

## Summary of changes

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### *A summary of the changes made to the **Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2023***

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The NSW Government replaced the water sharing plan (the plan) for the Tweed River Area Unregulated and Alluvial Water Sources in July 2023. The table below outlines the substantive changes from the previous 2010 plan. In drafting the replacement plan, the NSW Department of Planning and Environment (the department) also updated the plan to simplify and modernise its drafting, make the intent of its provisions clear, and make it legally robust.

Table 1. Summary of changes to the *Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2023*

| 2010 plan part             | Change in 2023 plan   | Basis for change  |
|----------------------------|---|---|
| <p><b>Introduction</b></p> | <p>We have updated how we describe the groundwater managed by this plan.</p> <p>We have added the Tweed River Area Coastal Floodplain Alluvial Groundwater Source to the water sources of the water sharing plan. We have also established the Tweed River Area Floodplain Alluvial Extraction Management Unit (EMU).</p> | <p>We now articulate that the groundwater managed in this plan is that which is contained in Cenozoic sediments. Cenozoic better describes the alluvial groundwater sediments.</p> <p>The new water source contains water within alluvial sediments generally below the tidal limit. This will align with other plans that have this new type of water source included. The water source has been separated from the upriver alluvium, as it is less highly connected to the river than the upriver alluvium and more influenced by coastal processes.</p> <p>The EMU is established so that a long-term average annual extraction limit and associated rules may be established for the Tweed River Area Coastal Floodplain Alluvial Groundwater Source.</p> |
| <p><b>Introduction</b></p> | <p>We included a new plan map which includes:</p> <ul style="list-style-type: none"> <li>the Tweed River Area Coastal Floodplain Alluvial Groundwater Source.</li> <li>Burringbar River gauging station.</li> </ul>   | <p>The new map includes the new water source and extraction management unit.</p> <p>Burringbar River gauging station has over 10 years of data and will now be used as the flow reference point for the Burringbar River Management Zone in the Burringbar River Water Source.</p>  |

| 2010 plan part  | Change in 2023 plan   | Basis for change  |
|---|---|---|
| <b>Introduction</b>   | We corrected the name for Rowlands Creek Water Source.  | This change corrects a spelling error in the previous plan.   |
| <b>Introduction</b>   | The replacement plan recognises and references the Native Title determination for the Githabul Nation Aboriginal Corporation that applies to the plan area. | A Native title determination has been made since the 2010 plan commenced.   |
| <b>Introduction</b>   | We have included a new map which identifies High Priority groundwater dependent ecosystems (GDEs) so they can be protected.                                 | <p>Following the updated approach to GDE protection, the 2023 Tweed River Area Unregulated and Alluvial water sharing plan offers additional GDE protection by identifying groundwater dependent vegetation communities on a map and setting rules around the distance that new groundwater works can be constructed from the mapped GDEs.</p> <p>When a work approval is applied for within a restricted distance of a GDE identified on the GDE map the department will confirm the groundwater dependence of the vegetation community before the approval is determined.</p>   |
| <b>Vision, objectives, strategies, and performance indicators</b> | We have reviewed the vision, objectives, strategies and performance indicators.   | <p>The new vision, objectives, strategies and performance indicators deal with similar matters to the previous plan's objectives.</p> <p>The Natural Resources Commission (NRC) recommended reviewing the objectives to strengthen monitoring, evaluation and reporting (MER) of the plan outcomes.</p> <p>We will include more detailed vision, objectives, strategies and performance indicators in the MER plan. This information is in Appendix 3 of the Background document to the Tweed River Area Unregulated and Alluvial Water Sharing Plan 2023.</p> <p>The replacement plan includes a provision at Clause 11(2) that requires performance indicators to be monitored and evaluated.</p> |

| 2010 plan part                             | Change in 2023 plan  | Basis for change  |
|--|--|---|
| <b>Bulk access regime</b>                  | We have removed the Bulk access regime section as it does not give any more information than exists in the <i>Water Management Act 2000</i> or elsewhere in the plan.  | The drafting of plans has changed to improve readability and simplify the plans.  |
| <b>Planned environmental water</b>         | The environmental water provisions remain in the plan but not in their own part. They are clauses that have been distributed throughout the plan into Part 4 – Limits to the availability of water and Part 6 – Operation of water allocation accounts and managing access licences. | The drafting of plans has changed to improve readability and simplify the plans.  |
| <b>Requirements for Water</b>              | <p>We have updated estimates for water requirements of basic landholder rights.</p> <p>Harvestable rights are now expressed as a volume.</p> <p>We have also updated requirements for water under licences.</p>  | <p>Updated estimates reflect updates to land use since 2010.</p> <p>Harvestable rights estimates have been made based on the volume in unlicensed dams in the landscape in 2022.</p> <p>Updates to licensed water requirements take into account any cancellations.</p>   |
| <b>System operation rules</b>              | No changes.  | <p>An amendment clause now allows for the system operation rules to be changed as required.</p> <p>Alteration to Bray Park Weir or Clarrie Hall Dam may be permitted if an assessment of alternate rules indicates the change will have minimal harm on downstream environmental assets and improvements to water security for town water supply.</p> |
| <b>Limits to the availability of water</b> | We added a Long-Term Average Annual Extraction Limit of 725 ML/year for the Tweed Coastal Floodplain Alluvial Groundwater Source.  | This LTAAEL is 25% of rainfall recharge over the area, based on environmental and socio-economic risks which identified 75% of rainfall recharge should be planned environmental water.   |

| 2010 plan part                                    | Change in 2023 plan   | Basis for change  |
|---|---|---|
| <p><b>Limits to the availability of water</b></p> | <p>We have split the long-term average-annual extraction limit (LTAAEL) for unregulated rivers and associated alluvium into 2 components - a standard LTAAEL for take from all flows and a higher flow LTAAEL for extraction that can only occur from higher flows.</p> <p>The standard LTAAEL is fixed at the volume at the start of the:</p> <ul style="list-style-type: none"> <li>• replacement plan for entitlement</li> <li>• first plan for basic landholder rights.</li> </ul> <p>The standard LTAAELs are as follows –</p> <ol style="list-style-type: none"> <li>a. (Burringbar River Catchment Extraction Management Unit – 5,355ML/year</li> <li>b. Clothiers Creek Catchment Management Unit – 2,409ML/year</li> <li>c. Tweed River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit – 725ML/year</li> <li>d. Tweed River Catchment Extraction Management Unit – 56,936ML/year,</li> </ol> <p>The higher flow LTAAEL can increase in limited circumstances such as high-flow conversions and where Aboriginal community development licences are granted.</p> <p>The annual higher flow extraction limit for the Burringbar River Catchment Extraction Management Unit, the Clothiers Creek Extraction Management Unit and the Tweed River Catchment Extraction Management Unit is the largest sum of the share components of all higher flow extraction licences within each extraction management unit occurring within a water year.</p> | <p>The NRC recommendations included setting a fixed and numeric LTAAEL. This is the standard LTAAEL. This ensures that extraction from low flow will be no more than could occur at the start of the first plan.</p> <p>While the higher flow LTAAEL can increase, this is to enable the implementation of high-flow conversions and allow for Aboriginal Community Development licences.</p> <p>High flow conversions are where a larger volume of water can be taken at higher flows than at lower flows. This reduces the stress on lower flows.</p> <p>There are no higher flow extraction licences currently in the Tweed plan area.</p> <p>Aboriginal Community Development licences support the department’s position of increasing Aboriginal involvement in natural resource management.</p> |

| 2010 plan part                                    | Change in 2023 plan  | Basis for change   |
|---|--|--|
| <p><b>Limits to the availability of water</b></p> | <p>Plans previously required the minister to make certain available water determinations (AWDs) at a certain time. This has changed to require the Minister to consider making AWDs.</p>   | <p>A provision of a plan cannot require the minister to make certain AWDs at a certain time, as that restrains the Minister’s broad power in section 59 of the <i>Water Management Act 2000</i>. Instead, the plan sets out that the Minister must consider making the AWDs set out in Part 4.</p> |
| <p><b>Rules for granting access licences</b></p>  | <p>We made updates to the rules for granting access licences. Aboriginal Community Development Licences:</p> <ul style="list-style-type: none"> <li>• are permitted for the new Tweed Coastal Floodplain Alluvial Groundwater Source</li> <li>• are permitted in the following water sources: <ul style="list-style-type: none"> <li>- Crystal Creek</li> <li>- Hopping Dicks Creek</li> <li>- Mid Rous River</li> <li>- Nobbys Creek</li> <li>- Upper Rous River</li> </ul> </li> <li>• are no longer permitted in the following water sources: <ul style="list-style-type: none"> <li>– Upper Tweed River</li> <li>– Lower Oxley River.</li> </ul> </li> </ul> | <p>The ecological risk assessment completed for the plan determined high or very high for ecological value in the water sources where Aboriginal Community Development Licences are no longer permitted.</p>   |
| <p><b>Rules for managing access licences</b></p>  | <p>Carryover is not permitted in the newly proposed Tweed River Area Coastal Floodplain Alluvial Groundwater Source</p>  | <p>No carryover offers aquifer protection in dry years by limiting the total volume that can be extracted to the LTAAEL.</p>   |
| <p><b>Access rules</b></p>                        | <p>We made changes to access in the water sources outlined in Table 2. Pumping must cease when flows are in the very low flow (VLF) class.</p> <p><b>Note:</b> Specific licences are listed in the schedules of the 2010 plan and are exempt from, or have differing conditions from, the proposed rules listed in Table 2. These schedules of licences are unchanged so licences previously exempted remain exempted.</p>   | <p>See Table 2.</p>  |

| 2010 plan part  | Change in 2023 plan   | Basis for change   |
|---|---|--|
| <p><b>Access rules</b></p>  | <p>Access from in-river dams is exempt from all access rules if extraction is consistent with the water supply work approval and licence conditions where the work approval or licence references the impounding structure</p> <p>Where the licence or work approval does not reference the impounding structure access must cease when flows are in the very low flow class.</p>   | <p>Some work approvals are not appropriately conditioned so must cease pumping when flows are in the very low flow class. If water users who extract from an in-river dam would like to access when flows are in the very low flow class they can apply to WaterNSW to have their licence conditions reviewed.</p>   |
| <p><b>Access rules</b></p>  | <p>Access rules for natural in-river and off-river pools must cease when the pool is below full capacity.</p>   | <p>This prolongs river connectivity and maintains water refugia for water dependent species.</p>   |
| <p><b>Rules for water supply works approvals</b></p> <p><b>Water supply works - surface water</b></p> | <p>We have removed the ability to apply to construct a licensed dam on a third- order or larger stream in an additional 9 water sources. Making a total of 11 water sources within the Tweed plan area where new in-river dams are prohibited on third order or larger streams.</p> <p>We have included an exemption from this prohibition if the works are for town water supply/local water utility (except for Byrrell Creek water source) or the dam is a replacement work.</p> | <p>For water sources identified as having high ecological values, construction of licensed dams on third order stream has the potential to increase risks to those values.</p> <p>Construction of licensed dams on third order or larger stream has been identified as a key threatening process for catchment and marine management.</p> <p>There has been a long-standing agreement not to construct town water supply dams in the Byrrell Creek Water Source. This has been retained in the new plan.</p> |
| <p><b>Rules for water supply works approvals</b></p> <p><b>Water supply works - surface water</b></p> | <p>We removed the clause to allow for an application to amend the height of Bray Park Weir.</p>   | <p>Town water supply dams are exempt from the in-river dams prohibition (except for Byrrell Creek Water Sources). This will permit Bray Park Weir to be amended in the best possible way, not just height.</p>   |

| 2010 plan part  | Change in 2023 plan   | Basis for change  |
|---|---|---|
| <p><b>Rules for water supply works approvals</b></p> <p><b>Water supply works - surface water</b></p> | <p>We have made updates to prohibit the granting or amending of surface water supply work approvals, within 3km upstream of a Ramsar wetland or 200m of a coastal wetland unless it will cause no more than minimal harm to the wetlands.</p>   | <p>While we considered coastal wetlands in the development of water sharing rules for the 2010 plan, we did not consider the possibility that water supply works could be prohibited where they may present a risk to the wetlands. With the introduction of the <i>Coastal Management Act 2016</i> and <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, plans may now allow for prohibitions on works within distances of significant wetlands.</p> |
| <p><b>Water supply works - alluvial sediments</b></p>   | <p>We have identified high priority groundwater-dependent ecosystems (GDEs) on the GDE map and protected them by minimum setback distances.</p>   | <p>This change will provide increased recognition of and protection for high priority GDEs.</p>   |
| <p><b>Water supply works - alluvial sediments</b></p>   | <p>We made updates to set back/distance rules for groundwater water supply works and included distance rules for groundwater works located near potential acid sulfate soils.</p>   | <p>The distances are standard distance rules as recommended by the department’s hydrogeologists.</p>  |
| <p><b>Access licence dealing rules</b></p>  | <p>We have prohibited trade into the following water sources</p> <ul style="list-style-type: none"> <li>• Brays Creek</li> <li>• Hopping Dicks Creek</li> <li>• Pumpenbil Creek</li> <li>• Upper Oxley River</li> <li>• Upper Tweed River.</li> </ul>   | <p>A risk assessment has been completed using High Ecological Values Aquatic Ecosystems data and hydrological stress ratings. These water source have high or very high ecological values.</p>  |
| <p><b>Access licence dealing rules</b></p>  | <p>We have updated trade in rules. Trade in rules have changed from no net increase of entitlement to trade in allowed into the following water sources:</p> <ul style="list-style-type: none"> <li>• Crystal Creek</li> <li>• Dunbible Creek:</li> <li>• Dungay Creek’</li> <li>• Mid Rous River</li> <li>• Nobbys Creek.</li> </ul> | <p>These water sources have shifted to a low overall risk rating after likelihood that extraction was impacting ecological values reduced from High to Low. This justifies the move from no net gain to allowing trade in.</p>  |



| 2010 plan part                             | Change in 2023 plan   | Basis for change  |
|--|---|---|
| <p><b>Access licence dealing rules</b></p> | <p>We have updated trade rules. Trade to be changed in the following water sources from no net increase in entitlement from any water source to unlimited trade but only between:</p> <ul style="list-style-type: none"> <li>• Bilambil Creek and Duroby Creek, and</li> <li>• Piggabeen Creek and Cobaki Creek.</li> </ul>   | <p>Directional trade for the four water sources is permitted as they are upstream of identified wetlands and the sources are hydrologically connected.</p>            |
| <p><b>Access licence dealing rules</b></p> | <p>We have updated trade rules. Trade to be permitted into the following water sources from any water source with limits imposed to some water sources:</p> <ul style="list-style-type: none"> <li>• Mid Tweed River</li> <li>• Rowlands Creek up to current entitlement plus 1,871 ML</li> <li>• Smiths Creek up to current entitlement plus 23 ML</li> <li>• Upper Rous River up to current entitlement plus 385 ML.</li> </ul> | <p>Maintaining the trade limits but removing the directional trade results in more opportunity for trading and will not negatively impact on inflows to wetlands.</p> |
| <p><b>Access licence dealing rules</b></p> | <p>Trade will still be permitted into the Lower Oxley River but only from upstream water sources.</p>   | <p>This is due to its very high ecological values.</p>  |
| <p><b>Access licence dealing rules</b></p> | <p>Conversion to high flow is now not permitted in the following water sources:</p> <ul style="list-style-type: none"> <li>• Crystal Creek</li> <li>• Mid Rous River.</li> </ul>  | <p>Conversions have not been permitted in Crystal Creek and Mid Rous River as there is not high extraction pressure at low flows.</p>                                 |

| 2010 plan part                             | Change in 2023 plan   | Basis for change   |
|--|---|--|
| <p><b>Access licence dealing rules</b></p> | <p>We have updated trade rules. High flow conversions are permitted at a conversion rate of 1 unregulated river unit share to 2.5 high flow unit shares in the following water sources:</p> <ul style="list-style-type: none"> <li>• Brays Creek: max 183 unit shares of high flow entitlement.</li> <li>• Lower Oxley River: max 240 unit shares of high flow entitlement.</li> <li>• Pumpenbil Creek: max 391 unit shares of high flow entitlement.</li> <li>• Upper Tweed River: max 271 units shares of high flow entitlement.</li> </ul> | <p>Updated risks of extraction impacting on flows were identified in the new risk assessment.</p> <p>Changes to volumes are a result of updated 30th percentile flow data.</p>   |
| <p><b>Access licence dealing rules</b></p> | <p>Trading into the Tweed River Area Coastal Floodplain Alluvial Groundwater Source is prohibited.</p>  | <p>The Tweed River Area Coastal Floodplain Alluvial Groundwater Source is not highly connected hydrologically with other water sources.</p> <p>Trade between EMUs is prohibited under the Access Licence Dealing Principles Order 2004.</p>                                    |
| <p><b>Mandatory conditions</b></p>         | <p>We updated mandatory condition requirements in line with current water sharing plan template and existing metering condition applied until the commencement of the Non-urban Water Metering Framework.</p>   | <p>Updates based on the Non-Urban Water Metering Framework. The current plan has a requirement for all works to meter. This will continue until the commencement of the Non-urban Water Metering Framework (Water Management (general) Regulation 2018, clause 230(1)(c)).</p> |
| <p><b>Amendment of this plan</b></p>       | <p>We have limited amendment rules to those that are possible under the Water Management Act, where we are well advanced in developing a policy that will require a change to the plan, or where an administrative change is required.</p> <p>This does not prohibit amending the plan in any way during its life if it is in the public interest to do so.</p>   | <p>Wide-ranging amendments cannot be included in the draft plan where the outcome of a policy change is uncertain.</p>   |

| 2010 plan part                      | Change in 2023 plan   | Basis for change  |
|-------------------------------------|---|---|
| <b>Access licence dealing rules</b> | We have removed all amendments relating to using Palmers Road gauge as a flow reference point.  | Palmers Road gauge has been included in the new plan as a flow reference point.   |
| <b>Access licence dealing rules</b> | We have removed clauses relating to total daily extraction limits (TDELs) and individual daily extraction limits (IDELs).   | A new amendment has been included which will allow for the use of IDELs and TDELs if required.  |
| <b>Access licence dealing rules</b> | We have included an amendment provision so that we may amend the LTAAEL during the life of the plan to set it based on a proportion of flow provided the amendments do not substantially change a LTAAEL.   | This reflects the department’s intent to move to a sustainable extraction limit over the coming years.  |
| <b>Access licence dealing rules</b> | We have included an amendment to protect water-dependent Aboriginal cultural assets by identifying such assets, establishing new flow classes or access rules, restricting the construction and use of water supply works and by establishing new access licence dealing rules. | The department is committed to improving water management in NSW by giving greater recognition to Aboriginal water rights and interests as well as improving access to and ownership of water for cultural, spiritual, social, environmental and economic benefit to communities. |

| 2010 plan part                             | Change in 2023 plan  | Basis for change   |
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| <p><b>Access licence dealing rules</b></p> | <p>We have included an amendment provision to amend Schedule 1 to modify a flow class threshold for one or more of the following water sources if, at least 5 years after the commencement of this plan, an assessment of water usage and socioeconomic impacts determines the flow specified under the flow class threshold should be amended to restrict the take of water or to facilitate the take of water –</p> <ul style="list-style-type: none"> <li>(i) Bilambil Creek</li> <li>(ii) Byrrell Creek</li> <li>(iii) Cobaki Broadwater</li> <li>(iv) Cobaki Creek</li> <li>(v) Doon Doon Creek</li> <li>(vi) Duroby Creek</li> <li>(vii) Mid Rous River</li> <li>(viii) Mid Tweed River</li> <li>(ix) Piggabeen Creek,</li> <li>(x) Rowlands Creek</li> <li>(xi) Smiths Creek,</li> <li>(xii) Tweed Estuary,</li> <li>(xiii) Upper Rous River</li> <li>(xiv) Upper Tweed River.</li> </ul> | <p>It was decided to reassess flow classes when the required water usage and socioeconomic information is available for the listed water sources to check the appropriateness of the access rules.</p> |
| <p><b>Access licence dealing rules</b></p> | <p>The plan includes an amendment provision that requires the department to review the:</p> <ul style="list-style-type: none"> <li>• uptake of harvestable rights within the first 3 years of the plan</li> <li>• access and trade rules if harvestable rights uptake has increased above 10% of rainfall runoff.</li> </ul>   | <p>We have included this provision to manage the risk to stream flows that increased uptake of harvestable rights may cause.</p>   |

Table 2. Changes to access rules in 2023 plan

| Water source  | 2010 plan rule   | 2023 replacement plan rule                                       | Basis for change  |
|---|--|--|---|
| <b>Burringbar River – Burringbar River Management Zone Flow Class</b>           | VLF Class – No visible flow<br>A Class – Visible flow                        | VLF Class ≤ 1.1 ML/day<br>A Class > 1.1ML/day                    | <u>Burringbar River Management Zone:</u> <ul style="list-style-type: none"> <li>Over 10 years of flow data is now available.</li> <li>Pumping restrictions will reduce the frequency with which water levels reach the cease to pump level and the duration of the cease to pump event.</li> <li>More protection of aquatic fauna, protects against the river ceasing to flow, maintains river connectivity and improves gauge reliability.</li> </ul>  |
| <b>Burringbar River – flow class reference location</b>                         | Burringbar Staff gauge in Burringbar River Pool under Pacific Highway bridge | Burringbar River at Burringbar River gauge #202002               | As above.   |
| <b>Burringbar River – Burringbar River Management Zone pumping restrictions</b> | Nil  | Maximum 6h/day pumping when flows are between 1.1 and 1.5 ML/day | As above.   |
| <b>Byrrill Creek Water Source – flow classes</b>                                | VLF Class ≤ 3 ML/day<br>A Class > 3 ML/day                                   | VLF Class ≤ 4ML/day<br>A class > 4 ML/day                        | <u>Byrrill, Doon Doon, Mid Tweed, Rowlands, Smiths Creek &amp; Upper Tweed Water Sources:</u> <ul style="list-style-type: none"> <li>Flow class reference location                             <ul style="list-style-type: none"> <li>A telemetered gauge (201015) was installed at Tweed River @ Palmers Road and now has over 10 years of data available.</li> </ul> </li> <li>Protects flow depth for large fish and aquatic fauna, improved connectivity,</li> <li>Pumping restrictions will reduce the frequency with which water levels reach the cease to pump level and the duration of the cease to pump event.</li> <li>B class is required for the Upper Tweed Water Source due to High Flow Conversions being permitted.</li> </ul> |

| Water source   | 2010 plan rule  | 2023 replacement plan rule  | Basis for change |
|--|---|---|------------------|
| <b>Byrrill Creek – flow class reference location</b>       | Oxley River at Eungella gauge (201001)                      | Tweed River at Palmers Road gauge (201015)  | As above.        |
| <b>Byrrill Creek Water Source – pumping restrictions</b>   | Maximum 6h/day pumping when flows are between 3 and 5ML/day | Maximum 6h/day pumping when flows are between 4 and 6ML/day<br><br>No pumping when the flow at Palmers Road Gauge (201015) is between 45 – 147ML/day. | As above.        |
| <b>Doon Doon Creek Water Source – flow classes</b>         | VLF Class ≤ 3 ML/day<br><br>A Class > 3 ML/day              | VLF Class ≤ 4ML/day<br><br>A class > 4 ML/day   | As above.        |
| <b>Doon Doon Creek – flow class reference location</b>     | Oxley River at Eungella gauge (201001)                      | Tweed River at Palmers Road gauge (201015)  | As above.        |
| <b>Doon Doon Creek Water Source – pumping restrictions</b> | Maximum 6h/day pumping when flows are between 3 and 5ML/day | Maximum 6h/day pumping when flows are between 4 and 6ML/day<br><br>No pumping when the flow Palmers Road Gauge (201015) is between 45 – 147ML/day.    | As above.        |
| <b>Mid Tweed River Water Source – flow classes</b>         | VLF Class ≤ 3 ML/day<br><br>A Class > 3 ML/day              | VLF Class ≤ 4ML/day<br><br>A class > 4 ML/day   | As above.        |
| <b>Mid Tweed River flow class reference location</b>       | Oxley River at Eungella gauge (201001)                      | Tweed River at Palmers Road gauge (201015)  | As above.        |

| Water source   | 2010 plan rule  | 2023 replacement plan rule  | Basis for change |
|--|---|---|------------------|
| <b>Mid Tweed River Water Source – Pumping restrictions</b> | Maximum 6h/day pumping when flows are between 3 and 5ML/day | Maximum 6h/day pumping when flows are between 4 and 6ML/day<br><br>No pumping when the flow Palmers Road Gauge (201015) is between 45 – 147ML/day.  | As above.        |
| <b>Rowlands Creek Water Source – flow classes</b>          | VLF Class ≤ 3 ML/day<br>A Class > 3 ML/day                  | VLF Class ≤ 4ML/day<br>A Class > 4 ML/day   | As above.        |
| <b>Rowlands Creek – flow class reference location</b>      | Oxley River at Eungella gauge (201001)                      | Tweed River at Palmers Road gauge (201015)  | As above.        |
| <b>Rowlands Creek Water Source – pumping restrictions</b>  | n/a   | Maximum 6h/day pumping when flows are between 4 and 6ML/day<br><br>No pumping when the flow Palmers Road Gauge (201015) is between 45 – 147ML/day.  | As above.        |
| <b>Smiths Creek Water Source – flow classes</b>            | VLF Class ≤ 3 ML/day<br>A Class > 3 ML/day                  | VLF Class ≤ 4ML/day<br>A Class > 4 ML/day   | As above.        |
| <b>Smiths Creek – flow class reference location</b>        | Oxley River at Eungella gauge (201001)                      | Tweed River at Palmers Road gauge (201015)  | As above.        |
| <b>Smiths Creek Water Source – pumping restrictions</b>    | n/a   | Maximum 6h/day pumping when flows are between 4 and 6ML/day<br><br>No pumping when the flow Palmers Road Gauge (201015) is between 45 – 147ML/day.. | As above.        |

| Water source   | 2010 plan rule  | 2023 replacement plan rule   | Basis for change  |
|--|---|--|---|
| <b>Upper Tweed River Water Source – flow classes</b>         | VLF Class ≤ 3 ML/day<br>A Class > 3 ML/day and ≤ 43 ML/day<br>B Class > 43 ML/day | VLF Class ≤ 4ML/day<br>A Class > 4 ML/day and ≤ 43 ML/day<br>B Class > 43 ML/day   | As above.   |
| <b>Upper Tweed River – flow class reference location</b>     | Oxley River at Eungella gauge (201001)  | Tweed River at Palmers Rd gauge (201015)   | As above.   |
| <b>Upper Tweed River Water Source – pumping restrictions</b> | Maximum 6h/day pumping when flows are between 3 and 5ML/day                       | Maximum 6h/day pumping when flows are between 4 and 6ML/day<br><br>No pumping when the flow Palmers Road Gauge (201015) is between 45 – 147ML/day. | As above.   |
| <b>Brays Creek Water Source – flow classes</b>               | VLF Class ≤ 3 ML/day<br>A Class > 3 ML/day  | VLF Class ≤ 8 ML/day<br>A Class > 8 ML/day and ≤ 43 ML/day<br>B Class > 43 ML/day  | <u>Brays, Hopping Dicks, Lower Oxley, Pumpenbil and Upper Oxley Water Sources:</u> <ul style="list-style-type: none"> <li>• Provides some minimum flow depth for large fish and improved river connectivity</li> <li>• Pumping restrictions will reduce the frequency with which water levels reach the cease to pump level and the duration of the cease to pump event.</li> <li>• Upper Oxley River Water Source B class is not required due to Aboriginal Community Development licences being no longer permitted.</li> </ul> |
| <b>Brays Creek – flow class reference location</b>           | Oxley River at Eungella gauge (201001)  | Oxley River at Eungella gauge (201001)   | As above.   |



| Water source   | 2010 plan rule  | 2023 replacement plan rule   | Basis for change |
|--|---|--|------------------|
| <b>Brays Creek Water Source – pumping restrictions</b>         | Maximum 6h/day pumping when flows are between 3 and 5ML/day                                     | Maximum 6h/day pumping when flows are between 8 and 13ML/day<br><br>No pumping when the flow at Eungella Gauge (201001) between 125 – 795ML/day. | As above.        |
| <b>Hopping Dicks Creek Water Source – flow classes</b>         | VLF Class $\leq$ 3 ML/day<br>A Class $>$ 3 ML/day and $\leq$ 43 ML/day<br>B Class $>$ 43 ML/day | VLF Class $\leq$ 8 ML/day<br>A Class $>$ 8 ML/day and $\leq$ 43 ML/day<br>B Class $>$ 43 ML/day  | As above.        |
| <b>Hopping Dicks Creek – flow class reference location</b>     | Oxley River at Eungella gauge (201001)  | Oxley River at Eungella gauge (201001)   | As above.        |
| <b>Hopping Dicks Creek Water Source – pumping restrictions</b> | Maximum 6h/day pumping when flows are between 3 and 5ML/day                                     | Maximum 6h/day pumping when flows are between 8 and 13ML/day<br><br>No pumping when the flow at Eungella Gauge (201001) between 125 – 795ML/day. | As above.        |
| <b>Lower Oxley River Water Source – flow classes</b>           | VLF Class $\leq$ 3 ML/day<br>A Class $>$ 3 ML/day and $\leq$ 43 ML/d<br>B Class $>$ 43 ML/day   | VLF Class $\leq$ 8 ML/day<br>A Class $>$ 8 ML/day and $\leq$ 43 ML/day<br>B Class $>$ 43 ML/day  | As above.        |
| <b>Lower Oxley River – flow class reference location</b>       | Oxley River at Eungella gauge (201001)  | Oxley River at Eungella gauge (201001)   | As above.        |

| Water source   | 2010 plan rule  | 2023 replacement plan rule   | Basis for change |
|--|---|--|------------------|
| <b>Lower Oxley River Water Source – pumping restrictions</b> | Maximum 6h/day pumping when flows are between 3 and 5ML/day                                     | Maximum 6h/day pumping when flows are between 8 and 13ML/day<br><br>No pumping when the flow at Eungella Gauge (201001) between 125 – 795ML/day. | As above.        |
| <b>Pumpenbil Creek Water Source – flow classes</b>           | VLF Class $\leq$ 3 ML/day<br>A Class $>$ 3 ML/day and $\leq$ 43 ML/day<br>B Class $>$ 43 ML/day | VLF Class $\leq$ 8 ML/day<br>A Class $>$ 8 ML/day and $\leq$ 43 ML/day<br>B Class $>$ 43 ML/day  | As above.        |
| <b>Pumpenbil Creek – flow class reference location</b>       | Oxley River at Eungella gauge (201001)  | Oxley River at Eungella gauge (201001)   | As above.        |
| <b>Pumpenbil Creek Water Source – pumping restrictions</b>   | Maximum 6h/day pumping when flows are between 3 and 5ML/day                                     | Maximum 6h/day pumping when flows are between 8 and 13ML/day<br><br>No pumping when the flow at Eungella Gauge (201001) between 125 – 795ML/day. | As above.        |
| <b>Upper Oxley River Water Source – flow classes</b>         | VLF Class $\leq$ 3 ML/day<br>A Class $>$ 3 ML/day   | VLF $\leq$ 8 ML/day<br>A Class $>$ 8 ML/day and $\leq$ 43 ML/day   | As above.        |
| <b>Upper Oxley River – flow class reference location</b>     | Oxley River at Eungella gauge (201001)  | Oxley River at Eungella gauge (201001)   | As above.        |

| Water source   | 2010 plan rule  | 2023 replacement plan rule   | Basis for change   |
|--|---|--|--|
| <b>Upper Oxley River Water Source – pumping restrictions</b> | Maximum 6h/day pumping when flows are between 3 and 5ML/day                                     | Maximum 6h/d pumping when flows are between 8 and 13ML/day<br><br>No pumping when the flow at Eungella Gauge (201001) between 125 – 795ML/day. | As above.  |
| <b>Nobbys Creek Water Source- flow classes</b>               | VLF Class $\leq$ 6 ML/day<br>A Class $>$ 6 ML/day   | VLF Class $\leq$ 6.8 ML/day<br>A Class $>$ 6.8 ML/day  | <u>Nobbys Creek, Crystal Creek, Upper Rous River, Mid Rous River and Rous River Tidal Pool MZ Water Sources</u> <ul style="list-style-type: none"> <li>Changes reflect updated flow data.</li> </ul> |
| <b>Nobbys Creek – flow class reference location</b>          | Rous River at Boat Harbour No.3 gauge (201005)  | Rous River at Boat Harbour No.3 gauge (201005)   | As above.  |
| <b>Crystal Creek Water Source – flow classes</b>             | VLF Class $\leq$ 6 ML/day<br>A Class $>$ 6 ML/day and $\leq$ 28 ML/day<br>B Class $>$ 28 ML/day | VLF Class $\leq$ 6.8 ML/day<br>A Class $>$ 6.8 ML/day and $\leq$ 28 ML/day<br>B Class $>$ 28 ML/day  | As above.  |
| <b>Crystal Creek – flow class reference location</b>         | Rous River at Boat Harbour No.3 gauge (201005)  | Rous River at Boat Harbour No.3 gauge (201005)   | As above.  |
| <b>Mid Rous River Water Source – flow classes</b>            | VLF Class $\leq$ 1 ML/day<br>A Class $>$ 1 ML/day and $\leq$ 28 ML/day<br>B Class $>$ 28 ML/day | VLF Class $\leq$ 2 ML/d<br>A Class $>$ 2 ML/day and $\leq$ 28 ML/day<br>B Class $>$ 28 ML/day  | As above.  |

| Water source   | 2010 plan rule  | 2023 replacement plan rule   | Basis for change |
|--|---|--|------------------|
| <b>Mid Rous River – flow class reference location</b>                        | Rous River at Boat Harbour No.3 gauge (201005)  | Rous River at Boat Harbour No.3 gauge (201005)   | As above.        |
| <b>Upper Rous River Water Source – flow classes</b>                          | VLF Class $\leq$ 1 ML/day<br>A Class $>$ 1 ML/day and $\leq$ 28 ML/day<br>B Class $>$ 28 ML/day | VLF Class $\leq$ 2 ML/d<br>A Class $>$ 2 ML/day and $\leq$ 28 ML/day<br>B Class $>$ 28 ML/day              | As above.        |
| <b>Upper Rous River – flow class reference location</b>                      | Rous River at Boat Harbour No.3 gauge (201005)  | Rous River at Boat Harbour No.3 gauge (201005)   | As above.        |
| <b>Rous River Tidal Pool Management Zone – flow classes</b>                  | VLF Class $\leq$ 1 ML/day<br>A Class 1 ML/day   | VLF Class $\leq$ 2 ML/day<br>A Class $>$ 2 ML/day  | As above.        |
| <b>Rous River Tidal Pool Management Zone – flow class reference location</b> | Rous River at Boat Harbour No.3 gauge (201005)  | Rous River at Boat Harbour No.3 gauge (201005)   | As above.        |
| <b>Cobaki Broadwater Water Source – pumping restrictions</b>                 | Nil   | Maximum 6h/day pumping when flows are between 0.5 and 1ML/day at the Cobaki Creek at Cobaki gauge (201012) | As above.        |
| <b>Piggabeen Creek Water Source – pumping restrictions</b>                   | Nil   | Maximum 6h/day pumping when flows are between 0.5 and 1ML/day at the Cobaki Creek at Cobaki gauge (201012) | As above.        |
| <b>Cobaki Creek Water Source – pumping restrictions</b>                      | Nil   | Maximum 6h/day pumping when flows are between 0.5 and 1ML/day at the Cobaki Creek at Cobaki gauge (201012) | As above.        |

| Water source  | 2010 plan rule   | 2023 replacement plan rule   | Basis for change   |
|---|--|--|--|
| <b>Bilambil Creek Water Source – pumping restrictions</b> | Nil  | Maximum 6h/day pumping when flows are between 0.5 and 1ML/day at the Cobaki Creek at Cobaki gauge (201012) | As above.  |
| <b>Duroby Creek Water Source – pumping restrictions</b>   | n/a  | Maximum 6h/day pumping when flows are between 0.5 and 1ML/day at the Cobaki Creek at Cobaki gauge (201012) | As above.  |
| <b>Terranora Broadwater – access rule</b>                 | Visible Flow at the pump site  | Nil  | As above.  |
| <b>Tweed Estuary Management Zone – access rule</b>        | Visible Flow at the pump site  | Nil  | <u>Tweed Estuary Management Zone and Terranora Broadwater</u><br>Changed to no access rule instead of ‘no visible flow’ due to being in tidal zone where there is always a visible flow. |
| <b>Coastal Floodplain Alluvial – access rules</b>         | Not applicable – new water source is not highly connected to surface water | Nil  | n/a  |

## Why we have made these changes

The *Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2010* was extended for a period of up to 2 years so the NSW Department of Planning and Environment could replace it. This was in line with the recommendation of the Natural Resources Commission’s review of the 2010 plan.

### The process for changing water sharing plans

As well as the approval of the Minister for Lands and Water, replacing a plan requires the agreement of the NSW Minister for Environment and Heritage (this is known as ‘concurrence’). Consistent with section 9 of the *Water Management Act 2000* (the WM Act), when replacing a water sharing plan the ministers must:

- take all reasonable steps to promote the water management principles of the WM Act and

- give priority to the principles relating to water sharing according to the order they are set out in under section 5 (3) of the WM Act.

The water sharing management principles under s5(3) of the WM Act are (in their order of priority):

1. Sharing water from a water source must protect the water source and its dependent ecosystems.
2. Sharing water from a water source must protect basic landholder rights.
3. Sharing or extraction of water under any other right must not prejudice the principles set out in points 1 and 2.

The department's Water group worked with colleagues in the department's Environment and Heritage group to develop the replacement plan before submitting the plan for the agreement and approval of the ministers.

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## More information

To read the *Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2023* and supporting information, visit the NSW Department of Planning and Environment's website, [water.dpie.nsw.gov.au/plans-and-programs/water-sharing-plans/status/far-north-coast-region](https://water.dpie.nsw.gov.au/plans-and-programs/water-sharing-plans/status/far-north-coast-region).