

# A new water sharing plan for the Border Rivers area

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## A summary of proposed changes in the draft *Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2024*

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Water sharing plans (WSP) are the primary legal framework for managing water access and sharing in NSW. The plans are valid for 10 years from their start date.

The Natural Resources Commission (NRC) formally reviews a plan near the end of its 10-year term. The review identifies any changes necessary to deliver better outcomes for all water users, including the environment.

Under the *Water Management Act 2000*, the minister may extend a water sharing plan for another 10 years or replace it with a changed plan, based on the recommendation of the NRC.

In 2022, the NRC completed its review of the *Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2012* (the 2012 plan) and recommended its replacement. The replacement plan is due by 1 July 2024. A copy of the NRC report is available from the [Publications pages of the NRC website](#).

The NSW Department of Planning and Environment has drafted a new water sharing plan – the *Water Sharing Plan for Border Rivers Unregulated River Water Sources 2024*. When finalised, this will replace the 2012 plan.

We have updated the draft plan to align with the structure and wording of recent water sharing plans. This includes removing redundant clauses and notes, changing the numbering of parts and sections, and updating contact information.

These changes will improve consistency across all water sharing plans and align with current policy positions and administrative practices. In some circumstances re-drafting was required to provide clarity or remove ambiguity associated with the existing rules. We have also updated the amendment provisions to allow us to change the plan if new information is available. We will consult the public before making any future changes that could affect water users or the environment's access to water.

This fact sheet summarises the key changes proposed to the plan.

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## Objectives, strategies and performance indicators

The department has revised the objectives, strategies and performance indicators to better reflect the principles of the *Water Management Act 2000*. The draft plan deals with similar matters to the current one. We have made changes to:

- make a stronger logical connection between objectives, the strategies of the plan and the performance indicators we will monitor

- distinguish clearly between the environmental, economic, social and Aboriginal cultural objectives of the water sharing plan.

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## Environmental water provisions

The environmental water provisions (legal conditions) remain in the plan but not in their own part. We have distributed them throughout the plan into:

- Part 4 – Limits to the availability of water
- Part 6 – Operation of water allocation accounts and managing access licences.

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## Estimated water requirements for basic landholder rights and licensed take

The draft plan gives updated:

- estimates of water requirements for basic landholder rights that take into account recent data sets for urban areas, number of houses and land use
- the total volumes or unit shares specified in the share components of all access licences to reflect current information.

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## Access Rules

Changes to Cease to Pump (CtP) rules are proposed for the Glen Innes, Mole River and Inverell Water Sources.

The current access rule for these water sources requires licence holders to cease pumping when there is no visible flow at the pump site. Given the existence of reliable and accurate stream flow gauges suitable for setting access rules in these water source, it is proposed to introduce rules which are linked to these telemetric gauges to better protect very low flows. Gauge-based data also improves compliance by providing a digital record of access status and provides stream flow data in real time online from Water NSW.

### Glen Innes Water Source

Within the Glen Innes water source, there are high ecological values including known populations of endangered and threatened water dependant species. Ecological studies illustrate that maintaining very low flows and avoiding cease to flow periods are important for maintaining instream biodiversity. There are also socio-economic benefits in retaining stream flows for basic landholder rights and town water supply.

The proposed CtP threshold of 1 ML/d, as opposed to applying the current access rule, may increase the frequency and duration of CtP events for water users. Higher CtP thresholds, such as 2 ML/d or more, may provide greater environmental benefits but markedly increase CtP frequency and duration. The proposed CtP threshold of 1 ML/d is therefore intended to provide a balance between environmental and water user requirements.

Table 1. Access rules in the Glen Innes Water Source

Proposed Access Rule	Flow Reference Point
Cease to pump commences when flows are equal or less than 1 ML/d	Severn at Fladbury stream flow gauge (416023)

### Mole River Water Source

There are high ecological values including known populations of endangered and threatened species within the Mole River water source, particularly in the Deepwater River. Ecological studies illustrate that maintaining very low flows and avoiding cease to flow periods are important for maintaining instream biodiversity. There are also socio-economic benefits in retaining stream flows for basic landholder rights and town water supply.

The only reliable and accurate stream flow gauge in the water source is located along Deepwater River in the upstream section of the catchment. Flows from this gauge can take approximately 4 days to reach the downstream section of Mole River and therefore, it is not suitable to introduce flow-based access rules for the whole water source at this gauge.

The proposal is to subdivide the Mole River Water Source into two management zones:

1. Management zone 1: Deepwater River above its confluence with Mole River
2. Management zone 2: the remaining parts of the Mole River water source.

We are proposing that Management Zone 1 will have a CtP threshold of 1 ML/d at the Deepwater at Bolivia gauge and Management Zone 2 will have a CtP of no visible flow at the pump site plus a 24 hour first flush rule at the pump site. This rule change improves protection for the high value environmental assets located in the Mole River Water Source but may also slightly increase the frequency and duration of CtP events for water users. Choosing higher CtP thresholds than those proposed may provide greater environmental benefits but markedly increase CtP frequency and duration for in the water source. The proposed CtP threshold of 1 ML/d in Management Zone 1 and the additional of a 24 hour first flush rule in Management Zone 2 is therefore intended to provide a balance between environmental and water user requirements.

Table 2. Access rules for Mole River Water Source.

Management Zone	Access Rule
Management Zone 1	Cease to pump commences when flows are equal or less than 1 ML/day at the stream-based gauge Deepwater at Bolivia (416022).
Management Zone 2	Water must not be taken unless there has been a visible flow for 24 hours at the pump site

### Inverell Water Source

There are medium ecological values including known populations of threatened species within this water source. Ecological studies illustrate that maintaining very low flows and avoiding cease to flow periods are important for maintaining instream biodiversity. There are also socio-economic benefits in retaining stream flows for basic landholder rights.

The current access rule for this water sources requires licence holders to cease pumping when there is no visible flow at the pump site, which can be subjective and make applying the rule challenging for both water users and for compliance. Gauge based access rules removes such subjectivity. The data can be found online quickly and conveniently so that water users know if CtP is in place. Gauge-based data also improves compliance by providing a digital record of access status.

The proposed to introduce a gauge-based access rule of No Visible Flow (NVF) at the Macintyre at Wallangra site, as opposed to applying a NVF at the pump site, may increase the frequency and duration of CtP events for water users. Higher CtP thresholds, such as 1 ML/d or more, may provide greater environmental benefits but markedly increase CtP frequency and duration, given the long travel time for flows to reach downstream and the highly intermittent nature of this water source. The proposed CtP threshold of NVF at the Macintyre at Wallangra gauge is therefore intended to provide a balance between environmental and water user requirements.

Table 3. Access rules for Inverell Water Source

Proposed Access Rule	Flow Reference Point
Cease to pump commences when there is no visible flow	Macintyre at Wallangra stream flow gauge (416010)

### Other Water Sources

For the remaining water sources and management zones in the WSP, the access rule of pumping permitted only when there is a visible flow at the pump site remains unchanged.

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## Total and individual daily extraction limits

We propose to remove references to total and individual daily extraction limits (TDELs and IDELs) from the plan and include an amendment provision that would allow us to introduce IDELs in the future if necessary.

We cannot implement TDELs and IDELs now because of the lack of metering and flow gauges. However, we believe that TDELs and IDELs are an appropriate management tool in some areas where they can be implemented. We want to be able to introduce them in the future if required and if there is suitable river measurement infrastructure and metering.

## Trading

Trading is an important tool for making both environmental and economic improvements. If trading rules are too restrictive it limits the ability to move take of water out of high environmental value areas to lower environmental value areas, provides no flexibility for water users and hinders the establishment of a water market. Where water sources have medium to low environmental value and are not flow stressed trade should be permitted.

Trading between water sources is not permitted in the Border Rivers 2012 plan.

It is proposed to permit limited trade into the following water sources (Table 4) with low-medium instream value and low-medium hydrological stress. There has previously been no trade within these water sources in the past 10 years. Permitting limited trade into the water sources may benefit access licence holders by increasing opportunity and flexibility and potentially reduce hydrologic stress in other water sources.

Table 4. Water Sources proposed to allow limited trade in up to 10 ML or 15% of current entitlement.

Water Source	Additional volume to be traded in
Bonshaw	10 ML
Camp Creek	65 ML
Campbells Creek	19 ML
Ottley's Creek	670 ML
Reedy Creek	15 ML
Yetman	36 ML

### Other Water Sources

For the remaining water sources trade rules are unchanged.

## In-river dams and Town Water Supply

Water Sharing Plans contain specific rules relating to the construction and operation of in-river dams. Current policy prohibits the construction of new in-river dams in 3<sup>rd</sup> order streams or above in water sources identified as having high instream value. The current plan prohibits in-river dams in 3<sup>rd</sup> order streams and above in the Border Rivers River above Binnaway Water Source which will be retained.

We propose to include an exemption for in-river dam applications that are for town water supply purposes. This provides an opportunity for inland towns to consider in-river dams as an option to

improve security, reliability and resilience of town water supplies. This is consistent with the State Water Strategy priority actions for town water supply.

It should be noted applications for a new water supply works approval or to amend an existing approval is subject to a stringent assessment process that considers case-by-case the location and impact of the works being applied for. There is no guarantee an application will be approved as this is determined by the assessment process.

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## Protecting replenishment flows

The NSW – Qld Border Rivers Intergovernmental Agreement includes provisions that requires 10,000ML per year of replenishment flows to be sent down the Boomi River from Border Rivers regulated river storages. The *Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2021* includes a clause in which provides for 10,000 ML/year of replenishment flows to be sent down the Boomi River in the unregulated system. The Regulated Plan 2021 protects the flows as they travel down the regulated system, however they are not protected once they entered unregulated system. It is proposed to include a clause in the Border River WSP 2024 that prohibits unregulated licence holders from extracting these flows once they enter the Boomi River.

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## Protecting wetlands

The draft plan identifies 26 additional significant wetlands in the plan area. It improves protection by restricting new surface water supply works and trade into these important areas. The draft plan proposes there will be no new works or trades allowed within or 3 km upstream of Ramsar listed wetlands or within a significant wetland listed in Schedule 4 of the plan. The rules will not apply to replacement surface water supply works.

Schedule 4 of the draft plan includes a list and accompanying map of significant wetlands for the water sharing plan area using spatial data from:

- the Long Term Water Plans for the relevant water sharing plan area,
- Ramsar (internationally important) wetlands listing,
- the Directory of Important Wetlands of Australia,
- existing lists of wetlands already in water sharing plans,
- ecological assets listed in floodplain management plans in management zone D, and
- Endangered Ecological Communities of the plan area that are wetlands.
- regionally significant cultural wetlands (if known)

Table A of Schedule 4 will include an exemption to these proposed rules if no minimal harm can be demonstrated. No minimal harm exemptions will not apply to significant wetlands listed in Table B and C of Schedule 4.

The proposed rules address the NRC's recommendations to improve protection for significant wetlands within the plan area.

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## More information

The draft water sharing plan and other fact sheets are available from the department's website at [www.water.nsw.gov.au/nsw-border-rivers-water-sharing-plan](http://www.water.nsw.gov.au/nsw-border-rivers-water-sharing-plan).