

Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)




# What We Heard

Draft Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023

January 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, as 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.

---

Published by NSW Department of Planning and Environment

[dpe.nsw.gov.au](https://dpe.nsw.gov.au)

What We Heard

First published: January 2023

Department reference number: PUB22/891

Copyright and disclaimer

© State of New South Wales through Department of Planning and Environment 2023. Information contained in this publication is based on knowledge and understanding at the time of writing, November 2022, and is subject to change. For more information, please visit [dpe.nsw.gov.au/copyright](https://dpe.nsw.gov.au/copyright)

TMP-MC-R-DC-V1.2

# Contents

<b>Acknowledgement of Country</b> .....	<b>2</b>
<b>Executive Summary</b> .....	<b>4</b>
About this document .....	4
Background.....	4
Consultation.....	5
How did we consult?.....	5
Face-to-face information sessions .....	6
Webinar sessions.....	7
What we asked .....	7
What we heard.....	8
Key issues .....	8
Other issues.....	10
Flood affecting consultation .....	10
Basic landholder rights (domestic and stock bores) .....	10
Next steps.....	11
More information .....	11
<b>Appendix 1: Out-of-scope issues</b> .....	<b>12</b>

# Executive Summary

---

## About this document

The Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011 will expire in June 2023.

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, and 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 Greater Metropolitan Region Groundwater Sources 2023.

---

## 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
- setting limits on the total volume of water extracted to ensure security for all 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

## Engagement at a glance



**241**

phone enquiries



**1,851**

unique website page visits



**16**

formal submissions



**10**

Face-to-face public information sessions



**2\***

Aboriginal community sessions



**2**

live webinars

**\* The two webinar sessions were held outside of this public exhibition period.**



- specifying rules to minimise impacts of extraction on other groundwater users, groundwater-dependent ecosystems, culturally significant sites, water quality and the integrity of aquifers
- 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.

---

## Consultation

Consultation is an essential part to developing the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023*.

From 27 June 2022 to 21 August 2022 the draft replacement *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023* (the plan) was exhibited publicly.

Stakeholders were encouraged to provide feedback directly and through written submissions. The website included a 'Have your say' section that provided details of different ways to make a submission, including via email, direct mail and a downloadable feedback form.

In addition to the feedback provided by those who attended face-to-face and webinar sessions, we received 16 written submissions. The valuable feedback received during the public exhibition period and through submissions has helped the department finalise the draft replacement water sharing plan.

Due to flooding in the plan area some community engagement events were rescheduled, or cancelled, and the public exhibition period was also extended (from 7 August to 21 August). Some communities were recovering from their second major flood event in 12 months. It was inappropriate to engage with these communities at this time, so we postponed consultation activities for these areas.

Within the first 5 years of the new plan, we will seek feedback from these flood-affected communities on proposed changes to some elements of the water sharing plan that more directly affect individual licence holders, including access rules and some boundary changes. We will seek to make any required amendments to rules in these areas following this consultation.

### How did we consult?

Between 27 June 2022 and 21 August 2022, the department consulted with stakeholders and sought their views on the proposed changes to the plan. Stakeholders with a potential interest in the plan were identified. These included WaterNSW customers (water access licence holders and water supply work approval holders), environmental interest groups, Local Aboriginal Land Councils community groups, irrigation groups, horticulture and dairy groups and local councils.

WaterNSW customers were contacted via mail (12,872 letters) and other groups and individuals were contacted via email (2,203 recipients). These numbers include users in both the unregulated and groundwater water sharing plan areas. Both of these communications informed recipients of the

plan replacements, ways to access information and invited them to attend one of the public information sessions.

Sixteen public information sessions were planned across 6 weeks and included webinars and face-to-face sessions. In addition, a live webinar targeting local councils in the Greater Metropolitan Region was held on 12 July 2022. Due to flood emergencies within the plan area, 4 of the public information sessions were cancelled and 4 postponed and held later.

Details of cancellations and rescheduled dates were shown on the [public exhibition page](#) of the department’s website.

The public exhibition periods for the draft *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023* and the draft *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023* were run concurrently. Information sessions for both the groundwater and unregulated river plans were run together, with plan-specific presentations and communication materials available and both surface water and groundwater staff 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 10 face-to-face stakeholder meetings, across 6 weeks, held in locations that were convenient for the majority of stakeholders in each area likely to be impacted by proposed changes to the plan. We used a ‘drop in’ approach for the meetings in which staff were available over 4 hours at each location. Stakeholders attended at any time throughout the 4 hours to watch presentations, gather printed information, inspect maps and discuss any questions or concerns one-on-one with staff.

Table 1 and Table 2 summarise participation for each meeting.

Table 1. Attendance at face-to-face meetings

Location	Date	Registered to attend	Attended
Sydney City	30 June 2022, 10am – 2pm	2	1
Goulburn	19 July 2022, 10am – 2pm	25	30
Bowral	20 July 2022, 10am – 2pm	30	30
Braidwood	26 July 2022, 10am – 2pm	10	11
Nowra	27 July 2022, 10am – 2pm	5	6
Kangaroo Valley	28 July 2022, 10am – 2pm	9	7
Wollongong	29 July 2022, 10am – 2pm	2	1
Lithgow	2 August 2022, 10am – 2pm	15	8

Location	Date	Registered to attend	Attended
Katoomba	3 August 2022, 10am – 2pm	16	7
Parramatta	4 August 2022, 10am – 2pm	8	3

## Webinar sessions

Two webinar sessions were held using a virtual meeting platform, at the beginning of the public exhibition period and at the end. The proposed changes to the plan were presented live, with attendees able to post questions in the live chat. Presentations were emailed out to attendees after each webinar. Time was allocated at the end of each presentation for clarifications, questions and discussion.

Table 2. Attendance at webinars

Location	Date	Registered to attend	Attended
Webinar 1 – Microsoft teams	29 June 2022, 5pm – 6:30pm	72	40
Webinar 2 – Microsoft teams	10 August 2022, 4:30pm – 6:30pm	45	32

## What we asked

The online submission form focused on the following key proposed changes between the 2011 plan and the 2023 plan:

- amalgamated groundwater sources
- changed extent of groundwater source boundaries
- recognising “stacked” groundwater sources of different geological units, overlying each other in the plan area
- revised long-term average annual extraction limits (LTAAELs)
- additional groundwater-dependent ecosystems identified and included
- Aboriginal Community Development licences to be granted in groundwater sources that previously prohibited them
- changed access rules with the aim to ensure that licensed access doesn’t impact on the surface water environment, town water supply or basic rights access from surface water systems.

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

---

## What we heard

Stakeholders raised issues in consultation sessions, 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. Some of these issues will inform other activities of the department but will not affect the 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 as the plan is being finalised.

Table 3. Summary of submissions about the proposed rule changes

Issue	In support	Not in support	Comments
Amalgamating groundwater sources	6	2	<b>In support:</b> “We support the administrative boundary changes made to the Plan and the amalgamation of some existing groundwater sources as shown in the map” <b>Not in support:</b> “There are some unique features relating to groundwater sources within the Greater Blue Mountains, which should be recognised in the draft plan and/or other legislation”



Issue	In support	Not in support	Comments
Changing the extent of groundwater sources	1	3	<p><b>In support:</b> “Support the addition of reclaimed land, areas under water bodies (beneath dams, rivers and lakes), and hanging swamps to the mapped area and as this provides more holistic coverage of groundwater sources”</p> <p><b>Not in support:</b> “Not sure how this will impact regional communities.”</p>
Recognising “stacked” groundwater sources of different geological units, overlying each other in the plan area.	4	0	<p><b>In support:</b> “We support the Plan’s recognition of layers of ‘stacked’ groundwater sources.”</p>
LTAELs	6	5	<p><b>In support:</b> “Supports the proposed changes to metropolitan groundwater extraction limits that incorporate rainfall data and updated information about risks, including climate risks.”</p> <p><b>Not in support:</b> “recommends that the extraction limit remains at 25% for the Blue Mountains LGA, until there is reliable information on:</p> <ul style="list-style-type: none"> <li>• actual extraction, by requiring all bores to be effectively metered, and small amounts (which may be cumulatively significant) can be measured;</li> <li>• measures of environmental impact can be reliably correlated with extraction rates.”</li> </ul>
Groundwater dependent ecosystems (GDEs)	1	8	<p><b>Not in support:</b> “(Blue Mountains Swamps, Newnes Plateau Shrub Swamps and wet cliff face vegetation). GDEs located in the Blue Mountains (<i>do not</i>) appear to have been listed as High-priority groundwater-dependent ecosystems in the Draft Plan.”</p>
Aboriginal community development licences	2	1	<p><b>In support:</b> “Yes, as long as they use it responsibly.”</p>
Access rules	4	3	<p><b>In support:</b> “Greater accountability”</p> <p><b>Not in support:</b> “Access rules are too strict.”</p>

## Other issues

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

- suggestions to:
  - allow water extraction on or near contaminated groundwater sources when groundwater could be treated before disposal
  - allow exceptions for decommissioning conditions for temporary water supply works
- remove requirement for distance restrictions for construction dewatering
- embed demand for water for essential construction activities in plan calculations
- amend plan to better enable management of aquifer activities (including granting aquifer interference approvals)
- identify potential demand for groundwater as an emergency drought supply
- include more detail on the maps
- correct GDE locations.

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.

## Flood affecting consultation

The department recognises that residents and businesses in flood-affected areas are focused on how to manage the flood impacts, rather than on longer-term water allocation and water use planning. In areas affected by recent flooding, consultation on some proposed changes will occur in the future when community consultation is more appropriate. This means that some proposed changes will not be brought into effect when the replacement groundwater plan commences in 2023, instead stakeholders will be engaged about these changes within 5 years of the replacement plan's commencement.

The department aims to consult on the following changes within 5 years of the groundwater plan's commencement:

- Hawkesbury Alluvium Groundwater Source boundary changes to extend the Hawkesbury Alluvium Groundwater Source and include additional areas of alluvium
- access rules that apply in areas that were affected by flood.

Following this consultation, the plan may be amended to include any of the above changes. Ongoing community engagement is important to ensure we are identifying the right solutions for the Greater Metropolitan region that meet the vision and needs of communities, the environment and industries.

## Basic landholder rights (domestic and stock bores)

The most commonly raised concern in consultation sessions and correspondence was the impact of proposed changes on basic landholder rights (domestic and stock) bores. The following messages were shared with stakeholders:

- The plan does not impose any new restrictions on groundwater taken under basic landholder rights. Water can be taken for domestic use and stock use but not for intensive agriculture or other industrial uses.
- The volumes assigned in the plan for this purpose have changed because demand has changed.
- Rules in the plan intend to protect this access.
- The department's website has information about [basic landholder rights](#) and the rules that apply.
- An application for a new bore could be refused if it would impact on existing bores.
- An application for a development considers impacts on groundwater, including impacts on basic landholder rights bores and their yield.

---

## 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 Lands and Water.

Before deciding to replace the plan, the Minister for Lands and Water must seek agreement from the Minister for Environment and Heritage. The department expects the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023* will be in force by 1 July 2023.

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

---

## More information

The draft *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023* and supporting factsheets, is available on the [NSW Department of Planning and Environment's website](#) until the new plan commences on 1 July 2023. 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 <i>Access Licence Dealing Principle Order 2004</i> 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>Water Management Act (WM Act)</b>	<ul style="list-style-type: none"> <li>• The WM Act is inadequate now that there is no state water management Outcomes Plans.</li> <li>• “Changes in the Water Management Act 2000 and/or the relevant water sharing plan rules (within the Blue Mountains LGA) to:               <ul style="list-style-type: none"> <li>○ exempt the Blue Mountains LGA from any entitlement to a domestic bore;</li> <li>○ change the condition for approval of any new application for a bore to reverse the onus of proof i.e. approval should be dependent “on proof that no adverse environmental impact would be caused, including to GDEs”;</li> <li>○ disallow replacement of existing bores unless the applicant can “prove that no adverse impact to GDEs would be caused”;</li> <li>○ instigate a program to close down existing domestic bores in the Blue Mountains LGA.”</li> </ul> </li> </ul>
<b>Approved developments</b>	<ul style="list-style-type: none"> <li>• Stakeholders expressed concern that major developments (roads, mines, tunnels, pipelines etc) do not adequately consider or protect:               <ul style="list-style-type: none"> <li>○ the environment</li> <li>○ access under basic landholder rights.</li> </ul> </li> </ul>
<b>Consultation</b>	<ul style="list-style-type: none"> <li>• Some public meeting rooms were difficult to access.</li> <li>• Lack of signage or departmental staff to direct attendees.</li> </ul>
<b>Water trade</b>	<ul style="list-style-type: none"> <li>• There is little interest in trade from owners or water brokers which makes it difficult to buy more water.</li> </ul>
<b>Monitoring and evaluation</b>	<ul style="list-style-type: none"> <li>• “Basic landholder rights (BLR) bores should be monitored or metered.”</li> <li>• Current monitoring and evaluation is inadequate to assess water sharing plan performance.</li> <li>• “Strengthen groundwater monitoring to improve understanding of impacts of groundwater extractions from mining and other extractive industries and what this means for surface water availability.”</li> <li>• Local data should be used to assess groundwater influences on surface water streams.</li> </ul>
<b>Alternative water sources</b>	<ul style="list-style-type: none"> <li>• “Why can’t we create new sources of water? New rivers and lakes.”</li> <li>• Creation of a process to provide treated wastewater to landholders and industry users.</li> </ul>
<b>Links to other strategies &amp; plans</b>	<ul style="list-style-type: none"> <li>• Lack of linkages showing relationships between the water sharing plan and wider water management plans including monitoring programs to clearly show how they fit within the wider sustainable management of water.</li> </ul>



Issue	Comments
<b>Water supply works approval process</b>	<ul style="list-style-type: none"> <li>• “These processes impose a large administrative burden and cost.”</li> <li>• “Applying for groundwater licence and approval is not clearly communicated. Neither WaterNSW or brokers communicate the steps or financial outlay.”</li> </ul>
<b>Pollution / Contamination</b>	<ul style="list-style-type: none"> <li>• “Prohibit the burying of all ash generated by waste incineration except within sealed, engineered containment cells.”</li> <li>• “We need to understand the potential impact and ongoing management of not-yet recognised contaminants, chemicals of concern and microplastics on groundwater.”</li> </ul>
<b>Lack of resources</b>	<ul style="list-style-type: none"> <li>• Create linkages to more sustainable water supplies (e.g. recycled wastewater)</li> <li>• Provide resources for: <ul style="list-style-type: none"> <li>○ compliance / support to ensure users are extracting / water harvesting responsibly</li> <li>○ refining practices to minimise water use.</li> </ul> </li> </ul>