

Changes to the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022.

A summary of changes made to the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022*.

The process for changing water sharing plans

As well as the approval of the NSW Minister for Water, amending a plan requires the agreement of the NSW Minister for Environment (this is known as ‘concurrence’). Consistent with section 9 of the *Water Management Act 2000* (the WM Act), when amending 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 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 Water Group within the NSW Department of Climate Change, Energy, the Environment and Water (the department) worked collaboratively with colleagues in the department’s Biodiversity, Conservation and Science group to develop the amendments before submitting the plan for the agreement and approval of the Ministers.

Changes made to the plan

The NSW Government has amended the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022* (the Plan) to implement new rules in the Hunter River, Paterson River and Wallis Creek tidal pool water sources.

The changes to the Plan will:

- Use an Available Water Determination (AWD) mechanism to reduce total extractions during extended periods of low freshwater inflows.
- Allocate 75% (0.75 ML/unit share) of entitlement to unregulated river licensed water users on 1 July every year.

- Increase the allocation to 100% (1 ML/unit share) if cumulative inflows are above a 50,000 ML threshold over the previous quarter.
- Hold the allocation at 75% (0.75 ML/unit share) if cumulative inflows fail to exceed 50,000 ML over the previous quarter.
- Repeat this at the end of each quarter.
- Review the approach after 5 years (2029) to ensure that it is effective in:
 - minimising the upstream migration of salt water in the tidal pools, and
 - not applying a reduced AWD when salinity is not high.

Table 1 summarises the changes being made to the Plan.

Table 1. Summary of changes to the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022*.

Clause	Change in amended plan	Basis for change
Part 4, Division 1, Section 16	Included variable Available Water Determination rules for the Hunter River tidal pool water sources based on inflows.	Provides improved water quality and associated ecological benefits and better access to higher quality water for basic landholder rights water users. Addresses recommendations from the Natural Resource Commission to provide management to mitigate the upstream migration of saltwater in the tidal pool water sources during periods of prolonged low freshwater inflows.
Part 10, section 68	Insertion of amendment provision to provide for a 5-year review of the effectiveness of the change and to specify how the amendment will be considered.	Ensure the proposed amendment is effective and enable a change to be made if it is not. Transparency of review considerations.
Schedule 5	Additional dictionary entry to include explanation of 'saltwater wedge' and "saltwater wedge migration"	Clarification for legal robustness and clarity.

Why we have made these changes

In 2020 the Natural resource commission reviewed the Plan and recommended the department investigate the use of Available Water Determinations (AWDs) or Cease to Pump rules (CTPs) in the then *Water Sharing Plan for the Hunter Unregulated and Alluvial water sources 2016* to manage upstream migration of the saltwater wedge in the Hunter tidal pool water sources. The Hunter tidal pool water sources are made up of the Hunter River, Paterson River, and Wallis Creek water sources.

No change was made when the plan was replaced in 2022, but an amendment provision was included in Section 68(c) of the Plan to enable amendments to be made (if they will not substantially change a long-term average annual extraction limit or the time at which water may be extracted from a water source) to improve salinity management in the tidal pool water sources, by December 2024, if the following was considered:

- (i) independent expert advice on the adequacy of different mechanisms to manage salinity,
- (ii) the needs of the environment, persons entitled to basic landholder rights and holders of domestic and stock access licences and local water utility access licences,
- (iii) the impact of different mechanisms on holders of unregulated river access licences and the long-term average annual amount of water available to be extracted,
- (iv) the views of stakeholders and other community members on the independent expert advice

Independent expert advice

The department engaged the Water Research Laboratory of the University of New South Wales (WRL UNSW) to provide several reports investigating the relationship between inflow and salinity. WRL UNSW have provided their expert analysis and advice having modelled various extraction scenarios to assess the effectiveness of mitigation solutions using their Hunter River Estuary Model. WRL UNSW's findings supported the use of an AWD to control salinity in the Hunter River tidal pool water sources.

Needs for the environment, basic landholder rights, and licence holders

The amendments have support from the department's Biodiversity, Conservation and Science branch due to the potential environmental benefits of the proposed amendments, specifically in the upstream sections where high salinity occurs more frequently and further upstream in very dry times due to extraction. Those species that are not mobile and are unable to adapt to increased salinity will be better protected with the proposed amendments.

The amendments will only apply to unregulated river access licences which will benefit basic landholder right users and licence holders of domestic and stock access licences.

Impact of the AWD mechanism on unregulated river licence holders

The purpose of the amendment is to protect the water source and its dependent ecosystem in the driest years. The department considered IQQM modelling over 130 years looking at the frequency of announcements. Based on this, AWDs remaining at 75% for a full water year would only occur 8% of years. The impact on licence holders is considered to be limited as during consultation it was found that most stakeholders rarely used more than 50% of their entitlement during a water year. In addition, benefits of the AWD mechanism over a Cease to Pump mechanism mean licence holders still have access to water during dry periods. As the reduced AWD is predicted to persist for a full year only 8% of the time this will not impact on the long term average amount of water that can be extracted.

Views of stakeholders and community members

The department has engaged with licence holders and concerned community representatives of the Hunter tidal pool water sources since 2021. Most recently at Tocal Agricultural college on 27/28 June 2024 where licence holders were invited to discuss the proposed amendment and how it would impact their practices. Feedback

received during this engagement and subsequent submissions received, informed the development of the final amendment.

More information

To read the amended water sharing plan and supporting fact sheets, visit [‘Hunter region water sharing plan pages’](#) on the departments website.

To read the water sharing plan amendment protocol, visit: [Water sharing plan amendment protocol \(nsw.gov.au\)](#)