

# Summary of changes

## A summary of the changes made to the Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023

The NSW Government replaced the water sharing plan (the plan) for the Greater Metropolitan Region Unregulated River Water Sources in July 2023. The table below outlines the substantive changes from the previous 2011 plan. In drafting the replacement plan, the NSW Department of Planning and Environment (the department) also updated the plan to simplify and modernise its drafting, make the intent of its provisions clear, and make it legally robust.

Table 1. Summary of changes to the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023*

Clause in 2011 plan	Change in 2023 plan	Basis for change
<b>Part 1</b>	<p>We have converted most management zones to water sources, merged some management zones into water sources and created new management zones in some water sources.</p> <p>There are now 65 water sources and 26 management zones. One water source and 4 management zones have adopted dual naming. South creek will be now called Wianamatta-South Creek.</p> <p>We will review some water source boundary changes in flood affected areas within the first 5 years of the plan.</p> <p>We updated the plan map to reflect these changes.</p>	<p>This will allow water management at a more appropriate scale.</p> <p>Boundary changes in flood affected areas will be consulted on within the first 5 years of the plan, when it is more appropriate to consult.</p> <p>Adoption of dual naming of Wianamatta-South Creek, where referenced in the plan, is consistent with official naming and acknowledges First Nations connection to place.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p><b>Part 2</b></p>	<p>We have reviewed, the vision, objectives, strategies and performance indicators.</p> <p>The new vision, objectives, strategies and performance indicators deal with similar matters to the previous plan objectives.</p> <p>Objectives, strategies and performance indicators are standard across plans and include an additional clause requiring the monitoring and evaluation of performance indicators.</p> <p>An additional strategy has been added to release a portion of inflows into storages to partially mitigate alterations to natural flow regimes.</p>	<p>The Natural Resources Commission (NRC) recommended reviewing the plan objectives to strengthen monitoring, evaluation and reporting (MER) of the plan outcomes.</p> <p>Plans can only contain high level statements, so more detailed vision, objectives, strategies and performance indicators will be included in the monitoring, evaluation and reporting plan. They are included in the background document in the first instance while the MER plan is being developed.</p>
<p><b>Part 3</b></p>	<p>We have removed the section dealing with bulk access regime.</p>	<p>The section does not provide any additional further information than exists in the Act or elsewhere in the plan.</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 into Part 4 – Limits to the availability of water and Part 6 – Operation of water allocation accounts and managing access licences.</p>	<p>The drafting of plans has changed to improve readability and simplify the plans.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p><b>Part 5</b></p>	<p>We have updated the Basic Landholder Right (BLR) estimated requirements.</p> <p>Harvestable Rights are now expressed as a volume.</p> <p>We also updated the requirements for water access licences (WAL).</p>	<p>Updated estimates of BLR reflect updates to land use since 2011.</p> <p>Harvestable Rights estimates have been made based on the volume in expected harvestable rights dams in 2022.</p> <p>Access licence requirements have been updated to reflect current licensed water requirements</p> <p>Updated to include transitional provisions for names or water sources in the 2011 plan to correspond with new water source/management zones/water management area in the 2023 plan. Tables added in Schedule 5 to illustrate the changes. This ensures the correct water source is applied to the WAL even if new WAL certificates are not issued immediately.</p>
<p><b>Part 6</b></p>	<p>We made changes to the environmental flow releases from the Upper Nepean and Tallowa dams from releasing up to the 80th percentile inflow plus 20% of inflows above this to instead scaled releases of the same percentiles but based on Sydney dam storages and minimum daily releases for Upper Nepean Dams.</p> <p>We have included the 80th percentile inflow for the Upper Nepean and Tallowa dams in the plan.</p>	<p>In line with the Greater Sydney Water Strategy proposals for Sydney’s drinking water supply, rule changes were investigated that balance the needs of Sydney’s growing population and the environment.</p> <p>The changes to environmental flows include scaling them based on dam storage. These have been included to provide additional drinking water with minimal environmental impact.</p>
<p><b>Part 6</b></p>	<p>We made updates to the system operation rules. An environmental contingency allowance account must be kept for Avon Dam, Cataract Dam, Nepean Dam and Cordeaux Dam in the Upper Nepean and Upstream Warragamba Water Source. The plan includes a volume of 9,000 ML in total across the above-mentioned dams.</p>	<p>An environmental contingency allowance sets water aside for environmental events including fish migration and removal of the floating weed. The volume of 9,000 ML allows for specific events which might occur, for example removal of the floating weed <i>Salvinia</i> which would require 3,000 ML per day for 3 days.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p><b>Part 6</b></p>	<p>The 2011 plan included a clause which required proponents to conduct feasibility studies into the need for environmental flows from other storages.</p> <p>We have removed this clause (39A) from the plan.</p>	<p>Some feasibility studies were completed during the life of the plan these were considered during the plan replacement process.</p> <p>Sydney Water conducted a study on Manly Dam. The report recommended that the creek was in a stable and environmentally adequate form and that the current flow regime adequately supports the current riverine habitat. A management agreement between Sydney Water, Warringah Council, Manly Hydraulics and University of NSW exists for the co-ordinated releases and diversions from Manly Dam.</p> <p>A feasibility study by Energy Australia showed that the current environmental flow regime from Lilydale Dam allowed more variability in flows and more water for the environment than the regime recommended in the study due to valve capacity constraints at the outlets.</p> <p>The clause also included studies for Wingecarribee Reservoir. WNSW currently release environmental flows from this dam. The current system operation rules were retained until further monitoring has occurred.</p> <p>Studies from Goulburn-Mulwaree, Wingecarribee and Shoalhaven Councils had not been completed. A discretionary condition on their works approvals allows for the inclusion of environmental flows if required following future studies.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p><b>Part 7</b></p>	<p>The long-term average-annual extraction limit (LTAAEL) for unregulated rivers and associated alluvium has been split into 2 components - a standard LTAAEL for take from all flows and a higher flow LTAAEL for extraction that can only occur from higher flows.</p> <p>The standard LTAAEL is fixed at the volume at the start of the:</p> <ul style="list-style-type: none"> <li>• replacement plan for entitlement</li> <li>• first plan for Basic Landholder Rights.</li> </ul> <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>The plan also includes an additional LTAAEL for major utility access licences held by WNSW in the Shoalhaven River, Upper Nepean and Upstream Warragamba, Hawkesbury Nepean Rivers and Southern Sydney Rivers extraction management units (EMUs). This LTAAEL remains unchanged. The LTAAEL in the Upper Nepean and upstream Warragamba and Hawkesbury Lower Nepean extraction management units instead of entitlement at the commencement of the 2023 plan is the 1993-99 usage figures.</p>	<p>NRC recommends setting a fixed and numeric LTAAEL. This is the standard LTAAEL. This ensures that extraction from low flow will be no more than could occur at the start of the first plan.</p> <p>While the higher flow LTAAEL can increase, this is to enable the implementation of high-flow conversions and granting Aboriginal Community Development Licences. This reduces the stress on lower flows and supports the department’s position of increasing Aboriginal involvement in natural resource management.</p> <p>The LTAAELs in this plan are separated into WaterNSW Major Utilities and other users. There has been no change to the WaterNSW Major Utilities LTAAELs and the approach for using historical use, instead of licenced entitlement, in the Shoalhaven River, Upper Nepean and Upstream Warragamba, Hawkesbury Nepean Rivers and Southern Sydney Rivers extraction management units has been retained.</p>
<p><b>Part 7</b></p>	<p>Plans previously required the Minister to make certain available water determinations at a certain time. This is now amended to require the Minister to consider making available water determinations as set out in this part.</p>	<p>A provision of a plan cannot require the Minister to make certain available water determinations at a certain time, as that is fettering the Minister’s broad power in section 59 of the Act.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p><b>Part 8</b></p>	<p>We have added provisions to allow for the granting of Unregulated River (Aboriginal Community Development) Access Licences (ACDLs) in the following water sources:</p> <ul style="list-style-type: none"> <li>• Upper Shoalhaven River Water Source up to 218 ML/yr</li> <li>• Jenolan River Water Source Lower up to 40 ML/yr</li> <li>• Kowmung River Water Source up to 40 ML/yr</li> <li>• Boro Creek Water Source up to 268 ML/yr.</li> </ul> <p>ACDLs are no longer permitted in Capertee River, Lower Wianamatta-South Creek, Kedumba River, Wywandy, Colo and Cattai Creek water sources.</p>	<p>The risk assessment identified changes to water source risks, which informed a review of ACDLs.</p> <p>ACDLs are permitted in water sources that have low risks to high flows and do not contain any high flow sensitive environmental features such as high flow sensitive wetlands.</p> <p>ACDL are not permitted in water sources with small volumes of high flows</p>
<p><b>Part 9</b></p>	<p>The 2011 plan included provisions to set up banked environmental flow accounts in each of the dams but had not been implemented.</p> <p>The banked environmental flows would be used when required releases were not made due to an emergency in the storage, capacity constraints, maintenance activity or modifications.</p> <p>The plan now requires the approval holder to make good on any required releases that couldn't be made.</p>	<p>This is not a change to the 2011 rule, but from an implementation perspective an account won't be set up but the plan does set out the make good requirements.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p><b>Part 9</b></p>	<p>We changed some access rules for licensed users in the following water sources:</p> <ul style="list-style-type: none"> <li>• Fitzroy Falls Water Source</li> <li>• Lower Shoalhaven River</li> <li>• Bomaderry Creek</li> <li>• Jaspers Brush Creek and Tributaries</li> <li>• Minnamurra River Water Source</li> <li>• Lower Wingecarribee</li> <li>• Lower Wollondilly</li> <li>• Jenolan River</li> <li>• Kowmung River</li> <li>• Kedumba River</li> <li>• Mid Nepean River Weirs</li> <li>• Lower Nepean River</li> <li>• Upper Hawkesbury River</li> <li>• Lower Hawkesbury River.</li> </ul> <p>The intent of the 2011 access rules has been retained for Lower Nepean River, Upper Hawkesbury River and Lower Hawkesbury River water sources. The complex rules that included the complicated algebraic equations have been simplified into text.</p> <p>Specific access rules can be viewed on the <a href="#">rule summary sheets</a>.</p>	<p>Changes to access rules aim to mitigate identified risks to low flows. They have also changed in response to updated information and a review of flow gauges.</p> <p>Changes to access rules in flood affected areas were not included in the Plan, but they will be consulted on in the first 5 years of the Plan. This is relevant to the following water sources:</p> <ul style="list-style-type: none"> <li>• Nattai River</li> <li>• Stonequarry Creek</li> <li>• all water sources in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit.</li> </ul> <p>Protection of environmental flows, replacement flows and very low flows from tributaries has been incorporated as well as the protection of drinking water releases in the Lower Nepean River water source.</p> <p>The Mid Nepean River Weirs and Maldon Weir water source 2011 access rules were complex and unable to be implemented due to loss of infrastructure at weirs due to flooding. Although it was proposed to revert to 2011 access rules for these water sources due to the inability to consult during floods, changes were made to simplify them so they can be implemented, therefore protecting environmental flows from the upstream Upper Nepean dams. These changes did not change the intent of the 2011 rules.</p>
<p><b>Part 9</b></p>	<p>We have removed total daily extraction limits (TDELs) and individual daily extraction limits (IDELs).</p>	<p>TDELs and IDELS are currently not being implemented. The department believe that TDELs and IDELS are an appropriate management tool and will consider introducing them in the future if there is suitable infrastructure and metering to do so. An amendment provision to do this has been included.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p><b>Part 10</b></p>	<p>We have prohibited the granting or amending water supply work approvals, where it will cause more than a minimal impact on significant wetlands listed under the State Environmental Planning Policy (Resilience and Hazards).</p>	<p>With the introduction of <i>Coastal Management Act 2016</i> and State Environmental Planning Policy (Resilience and Hazards) 2021, plans now provide for prohibitions on works which may cause harm to coastal wetlands.</p>



**Part 11**

We have updated the access licence dealing rules.

Trade is prohibited into the following water sources:

- Werriberri Creek
- Little River
- Nattai River
- Grose River.

Trade is allowed into some water sources at higher flows. This applies to these water sources/management zones:

- Wywandy to a limit of 455 ML/yr
- Kedumba River to a limit of 451 ML/yr
- Upper Wingecarribee River to a limit of 1,048 ML/yr
- Upper Shoalhaven River to a limit of 1,568 ML/yr
- Mid Shoalhaven River to a limit of 5,689 ML/yr
- Reedy Creek MZ to a limit of 271 ML/yr
- Mongarlowe River MZ to a limit of 1,396 ML/yr
- Corang and Endirck Rivers to a limit of 962 ML/yr
- Shoalhaven River Gorge to a limit of 1,535 ML/yr
- Broughton Creek to a limit of 281 ML/yr.

No net gain trade in limits mean there must not be an increase in license shares in the water source. In other words, shares must be traded out or cancelled before shares can be traded. No net gain limits apply for these water sources:

- Dharabuladh
- Jenolan River
- Mulwaree River
- Upper Wollondilly River

Where water sources allow trade in at higher flows, it is to create larger trade in volumes and avoid risks to low flows. Trade in limits apply which are 15% of the 30th percentile flow. The trigger for hydrologic stress to go from low to medium is 20%, so the selected trade in limit ensures no increase to hydrologic stress rating.

A no net gain trade limit is applied where:

- significant environmental values exist
- government buybacks have occurred for environmental reasons
- no gauge exists
- hydrologic stress is high or risk of increasing due to high volume of entitlement.

No limit applies for trade into downstream water sources to encourage trade away from upstream high environmental value areas and considering that take is already occurring upstream so there would not be an increase in hydrologic stress.

Trade rules in the flood affected Hawkesbury and Lower Nepean Rivers Extraction Management Unit are being reverted back to 2011 plan rules until a more appropriate time to conduct consultation.

Impacted water sources are:

- Capertee River
- Berowra Creek and Cowan Creek
- Mid Nepean River Weirs
- Cattai Creek
- Lower Nepean River
- Upper Hawkesbury River
- Macdonald River
- Colo River.

Clause in 2011 plan	Change in 2023 plan	Basis for change
	<ul style="list-style-type: none"> <li>• Lake Burragorang</li> <li>• Nerrimunga Creek</li> <li>• Bungonia Creek</li> <li>• Kangaroo River</li> <li>• Lower Kangaroo River.</li> </ul> <p>No limit applies for trade into downstream water sources. This applies to these water sources:</p> <ul style="list-style-type: none"> <li>• Lower Wingecarribee River</li> <li>• Lower Wollondilly River</li> <li>• Lower Georges River and Bunbury Curran Creek</li> <li>• Lower Parramatta River.</li> </ul>	
<b>Part 11</b>	Conversion of access licence from a domestic and stock to an unregulated access licence is no longer allowed.	This has been removed for consistency with other plans across the state.
<b>Part 11</b>	<p>High flow conversions are allowed at a conversion rate of 1 unregulated river unit share to 2.5 high flow unit shares in:</p> <ul style="list-style-type: none"> <li>• Lower Kangaroo River Water Source up to 1,782 shares</li> <li>• Minnamurra River Water Source Lower up to 220 shares</li> <li>• Lower Wollondilly River Water Source up to 418 shares</li> <li>• Upper Shoalhaven River Water Source up to 392 unit shares.</li> </ul> <p>Unregulated (high flow) access licences can only take from B class flows in Upper Shoalhaven River, Lower Kangaroo River and Lower Wollondilly River water sources. Unregulated (high flow) access licences can only take in C class flows in Minnamurra River water source. These flow classes are equivalent to 50th percentile flow.</p>	Changes are based on changed risks in the water sources as identified in the risk assessment.

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p><b>Part 11</b></p>	<p>We removed allowance for high flow conversions has in these water sources:</p> <ul style="list-style-type: none"> <li>• Broughton Creek,</li> <li>• Lower Hawkesbury River,</li> <li>• Macdonald River,</li> <li>• Lower Wianamatta-South Creek,</li> <li>• Upper Wianamatta-South Creek,</li> <li>• Maldon Weir</li> <li>• Cattai Creek.</li> </ul>	<p>Prohibited as there are no gauges or the volume of high flows are too low.</p>
<p><b>Part 13</b></p>	<p>We have limited amendment rules those that are possible under the Act, where the department is well advanced in developing a policy that will require a change to the plan, or where an administrative change is required.</p> <p>This does not prohibit amending the plan in any way during its life if it is in the public interest to do so.</p>	<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.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p><b>Part 13</b></p>	<p>The plan includes amendment provisions that requires the department to review the:</p> <ul style="list-style-type: none"> <li>• uptake of harvestable rights within the first 5 years of the plan</li> <li>• access and trade rules in the Plan if Harvestable Rights uptake has increased above 10% of rainfall runoff.</li> <li>• access and dealing rules in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit, Nattai River Water Sources and the Stonequarry Creek Water Source after consultation within the first 5 years of the plan as no changes were made in 2023 plan due to flooding.</li> <li>• amend the LTAAEL during the life of the Plan to set it based on a proportion of flow provided the amendments do not substantially change a LTAAEL.</li> </ul>	<p>We have included this provision to manage the risk to stream flows that increased uptake of Harvestable Rights may cause.</p> <p>Inclusion of LTAAEL-related amendment provisions reflects the department’s intent to move to a sustainable extraction limit over the coming years.</p>

## Why we have made these changes

The *Water Sharing Plan for the Greater Metropolitan Unregulated River Water Sources 2011* was extended for a period of up to 2 years 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 2011 plan.

## The process for changing water sharing plans

As well as the approval of the Minister for Lands and Water, replacing a plan requires the agreement of the NSW Minister for Environment and Heritage (this is known as ‘concurrence’). Consistent with section 9 of the *Water Management Act 2000* (the WM Act), when replacing a water sharing plan the ministers must:

- take all reasonable steps to promote the water management principles of the WM Act and
- give priority to the principles relating to water sharing according to the order they are set out in under section 5 (3) of the WM Act.

The water sharing management principles under s5(3) of the WM Act are (in their order of priority):

1. Sharing water from a water source must protect the water source and its dependent ecosystems.
2. Sharing water from a water source must protect basic landholder rights.
3. Sharing or extraction of water under any other right must not prejudice the principles set out in points 1 and 2.

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

---

## More information

To read the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023* and supporting information, visit the NSW Department of Planning and Environment's website, <https://water.dpie.nsw.gov.au/plans-and-programs/water-sharing-plans/status/greater-metropolitan-region>