

# Outcomes of public exhibition for Bega River Area water sharing plan

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*The Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023* was exhibited publicly from 12 July to 21 August 2022. This document outlines changes to the publicly exhibited plan in response to public feedback.

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The water sharing plans for the Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources (2011) and the Murrumbidgee–Wallaga Area Unregulated and Alluvial Water Sources (2010) expired on 30 June 2023. They were replaced 1 July 2023 by one combined plan, the *Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023*.

As part of the process for developing the replacement plan, the NSW Department of Planning and Environment (the department) publicly exhibited a draft plan from 12 July to 21 August 2022. WaterNSW customers were contacted via mail (506 letters) and other groups and individuals were contacted via email (398 recipients). Both these communications informed recipients of the plan replacement, ways to access information and invited them to attend one of the public information sessions.

Three public information sessions were held and included a live webinar and two face-to-face sessions at Bega (35 attendees) and Cobargo (20 attendees).

During the public exhibition period, there were 355 unique hits on the plan's public exhibition website. We had phone discussions with four members of the public.

We received twenty-three submissions on the draft *Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023*. Of these, eight submissions did not provide permission for publication. Published submissions are in the [outcomes of public exhibition](#) section of the department's water sharing plan webpage.

Ongoing discussions occurred with water users in the Bega Valley, NSW Irrigators Council and Bega Cheese in relation to the water sharing plan between public exhibition and when the plan was replaced.

All submissions were considered, noting that some issues raised were out of scope for the water sharing plan replacement. Key issues that were in scope and how they were addressed are listed in Table 1.

The public exhibition process, submissions received, and ongoing conversations gave the department valuable feedback from stakeholders that informed finalisation of the replacement water sharing plan. This fact sheet outlines the main changes from the public exhibited plan to the final plan that commenced 1 July 2023.

## Key issues raised from public consultation

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

Table 1 lists the most frequently raised comments in submissions, whether the feedback resulted in a change to the draft plan and a departmental response to each.

Table 1. Key issues raised in submissions

Issue	Sentiment of submission / Comment on issues	Change to exhibited draft plan	Departments response
<p><b>Increased cease to pump rules</b></p>	<p><b>In support:</b></p> <p>“Rules to support connecting flows should be prioritised,”</p> <p>“Sends message that cannot rely on river and must build storage.”</p> <p>“With increased on-farm water storage and harvesting of high flows, a higher level could be workable. However, this would require a clear path to dam building for larger irrigators and would take several years.”</p> <p><b>Not in support:</b></p> <p>“Disregards the riparian works which landholder have undertaken and maintain under the Bega River Health Agreement.”</p> <p>“Need to encourage the implementation of on-farm storage.”</p> <p>“The cease to pump levels will definitely impact our dairy farm in a negative way.”</p> <p>“The focus should be on the Cochrane Dam drought reserve and improving its security, triggers and releases.”</p>	<p>No</p>	<p>The proposed increases in the cease to pump rules for five water sources are aimed to mitigate a high likelihood that at low flows there is risk of insufficient water for freshwater riverine ecosystems.</p> <p>Mitigating this risk will protect native fish, macroinvertebrate populations, threatened frog species and a range of important ecosystem functions.</p> <p>Protecting baseflows and low flows will help retain water in these water sources as they approach very low to cease to flow conditions.</p> <p>This action will also enhance the resilience of aquatic biota in instream refuge habitats, particularly in the face of climate change.</p> <p>In consideration of these factors, no change to the draft exhibited plan was made. The final 2023 plan includes:</p> <ul style="list-style-type: none"> <li>• Upper Bega/Bemboka Rivers Water Source cease to pump of 5 ML/day at the Kanoona Gauge (219032).</li> <li>• Narira Creek and Murrah River Water Sources cease to pump of 1.4 ML/day at the Quaama gauge (219018).</li> <li>• Dry River and Bermagui River Water Sources cease to pump of 1.4 ML/day at the Cobargo Gauge (219016).</li> </ul>

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<p><b>Prohibition of dams on third-order streams and higher in six water sources</b></p>	<p><b>Not in support:</b></p> <p>“Makes it more uneconomical.”</p> <p>“Dams should be allowed on third order streams.”</p> <p>“Frustrated the plan does not permit viable on-farm storage.”</p> <p>“Introduce a case by case assessment for approving dams.”</p>	<p>Yes</p>	<p>Construction of licensed dams on third order streams has been identified as a key threatening process for catchment and marine management.</p> <p>The proposed prohibition of licensed dams on third order streams in six water sources aimed to bring the rules in Bega River area in step with other areas of inland and coastal NSW, where there are high value in-stream values or downstream environmental assets.</p> <p>Based on submissions, the department agreed it would be appropriate to apply a transition period to the introduction of this rule in the six water sources, to allow those who are actively intending to construct such a work, do so.</p> <p>We have included an exemption in the water sharing plan from this prohibition for the Dignam’s Creek, Narira Creek, Dry River, Sandy Creek, Candelo Creek and Tantawangalo Creek Water Sources if the applicant has a development application lodged with Council before 1 July 2024.</p> <p>In recognition of extraction pressure on low flows in the water sources of the plan area prohibitions that existed in the previous plan remain in place.</p>
<p><b>Allowing trade into high flows as well as high flow conversion</b></p> <p><b>Permitting low flow trade</b></p>	<p><b>In support:</b></p> <p>“In principle, we support trade into these water sources at high flow, and the use of high flow conversion rates as an incentive to facilitate trade away from low flow to high flow licenced water take.”</p> <p>“This is a positive change.”</p> <p><b>Not in support:</b></p>	<p>Yes</p>	<p>Trade opportunities in the prior water sharing plans were limited due to existing high levels of commitment of available water resources and the potential impact on third parties.</p> <p>Opening opportunities for trade was a primary recommendation of the Natural Resources Commission.</p> <p>In response to submissions, the department:</p>

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	<p>“Limits are unfeasible”</p> <p>“Why no low flow trade in the Upper Bega/Bemboka?”</p> <p>“Flows are too low for high-flow conversion rules to be implemented”</p> <p>“I object to the removal [of high flow conversion] from water sources. On-farm storage should be encouraged.”</p> <p>“We don't use our entitlement, but we are unlikely to sell because it may affect the resale of the farm.”</p> <p>“Not selling at all. Would perhaps buy if we were able to put in decent on farm storage.”</p>		<ul style="list-style-type: none"> <li>• Reviewed low flow trade rules, to provide for low flow trade in the Upper Bega/Bemboka system from the trunk stream water source to the Lower Management Zone of the tributaries water source (up to 1000 ML with a subsequent review mechanism if this limit is reached in first half of the plan's term), improving the possibility for increased on-farm storage for rainfall run off capture in the tributaries areas.</li> <li>• Reviewed high flow trade limits, to facilitate maximum possible extraction to allow for increased on-farm storage, while maintaining minimum harm. A new method for calculating available water at higher flows was used. This approach resulted in increased high flow trade limits in some water sources in the Bega and Brogo area and confirmed that there is little water available for high flow trade in the Murrah-Wallaga area (<b>refer Table 2</b>).</li> <li>• Reviewed high flow conversion limits, to facilitate maximum possible extraction to allow for increased on-farm storage while maintaining minimum harm.             <ul style="list-style-type: none"> <li>- Prior high flow conversion policy method did not permit high flow conversion where the 30<sup>th</sup>ile flow was less than 20 ML. This method was reviewed to look for viable high flow volumes at different percentile flow levels greater than the 30<sup>th</sup>ile.</li> <li>- The volume of water available at designated high flows (between the 10<sup>th</sup> and 0.5<sup>th</sup>ile flows for smaller, drier water sources, and</li> </ul> </li> </ul>

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			<p>the 10th and 30th%ile flows for larger water sources) was estimated for each water source and where there was adequate volume in the flow class up to 20 % of that volume was made available for conversion of current licences into high flows (on the basis that extracting 20 % or less of a flow class is considered in scientific literature to have a low impact).</p> <p>This approach resulted in increased high flow conversion limits in some water sources (<b>refer to Table 2</b>).</p>
<p><b>Provision for Aboriginal Community Development Licences</b></p>	<p>“As long as holders also buying licences.”</p> <p>“Scale seems mean-spirited in light of history of dispossession of water rights.”</p>	<p>Yes</p>	<p>In the final plan there are 11 water sources that have been identified as having water available for users at high flows (allowing for high flow trade or high flow conversions).</p> <p>The final plan has been amended such that this available water is also able to be accessed via application for Aboriginal Community Development Licences.</p>
<p><b>Cochrane Dam and the Drought Reserve</b></p>	<p>“Build extra capacity.”</p> <p>“Need minimum releases all year round to maintain flow and stop pulsing occurring.”</p> <p>“Increase the drought reserve and secure it with effective triggers and releases.”</p>	<p>No</p>	<p>We have investigated the policy and operational rules of the Cochrane Dam and its drought reserve. No change has been made from the exhibited plan to the 2023 plan now in force.</p> <p>The changes maintain in the final 2023 plan included change to the rules that were previously in plan for management operations including:</p> <ul style="list-style-type: none"> <li>• Requiring water storage of the drought reserve to occur earlier in the calendar year during drought years.</li> <li>• Clarification of the rules and responsibilities of the drought reserve.</li> </ul>

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			<ul style="list-style-type: none"> <li>Update to the three-month minimum inflow sequences into Cochrane Dam used for determining Cochrane Dam drought reserve based on recent flow records.</li> </ul>
<b>Inclusion of a new groundwater source</b>	“Good for those who can access that water.”	No	The 2023 plan includes a new coastal floodplain, alluvial groundwater source in the plan. This aligns with other Coastal Water Sharing Plans. The water source has been separated from the upriver alluvium, as it is less highly connected to the river than the upriver alluvium and more influenced by coastal processes.  A separate extraction management unit (EMU) is established so that a long-term average annual extraction limit can be applied to the Bega River Area Coastal Floodplain Alluvial Groundwater Source
<b>Managing the effects of increased Harvestable Rights</b>	“Three year timeframe for review of harvestable rights does not provide enough time for uptake.”	No	The 2023 plan contains the three year review, if review is too much later and there is significant uptake there could be negative effects on water sources and water users.
<b>Consultation</b>	“Recognise past stewardship.” “Return and work with locals.” “Consultation to date is not enough.”	No	Additional face to face and virtual meetings have been held with local water user representatives since the close of public exhibition which assisted in developing changes to the draft plan.
<b>Harvestable Rights</b>	“Harvestable rights maximum needs to be lifted above 30%.”	No	Out of scope
<b>Metering</b>	“The metering of water use between water sources needs to be simplified - particularly for the upper Bega/Bemboka systems - the rules are crazy.”	No	Out of scope

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**Table 2. Outcomes from Public Exhibition – change in maximum high flow entitlements available via high flow trade, high flow conversion or granting Aboriginal Community Development Access Licences (ACDALs)**

**Note:** The volumes listed in the 'Exhibited 2022 plan' and 'Final 2023 plan' columns represent the maximum volume of entitlement that can be issued in the relevant high flow class. There are three methods for an access licence to be issued in a high flow class that can exhaust this available limit. They are:

- high flow trade into the water source
- high flow conversion within the water source
- issuing Aboriginal Community Development Access Licence (ACDAL)

Water source	High flow access method	Exhibited 2022 plan	Final 2023 plan
Narira Creek	High flow trade	Permitted in B Class – conditional on B Class entitlement in the water source not exceeding 220 ML/yr	Not permitted - not hydrologically connected to another water source
	High flow conversion	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,243 ML/yr
	Granting ACDAL	Permitted in B Class – conditional on B Class entitlement in the water source not exceeding 220 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,243 ML/yr
Dry River	High flow trade	Permitted in B Class – conditional on B Class entitlement in the water source not exceeding 220 ML/yr	Not permitted - not hydrologically connected to another water source
	High flow conversion	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,558 ML/yr
	Granting ACDAL	Permitted in B Class – conditional on B Class entitlement in the water source not exceeding 220 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,558 ML/yr
Candelo Creek	High flow trade	Permitted into B Class - conditional on B Class entitlement in the water source not exceeding 308 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 368 ML/yr and from hydrologically connected water sources ONLY (i.e., Sandy, Wolumla and Tantawangalo Creeks)
	High flow conversion	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 368 ML/yr

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Water source	High flow access method	Exhibited 2022 plan	Final 2023 plan
	Granting ACDAL	Permitted in B Class – conditional on total ACDAL entitlement across the Candelo Creek, Lower Bega/Lower Brogo Rivers Tributaries, Mid Bega River Tributaries, Sandy Creek, Upper Bega/Bemboka Rivers Tributaries, Wolumla Creek and Tantawangalo Water Sources not exceeding 500 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 368 ML/yr
Sandy Creek	High flow trade	Permitted into B Class - conditional on B Class entitlement in the water source not exceeding 308 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 184 ML/yr and from hydrologically connected water sources ONLY (Candelo, Wolumla and Tantawangalo Creeks)
	High flow conversion	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 184 ML/yr
	Granting ACDAL	Permitted in B Class – conditional on total ACDAL entitlement across the Candelo Creek, Lower Bega/Lower Brogo Rivers Tributaries, Mid Bega River Tributaries, Sandy Creek, Upper Bega/Bemboka Rivers Tributaries, Wolumla Creek and Tantawangalo Water Sources not exceeding 500 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 184 ML/yr
Wolumla Creek	High flow trade	Permitted into B Class - conditional on B Class entitlement in the water source not exceeding 308 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 184 ML/yr and from hydrologically connected water sources ONLY (Sandy, Candelo and Tantawangalo Creeks)
	High flow conversion	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 184 ML/yr
	Granting ACDAL	Permitted in B Class – conditional on total ACDAL entitlement across the Candelo Creek, Lower Bega/Lower Brogo Rivers Tributaries, Mid Bega River Tributaries, Sandy Creek, Upper Bega/Bemboka Rivers Tributaries, Wolumla Creek and Tantawangalo Water Sources not exceeding 500 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 184 ML/yr



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Water source	High flow access method	Exhibited 2022 plan	Final 2023 plan
<b>Tantawangalo Creek (Lower Management Zone)</b>	High flow trade	Permitted into C Class -conditional on C Class total entitlement in the water source not exceeding 770 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,592 ML/yr and from hydrologically connected water sources ONLY (Sandy, Candelo and Wolumla Creeks)
	High flow conversion	Permitted into C Class -conditional on C Class total entitlement in the water source not exceeding 770 ML/yr	Permitted in B Class - conditional on B Class total entitlement in the water source not exceeding 1,271 ML/yr Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,592 ML/yr
	Granting ACDAL	Permitted in C Class –conditional on total ACDAL entitlement across the Candelo Creek, Lower Bega/Lower Brogo Rivers Tributaries, Mid Bega River Tributaries, Sandy Creek, Upper Bega/Bemboka Rivers Tributaries, Wolumla Creek and Tantawangalo Water Sources not exceeding 500 ML/yr	Permitted in B Class - conditional on B Class total entitlement in the water source not exceeding 1,271 ML/yr Permitted in C Class - conditional on C Class total entitlement not exceeding 1,592 ML/yr
<b>Lower Bega/Brogo Rivers Tributaries</b>	High flow trade	Permitted into B Class - conditional on B Class entitlement in the water source not exceeding 616 ML/yr	Not permitted - as not hydrologically connected to an unregulated water source
	High flow conversion	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,359 ML/yr
	Granting ACDAL	Permitted in B Class – conditional on total ACDAL entitlement across the Candelo Creek, Lower Bega/Lower Brogo Rivers Tributaries, Mid Bega River Tributaries, Sandy Creek, Upper Bega/Bemboka Rivers Tributaries, Wolumla Creek and Tantawangalo Water Sources not exceeding 500 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,359 ML/yr
<b>Upper Bega/Bemboka Rivers Tributaries</b>	High flow trade	Permitted into B Class flows from the Upper Bega Bemboka Rivers Water Source - conditional on B Class entitlement in the water source not exceeding 616 ML/yr	Permitted into C class- conditional on C Class total entitlement in the water source not exceeding 1,359 ML/yr and from Upper Bega/Bemboka Rivers ONLY

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	High flow conversion	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,359 ML/yr
	Granting ACDAL	Permitted in B Class – conditional on total ACDAL entitlement across the Candelo Creek, Lower Bega/Lower Brogo Rivers Tributaries, Mid Bega River Tributaries, Sandy Creek, Upper Bega/Bemboka Rivers Tributaries, Wolumla Creek and Tantawangalo Water Sources not exceeding 500 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,359 ML/yr
<b>Mid Bega River Tributaries</b>	High flow trade	Permitted into B Class flows from the Mid Bega River Sands Water Source only - conditional on B Class entitlement in the water source not exceeding 616 ML/yr	Permitted into C class - conditional on C Class total entitlement in the water source not exceeding 1,359 ML/yr and from Mid Bega River Sands ONLY
	High flow conversion	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,359 ML/yr
	Granting ACDAL	Permitted in B Class – conditional on total ACDAL entitlement across the Candelo Creek, Lower Bega/Lower Brogo Rivers Tributaries, Mid Bega River Tributaries, Sandy Creek, Upper Bega/Bemboka Rivers Tributaries, Wolumla Creek and Tantawangalo Water Sources not exceeding 500 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1,359 ML/yr
<b>Upper Bega/Bemboka Rivers</b>	High Flow Trade	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1760 ML/yr	Not permitted - as Total Daily Extraction Limits (TDELs) already required into B Class flows (i.e., existing demand already exceeding low and medium flows)
	High flow conversion	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1760 ML/yr	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 2,220 ML/yr
	Granting ACDAL	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 2,220 ML/yr
<b>Mid Bega River Sands</b>	High flow trade	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1760 ML/yr	Not permitted- as TDELs already required into B Class flows (i.e., existing demand already exceeding low and medium flows)

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	High flow conversion	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 1760 ML/yr	Permitted in Class - conditional on C Class total entitlement in the water source not exceeding 743 ML/yr
	Granting ACDAL	Not permitted	Permitted in C Class - conditional on C Class total entitlement in the water source not exceeding 743 ML/yr

## More information

To read the *Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023* and supporting information, visit the NSW Department of Planning and Environment's [South Coast Region](#) website.