

Outcomes of public exhibition for Towamba River water sharing plan

The draft *Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023* was exhibited publicly from 9 May to 19 June 2022. This document outlines how we have changed the draft plan in response to public feedback.

The *Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023* will start no later than 1 July 2023. The new plan replaces the previous *Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010*.

As part of the process for developing the replacement plan, the NSW Department of Planning and Environment publicly exhibited the draft plan from 9 May to 19 June 2022. We held 2 public information sessions to inform the public and get feedback on the draft water sharing plan. These were an online webinar on 19 May 2022 and a face-to-face session in Towamba on 26 May 2022.

During the public exhibition period, there were 564 unique hits on the plan's public exhibition website. We had phone discussions with 3 members of the public, and one meeting with local government representative.

The public exhibition process and submissions received gave the department valuable feedback from stakeholders that informed us in finalising the replacement water sharing plan. This fact sheet outlines the main changes.

Submissions

We received 8 submissions on the draft *Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023*. All 8 submissions gave permission to publish. Published submissions are in the outcomes of public exhibition section of the [water sharing plan webpage](#).

We sorted the issues raised in each submission into 2 broad categories: out of scope, or for further consideration. We then grouped issues for further consideration by the relevant aspect of the water sharing plan.

How we considered issues

The department examined the nature of the issues raised and considered the following questions for each:

- Is the issue within the scope of the water sharing plan?
- Is the issue consistent with the *Water Management Act 2000*?
- Are existing programs/processes or other departments addressing the issue?
- Does it relate to water charges, costs, operational activities or licensing matters outside of the scope of the water sharing plan?
- Is it likely to affect water availability for basic landholder right users and licence holders, and if so, how?
- Can current legal mechanisms enable the change, or is legislative change required?
- Is it consistent with current policy settings, and if not, can we develop robust alternative, policies within the timeframe for developing the water sharing plan?
- Are there additional costs for the NSW Government?
- Can we investigate the issues within the timeframe for developing the water sharing plan?

Key issues raised from public consultation

Based on the considerations outlined above, the department assessed all the issues raised in submissions. After considering these, we made five changes to the draft water sharing plan.

Comments around access and trade rules were very common, with some submissions having concerns the rules were too restrictive, and others supporting the more restrictive rules for environmental protection.

Table 1 lists comments raised in submissions where the department could consider changing the draft plan. It also gives the department's response.

Table 1. Issues raised in submissions

| Issue | Sentiment of submission comments on issue | Department’s response | Change to draft plan |
|--|---|--|----------------------|
| <p>Long term average annual extraction limit (LTAAEL)</p> | <p>2 submissions raised questions about the LTAAEL:</p> <ul style="list-style-type: none"> • One submission was unsure how the higher flow LTAAEL works and was concerned it would hinder the uptake of high flow conversions. • The other submission was concerned about the consideration of interception from plantations in the LTAAEL. | <ul style="list-style-type: none"> • Clarification around the higher flow LTAAEL is now provided in the background document. • We do not currently consider interception of water by plantation forestry to be significant water take in NSW. We did an assessment of risks in 2010 and concluded that plantations do not pose a significant threat to water availability in NSW. The plantation industry has not grown significantly since 2009. <p>Words to explain this are included in the Replacement WSP Manual.</p> | <p>No</p> |
| <p>Addition of Towamba River Coastal Floodplain Alluvial Groundwater Source</p> | <p>2 submissions commented on the inclusion of the new water source:</p> <ul style="list-style-type: none"> • Both submissions supported inclusion of the new water source. • 1 of the submissions suggested more justification of the LTAAEL to ensure no impacts to GDEs and environmental values which depend on groundwater. | <p>Explanation of the LTAAEL method and information about the groundwater risk assessment is now included in the background document.</p> | <p>No</p> |

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| <p>Access rules</p> <p>Cease to pump for Jingo Creek, Lower Towamba, Mataganah Creek, Myrtle Creek, Upper Towamba, Wog Wog River water sources.</p> | <p>6 submissions commented on the increase of cease to pump in these water sources. Of these:</p> <ul style="list-style-type: none"> • 3 supported increasing the cease to pump. These submissions acknowledge benefit for the environment. • 3 submissions were critical of increasing the cease to pump. Two of these suggested a far more lenient cease to pump rule - the same as was included in a community led water sharing plan which was in place before the 2010 water sharing plan was put in place over 11 years ago. | <p>Half of the submissions were supportive of the change in cease to pump rule.</p> <p>The cease to pump increase from 5 ML/day to 6.5 ML/day aims to mitigate a medium likelihood that extraction is impacting on ecological values. and overall high risk rating in the low flows of the furthest downstream water source.</p> <p>In consideration of these points, no change to the draft plan was made.</p> | <p>No</p> |
| <p>Access rules</p> <p>Commence to pump for Jingo Creek, Lower Towamba River, Mataganah Creek, Myrtle Creek, Upper Towamba River, Wog Wog River water sources.</p> | <p>3 submissions commented on the commence to pump rule. All were critical of the commence to pump rule – noting it is much more restrictive than the current rule and would make irrigating “not worth doing” and “worthless”.</p> | <p>The commence to pump rule was proposed to change from 15 ML/day to 34 ML/day.</p> <p>After receiving submissions and verbal feedback on 34 ML/day being too restrictive, we investigated this rule further. It was identified that the proposed change would not deliver more environmental benefit than the current commence to pump rule due to the flashy nature of the water sources, and low risks identified to the fresh flows. The cease to pump rule is of more importance for the protection of environmental flows in these systems.</p> <p>In consideration of this the draft plan was amended to revert back to the current 15ML/day commence to pump rule.</p> | <p>Yes</p> |

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| <p>Dealing rules</p> <p>General trade rules</p> | <ul style="list-style-type: none"> • 4 submissions commented on dealing rules (also known as trade rules) • 3 submissions supported the proposed increased trade opportunities. • 1 submission said it was not in support but the comment provided was not relevant to trade. | <p>Given most submissions were in support of the trade rules, no changes were made to the draft plan.</p> | <p>No</p> |
| <p>Dealing rules</p> <p>High flow conversions</p> | <p>2 submissions commented on high flow conversion rules. Of these:</p> <ul style="list-style-type: none"> • Both supported high flow conversions and the promotion of this mechanism. • One submission raised that high flow conversions should continue to be allowed in the Upper Towamba and Lower Towamba River. It questioned whether take above the 50th percentile would actually impact the Australian Grayling. | <p>After receiving the submission about Upper Towamba River and Lower Towamba River Water Sources, the allowance of high flow conversions in these water sources was investigated further.</p> <p>It was identified that the Australian Grayling and Australian Bass are unlikely to be impacted by limited extraction above the 50th percentile. As such, high flow conversions will be allowed in the Upper and Lower Towamba River water sources up to a limit to ensure the fish are not impacted.</p> | <p>Yes</p> |
| <p>Aboriginal community development licences</p> | <p>2 submissions supported the inclusion of rules to grant Aboriginal community development licences. Note these submissions supported this type of licence more generally, instead of rules in the Towamba plan specifically.</p> | <p>As with high flow conversions, high flow extraction is not likely to impact the Australian Grayling. Considering this, Aboriginal community development licences will be allowed up to a limit in the Upper Towamba River and Lower Towamba River Water Sources.</p> | <p>Yes</p> |

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| Distance rules for water supply works | <p>1 submission was concerned about aquifer access licences lowering the water table and impacting groundwater dependant ecosystems. The same submission noted that the level of risk of contamination from on-site sewage is dependent on the type of sewage system.</p> | <p>There are rules in the plan to protect groundwater dependent ecosystems and prevent contamination of groundwater by on-site sewerage systems. There are also hydrogeological assessments of new water supply works to ensure groundwater dependent ecosystems and water sources are protected.</p> <p>Information about the assessment process is available on the website. Link to the relevant page on the website included in the background document.</p> | No |
| Managing the risks of increased harvestable rights | <p>2 submissions commented on the inclusion of a clause to allow amendments to the plan after an assessment of the uptake of harvestable rights.</p> <ul style="list-style-type: none"> • 1 submission supported the inclusion of the amendment clause. Specifically, it supports the assessment to check [harvestable rights take] is not harmful. • 1 submission supports the increase of harvestable rights, which is not in scope of the water sharing plan. | <p>No negative comments about the harvestable rights amendment provision so no change was made to the draft plan.</p> | No |
| Metering | <p>5 submissions commented on metering. Of these:</p> <ul style="list-style-type: none"> • 3 submissions supported the inclusion of metering provisions in the plan. • 2 submissions were not in support of the requirement for everyone to have a meter, citing concerns about cost. | <p>Metering conditions are provided for in the non-urban water metering framework at a state-wide scale, not at an individual water sharing plan scale.</p> | No |

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| <p>Updated licence shares and basic landholder rights (BLR) estimates</p> | <p>One submission commented on the estimation of take under BLR, and was concerned that the estimate is too low.</p> | <p>The method used to estimate take under BLR is an acceptable method used across coastal water sharing plans in NSW. Information on the method is included in the background document, and a link is provided to the Replacement WSP Manual which includes the method in more detail.</p> | <p>No</p> |
| <p>Mapping</p> | <p>One verbal comment during a public information session identified that the headwaters of New Station Creek (a tributary of Towamba River) had been incorrectly mapped in Mataganah Creek Water Source instead of Upper Towamba River Water Source</p> | <p>New Station Creek is now included in Upper Towamba River Water Source. There is one licence in this area which s required to change water source. This is an administrative change on the licence.</p> | <p>Yes</p> |

More information

To read the draft *Water Sharing Plan for the Towamba River Area Unregulated and Alluvial Water Sources 2023* and supporting information, visit the NSW Department of Planning and Environment's website, www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans