

Report card for the Lower Marshalls Creek Water Source

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Water source context

Water Sharing Plan:	Draft Brunswick Unregulated and Alluvial Water Sources 2027
Extraction Management Unit (EMU):	Brunswick River Catchment
Area:	23 km ²
Inflowing water source:	Upper Marshalls
Receiving water source:	Lower Brunswick River
Groundwater-dependent ecosystems:	Present at the commencement of the plan

River flows

Flow records:	N/A
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Basic landholder rights

Domestic and stock rights estimate:	25 ML/year
Native title rights	A native title holder is entitled to take and use water in the exercise of native title rights.
Harvestable rights	
maximum allowable uptake:	198 ML/year
estimated current uptake:	127 ML/year

Licensed water entitlements

Domestic and Stock Access Licences:	1 ML/year
Unregulated River Access Licences:	208 ML/year
Total surface water entitlement:	209 ML/year
Total groundwater entitlement:	40 ML/year
Local water utilities entitlement:	0 ML/year

Rules

Managing access licences

Each water access licence has its own share component (volume of the licence) and a water allocation account that acts like a bank account where water is credited or debited.

Water is credited to an account by an available water determination or if water is traded in (purchased) during the year from other licence holders.

Water is debited from the account when water is extracted from a water source or traded out (sold). Total extraction from a work (pump, bore, etc.) will be measured via metering or logbooks.

Individual account limits

The maximum volume of water debited from a water allocation account during a period of 3 consecutive years must not exceed:

- 3 ML per unit share for unregulated river access licences, excepting high flow access licences, or
- 3 ML per unit share for aquifer access licences
- 300% of the share component for domestic and stock or local water utility access licences
- plus allocations credited from allocation assignments (temporary trades) or re-credited under the Act (section 76).

Carryover rules

The maximum volume that may be carried over in a water allocation account from one year to the next must not exceed:

- up to 1 ML per unit share for unregulated river access licences, excepting high flow access licences
- up to 1 ML per unit share up to 100% of share component for aquifer access licences
- up to 100% of share component for domestic and stock access licences.

Granting new licences

There are limited purposes for which a new licence will be granted. It is anticipated that most additional water needs will be sourced from the market. One reason a licence may be granted is for Aboriginal cultural purposes. Other reasons are identified in Clause 23 of the *Water Management (General) Regulation 2025*.

Table 1. Draft rules for granting access licences

Type	Current rules	Proposed rules
Aboriginal cultural access licence	Permitted up to 10 ML/year	No change
Aboriginal community development access licence	Not Permitted	No change

Access rules

Table 2. Draft surface water access rules

Type	Current rules	Proposed rules
Cease to pump	Take is prohibited when there is no visible at the flow reference point.	No change
Flow reference point	Tweed Valley Way crossing of Yelgun Creek.	No change
Take from in-river pools	Water must not be taken from in-river pools when they are below full capacity.	Take is prohibited when the water level in the natural in-river pool is lower than its full capacity.
Take from in-river dam pools	Take is prohibited when flows or storage levels in that pool are at or less than the cease to take conditions specified on the licence and only when the dam is constructed, operated and maintained in accordance with the conditions of the works approval.	Take is permitted if the dam is being operated in accordance with the conditions on the dam work approval.

Type	Current rules	Proposed rules
Take from off-river pools	Water must not be taken from off-river pools when they are below full capacity.	Take is prohibited when the water level in the natural off-river pool is lower than its full capacity.

Table 3. Draft alluvial groundwater access rules

Type	Current rules	Proposed rules
Cease to pump	Take is prohibited within 40 m of a stream when there is no visible flow.	Take is prohibited when there is no visible at the flow reference point.
Flow reference point	N/A	Tweed Valley Way crossing of Yelgun Creek.

Table 4. Draft exemptions from surface water access rules

Type	Current rules	Proposed rules
Health and hygiene	For an access licence specified in Schedule 2 of the plan, no more than 20 kl/day for the following reasons: • fruit washing • cleaning of dairy plant and equipment for the purposes of hygiene • poultry watering and misting • cleaning of enclosures used for intensive animal production for the purposes of hygiene.	No change to the exemption rule except for the addition of “vegetable washing” as an exempt purpose.
Domestic use	For domestic consumption under a domestic and stock access licence, up to 1 kl/day.	No change
Harvestable rights	From a run-off harvesting dam.	No change
Specific purpose	For an access licence specified in Schedule 2 of the plan.	No change

Table 5. Draft exemptions from alluvial groundwater access rules

Type	Current rules	Proposed rules
Health and hygiene	For an access licence specified in Schedule 2 of the plan, no more than 20 kl/day for the following reasons: • fruit washing • cleaning of dairy plant and equipment for the purposes of hygiene • poultry watering and misting • cleaning of enclosures used for intensive animal production for the purposes of hygiene.	No change to the exemption rule except for the addition of “vegetable washing” as an exempt purpose.
Domestic use	For domestic consumption under a domestic and stock access licence, up to 1 kl/day.	No change
Aquifer interference activities	Access rules do not apply to the take of groundwater under an access licence aquifer interference activity when: • the licence holder complies with an approved water management plan, and • the licence holder is not reasonably capable of complying with the access rules • the water management plan has conditions that require the return of water to the water source during times when access rules apply.	Access rules do not apply to the take of groundwater under an access licence for which a planning approval is in force if: • the licence holder complies with an approved water management plan, and • the licence holder is not reasonably capable of complying with the access rules.
Location	Nil	For groundwater works not located on waterfront land ¹ .

¹ Waterfront land is as defined in the Dictionary of the WM Act, includes the bed and bank of any river, lake or estuary and all land within 40 meters of the highest bank of the river, lake or estuary.

Water supply work approvals

Water supply work approvals allow you to construct and use a work which takes water from a river, lake or aquifer. Examples of water supply works are water pumps, water bores, spearpoints, dams, weirs, irrigation channels, banks and levees. Approvals are granted through WaterNSW to construct and operate water supply works.

The purpose of water supply work approvals is to ensure that the construction or use of a work does not cause negative impacts on water sources and their dependent ecosystems, or to access of water by other authorised water users.

A water use approval authorises its holder to use water for a particular purpose, such as irrigation, at a particular location (water source). Every approval includes conditions that are in place to reduce adverse impacts. For more information, please visit the [WaterNSW works approvals](#) website.

Table 6. Draft rules for constructing surface water supply works

Type	Current rules	Proposed rules
In-river dams	Prohibited	No change
All surface water works	Prohibited	Prohibited unless the water supply work is used solely to take water under a basic landholder right or an Aboriginal Cultural access licence. Prohibited within 200 m upstream of coastal wetlands defined in the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (SEPP) or within 3 km upstream of Ramsar wetlands, unless assessed to pose no more than minimal harm.

Note: The distance rules for groundwater water supply works are detailed in the Report Card for Groundwater Works Approvals located on the department's [public exhibition](#) website.

Trading

Trading covers conversion of access licence to a new category (for example from unregulated river to aquifer), assignment of rights dealings (trading of a licence), share component dealings between water sources (trading of entitlement between water sources), water allocation dealings (trading an annual allocation) and water supply works dealings (relocation of an extraction point).

Table 7. Draft water trading (dealing) rules

Type	Current rules	Proposed rules
INTO water source	Permitted from Upper Marshalls Creek Water Sources only, subject to mandatory condition regarding impact on freshwater wetlands mapped under State Environmental Planning Policy 14 – Coastal Wetlands (SEPP 14).	Prohibited
WITHIN water source	Permitted, subject to assessment, and subject to mandatory conditions regarding impact on freshwater wetlands mapped under SEPP 14.	No change
Surface to ground	Prohibited	No change
Ground to surface	Prohibited	No change
Convert to high flow	Prohibited	No change

Key factors for decisions

- This water source has high risk to zero and low flows with high hydrological stress during times of low inflows, and a very high consequence to upriver alluvial groundwater recharge. There is risk of significant impact from loss of high inflows, high to very high ecological values and the presence of wetlands.
- Proposed changes to pool rules reflect current department policy and provide increased protection for low flows and refuge pools during dry times and allow for increased connectivity.
- Proposed access rules for take of alluvial groundwater is because alluvium within waterfront land holds water that is highly connected to surface water. Extracting water from this alluvium has a similar impact to extracting water from the adjacent river or creek.
- Proposed prohibition of in-river dams on all third order streams offers greater protection upstream of, and/or directly adjacent to, water sources that influence the Cape Byron Marine Park and associated Intermittent Closing and Opening Lakes and Lagoons (ICOLLs).
- Proposed rules for distances of new works from specified wetlands reflect the introduction of the *Coastal Wetlands and Littoral Rainforests Area Map of the State Environmental Planning Policy (Resilience and Hazards) 2021*. This means water sharing plans now provide for prohibitions on works which may cause harm to coastal wetlands.
- Proposed changes to trade rules reflect department policy to prohibit trade into water sources that have high or very consequence ratings in the risk assessment.

Public exhibition

The department seeks feedback from the public on the suitability of the proposed rules for this water source.

The draft Brunswick Unregulated and Alluvial Water Sources 2027 Water Sharing Plan, supporting documents and a submission form are available from the department's [public exhibition](#) website.