

Greater Metropolitan Water Sharing Plans

Email: [greatermetroGW.wsp@dpie.nsw.gov.au](mailto:greatermetroGW.wsp@dpie.nsw.gov.au)

C/- Kelly Lynch

P.O. Box 2213

Dangar NSW 2309

Dear Sir/Madam,

Re: [REDACTED], Cattai

In reply to your invitation to have my say in relation to the proposed changes to the water sharing plan for the Greater Metropolitan Region Groundwater Sources 2011, I wish to advise that:

I have a bore registered/licensed, which is used for livestock watering during drought periods.

I have a pump connected to Little Cattai Creek which pumps to a holding tank of approximately 18,000lt to gravity feed all livestock water troughs on the property as well as a pressure system used on the house garden . I have an irrigation system from the creek to water 4 hectares (10 acres) the irrigation system is only used on rare occasions as the seasons dictate

I have owned the property since 2001. The irrigation and watering system was in existence when I purchased the property and there has been no change. The Pump has been on the creek for more than 80 years and has been used for irrigation of crops as well as livestock watering.

I also have a large water mass 'filtration pond' referred to by council as swamp. It goes up and down with the water table and it is affected by floods and droughts. It is a very shallow water mass and birdlife come and goes. Nothing lives on this area permanently and there is no vegetation it is like a dry spot for much of the time. It is not a dam and we do not pump water out of it, the area fills with floods and then dries out in drought.

As there has been no change to the watering system on the creek from my property for more than 80 years, I consider, there is no justification to make any changes.

Should you wish to discuss my property needs and usage, please feel free to contact me at anytime.

Yours faithfully

Camille Alexander

6 August 2022



**EnergyAustralia**

EnergyAustralia NSW Pty Ltd

ABN [REDACTED]

Mt Piper Power Station

[REDACTED]  
Portland NSW 2847

Telephone [REDACTED]

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[REDACTED]  
www.energyaustralia.com.au

19 August 2022

Danielle Doughty  
Manager Regional Coastal Planning

Dept. of Planning & Environment – Water  
Locked Bag 5022  
PARRAMATTA NSW 2124

**OR BY EMAIL**

[GreaterMetroUnreg.WSP@dpie.nsw.gov.au](mailto:GreaterMetroUnreg.WSP@dpie.nsw.gov.au)

Dear Ms Doughty,

**Proposed amendments to the Water Sharing Plan for the  
Greater Metropolitan Region Unregulated River Water Sources 2023**

I refer to your letter dated 21 June 2022 regarding the proposed amendments to the Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 (Water Sharing Plan). EnergyAustralia have considered the proposed changes to the water sharing plan in regard to its existing infrastructure in the catchment, daily water releases and water security for the purpose of ongoing electricity generation in the Upper Cox River Catchment.

The Water Sharing Plan, as proposed, appropriately reflects our existing water entitlements, infrastructure and operational capabilities for extractions and releases from the Wywandy Water Source, specifically the Coxs River, Lake Lyell and Thompson Creek Reservoirs. EnergyAustralia supports the proposed amendments to the Water Sharing Plan to the extent it relates to our interests.

Please contact Ben Eastwood, EnergyAustralia Environment Leader on [REDACTED] or [REDACTED] if you have any questions.

Yours sincerely,

**Steve Marshall**

Head of Mt Piper Power Station  
EnergyAustralia NSW Pty Ltd

# Submission form for the draft Greater Metropolitan Region Unregulated River Water Sources Water Sharing Plan

Office use only		Submission number	
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How to fill out this form	
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The current Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011 commenced on 1 July 2011 and is due to expire in June 2023.

The department has developed, and it is currently seeking your comments on the draft replacement *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023*. Key issues and changes have been summarised in this submission form, although comment on all aspects of the water sharing plan is welcome.

The department is committed to informing members of the community about the proposed changes and encourages you to 'have your say'.

For general background about the draft plan development, proposed changes and the finalisation process please refer to the background and proposed changes documents.

For water source specific details including proposed rules, please see the water source report cards.

These documents are available on our [website](#) -

**Send completed submissions to:**

Post: **Greater Metropolitan Surface Water WSP  
Department of Planning and Environment,  
Locked Bag 5022,  
Parramatta NSW 2124**

Email: [GreaterMetroUnreg.WSP@dpie.nsw.gov.au](mailto:GreaterMetroUnreg.WSP@dpie.nsw.gov.au)

**Note: Submissions close 7 August 2022**

**Information on privacy and confidentiality**

The NSW Government will consider all submissions received. The Government values your input and accepts that information you provide may be private and personal.

If you want your submission or your personal details to be treated as confidential, please indicate this by ticking the relevant box below. If you do not make a request for confidentiality, the department may make your submission, including any personal details contained in the submission, available to the public.

Be aware that the NSW Department of Planning and Environment may be required by law to release copies of submissions to third parties in accordance with the *Government Information (Public Access) Act 2009*.

How to fill out this form	
1. I give permission for my submission to be publicly available on the NSW Department of Planning and Environment website *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. I would like my personal details to be kept confidential	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### Your details

1. Email address*	[REDACTED]		
2. Name of respondent*	[REDACTED]		
3. Address	[REDACTED]		
	GOULBURN NSW 2580		
4. Contact phone number*	[REDACTED]		
5. Are you an individual or representing an organisation?*	<input checked="" type="checkbox"/> Organisation <input type="checkbox"/> Individual (skip to next section) <i>Mark only one</i>		
6. Name of organisation*	Goulburn Mulwaree Council		
7. Who are you representing?*	<input checked="" type="checkbox"/> Government <input type="checkbox"/> Peak representative organisation (skip to question 9)	<input type="checkbox"/> Irrigator (skip to question 10) <input type="checkbox"/> Water related industry (skip to question 10)	<input type="checkbox"/> Other:
<b>Government organisations</b> 8. What level of government organisation are you? <i>Mark only one. Skip to question 10</i>	<input type="checkbox"/> Commonwealth <input type="checkbox"/> NSW <input type="checkbox"/> State – other <input checked="" type="checkbox"/> Local		

<b>Your details</b>	
<p><b><u>Peak representative organisations</u></b></p> <p><b>9. Which stakeholder group best describes you?</b> <i>Mark only one</i></p>	<p><input type="checkbox"/> Environment</p> <p><input type="checkbox"/> Irrigator/turf-grower/horticulturalist</p> <p><input type="checkbox"/> Licence holder – other industry</p> <p><input type="checkbox"/> Basic rights water user</p> <p><input type="checkbox"/> First Nation</p> <p><input type="checkbox"/> Mining industry</p> <p><input checked="" type="checkbox"/> Local council/utilities</p> <p><input type="checkbox"/> Local landholder</p> <p><input type="checkbox"/> Other:</p>
<p><b>10. Did you attend a Greater Metropolitan Region Water Sharing Plan public webinar, a public face to face meeting or have a meeting with the department about the water sharing plan?</b></p>	<p><input type="checkbox"/> public webinar</p> <p><input checked="" type="checkbox"/> public face to face meeting</p> <p><input checked="" type="checkbox"/> one-on-one or industry meeting</p> <p><input type="checkbox"/> none of these</p>
<p><b>11. Do your comments refer to a specific Extraction Management Unit?</b> <i>Mark only one</i></p>	<p><input type="checkbox"/> No (<i>skip to question 18</i>)</p> <p><input type="checkbox"/> Illawarra Rivers</p> <p><input type="checkbox"/> Southern Sydney Rivers (<i>skip to question 13</i>)</p> <p><input type="checkbox"/> Northern Sydney Rivers (<i>skip to question 14</i>)</p> <p><input type="checkbox"/> Shoalhaven River (<i>skip to question 15</i>)</p> <p><input checked="" type="checkbox"/> Upper Nepean and Upstream Warragamba (<i>skip to question 16</i>)</p> <p><input type="checkbox"/> Hawkesbury and Lower Nepean (<i>skip to question 17</i>)</p>
<p><b>12. Do your comments refer to a specific water source in the Illawarra Rivers Extraction Management Unit?</b> <i>Mark only one. Skip to question 18.</i></p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Lake Illawarra Water Source</p> <p><input type="checkbox"/> Macquarie Rivulet Water Source</p> <p><input type="checkbox"/> Minnamurra Coastal Water Source</p> <p><input type="checkbox"/> Minnamurra River Water Source</p> <p><input type="checkbox"/> Wollongong Coastal Water Source</p>

Your details	
<p><b>13. Do your comments refer to a specific water source in the Southern Sydney Rivers Extraction Management Unit?</b> <i>Mark only one. Skip to question 18.</i></p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Woronora River Water Source - Upper Woronora River Management Zone</p> <p><input type="checkbox"/> Woronora River Water Source - Lower Woronora River Management Zone</p> <p><input type="checkbox"/> Hacking River Water Source</p> <p><input type="checkbox"/> Lower Georges River and Bunbury Curran Creek Water Source</p> <p><input type="checkbox"/> Cabramatta Creek Water Source</p> <p><input type="checkbox"/> Prospect Creek Water Source</p> <p><input type="checkbox"/> Georges River Catchment Water Source</p> <p><input type="checkbox"/> Cooks River and Botany Bay Water Source</p> <p><input type="checkbox"/> Southern Sydney Coastal Water Source</p>
<p><b>14. Do your comments refer to a specific water source in the Northern Sydney Rivers Extraction Management Unit?</b> <i>Mark only one. Skip to question 18.</i></p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Parramatta River Water Source - Upper Parramatta River Management Zone</p> <p><input type="checkbox"/> Parramatta River Water Source - Lower Parramatta River Management Zone</p> <p><input type="checkbox"/> Lower Lane Cove River Water Source</p> <p><input type="checkbox"/> Middle Harbour Water Source</p> <p><input type="checkbox"/> Northern Sydney Coastal Water Source</p>

Your details

**15. Do your comments refer to a specific water source in the Shoalhaven River Extraction Management Unit?**

*Mark only one. Skip to question 18.*

- No
- Upper Shoalhaven River Water Source – Upper Shoalhaven River Management Zone
- Upper Shoalhaven River Water Source – Mid Shoalhaven River Management Zone
- Upper Shoalhaven Tributaries Water Source – Boro Creek Management Zone
- Upper Shoalhaven Tributaries Water Source – Reedy Creek Management Zone
- Upper Shoalhaven Tributaries Water Source – Mongarlowe River Management Zone
- Corang and Endrick Rivers Water Source
- Nerrimunga Creek Water Source
- Bungonia Creek Water Source
- Shoalhaven River Gorge Water Source
- Barbers Creek Water Source
- Fitzroy Falls Water Source
- Yarrunga Creek Water Source
- Lower Kangaroo River Water Source
- Bundanoon Creek Water Source
- Lower Shoalhaven River Water Source
- Bomaderry Creek Water Source
- Lower Shoalhaven River Catchment Water Source
- Broughton Creek Water source
- Jaspers Brush Creek and Tributaries Water Source
- Kangaroo River Water Source

## Your details

**16. Do your comments refer to a specific water source in the Upper Nepean and Upstream Warragamba Extraction Management Unit?**

*Mark only one. Skip to question 18.*

- No
- Mulwaree River Water Source
- Upper Wollondilly River Water Source
- Lower Wollondilly River Water Source
- Wingecarribee River Water Source - Upper Wingecarribee River Management Zone
- Wingecarribee River Water Source - Lower Wingecarribee River Management Zone
- Wingecarribee River Water Source - Medway Rivulet Management Zone
- Nattai River Water Source
- Little River Water Source
- Lake Burragorang Water Source
- Werriberri Creek Water Source
- Maldon Weir Water Source
- Maguires Crossing Water Source
- Stonequarry Creek Water Source
- Upper Nepean Rivers Water Source – Pheasants Nest to Nepean Dam Management Zone
- Upper Nepean Rivers Water Source – Upper Nepean Management Zone
- Wywandy Water Source
- Dharabuladh Water Source
- Jenolan River Water Source
- Kowmung River Water Source
- Kedumba River Water Source

**Your details**

**17. Do your comments refer to a specific water source in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit?**

*Mark only one. Go to question 18.*

- No
- Mid Nepean River Weirs Water Source – Menangle Weir Management Zone
- Mid Nepean River Weirs Water Source - Camden Weir Management Zone
- Mid Nepean River Weirs Water Source - Sharpes Weir Management Zone
- Mid Nepean River Weirs Water Source – Cobbity Weir Management Zone
- Mid Nepean River Weirs Water Source - Mount Hunter Rivulet Weir Management Zone
- Mid Nepean River Weirs Water Source - Brownlow Hill Weir Management Zone
- Mid Nepean River Weirs Water Source – Theresa Park Weir Management Zone
- Mid Nepean River Weirs Water Source - Wallacia Weir Management Zone
- Mid Nepean River Weirs Water Source - Mid Nepean River Catchment Management Zone
- Warragamba River Water Source
- Lower Nepean River Water Source
- Erskine Creek and Glenbrook Creek Water Source
- Grose River Water Source
- Capertee River Water Source
- Colo River Water Source
- Upper Hawkesbury River Water Source
- Lower Hawkesbury River Water Source
- Macdonald River Water Source
- Wianamatta - South Creek Water Source – Upper Wianamatta -South Creek Management Zone
- Wianamatta - South Creek Water Source – Lower Wianamatta -South Creek Management Zone
- Wianamatta - South Creek Water Source – Eastern Creek Management Zone
- Cattai Creek Water Source
- Berowra Creek and Cowan Creek Water Source

Attach extra pages if required

## Water source boundaries

The physical boundaries of water sources have been reviewed with a look to merge or further divide areas to facilitate better management outcomes.

The replacement plan proposes to set water sources at the sub-catchment scale and uses smaller water management zones to implement rules on a finer scale. This is consistent with the approach taken in other unregulated NSW water sharing plans and will improve implementation of local scale water management rules.

Affected licence holders will have their water access licences and water supply works approvals reissued with their new water source listed.

You can find more information in the *Fact sheet – Water source and water management zone boundaries*, on the [department’s website](#).

<p><b>18. Do you support the new water source and water management zone boundaries?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No      <input checked="" type="checkbox"/> Yes</p> <p>Reason: These are logical sub-catchments. Council's utility extraction licenses span over 2 management units, which has no impact to Council.</p>
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**Long term average annual extraction limits (LTAAELs)**

The Natural Resources Commission, in its recent review of coastal water sharing plans, has recommended that the LTAAEL should be set at a fixed numerical value to limit growth in use and enable compliance. They have also recommended that all forms of take be included, particularly harvestable rights.

A new definition for the LTAAEL has been developed and is being implemented across all coastal water sharing plans. This definition now includes water taken under a harvestable right and allows for the LTAAEL to be set at a fixed numerical value.

In addition to the new definition the replacement plan creates two LTAAELs for extraction other than by a Major Water Utility

- A Standard LTAAEL that sets a limit on extraction from all flows except higher flows, and
- A Higher flow LTAAEL that manages extractions that can only take from higher flows.

The split of the LTAAEL ensures that there can be no increase in extractions from low flows whilst allowing additional extraction from higher flows through high flow conversions and granting of other high flow licences.

This LTAAEL definition does not apply to water taken under a WaterNSW Major Utilities access licence.

<p><b>19. Do you support the new LTAAEL (Long Term Average Annual Extraction Limit) definition?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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## Access rules

### What are access rules?

Access rules set the level in the river at which water users can start and need to stop pumping. The water sharing plan establishes 'flow classes' with users not able to pump during a Very Low Flow class. The level that defines the very low flow class depends on the water source. Access rules are set a percentile of flow, a rule set at the 90<sup>th</sup> percentile would allow pumping to occur ~90% of days.

Access rules are used to protect ecological values and basic landholder rights in unregulated rivers from risks of insufficient flows.

### How have access rules been reviewed?

The approach for reviewing water sharing plan access rules in the coastal regions of NSW relies on an ecological risk assessment. The risk assessment identifies risks for each water source/management zone, based on the likelihood (probability of impacts) and consequence (loss of ecological value) of the water source. Where risks are medium or high access rules are reviewed. Rules are also review based on the most up to date flow data or the presence of a new gauge in the water source.

Changes to access rules are being proposed in the:

- Minnamurra River water source.
- Little River
- Fitzroy Falls water source
- Lower Shoalhaven River water source
- Bombaderry Creek water source
- Jaspers Brush Creek and Tributaries water source
- Lower Wingecarribee water source
- Lower Wollondilly River water source
- Nattai River water source
- Stonequarry Creek water source
- Jenolan River water source
- Kowmung River water source
- Kedumba River water source
- Cattai Creek water source
- Mid Nepean River Weirs water source
- Lower Nepean River water source
- Upper Hawkesbury River water source
- Lower Hawkesbury River
- Wianamatta-South Creek water source
- Wingecarribee River

Please see the relevant water source report card to determine how and why access rules are changing in your water source.

Access rules	
<p><b>20. Do you support the proposed access rules?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p>Reason:</p>

A complex set of access rules is proposed in parts of the Hawkesbury and Lower Nepean Extraction Management Unit. In these areas the flow class will change daily depending on the volume from water released from the Upper Nepean dams (Avon, Cordeaux, Cataract, Nepean). These rules protect the environmental releases as they travel through the Hawkesbury and Lower Nepean Rivers allowing them to reach the end of the river system and achieve their environmental objectives.

An online notification system will let licence holders know the daily flow class.

These access rules and the notification system were part of the current water sharing plan however they have not been effectively implemented to date.

<p><b>21. Do you support the proposed rules to protect environmental flow releases from the Upper Nepean dams (Avon, Cordeaux, Cataract, Nepean) as they travel through the Hawkesbury &amp; Lower Nepean Rivers?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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<p><b>22. The proposed rules to protect releases from the Upper Nepean dams are highly complex and require licence holders to be notified when they can or cannot take water. Do you support implementation of an online notification system in this area?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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Access rules	
<p><b>23. Will any of the proposed changes to access rules impact your business?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>
<p><b>24. Do you think that the proposed access rules appropriately protect the environment?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>

## Exemptions

The plan establishes flow classes in water sources as the basis for sharing of flows between extractive users and the environment. Flow classes are based off historical gauge data taken from a gauge that is broadly representative of the water source. Licence holders can only access water when flows are above the Very Low Flow Class.

There are several exemptions that allow extraction of the Very Low Flow class enable the take of water reserved for the environment. As such, exemptions are only provided in highly specific circumstances. Access granted under an exemption is limited to a subset of users as defined in the Plan who can only use that water for specific purposes.

The Natural Resource Commission have recommended the review of exemptions in the plan as there are several unique exemptions in the Hawkesbury and Lower Nepean Extraction Management Unit, not found in any other water sharing plan in NSW. These exemptions allow specific industries such as turf farming to access water during the Very Low Flow class under specific circumstances (e.g.  $\geq 31^{\circ}\text{C}$  or for vegetable or washing turf).

The replacement plan proposed the removal of these exemptions. You can find more information in the *Fact sheet – Removing exemptions in the Hawkesbury Lower Nepean*, on the [department’s website](#).

## Exemptions

**25. Do you support the proposed removal of several exemptions to access rules in the Hawkesbury and Lower Nepean extraction management unit?**

No  Yes

Reason:

**Why/why not?**

## Wianamatta-South Creek

The Wianamatta-South Creek Water Source is proposed to be split into three management zones. Changes to water sharing rules are proposed to each of these management zones

### Eastern Creek Management Zone

A new water management zone; Eastern Creek has been created within the Wianamatta-South Creek Water Source. The Eastern Creek management zone will manage extraction in areas impacted by releases from the Quakers Hill Sewage Treatment Plant.

Licence holder in this zone will have flow classes and access rules based on the Eastern Creek at Riverstone Gauge (212096).

Some licence holders previously located in the Lower South Creek or Upper South Creek Management Zone will now be located in Eastern Creek Management Zone

You can find more information in the *Fact sheet – South Creek management zones*, on the [department's website](#).

**Wianamatta-South Creek**

<p><b>26. Do you support the inclusion of the new Eastern Creek management zone?</b></p> <p><b>Please provide a reason for your support/opposition.</b></p>	<p><input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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**Upper South Creek Management Zone**

It is proposed to change the boundary of the current Upper South Creek management zone to cater for the new Eastern Creek Management Zone and to better manage water extraction upstream of the St Marys and Quakers Hill Sewage Treatment Plants, currently located in the Lower South Creek management zone.

Some licence holders previously located in the Lower South Creek Management Zone will now be located in Upper South Creek Management Zone and subject to the rules of this management zone.

You can find more information in the *Fact sheet – South Creek management zones*, on the [department’s website](#).

<p><b>27. Do you support the changes to the Upper South Creek Management Zone boundary?</b></p> <p><b>Please provide a reason for your support/opposition.</b></p>	<p><input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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## Wianamatta-South Creek

### Lower South Creek Management Zone

It is proposed to change the boundary of the Upper South Creek management zone to cater for the new Eastern Creek Management Zone and to better manage water extraction upstream of the St Marys and Quakers Hill Sewage Treatment Plants.

Some licence holders previously located in the Lower South Creek Management Zone will now be located in Upper South Creek Management Zone and subject to the rules of this management zone.

You can find more information in the *Fact sheet – South Creek management zones*, on the [department’s website](#).

<p><b>28. Do you support the changes to the Lower South Creek Management Zone boundary?</b></p> <p><b>Please provide a reason for your support/opposition.</b></p>	<p><input type="checkbox"/> No      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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## Trade

Ecological risk assessments for the Greater Metropolitan region have indicated an overall decrease in risk to ecological values from water extraction. Guided by the risk assessment data, the proposed trade framework looks to expand trade opportunities whilst considering environmental values and the current level of extraction in the area. Trade rules promote the movement of water to its best available use whilst also allowing extraction to move away from high value, highly stressed rivers to areas classified as lower value and with low levels of extraction.

Trade also promotes the downstream movement of entitlement with associated environmental benefits of taking water lower in the catchment.

Please see the relevant water source report card to determine how and why trade rules are changing in your water source.

Trade	
<p><b>29. Do you support the proposed trade framework and general overall increase in trade?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>

The current trade framework allows an additional 3.65 GL to be traded into the Lower Nepean River Water Source from the Upper Hawkesbury River Water Source downstream. The Lower Nepean River Water Source has been identified as having very high environmental values and it is now proposed that water can only be traded into that water source from upstream water sources.

<p><b>30. Do you support the proposed restriction on upstream trade into the Lower Nepean River Water Source?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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It is proposed that all upstream water sources can trade downstream into the Upper Hawkesbury River Water Source. Downstream trade provides environmental benefits associated with taking water lower in the catchment.

The Upper Hawkesbury River Water Source is an inter-tidal area with salinity dynamics changing depending on the tide and volumes of outflow. Typically, the more water flowing out of the system the further downstream saline water moves. Trading additional entitlement into this water source may impact salinity dynamics.

The Department is currently modelling the Upper Hawkesbury River tidal pool salinity dynamics to confirm the effect of trading entitlement water in from an upstream location. Final trade rules will be dependent on modelling results.

<p><b>31. Do you support the downstream trade of water into the Upper Hawkesbury River water source in the tidal pool if salinity impacts are managed?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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**Trade**

<p><b>32. Do increased trade opportunities encourage you to buy/sell water?</b></p> <p><b>Why/why not?</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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**High flow conversions**

It is proposed to allow conversion from a standard access licence to an access licence that can only extract from high flows in 3 water sources (Lower Kangaroo River, Minnamurra River and Lower Wollondilly River). Conversions would increase the size of the licence by 2.5 times, but extraction would only be allowed from high flows.

High flow conversions reduce pressure on low flow extraction and are only allowed where there is a low risk to high flows.

<p><b>33. Do you think the rules for conversion to high flow access licenses are appropriate?</b></p> <p><b>Why/why not.</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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**Managing the effects of increased Harvestable Rights**

The volume of water that can be captured in harvestable rights dams in coastal draining catchments has increase from 10% to up to 30% of rainfall runoff. The specific percentage of rainfall runoff that can be captured will depend on a catchment by catchment assessment of the impacts of additional rainfall capture.

This could impact on the volume of flow that reaches rivers. The plan includes a requirement that the uptake of harvestable rights will be assessed at year 3 and then access and trade rules may be reviewed if the uptake is greater than 10% of rainfall runoff.

**Managing the effects of increased Harvestable Rights**

<p><b>34. Do you think the review of access and trade rules following an assessment of the uptake of harvestable rights at year 3 is appropriate?</b></p> <p><b>Why/why not.</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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**Minimizing impacts on coastal wetlands**

Works such as pumps, pipes and weirs used for extracting water under licence require a water supply works approval. Rules controlling the construction of water supply works or the nomination of water supply works are included in the Plan to minimise impacts on existing extraction and sensitive areas, including significant wetlands.

<p><b>35. Do you think the rules to minimize impact on coastal wetlands are appropriate?</b></p> <p><b>Why/why not.</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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**Applications for Aboriginal Community Development licences**

We propose to permit applications for Aboriginal Community Development access licences in the Upper Shoalhaven River, Jenolan River, Kowmung River and Boro Creek Water Sources.

**Applications for Aboriginal Community Development licences**

<p><b>36. Do you support allowing Aboriginal Community Development Licences in select areas?</b></p> <p><b>Why/why not.</b></p>	<p><input type="checkbox"/> No                      <input type="checkbox"/> Yes</p> <p>Reason:</p>
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**Additional feedback**

The previous sections relate to the key proposed changes from the current water sharing plan. However, comments on all aspects of the plan are welcome and encouraged. Please use the space below, or attachments if required or preferred.

<p><b>Comments on any aspects of the draft plan.</b></p>	<p>Goulburn Mulwaree Council supports the removal of the investigation required for environmental releases from our water supply works, as Council's do not have the specialist expertise available to complete this work and rely on significant State Government support for this.</p> <p>Council also supports the change in relation to the publishing of any transfers planned for the next 24hours on Council's website.</p>
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**Additional Information**

If you would like to provide any additional information in the form of supporting documents or files to help us understand your view, email [GreaterMetroUnreg.WSP@dpie.nsw.gov.au](mailto:GreaterMetroUnreg.WSP@dpie.nsw.gov.au) and reference your submission.

All submissions with approval for publication will be posted on the department's website after the public exhibition period closes.

7 August 2022

Department of Planning and Environment – Water  
Greater Metropolitan Surface Water WSP  
Locked Bag 5022, PARRAMATTA NSW 2124

South32  
Illawarra Metallurgical Coal

PORT KEMBLA 2502  
New South Wales  
Australia

T

Attention: Department of Planning and Environment – Water

**RE: South32 Submission on the Draft replacement of the Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources**

Water sharing plans are subject to review every 10 years under the *Water Management Act 2000*. The current 2011 water sharing plan for the Greater Metropolitan Region Unregulated River Water Sources is nearing expiry and a draft replacement plan has been prepared.

Illawarra Coal Holdings Pty Ltd, a wholly owned subsidiary of South32 Limited (South32), is the owner and operator of two mines that are situated within the Greater Metropolitan Region Unregulated River Water Sources boundary.

### Background

South32 produces high-quality metallurgical coal used for steelmaking. Our coal is considered some of the best in the world and our operations are important to the region and New South Wales through our economic and employment contributions.

The BlueScope Steelworks at Port Kembla is the largest steel production facility in Australia, and one of only two primary iron and steel making facilities in Australia. South32 supplies the Steelworks with approximately 60% of their total Hard Coking Coal requirements.

There is currently not an economically viable alternative to the use of metallurgical coal in the blast furnace method of steelmaking used at the Port Kembla Steelworks.

South32's Illawarra operations:

- Provide jobs for approximately 1,900 people, with more than 90% of wages paid to workers residing in the Illawarra region.
- Result in expenditure of \$400 million a year in the Illawarra region, of which \$240 million is spent with more than 200 locally based suppliers.
- Contributes more than A\$1 million a year to support local community groups and organizations.
- Contributed approximately \$95 million in royalties to the NSW government in FY21.

South32 is the most significant metallurgical coal producer in the region, providing local supplies of a product essential to the BlueScope steel works.

## **Mining Operations within the Greater Metropolitan Region Unregulated River Water Sources Boundary**

The Greater Metropolitan Water Sharing Plan commenced in 2011. Prior to the Water Sharing Plan commencing, existing mines were not required to hold surface water licences under the *Water Act 1912* (NSW) for their incidental/indirect water take that resulted from mine subsidence. There was no legislative requirement to hold licences for this type of water take and it was not required by the NSW Government. Therefore, no surface water entitlements were made available to mines when the Greater Metropolitan Water Sharing Plan commenced in 2011.

Section 60I of the *Water Management Act 2000* came into effect on 1 March 2013. Section 60I clarified that mines that take or divert water from a water source as a result of mining activities must be licensed for that water take or diversion. However, the rules of the Water Sharing Plan - which commenced two years earlier – do not allow or do not have sufficient entitlements to permit the obtaining of surface water entitlements to comply with section 60I.

The then NSW Minister for Water, Property and Housing commissioned Eco Logical Australia to conduct the Sydney Drinking Water Catchment Audit 2016-2019 in accordance with the *Water NSW Act 2014* (Eco Logical Australia 2020). A key finding of this audit was “*Ensure sufficient water entitlements are retained by all mines operating in the Special Areas to cover potential surface water losses resulting from mining induced effects...*”

The Independent Expert Panel for Mining in the Catchment Report (2019) followed on from the findings of the 2016 audit and recommended that “*the NSW Government establish a regulatory regime to license surface water losses in the Special Areas. There is currently no legal mechanism available under the Water Management Act 2000 for a mining company operating in the Special Areas to acquire a licence for surface water 'take'. This is a problem for historical and existing mining operations in the Special Areas as they are unable to comply with the water legislation.*”

The NSW Government previously announced it will establish a regulatory regime to address this issue and South32 has met with DPE Water on numerous occasions to discuss this matter. However, no solution has been put forward at this time.

South32 would welcome changes to the Greater Metropolitan Water Sharing Plan which accommodate equal opportunity for stakeholders to acquire water entitlements to ensure it is able to meet any water licencing requirements from its operations.

Yours sincerely



### **Gary Brassington**

Approvals Manager

South32 Ilawarra Metallurgical Coal

### **References**

Eco Logical Australia 2020. *Sydney Drinking Water Catchment Audit 2019 – Volume 1*. Prepared for WaterNSW.

Independent Expert Panel for Mining in the Catchment (IEPMC), 2019, *Independent Expert Panel for Mining in the Catchment Report: Part 2. Coal Mining Impacts in the Special Areas of the Greater Sydney Water Catchment*, Prepared for the NSW Department of Planning, Industry and Environment

**From:** [Mandy O'Brien](#)  
**To:** [DPIE Water Greater Metro Unreg WSP Mailbox](#); [DPIE Water Greater Metro GW WSP Mailbox](#)  
**Subject:** Submission for WATER SHARING PLAN FOR THE GREATER METROPOLITAN REGION UNREGULATED RIVER WATER SOURCES 2023  
**Date:** Saturday, 20 August 2022 5:12:28 PM

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SUBMISSION FOR THE DRAFT

**WATER SHARING PLAN FOR THE GREATER METROPOLITAN REGION UNREGULATED RIVER**  
**WATER SOURCES 2023**

Mandy and James O'Brien  
"Krawarree"



Braidwood 2622

NSW

19<sup>th</sup> August 2022

Dear Sir/Madam

We are located in the Upper Shoalhaven (where the Shoalhaven River actually commences). The O'Brien family have continued to own, graze and farm cattle here since 1852. More than 170 years and through six continuous generations. We have always been known as the Upper Shoalhaven and do not want the new plan that is currently out for public exhibition and comment to combine the Upper and the Mid Shoalhaven Management Zones into one water source to be known as the Upper Shoalhaven River Water Source. We want the name to be the Upper Shoalhaven River Water Source that is only taking in the Upper Shoalhaven Management Zone, and the Mid Shoalhaven Management Zone can be named the Mid Shoalhaven River Water Source.

The only reason for the change given to me by water planning team was and in their words "bureaucratic" and to "bring them in line with other water sharing plans". This is not a good enough reason and we feel extremely gutted that you want to combine us with the Mid Shoalhaven. We understand the management zones will stay separate but we do not want to be "combined" with the Mid just to help your bureaucracy. You are taking away our identity. You are forcing confusion on the local community. We know we are Upper and the Mid Shoalhaven know they are Mid. When locals talk about the river and what is happening within the river here in the local area we refer to each area as the Upper and the Mid. We are not the Mid Shoalhaven we are the Upper Shoalhaven. It's a bit like changing a Sydney suburb name to say combine Bondi, Bondi Junction, Bondi Beach and North Bondi all into one and say call it Bondi BUT don't worry you can all keep your own names but to help bureaucracy we need to change it. Can you imagine the people at Bondi beach wanting to be known as just Bondi. Well that is what you are doing to us. We the locals we are Upper Shoalhaven and have been since first settlement in this area in 1828. You are changing history. The heritage of our name has to be preserved and so does the heritage of the Mid Shoalhaven have to be preserved.

Another reason which I think you have completely overlooked is Our Upper Shoalhaven Management Zone is completely different to the Mid Shoalhaven Management Zone and that is why they were originally zoned differently so we cannot understand why you want to combine the two zones. We oppose this in the strongest of ways. Our Upper Shoalhaven is surrounded by National Parks; Deua National Park to the east and south, which adjoins Gourock National Park to the south and west then Tallaganda National Park to the west and north west and then you have Tallaganda State Forest which adjoins Gourock National Park and Tallaganda National Park. We are pristine. We are different and we want to remain that way.

The valley, where the river commences then flows with all the tributaries from the pristine, non populated, non developed areas, runs through the middle, is the Upper Shoalhaven Zone. Our zone's boundary is where the Jerrabattgulla Creek meets the Shoalhaven River and the mountain ranges disappear out to the west and the east. The topography changes, the Mid Shoalhaven Zone becomes more developed with a lot more lifestyle blocks, more intense agriculture, takes in the township of Braidwood and is more highly populated than The Upper Shoalhaven Zone. The Mid Shoalhaven is a wide expanse between anything pristine. The Upper Shoalhaven Zone is

a narrow area. We are different for a reason and we want it to remain that way. Please delete the combining of the two Zones.

The Upper Shoalhaven "Zone" is only 15 kilometres wide and probably only 20 kilometres long we would hardly have 50 000 hectares all up and most of that is made up of the National Parks and State forest mentioned earlier. Within that area you have maybe 10 major landholders averaging 5000 acres who have kept their large holdings together (Jinden, Khan Yunice, Krawarree, Hillcrest, Wingara, Lynnhaven, Trafalgar Hill, Stony Ridge, and Round Mountain) We are unique, we look after the river, the platypus populations are thriving the wombats and quolls are thriving, the flora is thriving.

We don't see any advantage of combining the two management zones for the environment.

We don't see any advantage to the residents.

We don't see any advantage to the quality of the water.

We don't see any major change in the rules pertaining to our area (except allowing trading with the Mid Shoalhaven).

The creation of this new "Water Source" area will be the second largest in the whole Greater Metropolitan Region. Just change the name from Upper Shoalhaven Water Management Zone to Upper Shoalhaven Water Source as you have changed in the draft legislation for 63 of the other water management zones and do the same for the Mid Shoalhaven Water Management Zone. Change it to the Mid Shoalhaven Water Source. If it is good enough for the other 63 Management zones that you changed to Water sources it is good enough for us!

The changes will cause confusion between those that are in the Upper and Mid Shoalhaven as residents and locals residing in the Mid Shoalhaven will think the information and data being reported will only relate to the Upper because we have always been different.

In fact it beggars belief that you want to upset our whole Upper Shoalhaven residents who do have licences and who all have basic rights to the water by this bureaucratic change. As we have stated earlier we want the name to be the Upper Shoalhaven River Water Source that is only the Upper Shoalhaven Management Zone, and the Mid Shoalhaven Management Zone can be named the Mid Shoalhaven River Water Source. In other words two separate Water Sources.

Please consider us the residents and our submission.

Yours Sincerely

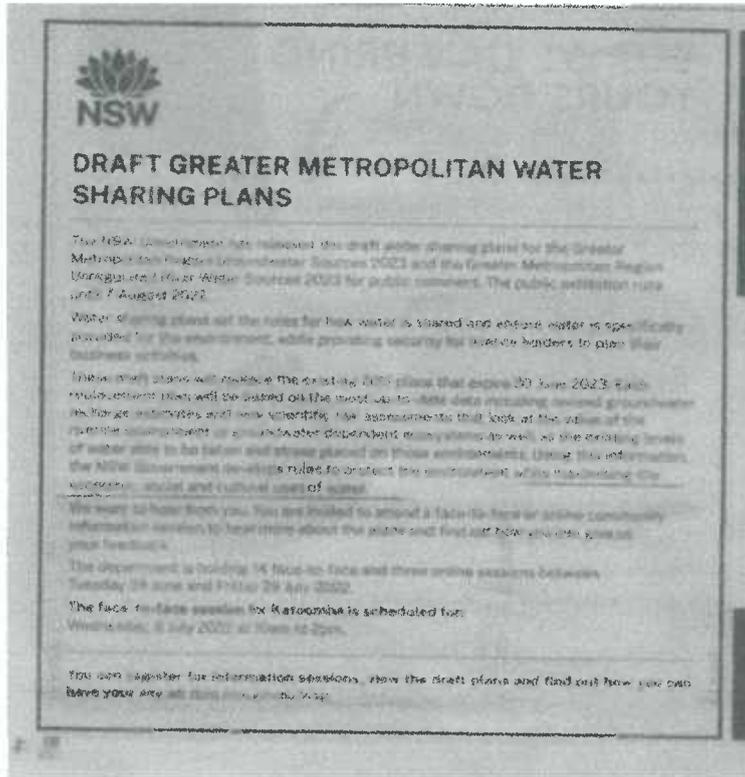
James and Mandy O'Brien

NSW 2622

From: Michael Roland Aujard [REDACTED]  
Subject: plan of plan  
Date: 7 July 2022 at 16:51  
To: water.enquiries@dpie.nsw.gov.au

To: NSW  
Draft Greater Metro. Water  
Sharing plan Committee.

Hi,  
when you have time please read & review what I believe are critical thirst avoidance issues  
in response to:



Dear Sir/Madam,

as you can be aware, many reports have been written on & about access, supply & treatment of potable waters in & around the Sydney basin. Many are exemplary & of profound accurate insightful & of great forbearance. I wish very much for a/the/your committee(s) approaching potable water security in & around the 'Sydney basin' to extend yet maintain such good order, smart planning & cunning budget appropriations over the last one hundred & eighty years +/- decade(s). Please remember that, in my opinion, water security is paramount to the city of Sydney's survival, and to our general wellbeing in & of surrounds. Therefore, I urge you/your/this planning committee to take into core protection & hydrological estate security, with city/urban growth desirable, the following:

1) Liverpool plain, South Creek, Nepean/Hawkesbury, Avon Dam, Fitzroy Falls, Medlow Bath, Fish River, Georges River, Curl Curl Manly & Narabeen lagoons, Gunnamatta Bay and all associated tributaries, estuarine & littoral, Tank stream, receiving waters K E E P current known seasonal & flood event working strategies,

2) that bogus [tim flannery] style science be *disregarded* as political/mad fraudulence /fake-science,

3) that at, or about, thirty six hours (36hrs.) into *any rain water* inundation event(s) a/the price of potential water purchases *may* diminish decrease or increase for upto nine months, post event,

4) that foreign and or interstate/Territory water licences/permits are nullified during flood/inundation events, but liabilities for damages, losses & recompense remain incumbent upon same external entities,

5) insurance/assurance entities/ franchises / cohorts / equity firms and the like *cannot*

impede INOK denigrate standard hydrological  
and or outcomes unproven ,

engineering principles , knowledge

6) that *our state*[NSW] **sovereign** peoples /persons / representatives / trained engineering  
persons/ *are NEVER* liable by any means,

7) that federal , onerous and or bogus 'water' licenses are auto-nullified, yet invalidated &  
divested of a/the/any legal status[except  
liabilities] , ex post facto,

8) that States & Territories *outside of* NSW are to be happy/compliant at/with  
what/whatever meagre drainage(s)/inflows temporary received , or not ,

9) that a/the disruption , denigration, delay , denial and or *negative* interference(s) of a/the  
potable / raw water(s) water supply/ supplies , equates to an act of resources denial  
treason , thus attracting gross & unsavoury fines , fees , jail terms & death penalties ,  
pending,

10) that at & by pre-drought event(s) [fourteen(14) +/- seven (7) months ] water prices *must*  
/will BENEFIT domicile Citizenry of NSW , and or state authority designated to & for  
management of a/the said 'natural resource' in question ( here , as WATER & raw water  
) ,

11) onerous and or destructive /unhelpful contracts / treaties / memos of understanding ,  
and the like are nullified under national security and or treasonous activity in  
occasioning with *possible* , water scarcity imposts , derived and or direct,

12) that surreptitious and or implicated 'anti-sovereign' - anti -NSW ' acts OR practices  
cloaked as , or under 'commercialisation'  
*designed* to thieve , discombobulate , misappropriate , or render a/the STATE  
asset/resource into OR onto external/foreign entity/entities attracts a/the civil  
death penalty AND significant wealth & asset *penalties unto that/the offending entity* , henceforth  
ex post facto,

13) that this State [ NEW SOUTH WALES ] , within Australia has & retains *all* preeminence  
& pardons to & with all deliberations , with respect to a/the all natural resources,  
henceforth , ex post facto,

14) that 'normal' dam & weir financing , building & construction with hydro-electric devices  
(inbuilt) , common last century , continue as  
planned & beneficial to & for the dwellers of & in the City of Sydney & surrounds ,  
WITHOUT feigned OR real political inter-  
ferences by self aggrandising , +/- short term non-engineering opportunists /  
consultants and or sabotaging agents and or brokers  
toxic , Federal or State or Local .

15) that New South Wales farmers have & retain royalty AND USAGE RIGHTS to & for  
ALL water property resources , in atmosphere{ as pending precipitation} and or upon  
ground as fallen rain measured AND UNMEASURED , forever , ex post facto.

16) that the water resource sovereignty *permanently belongs to* & for NSW and residents  
domicile , Amen.

I wish very much for your committee to apply these principles with a/the view of our wholesome  
& enduring resource promulgation & protection forever.

Yours Sincerely,

*Michael Aujard*

Michael Aujard

[REDACTED]  
Springwood NSW, 2777

[REDACTED]  
7/7/22.

[REDACTED]



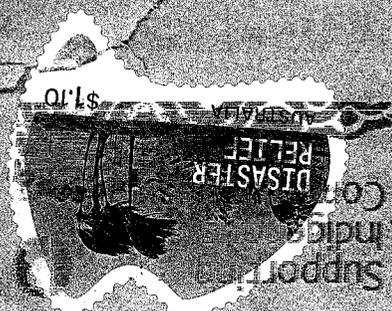
Sydney NSW 2000

231 Elizabeth St

Department of Planning and Environment  
Level 4

New South Wales

Minister for Land and Water



SWLF 993-4  
20-19  
11/07/2022



## NO MORE INCINERATORS INC

21 August 2022

Ms Kelly Lynch  
Greater Metropolitan Water Sharing Plans  
NSW Department of Planning and Environment  
PO Box 2213  
Dangar NSW 2309

Dear Ms Kelly

RE: FEEDBACK ON DRAFT WATER SHARING PLAN FOR THE GREATER METROPOLITAN REGION GROUNDWATER SOURCES 2023

Thank you for the opportunity to provide feedback on the proposed groundwater management plan. I wish to make the department aware of changes to the management of waste in NSW that will affect the quality of ground water in NSW and which need to be taken into account in the draft plan.

Recently the NSW EPA introduced the [Protection of the Environment Operations \(General\) Amendment \(Thermal Energy from Waste\) Regulation 2021](#) which designates four areas within NSW where dry waste can be burnt:

- West Lithgow Precinct
- Parkes Special Activation Precinct
- Richmond Valley Regional Jobs Precinct and
- Southern Goulburn-Mulwaree Precinct

In addition to these designated areas, the regulation also provides for a large number of other areas where dry waste could be burnt within the greater Sydney area and the fly and heavy ash generated by the incineration of mixed dry waste is proposed to be disposed of as “general waste” which is the lowest category of waste able to be disposed of to landfill.

The waste industry maintains that the fly and heavy ash generated by waste incineration is inert and not hazardous or can be immobilised and rendered non-hazardous. However, this is not the case as is demonstrated by the two attached papers:

- After Incineration: The Toxic Ash Problem and
- Biomonitoring of Metals in Children Living in an Urban Area and Close to Waste Incinerators

In fact, this ash which includes reagents such as lime and activated carbon contains a range of highly toxic heavy metals, e.g. manganese, lead, cadmium, copper, nickel, mercury, thallium, and vanadium and persistent organic pollutants (POPs) such as dioxins and furans that are generated whenever halogenated materials such as plastics are burnt. These heavy metals and POPs are readily leached from the ash by any surface or groundwater passing through it polluting that water stream. It has also recently been found that this ash contains large quantities of microplastics that are also easily leached from the ash by groundwater.

Furthermore, NSW EPA regulations do not effectively regulate how this material is disposed of – particularly if the material is disposed of onsite such as proposed by Veolia at their Woodlawn facility or by The Next Generation at their proposed Eastern Creek waste incinerator which is close to the Prospect Reservoir. Onsite disposal of this material makes it impossible to track or test each batch of ash and effectively circumvents the EPA’s waste tracking procedure which requires all waste to be analysed and classified before disposal.



## **NO MORE INCINERATORS INC**

Each batch of ash would need to be TCLP<sup>(1)</sup> tested by a NATA registered laboratory and classified before disposal and in reality, most of this ash would probably be classified as Hazardous Waste. Waste classified as Hazardous can only be disposed of in an engineered, impervious clay containment cell in a specially constructed landfill which can never be built upon.

Practice has shown that the pollutants in this ash cannot be immobilised or treated and have been shown to leach pollutants into the environment even when mixed with concrete.

Given that there are a number of waste incinerators proposed for the greater Sydney area, including the **Southern Goulburn-Mulwaree area and Western Sydney** that are proposing to dispose of the ash created, the Draft Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023 should be amended to:

- 1) Ensure that all ash and any other waste generated by waste incineration is analysed and classified in accordance with the NSW EPA's preferred TCLP testing and tracking regime
- 2) Prohibit the burying of all ash generated by waste incineration except within sealed, engineered containment cells
- 3) Require known and potential industrial emitters of pollutants to undertake independently verified, real time monitoring, reporting and publishing of all activities that could potentially adversely impact on Sydney's groundwater supplies and
- 4) Require known and potential industrial emitters of pollutants to have in place real, doable and funded contingency plans to remediate and rehabilitate any groundwater contamination.

Yours sincerely

Chris Hanson  
MEngSc, UNSW; BSc, UNSW  
AssDipChem, Institute of Technology  
MEngAust, MAIPM  
No More Incinerators Inc  
[www.nomoreincinerators.com](http://www.nomoreincinerators.com)

<sup>(1)</sup> The USEPA's TCLP or Toxicity Characteristic Leachate Procedure test is the NSW EPA's preferred methodology for the classification of waste to be disposed of to landfill.

**From:** [REDACTED]  
**To:** [DPIE Water Greater Metro Unreg WSP Mailbox](#)  
**Cc:** ["Mandy O'Brien"](#)  
**Subject:** Submission on Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023  
**Date:** Saturday, 20 August 2022 9:54:46 AM

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Sir

I refer to the Public Consultation Draft of the Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 under the Water Management Act 2000

We are residents of what is currently referred to as the Upper Shoalhaven Management Zone and we note that the Consultation Draft proposes to combine this Zone with the similarly named but distinctly different Mid Shoalhaven Management Zone under the proposed new title of the Upper Shoalhaven River Water Source.

This amalgamation seems ill-advised given the distinctly different ecological conditions pertaining to the two "zones" and at odds with the Vision and Objectives of the Consultation Draft. Nor have we been able to obtain any clarification of the reasons behind the amalgamation and retitling, adding yet another level of obfuscation to the proposal.

The explanation we received, that the changes are driven by unspecified "bureaucratic" reasons and allegedly seek to "tidy up" and align with other water sharing plans adds nothing to our understanding, making the proposal even less clear to the point of total opacity.

Our reading of the proposed changes suggests that the sole legislative change will be to allow some water trading in the current Mid Shoalhaven Zone. This seems a puerile justification for the proposed amalgamation and certainly not sufficient to put at risk the pristine conditions long-prized in the Upper Shoalhaven Zone. This finds de facto acknowledgement in the apparent intention to continue to administer the two "zones" separately under the new "Water Source Management" title.

A more conflicted and contradictory set of changes would be hard to conceive.

The Upper Shoalhaven Management Zone (current nomenclature) has traditionally been regarded as a small, pristine, platypus-abundant environment providing clean, clear, abundant headwaters to the Shoalhaven River. The region is dominated by public lands and has a low level and even lower percentage of commercial land development, all factors that doubtless contribute the water quality of the Zone. In contrast, the Mid Shoalhaven River Zone is one of much higher commercial development and much lower percentages of public lands. It cannot be argued that water quality in this region compares to that of the Upper Shoalhaven Zone.

We are concerned that amalgamating the two current Shoalhaven zones will

result in a high probability that the far superior water quality conditions prevailing in the relatively small Upper Shoalhaven zone will be subsumed in and degraded by future legislative changes addressing the very different circumstances prevailing in the Mid Shoalhaven zone.

Such an outcome would be in direct contradiction to the Vision and Objectives of the proposal as set out in the public consultation draft, Section 2, Paragraph 8 (a) and (b) and Paragraph 9 (a) and (b)..

The promise of separate zone administration under the one Shoalhaven Water Source Management region is neither convincing nor reassuring. Far better and truer to the stated Vision and Objectives to continue to keep the two zones (Upper and Mid Shoalhaven) separate and avoid the risk of collateral damage by oversight.

We would be pleased to discuss the above and related issues in greater depth, please advise a time and place for further discussions.

Regards

Paul Scammell

Upper Shoalhaven Valley



**From:** [Peter Roach](#)  
**To:** [DPIE Water Greater Metro Unreg WSP Mailbox](#)  
**Subject:** submission water sharing plan  
**Date:** Friday, 15 July 2022 10:59:43 AM

---

I have a small farm on Cattai Creek which is TIDAL.

The property's fronting Cattai Creek on the way to the Hawkesbury River are all small holdings and few irrigate. If they do it would be a few hectares and irregular as I have not witnessed commercial activity. Most water drawn is for rural domestic supply, stock watering.

It beggars belief why these small land holders on a TIDAL system need to be bothered with licences, meters, administration etc.,

Their intake of water is negligible and does not interfere with any supply to neighbours or the environment.

I realise it does keep some public servants in a job.

Please advise why these small farms need to be subject to this system and its requirement to spend time on its administration.

Regards

Peter Roach

**From:** [Snowball Landcare](#)  
**To:** [DPIE Water Greater Metro Unreg WSP Mailbox](#); [Mandy O'Brien](#)  
**Subject:** Submission Greater Metropolitan Water Sharing Plan Unregulated River Water Source  
**Date:** Friday, 19 August 2022 10:29:14 AM

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As members of the Snowball Landcare Group which has been in existence since 1996 and covers the upper reaches of the Shoalhaven River where the river starts its journey as a trickle, we would like to object to the combining of the two Upper Shoalhaven Management Zone and the Mid Shoalhaven Management Zone to be referred to in your draft as the Upper Shoalhaven River Water Source.

Our objection needs to be noted in the strongest possible terms.

We do not want this name change.

We do not want our area to be amalgamated with the Mid Shoalhaven, even if the two "zones" are still to be regulated differently.

There is no logical reason either environmentally, hydrologically, flora or fauna based, or even practical reason for this to go ahead.

A solution, if you had to have a name change, would be to have two separate Water Source areas namely the Upper Shoalhaven River Water Source with its own rules as per the draft legislation which we don't have a problem with and the Mid Shoalhaven River Water Source and they can have their own set of rules as well.

We note that this is not unusual as you already have an Upper Nepean River Water Source, A Mid Nepean Weirs Water Source and a Lower Nepean River Water Source.

You may think our objection is futile but we are as mad as hell for combining the two zones into one name.

Thank you

AJ O'Brien

Chairperson



19 August 2022

Department of Planning and Environment – Water  
Greater Metropolitan Surface Water WSP  
Locked Bag 5022  
PARRAMATTA NSW 2124

To Whom it May Concern

**Re: Submission to the Review of the Greater Metropolitan Water Sharing Plan**

Greenfields Development Company No. 2 Pty Ltd (GDC2), on behalf of Leppington Pastoral Co Pty Ltd (LPC), is grateful for the opportunity to make a submission to the replacement of the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023*. We note the decision to extend the period for submissions to 21 August 2022 following recent flooding in parts of the area covered by the draft replacement Water Sharing Plan (WSP) and thank the Department for this additional time.

**Current situation**

Because of the flooding impact on communities covered by the Replacement Plan, we note that the replacement WSP will only include limited changes in the Hawkesbury Nepean Extraction Management Unit and the Nattai River, Stonequarry Creek and Maldon Weir Water Sources in the Upper Nepean and Upstream Warragamba Extraction Management Unit. We are not affected by these limited changes. Rules relating to people's access to water, including rules relating to boundary changes and trade, will stay as they are at present, with the intent of the rules set out in the current 2011 water sharing plan being maintained in the 2023 replacement plan.

We note also that an amendment clause will be included in the replacement WSP that allows boundary changes, access and trade rules to be introduced in the future, during the life of the replacement water sharing plan. We have been advised that these changes will be consulted on at some time in the future when it is appropriate to engage with flood affected communities.

**Implications for our farming activities**

While we appreciate the considerate approach that has been adopted by the Department while communities deal with issues caused by recent flooding, we want to put on the record that specific issues we had hoped would be resolved by the replacement WSP will now continue unresolved for an indeterminate time. Specifically, those issues relate to:

- Long-standing farm dams on our 'Pondicherry' and 'Greenway' properties not being recognised in the current WSP, despite the fact they had been in existence for more than 40 years

- Allocations not being issued for those farm dams when the current WSP was finalised, creating operational challenges for our farming activities and
- Despite our best efforts, our inability to procure allocations for the dams to correct this anomaly, due to a shortage of licences and water trading restrictions applying in the catchment.

These matters were discussed extensively in our submission to the Natural Resources Commission dated 24 April 2020, a copy of which can be provided if necessary. We had hoped that the revision of the 2011 WSP would by the means to correct these past oversights and that we would receive an allocation for our farm dams in the replacement WSP. The continued uncertainty around these issues is not helpful when planning for future farm management activities.

### **Implications for our urban development activities**

Our submission to the Natural Resources Commission in April 2000 also spoke about interactions between the current WSP and our urban development activities in Oran Park and Pondicherry. Issues canvassed included:

- The role the farm dams currently play in controlling stormwater flows from upstream urbanised areas such as Oran Park
- The increased runoff that is now generated in the catchment due to the increased impervious surfaces in the urbanised areas
- The role the farm dams play in mitigating flooding in Upper South Creek and the fact the dams are “hardwired” into Camden Council’s flood modelling and flood management strategy for Upper South Creek (effectively meaning they cannot be removed without adversely affecting downstream flooding) and
- Social, environmental and economic benefits reconstructed dams/lakes can provide to urban areas, extending well beyond water quality and quantity control, including:
  - helping mitigate urban heat island effects
  - providing an opportunity for leisure/recreation activities
  - providing a non-potable water source for irrigation of sports fields and street trees and
  - minimising potable water use.

We viewed the replacement WSP as a means of ensuring the farm dams, which are an integral component of Council’s flood management strategy for Upper South Creek, becoming appropriately licenced to hold the required stormwater volumes, allowing us to explore opportunities such as irrigation of parklands and street trees using a non-potable water source in Pondicherry.

Our rezoning proposal for Pondicherry will likely be exhibited for public comment before the end of 2022. If the outstanding WSP issues remain unresolved at this time, the ongoing role of the farm dams/lakes, their size and licencing, and their future ownership and management will also remain unresolved. This could delay finalisation of the Pondicherry rezoning, ultimately delaying the delivery of new homes in an already constrained market.

### **Way forward**

We have made numerous attempts to contact the Department through the channels advertised during the exhibition period (1300 phone number and email) to ask for a one-on-one session with Departmental staff to discuss the potential impacts of the replacement WSP on our farming and urban development activities. Apart from a return phone call by a very helpful person in the Orange office to acknowledge our attempts to make contact and to promise a Departmental officer would contact us, we are yet to speak to anyone in the Department about these matters.

Therefore, we are not able to make an informed submission on the replacement WSP before the closing date, other than again highlighting the anomalies with the original WSP in relation to our farming activities and raising questions about its possible interaction with our urban development activities.

We note the Government now intends to bring in the replacement WSP with minimal changes, but with the ability to make further changes to the WSP once it is in force in relation to rules governing people's access to water, including rules relating to boundary changes and trade. These changes are likely the ones which will help us resolve the issues we have again outlined in this submission. Our first preference is to receive the correct allocations for our existing farms dams which, for reasons unknown to us, were excluded from the original WSP in 2011. If this cannot be accommodated at this time, we ask that consideration be given in the current revision of the WSP to increasing the trade zone to include Upper and Lower South Creek.

Noting further amendments may occur to the WSP, we wish to reserve the right to make further submissions at the appropriate time, when these details are available. We would also still appreciate the opportunity for a one-on-one discussion with Departmental staff as part of this process.

We look forward to further contact with the Department to discuss the issues raised in this submission, understand how the replacement WSP will be amended in the future and arrange both our farming and urban development activities to help achieve the WSP's objectives. We are available to discuss this submission should the need arise.

Yours sincerely,

Tim Bryan  
**Chief Executive Officer**

20 August 2022

Department of Planning and Environment – Water  
Greater Metropolitan Surface Water WSP  
Locked Bag 5022, PARRAMATTA NSW 2124  
GreaterMetroUnreg.WSP@dpie.nsw.gov.au

## **Sydney Water’s submission on the draft Greater Metropolitan Water Sharing Plans**

Thank you for the opportunity to comment on the draft replacement *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Sources 2023* and the draft replacement *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023*.

We support the overall intent of the plans, and the work that has been done to improve and simplify them.

### **Sydney Water operations and context of our comments**

Sydney Water is Australia’s largest utility, supplying water, wastewater and some stormwater services to over five million customers across Greater Sydney and the Illawarra. We source bulk water for our customers from WaterNSW, who manage Greater Sydney’s water supply catchments. Most of the water we use is sourced from Warragamba Dam and the Upper Nepean Dams, but we also extract water from the Hawkesbury Nepean River at North Richmond, and water is transferred from Tallowa Dam on the Shoalhaven River in times of water scarcity.

We also treat and safely discharge customers wastewater. Around 15 percent of our city’s wastewater is treated to a very high level and released to the Hawkesbury Nepean River. This proportion may grow as more people live and work in the Western Parkland City.

Sydney Water has operated the St Marys Advanced Water Treatment Plant for over 10 years. This plant returns very high-quality recycled water to the Nepean River below Penrith Weir to replace water that was previously released from Warragamba Dam for the environment and downstream users.

We will be constructing the Upper South Creek Advanced Water Recycling Centre which will begin servicing customers in western Sydney from 2025. This plant will also provide very high-quality recycled water.

We are also responsible for stormwater trunk drainage that serves approximately 15 percent of our customers. We have recently been declared as the trunk drainage manager for the rapidly developing Mamre Rd and Aerotropolis areas.

### **Sydney Water’s overall comments on the plans**

We believe the draft replacement Plans are a significant improvement on the existing Plans. We support:

- the rationalisation of the Plan objectives, the clear strategies identified to achieve objectives, and identification of indicators which will allow Plan success to be measured
- simplification of the plan and consolidation of administrative units
- clear rules that recognise replacement flows from St Marys Advanced Water Treatment Plant and recognition within the background document of the benefits that Upper South Creek Advanced Water Recycling Centre return flows can deliver
- improved oversight of annual major utility extractions, and the impetus this may provide for enhanced urban water conservation efforts.

There are still some gaps in the Plans and supporting policies, and we urge rapid attention to issues such as:

- the potential impact of changed harvestable rights allowances on licenced extractions. We strongly advocate that any subsequent changes to licenced extraction must not reduce major utility entitlements.
- The need for the surface water Plan to recognise return flows from Upper South Creek Advanced Water Recycled Centre whether or not Warragamba Dam variable environmental flows are in place by 2025.
- development of a supporting stormwater harvesting policy and related plan rules to enable the plan to deliver key elements of the Greater Sydney Water Strategy and respond to Natural Resources Commission recommendations.

We look forward to working with DPE and Water NSW to progress key elements of the Plan and identified next steps, including:

- establishing sustainable long term average annual extraction limits that consider the impacts of climate change on streamflow and rainfall reliability. We appreciate the impetus this provides to progress GSWS priorities of robust rainfall independent supply and enhanced water conservation.
- development of an appropriate monitoring, evaluation, reporting and improvement (MERI) program, that can assess how well environmental objectives have been achieved, and measure performance indicators.
- completion of a robust stormwater harvesting policy, and update of the surface water plan with supporting rules.
- improvements to gauging and data sharing so the surface water plan can be more effectively implemented and regulated.
- continuing our discussions with DPE to explore ways of improving and simplifying approvals for temporary groundwater extractions. We have also suggested approaches to managing these extractions within the groundwater plan.
- quantifying and recognising the return flow benefits and values created by all well treated wastewater discharges (whether or not they are reverse osmosis treated).



# Attachment A: Sydney Water submission on the Draft Replacement Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources

## Part 1

We support the administrative changes made to the Plan and the rationalisation of sources and units.

## Part 2: vision, objectives, strategies, and performance indicators.

We support the vision, objectives, strategies, and suggested performance indicators. We note the complexity of these water sources of providing for highly valued environmental outcomes, and the essential water needs of our biggest city.

We think it's a positive that DPE have published the risk reviews for water sources to support assessment of rules and rule changes.

We note that there is ongoing work to enable the Plan to sufficiently “support (c) to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people”. It would be useful to refer to information on Aboriginal cultural values that DPE- EHG is using to update the NSW Water Quality Objectives.

We note plan objective (l) is to “to mitigate alterations to natural flow regimes in the water sources by ensuring the release of a portion of inflows for environmental use from the water supply dams]” and that rules are in place to achieve this.

We strongly support the more formal recognition of the role of St Marys Advanced Water Treatment Plant in providing environmental water to the river, to replace flows from Warragamba Dam.

We also note the Background Document says that high quality return flows from Upper Wianamatta-South Creek Advanced Water Recycling Centre will be considered replacement flows for environmental flows when Warragamba Dam has the infrastructure to release the required 90th percentile inflows. This is a positive development, and we support it.

We note that these return flows will provide river flow benefits even if they are provided before variable flows from Warragamba Dam begin. We strongly recommend these return flows be recognised as soon as they are ready to be released. This could be achieved by offsetting a small proportion of Upper Nepean e-flows. We discuss this issue in greater detail in our commentary on **Part 8** of the draft plan.

The proposed performance indicators are comprehensive. We recommend that monitoring programs established to measure the performance of the plan have clear links to updated NSW Water Quality Objectives, and the “new framework for monitoring and reporting ecosystem health against water quality objectives” which is an outcome of the *draft Greater Sydney Water Strategy*.

## Part 3: Requirements for water

It's positive that calculated volumes for basic landholder rights have been calculated and published.

### **Harvestable rights**

We have a potential concern that the harvestable rights limit for coastal catchments has been increased, but standard long term average annual extraction limits (LTAAELs) as outlined in Part 4 have still been calculated, in part with reference to the 2006 Harvestable Rights Order.

The "further work" section of the Background document notes that the increase in harvestable rights could have implications for river flows, the subsequent risk to ecological values in waterways, and the possibility that total extractions can exceed long-term average annual extraction limits.

We also note that the harvestable rights FAQ says: "The coastal harvestable rights review means we may need to change coastal water sharing plans to address the increase in the limit for harvestable rights. This change will occur over time, and generally as plans are replaced or reviewed over the next 3-5 years".

We recommend that calculations on the likely volumes of harvestable rights extractions be done according to the new Harvestable Rights orders as soon as possible to ensure appropriate rules can be set, certainty provided to water users, and key environmental values protected.

We strongly recommend that any change to this water sharing plan that may result from reviews into the impact of harvestable rights continue to prioritise the needs of the over 5 million urban water users who are served by Sydney Water and who ultimately use water extracted by Water NSW.

### **Importance of maintaining major utility LTAAEL for urban water supply security**

We strongly recommend no reduction be made to the allowable extraction allowed under the major utility LTAAEL (including North Richmond extractions) to accommodate increased harvestable rights.

In general property owners (who may be more likely to have licenced entitlements) will gain more benefit from increases in harvestable rights than urban water users serviced by Sydney Water. We recommend any adjustments required by made via the Standard LTAEEL.

### **Harvestable rights and stormwater harvesting**

The harvestable rights review also has important implications for stormwater harvesting within the Plan area. It indicates how opportunities for beneficial stormwater harvesting in urbanising catchments can be enabled by harmonising approaches to allowable harvestable rights and urban stormwater harvesting.

Sydney Water's position is that capturing a portion of the increased stormwater flow generated by the increase in impervious catchments in urbanising catchments can provide benefits for waterway health and provide water for beneficial uses such as irrigating green

space and urban trees. Harvested water may also be used in reticulated recycled water systems. In some catchments, stormwater harvesting (whether conducted by Councils, developers, Sydney Water, or other entities) is one of a suite of water sensitive urban design tools required to meet water quality objectives for waterways, and associated flow and quality targets.

NSW does not have a strong policy framework to support this beneficial form of extraction in urbanising catchments.

While harvestable rights changes allow more generous take of water off plan for some forms of agricultural use, they don't extend to the end uses of harvested stormwater in urban catchments – even though this form of extraction has arguably more environmental and economic benefits. Extending a 30 percent harvestable rights allowance to stormwater harvesting projects – and allowing harvested water to be used on different parcels of land and a different end uses – will go some way to addressing this policy gap.

For example, a developer may sub-divide a large parcel of previously rural land and develop it for urban uses. This development will increase the mean annual runoff. Broader application of the harvestable rights allowance should enable stormwater from the original allotment to be harvested so it can be used for open space irrigation, tree watering, and incorporation into local recycled water schemes.

We applaud the intention – expressed in the background document – to develop a stormwater harvesting policy. We strongly recommend this policy be developed and adopted within the next two years, to enable the recommendations of the NSW Auditor General's report to be actioned and important elements of the Greater Sydney Water Strategy to be achieved.

A further discussion on the mechanisms that can fully enable beneficial urban stormwater harvesting is contained in our discussion of **Part 10** of the draft plan.

## **Part 4 – Limits to the availability of water**

It's positive that major utility LTAAELs have been established for this plan and are expressed volumetrically. It is a logical step that will help manage long term extractions and it also recognises how extraction in the Plan area is dominated by urban water demand.

We support action taken to embed the water savings derived from the irrigation efficiencies delivered through the Replacement Flows project via access rules in the Lower Nepean River, Upper and Lower Hawkesbury River water sources.

### **Refinements to extractions included in major utility LTAAEL**

We also note that Sydney Water extracts water at North Richmond for the purpose of urban water supply. Sydney Water's North Richmond extractions should logically be included in the major utility LTAAEL because this water is being impounded at Warragamba Dam, and then released daily, transported via river to North Richmond and then extracted for drinking water needs. Sydney Water pays WaterNSW for the supply of this water.

We are pleased to see improvements to notifications and alert systems discussed in the background document because this can ensure that water released for North Richmond is appropriately quarantined before Sydney Water re-extracts it.

Including the North Richmond water in the major utility LTAAEL will avoid double counting extractions and can help improve consistency of governance for all the extractions that provide water for Sydney Water's customers.

### **Compliance with major utility LTAAEL**

We support the introduction of the annual review of compliance with the 10-year Water NSW major utility LTAAEL. This is an important step in improving transparency while ensuring the Plan can achieve its long-term objectives.

We also note that the city's annual demand for water can vary by +/- 6% under typical weather conditions and this is likely to increase as weather extremes become more common under a changing climate. We suggest some consideration of these variations – informed by longer term demand data - be accepted before more detailed review activities occur. A plan for water conservation is being developed to support the achievement of these targets and reduce the volume of future extractions.

### **Links to LTAAEL compliance and water conservation**

We acknowledge that effective management of major utility LTAAEL will require proactive monitoring of urban water demand and rapid response to increases in urban water demand.

We note the *Greater Sydney Water Strategy* has a strong focus on water conservation, with targets for water conservation and efficiency programs to save up to 49 GL/year by 2040 at a relatively low cost. These water conservation targets align with the position outlined in the Background Document:

"The NRC has recommended that long-term average annual extraction limits on the coast be set at a sustainable level. The department is considering ways of doing this. In the interim, the plan has been amended to set a numerical and fixed long-term average annual extraction limit at low flows and high flows to ensure there is no additional take from low flows than that which was occurring at the commencement of the first water sharing plan".

We also highlight Sydney Water's Operating Licence requirement to implement actions that Sydney Water is responsible for delivering under metropolitan water plans. Sydney Water is developing a Water Conservation Plan that will include customer water efficiency programs and leak prevention programs. Where necessary it can advocate for changes to regulations, policy and standards that are required to improve water conservation.

## **Part 6: operation of water allocation accounts and managing access licences**

We note that several of the gauges referred to in Schedule 1 are owned and operated by Sydney Water. We have discussed gauging, data sharing and notification system planning with DPE and are happy to continue working with DPE on this issue, including levels of service for gauging and data sharing.

## Part 7: construction and use of water supply works

We support the exemptions to prohibitions on construction in river dams for utility dams and harvestable rights dams.

We agree with the general concept of “no more than minimal harm” as a threshold for which to allow construction of water supply works near wetlands.

## Part 8 - Access licence dealing rules

### 57K Warragamba Dam

We support the inclusion of 57K “A daily release must be made from Warragamba Dam at least equal to 33ML/day minus the sum of flows discharged in the previous 24 hours from St Marys Water Recycling Plant.” We believe this will improve certainty of environmental water for the river. We will continue to work with DPE and WaterNSW to clarify reporting requirements for St Marys’s production. We seek clarification of how flows in excess of 33ML/day from St Marys will be treated.

We also support the intention expressed in the background document that “Rules will be modified to protect treated wastewater discharges from St Marys Advanced Wastewater Treatment Plant *and the proposed Upper Wianamatta-South Creek Advanced Water Recycling Centre that will be considered replacement flows for environmental flows when Warragamba Dam has the infrastructure to release the required 90th percentile inflows.* This will ensure more water is retained in Warragamba Dam for drinking water supply but allows the environmental flows to be protected downstream.”

However, we recommend a provision be included in section 57K *now* to enable releases from the Upper South Creek Advanced Water Recycling Centre (AWRC) to be counted as environmental replacement flows or **environmental water**, independent of the timing of Warragamba Dam infrastructure. We are forecasting releases from Upper Wianamatta-South Creek Advanced Water Recycling Centre will begin from mid-2025, but it is possible Warragamba Dam environmental flow releases won’t start until several years after this.

This inclusion will ensure the benefit of AWRC releases for river flows and yield protection can be realised regardless of whether or not this aligns with delivery timeframes for Warragamba Dam infrastructure.

A potential mechanism to realise this would be to reduce required environmental flow releases from Upper Nepean Dams by the amount released by Upper South Creek.

There is also emerging evidence of the benefits that high-quality treated wastewater flows can have in larger streams that have been affected by urbanisation. For example,

- platypus monitoring being conducted by Western Sydney University is indicating that sites downstream of some wastewater treatment plants are providing habitat for platypus. This is likely because high quality wastewater flows are maintaining habitat pools within the waterway, sustaining food sources for the platypus, and potentially reducing sedimentation and turbidity, which may otherwise impact the platypus’ electroreception capabilities.

- a rapid site assessment of Cattai Creek catchment indicated that wastewater flows are providing reliable flows in waterways that are otherwise badly affected by large amounts of sediment transported by urban stormwater, altered stream flow regimes and stream incision. Wastewater flows are providing continuity and connectivity of the waterway and maintaining reliable pools for habitat, even in dry times.
- Wastewater releases also provide high water security for irrigators downstream – as recognised in the Background Document. These releases also contribute to flow in the main stem of the river.

We look forward to working with DPE to establish how credits for the benefits of these releases can be further recognised in the Plans. This will providing additional incentives for Sydney Water to increase the quality of water discharged from wastewater plants over time, and to maintain beneficial releases to the environment.

### **57M Releases from Warragamba Pipeline**

We support the continuation of Plan rules that govern water supply releases from Warragamba Dam to supply North Richmond.

“(b) a flow equal to the following for drinking water supply purposes— (i) from 1 November to 31 March, inclusive—25ML/day, (ii) from 1 April to 31 October, inclusive—17ML/day.”

Given that daily releases are occurring from Warragamba Dam for drinking water supply purposes, and that clause 57K will improve certainty of environmental water, our position is that North Richmond Water Filtration Plant should be highly water secure.

We also believe that clearer water sharing rules and an effective notification system will reduce inadvertent extractions of flows that should be quarantined for North Richmond and enable more effective “shepherding” of drinking water releases.

Therefore, we recommend that North Richmond water filtration plant be exempt from cease to pump conditions.

We look forward to continuing to work DPE and WaterNSW to improve timely data sharing to enable a robust notification system.

The development of this new Plan also provides an opportunity to fix the anomaly that Sydney Water pays WaterNSW for North Richmond water and then pays licence fees again at the point of extraction at North Richmond.

When Warragamba Dam infrastructure is upgraded, and notification systems between Sydney Water, WaterNSW and DPE improved, it will also provide the opportunity to more closely match daily drinking water releases from Warragamba Dam with the forecast daily demand for North Richmond. This more flexible model is already in place for extractions for Macarthur Water Treatment Plant, for example.

## **Part 10 – Amendments.**

### **Stormwater harvesting**

We strongly support ongoing work to establish a stormwater harvesting policy that helps to address the challenges facing catchments with increasing urbanisation, meets updated water quality objectives, and enables priorities in the Greater Sydney Water Strategy to be achieved.

It is important to note that stormwater harvesting in some urban catchments is one form of extraction that can help achieve the plan objective of “to protect and where possible enhance and restore, the condition of the water sources and their water-dependent ecosystems.”

Earlier in this submission (Part 3 – Harvestable Rights) we discussed the desirability of extending increased harvestable rights to owners and developers of urbanising land or to regional stormwater managers in these areas.

We believe that Special Purpose Access licences would be a desirable way to enable harvesting when take of more than 30 percent is required to mitigate the effect of increased stormwater generated from urbanising catchment. General principles we would support for special purpose access licences for stormwater harvesting are:

- harvesting and other forms of retention that’s proportionate to the amount of additional stormwater generated by development of impervious surfaces in the catchments is encouraged.
- harvesting of all excess flows arising from urbanisation would be allowed. Use of modern hydraulic models can identify volumes of water that can be harvested. If a portion of these flows are already harvested by licenced users immediately downstream, this volume would be subtracted from the volume allowed for harvesting.
- new extractions from harvesting would be allowed in catchments with significant urban development. Amendments to the plan could potentially designate stormwater harvesting zones.
- special purpose access licences could limit trade of water entitlement – for example, they could be sub-catchment specific, or prohibit trade upstream, or out of catchment but would enable harvested water to be used in ways that effectively retains it within the catchment – to be used for open space and tree canopy irrigation, for urban agriculture, and incorporated into local recycled water networks.
- harvesting be recognised as a legitimate method to achieve Water Quality Objectives
- Special purpose access licences for stormwater harvesting that target excess urban flows, and/or contribute to the achievement of Water Quality Objectives be issued free or at nominal costs because the harvesting is also helping to achieve the purposes of the Act and the Water Sharing plan.

## Further work

### Groundwater and surface water connectivity

We believe there is a need to better understand connectivity between surface and groundwater sources. This includes:

- the impact of groundwater extractions from mining and other extractive industries, and what this means for surface water availability and quality in the long term

- the impacts of catchment land use change and local groundwater recharge, as well as the impacts on the timing and volume of runoff into waterways.
- the benefits for groundwater recharge and retention of base flow in small streams from more extensive stormwater retention in the landscape.

### **Waterway flow requirements and updated water quality objectives**

We believe greater links can be made between this Plan and the work NSW DPE is doing to update Water Quality Objectives for coastal catchments. We understand that updated Water Quality Objectives will help identify desired condition of the water sources and their water-dependent ecosystems. Supporting numerical indicators and targets will help establish the flow and water quality needed to support these. Aligning with the Water Quality Objectives may enable more nuanced risk assessment of water sources, and better management of different types of extractions and return flows in different parts of water sources.

### **Sustainable Long Term Average Extraction Limits**

We note the work DPE plans to do to establish sustainable long term average annual extraction limits that take into account the impact of climate change on streamflow and rainfall reliability. We appreciate the impetus this provides to progress GSWS priorities of robust rainfall independent supply and enhanced water conservation.

### **Gauging and notification systems**

Gauges managed by Sydney Water included as reference sites in the Plan, have been discussed as part of the notification system. As noted throughout this document, we are happy to continue working with DPE on this issue.

### **Monitoring**

We note the need for enhanced monitoring to improve assessment of the extent to which the Plan objectives have been met, and the strategies successfully deployed.

We recommend that monitoring programs that are established to measure the performance of the Plan have clear links to updated Water Quality Objectives for NSW Coastal Waterways, as well as the “new framework for monitoring and reporting ecosystem health against water quality objectives” which is an outcome of the *draft Greater Sydney Water Strategy*.

We acknowledge Sydney Water’s role in contributing information and expertise to a more comprehensive monitoring approach, largely through contributing data and analysis gained through our Sewage Treatment System Impact Monitoring Program (STSIMP). We can also share our knowledge of on-ground monitoring issues, methods, and analytical techniques as set out in the STSIMP.

It is important to note that our Sydney Water STSIMP program is largely aimed at understanding the impacts Sydney Water’s wastewater discharges have on the receiving environment, rather than determining a full picture of the state of waterways. We are currently reviewing the STSIMP program.



## Tarago and District Progress Association Incorporated

ABN: [REDACTED]  
Postal Address: [REDACTED] Tarago, NSW, 2580  
Email: [REDACTED]

**“Promoting the Social and Economic Development of Tarago Village and District”**

17<sup>th</sup> August 2022

Ms Kelly Lynch,  
Greater Metropolitan Water Sharing Plans  
NSW Department of Planning and Environment  
PO Box 2213,  
Dangar NSW 2309

Dear Ms Lynch

### **RE: REVIEW AND FEEDBACK ON DRAFT WATER SHARING PLAN FOR THE GREATER METROPOLITAN REGION UNREGULATED RIVER WATER SOURCES 2023**

#### References:

- A. NSW Planning and Environment Draft Water Sharing Plan for the Greater Metropolitan Region **Unregulated River Water** Sources 2023
- B. NSW Planning and Environment Draft Water Sharing Plan for the Greater Metropolitan Region **Groundwater** Sources 2023
- C. United Nations Environment Programme's Waste to Energy - Considerations for Informed Decision Making, 2019
- D. NSW Government's .Energy from Waste Infrastructure Plan - Supporting the NSW Waste and Sustainable Materials Strategy 2041, September 2021
- E. NSW EPA Regulation: Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021 dated 8<sup>th</sup> July 2022
- F. NSW Contaminated Land Management Act 1997 No 140 dated 4<sup>th</sup> March 2022

## **Preliminaries**

The Tarago Community comprises the people who live in the village of Tarago, and those on farms and farmlets in the Tarago and surrounding districts. The Tarago Community is split across the local government areas of Goulburn-Mulwaree, and Queanbeyan-Palerang. Our Community is split across the boundaries of the State Goulburn and Monaro Electorates, and across the Commonwealth Hume and Eden-Monaro Electorates.

The Tarago Community is essentially a mix of farmers and graziers, and those seeking a rural lifestyle, with the latter being divided between retirees and those who commute for employment to and from

220817 Surface Water Sharing Plan

Tarago District: Home to the Headwaters of the Mulwaree River

The longest naturally occurring chain of ponds river system in the Southern Hemisphere



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### “Promoting the Social and Economic Development of Tarago Village and District”

Queanbeyan/Canberra or Goulburn on a daily basis. This includes people and families who have moved to the area for health reasons.

Children commute to and from school in all directions: Tarago, Goulburn, Bungendore, Braidwood and Queanbeyan/Canberra via parents and buses.

Tarago and its Community reside within Sydney’s Greater Metropolitan water catchment area. The water from our district passes through numerous communities on its way to Sydney’s water catchment dams. The local agricultural businesses are dependent on the availability of clean potable water for their crops and animals. It is for these reasons that TADPAI on behalf of the Tarago Community is submitting its observations of the Draft Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 (Reference A) for your consideration.

## Surface Water versus Groundwater

Unregulated River Water is also referred to as Surface Water, that is water that is on top of the ground in creeks, rivers, dams, etc. Groundwater is that water within the ground (underneath the surface). Surface water leaches through the ground to recharge groundwater supplies. Thus, the two Water Sharing Plans (References A and B) are intrinsically linked to each other, and therefore many of the risks to water volumes and quality are inherently the same.

It is noted that both draft Water Sharing Plans (References A and B) include performance indicators; however, only the Water Sharing Plan for Groundwater (Reference B) makes reference to and identifies Contamination Sites, which exists in various forms. This Submission is about aligning the identification and treatment strategies for risks associated with Contamination Sites.

## Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation

It is an accepted fact that Energy from Waste facilities emit toxic and polluting emissions, and the residual ash is both toxic and highly soluble. The United Nations now promotes that all developed countries should avoid the use of Energy from Waste, and in particular via waste incineration for health and ecological reasons. See Reference C. Indeed a number of countries have commenced banning the use of waste incineration technology.

The NSW Environment Protection Authority and the NSW Chief Scientist jointly agree that Energy from Waste facilities do provide a level of risk to human and ecological health (See Reference D). And on this advice, the NSW Government has recently passed into legislation the Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation (Reference E). In which, the

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### “Promoting the Social and Economic Development of Tarago Village and District”

Government is seeking to initially limit the number of locations to build and operate Energy from Waste facilities to four regions; of which two (the West Lithgow Precinct and the Southern Goulburn Mulwaree Precinct) reside in Sydney’s water catchment area.

Veolia is proposing to build and operate its Advance Recovery Centre (ARC) within the Woodlawn Eco Precinct within the Southern Goulburn Mulwaree Precinct. This ARC is an Energy from Waste (via waste incineration) facility; it will release into the air quantities of dioxins, furans and other toxic/polluting chemicals. Veolia is also proposing to bury on site the toxic and highly soluble residual ash that is generated through waste incineration.

The Next Generation (TNG) has appealed the 2018 NSW Independent Planning Commission resolution not to support its Environmental Impact Statement (EIS) and Development Application for an Energy from Waste (waste incinerator) at Eastern Creek. This appeal is currently before the NSW Land and Environment Court; and the Court’s decision will be binding on the NSW Government. The proposed site for the TNG facility is near Prospect Reservoir.

Major weaknesses in the TNG EIS include the lack of information as to how the residual toxic and highly soluble ash will be treated and where it will be landfilled, and a lack of detail on how emissions will be monitored, reported on and published in real time.

Based on experiences and evidence from overseas the emissions from waste incineration will over time pollute the surface water in particular dams and reservoirs where water flow is minimal to nil. The burying of toxic and highly soluble ash has the potential to leach out of the ground and into surface water; and the problem with this risk is that it can occur unnoticed and its presentation too late to fix.

## Intergenerational Equity and Polluter Pays

Clause 9(3)(b) of the Contaminated Land Management Act 1997 No 140 (Reference F) states: *“inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations”*.

Clause 9(3)(d)(i) of the Contaminated Land Management Act 1997 No 140 (Reference F) states: *“polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement”*.

## Protecting Sydney’s Surface Water Supplies

Based on the above two legislated principles that the following should occur.

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### “Promoting the Social and Economic Development of Tarago Village and District”

Schedule 4 Contamination sources of the Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 should be updated from “Not Applicable” to reflect below, and thus aligning to the Water Sharing Plan for Groundwater::

*.Contamination sources are as follows—*

- (a) a site declared to be significantly contaminated land within the meaning of the Contaminated Land Management Act 1997,*
- (b) a site notified to the Environment Protection Authority under the Contaminated Land Management Act 1997, section 60,*
- (c) the approved Energy from Waste precincts listed within the Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021 or other locations as approved by the Minister.*

The Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 should also be appropriately amended to:

- prohibit the burying of all hazardous waste, including waste incineration ash, within the Sydney Greater Metropolitan water catchment area;
- require known and potential industrial emitters of pollutants to undertake real time monitoring, reporting and publishing of all activities that could potentially adversely impact on Sydney’s surface water supplies; and
- require known and potential industrial emitters of pollutants to have in place real, doable and funded contingency plans to remediate and rehabilitate any surface water contamination.

Thank you for giving the Tarago Community an opportunity to comment on the Water Sharing Plan.

Yours Sincerely

Adrian Ellison  
TADPAI

[REDACTED]

Cc  
Water NSW  
Goulburn Mulwaree Council

Our Reference: 2995-3#512

**Department of Planning and Environment – Water  
Greater Metropolitan Surface Water and Groundwater Sources WSP  
4 Parramatta Square,  
12 Darcy Street,  
Parramatta NSW 2150**

22/08/2022

To Whom It May Concern,

**PUBLIC EXHIBITION - WATER SHARING PLAN FOR THE GREATER METROPOLITAN REGION  
GROUNDWATER SOURCES AND WATER SHARING PLAN FOR THE GREATER  
METROPOLITAN REGION UNREGULATED RIVER WATER SOURCES**

Thank you for the opportunity to provide feedback on the draft Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources and Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources (Water Sharing Plans) currently on public exhibition.

Measures to protect water sources (surface and groundwater) and manage water and agriculture are of critical importance for the Wollondilly Community. The exhibited draft Water Sharing Plans have relevance to Council's Integrated Water Management Policy, Strategy and Water Sensitive Urban Design (WSUD Guidelines) as well as its Rural Lands Strategy. It should be noted that most of the Wollondilly Shire falls within the Nepean Management Zone 2 and the combined management and protection of the Nepean River would be greatly enhanced by the introduction of a Nepean River Catchment Authority

*(i) Issues associated with potential impacts to water sources*

Council's Integrated Water Management Policy, Strategy and WSUD Guidelines approaches water management as a whole including the relationships between stormwater, waste water and potable water. The Water Sharing Plan consequently needs to show linkages and relationships to wider water management plans including monitoring programs to clearly show how they fit within the wider sustainable management of water.

The main focus of Council's Integrated Water Management Policy, Strategy and WSUD Guidelines is to drive smarter water management outcomes including:

- protection of the waterways and riparian habitats

- increasing community liveability
- supporting greener neighbourhoods
- supporting recreation and amenity
- supporting local biodiversity
- supporting water conservation
- supporting agriculture and other local economies
- supporting water reuse and recycling
- improving climate resilience including minimising heat island effect and flood management

Council considers the above principles as fundamental for inclusion in any water management plan. For example, it does not appear as if social values such as maintaining the swim ability of waterways is included in the risk assessments for the Water Sharing Plans.

Recent water balance modelling undertaken by council shows a clear surplus of water between stormwater and wastewater therefore, recycling wastewater has also been a key focus, to ensure better utilisation. While council does acknowledge the potential increase in harvestable rights for landholders, council would prefer a more rigorous overview in the supply of treated wastewater to landholders and industry as this would be a much more reliable and sustainable water source which would lead to a more resilient and prosperous long-term local economy.

Council has raised the issue of and expressed shortcomings in the modelling and assessment of potential impacts of longwall mining operations on groundwater and interconnecting surface waters in the Wollondilly LGA. The Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources in this regard is requested to also consider implications of water loss from groundwaters as part of mining operations. Monitoring of aquifers (including groundwater dependant ecology) and waterways should also be undertaken to help review impacts of the Water Sharing Plans over the next 10-year period.

Council further requests that adequate resources are provided for compliance/support to ensure users are extracting/water harvesting responsibly to accompany the Water Sharing Plans. Support should also be made available to help landholders and industry refine practices to minimise overall water use or link to more sustainable water supplies such as recycled wastewater.

(ii) Potential implications to agricultural activities

The consultation undertaken as part of Council' Rural Lands Strategy identified the following:

- Agricultural producers revealed that water availability was one of the main barriers to expanding production.
- The agricultural capability of land adjoining the Nepean River increases with the potential for surface water diversion and crop irrigation. The availability of irrigation water opens up a wider range of agricultural types including higher value horticultural commodities such as turf and fruit on better soils. Without irrigation, horticultural crops will be limited to low water using crops such as grapes or olives.
- Over extraction, particularly from surface water is one of the biggest water related problems in the Shire.
- Secure access to water will be a key driver of growth in horticultural production in Wollondilly.

The Rural Lands Strategy also identified that the highest quality agricultural land in the Shire is located within the Nepean River Floodplain. On that basis, perhaps the Groundwater Plan could give greater priority to those lands which are within the floodplain but may not be able to undertake surface water extraction as a means of encouraging production activities.

Please contact Council's Acting Team Leader Environmental Services, David Henry, on [REDACTED] or via e-mail [REDACTED] for any enquiries regarding this correspondence.

Yours faithfully



**MANDY MARINO**  
**Acting Manager Waste and Environmental Services**