

Department of Planning and Environment

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# What We Heard

Draft Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024

December 2023





# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and waters and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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# Executive summary

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## About this document

The [Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2011](#) will expire in June 2024.

The Department of Planning and Environment (the department) publicly exhibited a [draft replacement water sharing plan](#), providing an opportunity for water users, broader stakeholders and other interested parties to learn more about proposed changes, to make submissions and comment on the draft plan.

This report summarises how we engaged with communities, the key issues we heard and the next steps in finalising the *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2011*.

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## Background

The department is responsible for surface and groundwater management, including ensuring water security for NSW. We also ensure equitable sharing of surface and groundwater resources, and that water entitlements and allocations are secure and tradeable.

Water sharing plans are the primary legal framework for managing and sharing water in NSW. They are made under the NSW [Water Management Act 2000](#) and are valid for 10 years. The rules in the plans allow equitable sharing of water for all water users, including the environment.

They do this by:

- providing water for the environment by protecting a proportion of the water available for fundamental ecosystem health
- 

## Engagement at a glance



2

phone consultation



945

unique website visits



7

formal submissions



26

public information sessions attendees



6

live webinars attendees

- setting limits on the total volume water extracted to ensure security for the environment and water users
- protecting the water needed to meet basic landholder rights
- providing water users with a clear picture of when and how water will be available for extraction
- providing flexibility for licence holders in the way they can manage their water accounts
- specifying rules for the construction and use of water supply works to minimise impacts on in-stream ecosystems, basic landholder rights and town water supply
- specifying the rules for water trading, that is buying and selling water licences and water allocations
- setting the mandatory conditions that apply to licence holders.

Under the *Water Management Act 2000* water sharing plans are subject to review every 10 years and may be replaced to deliver better outcomes for all water users, including the environment.

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## Consultation

Consultation is an essential part to developing the draft *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024*.

From 18 September 2023 to 29 October 2023 the draft replacement *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024* (the plan) was exhibited publicly.

We encouraged stakeholders to give feedback directly and through written submissions. Our website included a 'Have your say' section that gave people different ways to make a submission, including by email, direct mail and a downloadable feedback form.

The department received feedback from those who attended the one-on-one sessions, public meetings, as well as 7 written submissions. The valuable feedback we received during the public exhibition period and through submissions has helped us finalise the draft replacement water sharing plan.

### How did we consult?

Between 18 September 2023 to 29 October 2023, the department consulted with stakeholders and sought their views on the proposed changes to the Plan. We identified stakeholders with a potential interest in the plan. These included WaterNSW customers (water access licence holders and water supply work approval holders), environmental interest groups, Local Aboriginal Land Councils community groups, farming groups and local councils/water utilities.

WaterNSW customers were contacted via mail (436 letters) and other groups and individuals were contacted via email (439 recipients). These communications informed recipients of the plan replacement, ways to access information and inviting them to attend one of the public information sessions.

Three public information sessions were planned over the 40 day exhibition period and included webinars and face-to-face sessions with a plan-specific presentation and communication materials available. Surface water and groundwater staff were in attendance to speak with stakeholders and answer questions.

Table 1 shows the locations chosen for face-to-face community information events.

## Face-to-face information sessions

We held 2 face-to-face stakeholder meetings during the 40 day exhibition period, held in locations that were convenient for the majority of stakeholders in areas likely to be impacted by proposed changes to the Plan. We used a presentation and discussion approach for the meetings in which staff were available over 2 hours at each location to discuss the Plan changes and answer questions. Stakeholders could watch the presentation, gather printed information, inspect maps and discuss any questions or concerns one-on-one with staff.

Table 1 summarises participation for each meeting.

Table 1. Attendance at face-to-face meetings

Location	Date	Registered to attend	Attended
Coonabarabran	10 October 2023 10.00 am – 12pm	11	11
Gilgandra	11 October 2023 10.00 am – 12pm	21	15

## Webinar sessions

The department held a live webinar session using a virtual meeting platform. We presented the proposed changes to the plan and attendees could post questions in the live chat. We allocated time at the end of the presentation for clarification, questions and discussion.

**Error! Reference source not found.** summarises the attendance at the webinars.

Table 2. Attendance at webinars

Location	Date	Registered to Attend	Attended
Webinar – Microsoft Teams	27 September 2023 5.00 pm – 6:30 pm	8	6

## Phone Consultations

We held two phone consultations with stakeholders during the public exhibition period.

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## What we asked

The online submission form focused on the following key proposed changes between the 2011 plan and the 2024 plan:

- cease to pump rules for the Castlereagh River above Binnaway Water Source
- access in the Castlereagh River Binnaway to Gilgandra Management Zone and Castlereagh River Gilgandra to Coonamble water source for new water supply work approvals and new trades
- mandatory works approval conditions for the use of spearpoints
- trading rules
- access rules in respect to in-river pools
- protection of significant wetlands.

Although these were the key issues, comments, and discussion on all aspects of the plan were welcome and encouraged.

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## What we heard

Stakeholders raised issues in consultation session, formal submissions and via correspondence. When reviewing whether or not issues raised were in or out of the scope of this consultation the department considered the following:

- Is the issue within the scope of the water sharing plan?
- Is the suggestion consistent with the *Water Management Act 2000*?
- Are existing programs/processes or other departments addressing the issue?

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

Issues raised from public consultation that were out of scope of the water sharing plan, are summarised in Appendix 1. These issues will not be explored further as part of the replacement plan.

## Key issues

We received feedback on the proposed changes during multiple consultation sessions and through submissions about the proposed rule changes. The feedback is summarised in Table 3 and is being considered to finalise the plan.

Table 3. Summary of submissions about the proposed rule changes

Issue	Comments
<b>Daily Access Rules – Castlereagh River above Binnaway water source</b>	‘Council supports this proposed change as long as Town Water Supply licences are exempt from this rule’ ‘This proposed change will improve town water security and facilitate better flows during low flow conditions’ ‘The draft replacement plan has decreased the protection of very low flows in the water source above Binnaway’
<b>Daily Access Rules – Castlereagh River Binnaway to Gilgandra Management Zone and Castlereagh River Gilgandra to Coonamble Water Source</b>	‘when there is no visible flow at the point of take or if the capacity of an in-river pool is less than full capacity current works approvals (with an exemption of town water supply related approvals) should have a cease pumping in place’ ‘Stretches of the Castlereagh between Binnaway and Coonamble with extensive sand beds and use of spearpoints pumps must also have rules to protect remnant habitat pools through cease to pump rules’ ‘this new rule renders all water access licences without a current works approval next to valueless’
<b>Prohibiting in-river dams in 3rd order streams and above, with an exemption for town water supply</b>	‘council endorses this proposed change to the water sharing plan’ ‘we do not support the exemption for town water supply purposes. A policy for off-stream storages for town water supply is necessary to protect flow connectivity and important habitat values’



Issue	Comments
<b>Protection of significant wetlands</b>	Support for new wetland protection rules 'Wingadee wetlands and the significant Castlereagh floodplain wetlands in the Nedgera Creek and downstream of Coonamble water sources have not been included. These must be recognised in the final replacement plan'
<b>Mandatory condition on spearpoint depth</b>	'IRN supports the rule to restrict spearpoint pumping from sand beds to a depth of 8 metres to protect the connected alluvial groundwater source and associated groundwater dependant ecosystems'
<b>Trade rules</b>	'IRN does not support the proposal to permit trading into the Nedgera Creek, Teridgerie Creek and Tooraweenah to Coonamble tributaries water sources. These water sources should continue to be protected through rules that prohibit trade into these water sources'

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## Other issues

During the consultation period many additional issues were raised. Some of the other issues raised that are within scope of the water sharing plan are:

- Timor Dam - removal of current environmental flow requirements to improve Coonabarabran town water security
- The Plan vision, objectives and performance indicators have been simplified compared to the former water sharing plan. The targeted environmental objectives and performance indicators in the 2020 amended plan should remain in the replacement plan
- The Long Term Average Annual Extraction Limit for the plan area needs to account for all forms of extraction including harvestable rights and diversion of overland flow
- Planned Environmental Water provisions - having the environmental provisions distributed through the replacement plan across Part 4 and Part 6 diminishes the importance of planned environmental water and its protection
- Consider a “first flush” rule and/or end of system flow rule to improve connectivity
- Monitoring and Evaluation of the plan is required to ensure basic landholder rights are maintained
- The department needs to undertake meaningful engagement with a range of Traditional Owners, identify and protect Aboriginal cultural assets and provide access licences for Aboriginal cultural activities
- Schedule headings in the draft plan are required to clarify content of tables
- Using a reference gauge at Coonamble to set access rules for upstream licenced extraction and improve basic landholder rights
- Include more detail on the maps as it is difficult to see wetland locations in relation to properties
- Inclusion of stakeholders in planning at earlier stages.

Some of the issues raised during public exhibition are already addressed within the replacement plan and consideration will be given to how these can be better communicated.

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## Next steps

Feedback and issues raised within scope of the water sharing plan are considered by the department before recommending a replacement water sharing plan to the Minister of Water.

Before deciding to replace the plan, the Minister must seek agreement from the Minister for Environment. The department expects the *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024* will be in force by 1 July 2024.

The department will publish a background document that will include a summary of the changes made because of public consultation.

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## More information

The draft *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024* and supporting factsheets, is available on the NSW Department of Planning and Environment's [website](#) until the new plan commences on 1 July 2024. After that date, the new plan and supporting information will be available [here](#).

# Appendix 1: Out-of-scope issues

Managing water resources in New South Wales relies on a range of legislation, initiatives and cooperative arrangements with other agencies. Many issues that are out of scope of a water sharing plan are managed by other agencies, including some issues relating to:

- complying to plan rules
- assessing development applications
- the costs and process of obtaining water licenses and works approvals
- pollution and contamination of water sources

Table 4 outlines the criteria for and examples of out-of-scope issues.

Table 4. Assessment criteria for identifying whether an issue is out of scope

Assessment criteria	Comment/Example
Does the issue relate to water charges, costs, infrastructure proposals, operational activities or a licensing matter?	These are issues with the implementation and operation of water management that a water sharing plan cannot address
Is the issue about including descriptions or explanations within the Plan?	The water sharing plan is a legal document and states the rules relevant to water sharing. Other documents provide supporting information that describe how water is managed and how decisions have been made.
Is another program or process addressing the issue, or is it the responsibility of another department?	Proposed or current land development activities such as mine approvals, road tunnel developments or water pollution are managed under other legislation by other departments. The Access Licence Dealing Principle Order 2004 is the basis for assessing the local impacts of water extraction, when an applicant seeks approval to trade water or construct a new water supply work.
Does the issue require time and resources beyond the time frame to review the water sharing plan?	For example, a study on the effects of climate change in a particular groundwater source.
Is the issue consistent with the current legislative and policy framework?	A water licence is required for any activities that intercept or extract groundwater unless a valid exemption applies.

Table 5 summarises issues raised during public consultation that are outside of scope of the water sharing plan.

Table 5. Summary of submissions on out-of-scope issues

Issue	Comments
<b>Central-West Orana Renewable Energy Zone</b>	'Council would like to bring to attention of DPE that the proposed renewable energy zone could have significant impacts on existing water users within the water source if they extract water for the construction of the REZ related development'
<b>Gauging Stations</b>	Supports the installation of additional hydrometric gauging stations in the Castlereagh River for the collection of data. This data is not only vital in times of flood but can assist with planning and future reviews of water policy
<b>Weirs</b>	Suggestion for more weirs to be constructed on the Castlereagh River