules?

The current *Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010* has an access rule based on no visible flow at the take site for **Pambula Lake Tributaries Water Source**. There is a gauge located in this water source that will be used as a flow reference point in the replacement plan. The cease-to-pump is proposed to be set at 0.5 ML/days, with a commence-to-pump rule of 3.4 ML a day. The water source has very high ecological values and is experiencing stress from water take in the low flows. The draft access rules will provide protection for those high values and the estuary.

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

These water sources contain high and very high ecological values, including the endangered fish species Australian grayling. Extraction during low flows is causing medium stress to the furthest downstream water source – the Lower Towamba River Water Source. Access rules in the draft plan would provide protection for the very high and high ecological values, and reduce hydrologic stress downstream.

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

To find daily flow data at the gauge to determine when you can take water under your licence, go to [WaterNSW Real-time data](#), navigate to 'Rivers and Streams' and enter the gauge number in the 'Find a site' search box.

The webpage for the gauge will show the latest instantaneous values including discharge in ML/day. Compare this with the access rule on your licence.

Are changes proposed to rules governing trading licence shares or water allocations?

Changes to rules governing trading are proposed 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.

It is proposed that 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 proposed to 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 is also proposed to 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 is proposed to be prohibited.

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

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

The current plan provides for applications for Aboriginal community development licences (ACDLs). Aboriginal people may apply for a water licence to support community development in the Jingo Creek, Mataganah Creek, Myrtle Creek and Wog Wog River water sources.

The draft plan prohibits granting Aboriginal community development licences in the Upper Towamba River and Lower Towamba River water sources which will be a change from current rules. The change would protect high flows that the endangered Australian grayling relies on for migration.

The draft plan proposes a new water source – the Towamba River Coastal Floodplain Alluvial Groundwater Water Source. This water source includes all waters in alluvial aquifers located below the mangrove limit, which was previously excluded from the plan. The minister responsible for water may announce a controlled allocation of licence shares in this water source during the term of the plan. An expression of interest in licence shares can be made when a controlled allocation is publicly announced.

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 sulfate soils that groundwater bores can 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 sulfate soils on acid sulfate soil risk maps 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 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.

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

Distance rules for new bores near existing bores on neighbouring properties are proposed to change. 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 which has a bore, unless written consent has been provided from the licence holder of the bore on the neighbouring property.

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

Will the increase of harvestable rights impact my ability to take water?

If more water is captured in harvestable rights dams, there is the potential that less water will be reaching rivers. This could increase the frequency of very low flows and result in more days where licenced water users must cease to pump.

Water that can be extracted from a water source is limited. If more water is captured in harvestable rights dams, less water may be available for extraction under a licence.

Further details on how increased harvestable rights could impact water sharing can be found in fact sheet 'How increased harvestable rights will affect water sharing in coastal NSW' which is located on the [draft Towamba WSP River](#) website.

More information

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