

Background and proposed changes for the draft water sharing plan for the Brunswick River area

Background and changes

June 2026



Acknowledgement of Country



Department of Climate Change, Energy, the Environment and Water acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

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Glossary and abbreviations

Term	Definition
Aquifer	An underground layer of water-bearing permeable rock or unconsolidated materials (gravel, sand, silt or clay) from which groundwater can be usefully extracted The volume of water stored in an aquifer, the rate at which water can recharge, the volume of water extracted from it, and the rate at which water can move through the aquifer are all controlled by the geologic nature of the aquifer.
AWD	Available water determination
Brunswick 2016 plan	<i>Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016</i>
Draft Brunswick 2027 plan	Draft Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2027
BLR	Basic landholder right
CFA	Coastal floodplain alluvial
EMU	Extraction management unit A group of water sources; defined for the purpose of managing long-term average annual extraction
GDE	Groundwater-dependant ecosystem These are ecosystems that rely on groundwater for their species composition and their natural ecological processes.
LTAAEL	Long-term average annual extraction limit The long-term average annual volume of water in an extraction management unit available to be lawfully extracted or otherwise taken under access licences and basic landholder right requirements.
MER	Monitoring, evaluation and reporting
NRC	Natural Resources Commission
NSW	New South Wales
Share component	An entitlement to a given number of shares of the available water in a specified water source

	The share component on an access licence certificate is expressed as a unit share. The share component of a specific-purpose access licence (for example, local water utility, major water utility and domestic and stock) is expressed in megalitres/year.
Third-order or higher streams	‘Stream order’ is used to describe the hierarchy of streams from the top to the bottom of a catchment. To determine the stream order of a stream the Strahler system must be applied to streams shown in the hydro line spatial data: https://www.industry.nsw.gov.au/water/licensing-trade/hydroline-spatial-data
VLF	Very low flow
WM Act	<i>Water Management Act 2000</i>
WSP	Water sharing plan Generalised term used for any water sharing plan, not specific to a particular plan.

1 Introduction

Water sharing plans (WSPs) were developed for rivers and groundwater systems across New South Wales (NSW) following the introduction of the *Water Management Act 2000* (WM Act). These plans protect the health of our rivers and groundwater while giving water users perpetual access licences, sustainable resource management, equitable water sharing arrangements, and increased opportunities to trade water.

NSW WSPs are valid for 10 years from their start date. The NSW Department of Climate Change, Energy, the Environment and Water (the department) amends WSPs throughout their life to ensure they comply with changing legislation and to help carry them out. Near the end of a plan's 10-year term, the Natural Resources Commission (NRC) formally reviews it to identify any changes that are necessary to deliver better outcomes for all water users, including the environment.

Water in the Brunswick River area is currently managed through the *Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016* (the Brunswick 2016 plan).

Following an extension, this plan will expire on 30 June 2028 and will be replaced by the Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2027. This document gives background information about the new draft Brunswick 2027 plan.

The department has prepared a draft replacement plan for public exhibition and consultation. The draft Brunswick 2027 plan covers 10 water sources as defined by the current WSP.

This document gives high-level background information on the planning process and explains the changes to water management introduced by the draft plan. It also explains how you can make a submission and have your say in developing and finalising the replacement WSP.

You can find the draft plan, maps and information about the public exhibition period and how to make a submission on the [department's public exhibition website](#).

The resources in 'Appendix A – References and supporting documents' give more details of the draft plan area, its water resources and resource management background.

2 Purpose of water sharing plans

Expansion of water extraction across NSW since the 20th century has seen increasing competition between water users (towns, farmers, industries, and irrigators) for access to water. This has placed pressure on the health and biological diversity of our rivers and aquifers.

In December 2000, the Parliament of NSW passed the WM Act, which has the overall objective to:

‘provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations’

WSPs play a major role in achieving this objective by providing a legal basis for sharing water between the environment and consumptive water users.

WSPs are the primary means of carrying out the WM Act. They protect the basic rights of landholders to extract water and seek to balance the sustainable use of water for both economic and environmental outcomes.

3 Legislation, policy, and planning framework

3.1 *Water Management Act 2000*

The WM Act is the guiding legislation for water management in NSW. The WM Act allows for the sustainable and integrated management of water sources. It considers ecologically sustainable development, the protection and enhancement of the environment, and social and economic benefits.

The WM Act sets a maximum initial lifespan of 10 years for WSPs, at which point they need to be reviewed and replaced or extended. When deciding whether to extend or replace a WSP, the responsible minister must consider:

- the most recent audit of the WSP conducted under section 44 of the WM Act
- a report from the NRC that reviews (within the previous 5 years) if the water sharing provisions have significantly helped to achieve, or have failed to achieve, environmental, social and economic outcomes, and if those provisions should change.

Under the WM Act, a WSP may be extended for up to 2 years past the expiry date to allow the department to prepare a replacement plan.

You can review the [Water Management Act 2000](#) on the NSW Legislation website.

3.2 Water sharing plans

A WSP sets out locally appropriate rules and management arrangements for specific water sources that align with the principles of the WM Act.

Key elements of WSPs include:

- providing water for the environment by protecting a proportion of the water available for fundamental ecosystem health
- protecting the water required to meet basic landholder rights
- setting annual limits on water extractions that ensures security for water users and the environment
- giving water users a clear picture of when and how water will be available for extraction
- giving licence holders flexibility in the way they can manage their water accounts
- specifying rules in groundwater plans to minimise effects on other groundwater users, groundwater-dependent ecosystems (GDEs), culturally significant sites, water quality and the stability of the aquifer
- specifying the rules for water trading/dealings
- setting the mandatory conditions that apply to licence holders.

You can review the current *Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016* on the [water sharing plan pages](#) of the department's website.

3.3 NSW water policy

We are continuously evolving and improving water-related policy and decision-making processes that carry out the legislative framework to ensure effective delivery of our water resource management objectives. We develop plans in line with the principles of the WM Act and the National Water Initiative.

You can find more information on the [National Water Initiative](#) on the Australian Department of Climate Change, Energy, the Environment and Water website.

3.4 Changes to policy for metering in coastal areas

The NSW Government's non-urban metering framework, initiated in December 2018, aims to ensure the fair and equitable sharing of water among users, enhancing transparency and efficiency in water management across the state. The framework's implementation was staged to allow water users, suppliers, and installers sufficient time to achieve compliance. The NSW Government has recently completed a review of the non-urban metering rules and has updated the *Water Management (General) Regulation 2025* to make compliance quicker, easier and more cost effective.

The new metering rules require water users to assess their compliance requirements using their total entitlement and work size. Large water users must comply with the highest metering standards whilst smaller water users now have less prescriptive metering requirements. For more information, see the [NSW non-urban water metering framework pages](#) on the department's website.

To find out if the metering rules apply to you, what equipment you need, and the steps to get your meter ready to report your water take by your compliance date, visit the department's [Non-urban metering for water users](#) webpage.

4 Water sharing plan review and replacement process

Under the WM Act, WSPs have a 10-year duration.

During the life of the plan, it will undergo an independent review at least twice, as follows:

- the implementation of the plan will be audited in the first 5 years of the plan under section 44 of the WM Act
- the performance of the plan will be reviewed in the last 5 years of the plan under section 43A of the WM Act.

The NRC is the independent body that audits and reviews WSPs. The section 44 audits aim to identify where improvements are necessary to apply the plan rules. The section 43A review is to determine if the plan is achieving the intended environmental, social and economic outcomes.

The commission reports the findings of the audits and reviews to the NSW minister responsible for water, who decides whether to extend a plan for another 10 years or to replace it. If the NRC recommends replacing it, the department considers the commission's recommendations when developing the replacement plan.

More information and links to the reviews of the Brunswick 2016 plan can be found in 'Appendix A – References and supporting documents' of this document.

The Minister for Water at the time adopted the NRC's recommendation to replace the Brunswick 2016 plan in July 2027.

To allow time to review and replace the plan, the duration of the current plan was extended by 2 years.

You can find more information on the WSP review and replacement process in the [Replacement Water Sharing Plan Manual \(PDF 2.17 MB\)](#).

5 Changes proposed in the draft Brunswick 2016 plan

5.1 Overview

The Brunswick 2016 plan area covers approximately 273.3 km² on the far north coast of NSW and is bounded to the north and west by the Tweed River catchment and to the south and west by the Richmond River catchment. The plan is located within the traditional lands of the Bunjalung Nation and includes Arakwal, Jali and other people of the Bundjalung Nation. The Bundjalung People of Byron Bay#3 are the Native Title Holders in the Brunswick plan area with 3 Indigenous Land Use agreements.

The plan area comprises the Brunswick catchment and smaller coastal catchments of Belongil and Tallow Creeks to the south, extending along the coastline from Broken Head north to Wooyung. It contains a total of 9 surface water sources grouped in one extraction management unit (EMU) and one groundwater source in another EMU as shown in Figure 1.

Brunswick catchment consists of mountainous terrain with elevations that rise steeply across the Brunswick catchment from sea level on the coast and low lying floodplains to around 700 metres in the Burringbar and Koonyum Ranges. These form the western and southern boundaries of the catchment. There are significant parcels of environmental reserves surrounding both Brunswick Heads and Byron Bay.

About 48% of the catchment is relatively flat with slopes less than 3 degrees and elevations of less than 10 m above sea level. A further 19% is classed as undulating to hilly (slopes from 3-11 degrees) with hilly to steep land (slopes from 11-18 degrees) occupying 12% and rugged mountainous land (18-27 degree slopes) occupying 16% of the catchment. Slopes which are greater than 27 degrees account for 4% of the catchment.

The Brunswick catchment is drained by the Brunswick River, which begins in the Burringbar Ranges. After reaching Mullumbimby, it traverses the catchment's flatter coastal areas until it is joined by its two large tributaries Marshall and Simpson's Creeks, at Brunswick Heads. Downstream from Mullumbimby the river comes under the tidal influence of the estuary and discharges to the Pacific Ocean at the Cape Byron Marine Park.

The Belongil catchment covers an area of approximately 33 km² and drains into Belongil Creek to an estuary comprising a small intermittently closed and open lake / lagoon (ICOLL) which meets the sea to the north-west of the town of Byron Bay. Similarly, the Tallows catchment, covers an area of approximately 9 km² and also drains to an ICOLL on the southern outskirts of Byron Bay.

The Brunswick 2016 plan area is one of the wettest in NSW with approximately 1700-1800 mm on the coast and 2700 mm at the top of the ranges. The area has a variable sub-tropical climate with a wet summer/autumn seas and dry winter/spring season.

Major towns include Byron Bay, Mullumbimby and Brunswick Heads as well as the smaller settlements of Ocean Shores and Suffolk Park, and many other smaller villages are located within the Brunswick catchment. There is a relatively high density of rural settlement within the catchment

with urban area covering approximately 30% of the plan area¹. The area has been the fastest growing part of the state since the late 1960s with population growth higher than the rate for all NSW. Residential development along the coast and inland is expanding and the area attracts large numbers of tourists.

The Brunswick plan area has 75 water access licences and overall licenced entitlement of 2,556.5 ML. There is an estimated 634 ML/year used for domestic and stock Basic Land Holder Rights, and an estimated 1,397 ML/year used for Harvestable Rights.

Rous County Council is the local town water supplier that services multiple councils including Byron Shire Council. The council does not take water from the Brunswick plan area and there are no local water utility licences in the Brunswick plan.

¹ https://datasets.seed.nsw.gov.au/dataset/nsw-landuse-2017-v1p5-f0ed-clone-a95d/access_data

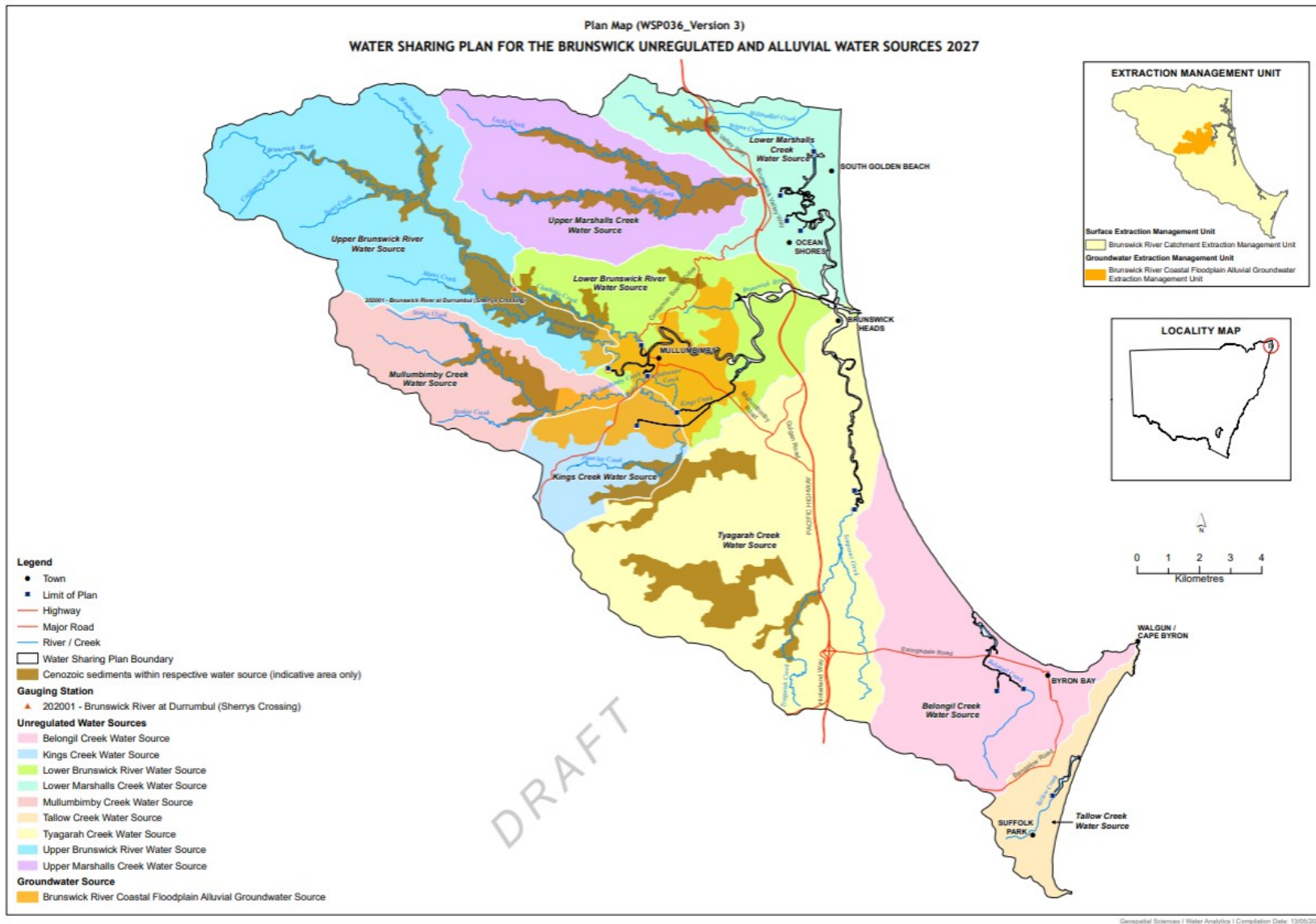


Figure 1. Draft Brunswick 2027 plan map

5.1.1 Water usage in the Brunswick 2016 plan

Total licensed entitlement for the plan area is approximately 2556.5 ML a year. This entitlement represents average annual maximum *potential* extraction. Not all licenced water is always extracted, especially during wetter periods. The breakdown of licenced entitlement in the Brunswick 2016 plan for different licence categories is summarised in Table 1.

Table 1. Requirements for water in the Brunswick 2016 plan – Licensed extraction

Licence category	Potential extraction (ML/year)
Aquifer	110
Domestic and stock	29
Local water utility	0
Unregulated river	2,417.5
Unregulated river (high flow)	0
Total	2,556.5

In addition to licensed extraction, water is also required to meet Basic Landholder Rights (BLR). The department has methods to estimate the amount of water taken under domestic and stock and harvestable rights BLR and these are detailed in Appendix F of the department's [Replacement Water Sharing Plan Guide \(PDF 2.17 MB\)](#). The estimates of water requirements for BLR for the Brunswick 2016 plan are summarised in Table 2.

Table 2. Requirements for water in the Brunswick 2016 plan – Basic landholder rights

Extraction type	Potential extraction (ML/year)
Domestic and stock	634
Native title	A native title holder is entitled to take and use water in the exercise of native title rights.
Harvestable rights	1,397
Total	2,031

5.1.2 Management units and zones in the Brunswick 2016 plan area

The 2 Extraction Management Units (EMUs) and 10 water sources that are currently managed under the Brunswick 2016 plan are:

Surface water sources in the Brunswick River Catchment Extraction Management Unit

- Belongil Creek Water Source
- Kings Creek Water Source
- Lower Brunswick River Water Source
- Lower Marshalls Creek Water Source
- Mullumbimby Creek Water Source
- Tallow Creek Water Source
- Tyagarah Creek Water Source
- Upper Brunswick River Water Source
- Upper Marshalls Creek Water Source

Groundwater Water Sources in the Brunswick River Coastal Floodplain Alluvial Groundwater Extraction Management Unit:

- Brunswick River Coastal Floodplain Alluvial Groundwater Source

5.2 Current plan

Water in the Brunswick 2016 plan area is currently managed through:

the [Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016 \(PDF, 1.3 MB\)](#)

For more information on the current plan, refer to:

the [Brunswick 2016 plan Background Document \(PDF, 1.4 MB\)](#)

The Brunswick 2016 plan was developed using the macro-planning approach and included extensive stakeholder and interagency consultation. Details of the macro-planning approach can be found in the following documents:

[Macro water sharing plans – approach for unregulated rivers \(PDF 829KB\)](#)

[Macro water sharing plans – access and trading rules for pools \(PDF 627 KB\)](#)

[Macro water sharing plans – the approach for groundwater \(PDF 3.11 MB\).](#)

5.3 Developing the draft Brunswick 2027 plan

The processes that the department has used in developing the draft replacement plan is an update on the previous macro-planning approach. The development of replacement plans now follows the processes described in the [Replacement Water Sharing Plan Guide \(PDF 2.17 MB\)](#).

We continue to use some methods described in the macro-planning approach. This background document will describe the most recent and specific methods used to prepare the draft Brunswick 2027 plan.

The department is responsible for implementing the WM Act, including developing WSPs for NSW water resources. When drafting the replacement WSP, we considered:

- the [section 44 audits \(PDF, 808 KB\)](#) of the Brunswick 2016 plan
- recommendations from the [Natural Resources Commission’s 2025 review of the Brunswick 2016 plan \(PDF, 5 MB\)](#)
- updated data, information and science
- the deliberations across government agencies including the Water Group and Conservation Programs, Heritage and Regulation Group within the department, the Department of Primary Industries and Regional Developments’ Agriculture and Fisheries branches, and the Natural Resources Access Regulator
- engagement with First Nations people through the Far North Coast Regional Aboriginal Water Committees and NSW Aboriginal Water Strategy.

You can find the draft Brunswick 2027 plan on the department’s [public exhibition website](#).

Details of the proposed changes to the Brunswick 2016 plan are in Section 6 ‘Proposed rule changes in the draft Brunswick 2027 plan’ of this document.

You can find information on the public exhibition phase and how to have your say on the proposed changes in Section 7 ‘Public exhibition phase and making a submission on the draft plan’ of this document.

The [Natural Resources Commission Review of the Brunswick 2016 plan \(PDF, 5.1 MB\)](#) is available from the commission's website.

5.4 First Nations consultation

We consulted with Traditional Owners of the Bundjalung Nation in Ballina, Yamba, Port Macquarie, and Coffs Harbour in conjunction with discussions at the Far North Coast Regional Aboriginal Water Committees, held from February 2024 to April 2026.

We consulted with First Nations in conjunction with discussions for the NSW Aboriginal Water Strategy of the upcoming coastal replacements of WSPs in July 2024.

We sent initial and follow-up letters to Aboriginal stakeholders including NTSCorp, Native Title holders, NSW Aboriginal Local Council, the Tweed/Byron Bay Local Aboriginal Land Council and Jali Local Aboriginal Land Council and the Bundjalung of Byron Bay Aboriginal Corporation regarding the upcoming replacement of the Brunswick 2016 plan in October 2024 and June 2026.

There will be opportunity for further First Nations consultation during public exhibition and before we finalise the draft plan. Consultation will be ongoing throughout the life of the plan.

6 Proposed rule changes in the draft Brunswick 2027 plan

Changes proposed in the draft Brunswick 2027 plan

Key drivers for the changes in the draft Brunswick 2027 plan include:

- the NRC's review recommendations
- contemporary water resource policy – some changes to the plan align it with current policy to help improve efficiency and consistency in achieving water resource management objectives across the state
- updated data and knowledge.

In general, and where possible, the changes to the plan reflect improved understanding and updated data. They aim to modernise and simplify the WSP to make it easier to read while ensuring provisions are practical to implement and legally accurate.

Changes have been proposed to:

- the general layout of the plan
- updated to recognise Native Title determination in the plan area
- creation of a new extraction management unit
- the identification of individual planned environmental water provisions
- the vision, objectives, strategies, and performance indicators
- update the definition of the long-term average annual extraction limit
- change the map to reflect the new extraction management unit
- update flow reference points and access rules
- update basic land holder right estimate and access licence share components
- update distance rules for groundwater works
- introduce a distance rule for groundwater dependent culturally significant areas
- prohibit in-river dams on all water sources
- update trade provisions
- change the high-priority, GDE map and to remove the schedule to reflect updated information
- prohibit water supply works approvals near State Environmental Planning Policy (SEPP) wetlands and potential acid sulfate soils
- the adaptive management and amendment provisions
- revised Aboriginal Community Development Licences (ACDL)
- revised high flow conversions.

A 'report card' is available for each water source. These detail the relevant rules and proposed changes that apply to a particular water source. The report cards for water sources in the draft Brunswick 2027 plan provide supporting information to the public exhibition of the draft plan. They are on the department's [public exhibition website](#).

6.1 General layout changes

There are several structural layout changes in the draft plan. We have moved or reworded clauses, but their intent is the same. Such changes reflect current template styles and provide a more standard and consistent layout across the state's WSPs, as well as making the WSP easier to understand.

For example, we have removed unnecessary notes, as well as moving and consolidating amendment provisions to the amendment part of the plan.

6.2 Creation of a Coastal Floodplain Alluvial Extraction Management Unit (EMU)

Not all groundwater in alluvial sediments downstream of the tidal limits was included in the current WSPs. The draft Brunswick 2027 plan proposes to establish a new extraction management unit, the Brunswick River Coastal Floodplain Alluvial Extraction Management Unit, to consolidate alluvial deposits downstream of the tidal limit. The boundaries of the proposed water source are shown on the map in Figure 2 and are the same as the boundary of the Coastal Floodplain Alluvial Groundwater Source. You can find a high-resolution map of the draft Brunswick 2027 plan on the department's [public exhibition webpage](#).

We will amend existing WM Act groundwater licences within the proposed alluvial water source to reflect the new EMU. The establishment of the new EMU should not result in tangible changes for existing water users taking from the water source or affect water availability for these users.

6.3 Vision, objectives, strategies and performance indicators

Part 2 of the draft Brunswick 2027 describes the vision and objectives. The plan's vision encompasses the overall aim of the plan. The vision of the plan is to provide for the:

- the health and enhancement of the water sources and their dependent ecosystems
- the continuing productive extraction of water for economic benefit
- the spiritual, social, customary and economic benefits of water to Aboriginal communities
- the social and cultural benefits to urban and rural communities resulting from water.

The objectives are to:

- to protect and, where possible, enhance and restore the condition of the water sources and their water-dependent ecosystems

- to maintain and, where possible, improve access to water to optimise economic benefits for agriculture, water-dependent industries and local economies
- to maintain and, where possible, improve the spiritual, social, customary and economic values and uses of water by Aboriginal people
- to provide access to water to support water-dependent social and cultural values
- to help prevent structural damage to aquifers resulting from groundwater extraction.

The vision, objectives, strategies and performance indicators that will form part of and guide the MER plan are in 'Appendix B - Vision, objectives, strategies and performance and indicators'.

6.4 Identification of planned environmental water provisions

Planned environmental water is a key component of WSPs. The Brunswick 2016 plan has a discrete section on planned environmental water that points to other parts of the plan to identify where water is reserved for the environment.

Instead of having a separate section on planned environmental water, the draft Brunswick 2027 plan includes rules associated with planned environmental water in the relevant sections. We have included a note at the start of the clause or section if it relates to planned environmental water.

The planned environmental water provisions in the plan are:

- Division 2 of Part 4 –Extraction limits. The provisions limit extraction on a long-term average annual basis – see the WM Act, section 8(1A)(b) and (2).
- Part 6 Operation of water allocation accounts and managing access licences, where:
 - divisions 2 to 5 contain planned environmental water provisions. The provisions limit the amount of water that may be extracted on a daily and water year basis – see the WM Act, section 8(1A)(c)
 - divisions 3, 4 and 5 contain planned environmental water provisions. The provisions protect a portion of flow from extraction by access licences – see the WM Act, section 8(1A)(a).

These sections reflect the planned environmental water provisions in clause 17 of the Brunswick 2016 plan.

6.5 Updated definition of the long-term average annual extraction limit

The long-term average annual extraction limit (LTAAEL) restricts total extractions from the extraction management units over the long term.

The NRC recommended that we establish and publish sustainable, fixed, numeric LTAAELs. In response, we have split extraction limits into 2 components:

- The standard LTAAEL applies to take from all flows and includes all BLR extraction (including harvestable rights). This is a fixed volume. We calculate standard LTAAELs after we have estimated the volume of water taken under BLR.

- The annual higher-flow extraction limit (AHFEL) applies to extraction that can only occur from high-flows. This volume can vary as licences are converted to high-flow licences or as we grant specific-purpose licences in high-flows such as high-flow licences, licences for initial fill of dams and Aboriginal community development licences.

The draft Brunswick 2027 plan only includes the standard LTAAEL as it is proposed that there are no high flow licences permitted. This is due to the presence of only one flow gauge in the plan area and flows being below what is considered the high flow level. There is the ability to set a high-flow extraction limit, however this is not being considered at this stage.

Fixing the standard LTAAEL and including maximum harvestable rights to the start of the first plan allows us to manage any growth in water extraction. If the 3-year average extraction increases to more than 5% above the standard LTAAEL (from licensed take plus BLR take, including harvestable rights), then we may announce a reduced available water determination (AWD) to bring extractions back to the extraction limit. The AWD can only be applied to licensed water users.

6.6 Changes to the map and plan extent

The limit of the plan is defined within the draft Brunswick 2027 plan and is shown on the plan map. The updated draft plan map is included here as Figure 1.

This map includes the new extraction management unit discussed in Section 6.2.

6.7 Updated flow reference points and access rules

6.7.1 Proposed changes to flow reference points descriptions

The draft Brunswick 2027 plan includes updated descriptions of some flow reference points. This is to provide accuracy and clarity for water users and ensure specified reference point locations are safely accessible. It is also in response to the Pacific Highway re-routing. Proposed changes to reference points are outlined in Table 3.

Table 3. Proposed Brunswick 2027 plan flow reference point changes

Water source	Current flow reference point	Proposed change to flow reference point	Decision drivers
Upper Marshalls Creek	Walkers Lane crossing of the Upper Marshalls Creek.	Rename to “The Pocket Road crossing of Marshalls Creek near Walkers Lane”.	The change reflects a more accurate location description. The site remains a safe location to observe flow.
Tyagarah Creek	Pacific Highway crossing of Tyagarah Creek.	Rename to “Woodford Lane (old Pacific Highway) crossing of Tyagarah Creek”.	The Pacific Highway has been re-routed with the old section of highway renamed. The change reflects an accurate local description to a location that is accessible and safe to observe flow.

6.7.2 Proposed changes to access rules for the Upper Brunswick River Water Source

Based on the review of access rules, we have proposed several changes. The draft access rules are in Part 6 and Schedule 1 of the draft Brunswick 2027 plan.

In the draft Brunswick 2027 plan, we proposed changes to access rules in the Upper Brunswick River water source to:

- improve protection of low flows
- reduce the risk that there will not be enough low flows for ecosystem health and diversity
- support migration of the Australian bass and other aquatic species.

These new access rules are proposed to protect the Upper and Lower Brunswick River Water Sources and their dependent ecosystems. The Upper and Lower Brunswick River Water Sources were identified as having high or medium risks that extraction is adversely impacting zero or low flows. The proposed rules further protect low flows and a proportion of fresh flows to enable and enhance fish migration in the water sources.

The high risks in the Lower Brunswick River Water Source are driven by extraction in the Upper Brunswick Water Source so a changing access rule in the Upper Brunswick River Water Source is expected to improve the water source and dependent ecosystems in the Lower Brunswick River Water Source.

The draft Brunswick 2027 plan refers the Upper Brunswick River Water Source to the Brunswick River Durrumbul (Sherrys Crossing) gauge #202001 and proposes:

- a pumping restriction of 6 hours/day when flows are greater than 2 ML/day and less than or equal to 6 ML/day (currently 4 ML/day) at the gauge during November to May
- a 24-hour first flush/commence to take rule set at 6 ML/day (currently 4 ML/day) at the gauge during November to May, following a low flow of 2 ML/day
- a new access rule to enable and enhance the migration of Australian bass and other native fish species, with a cease to take/pump set to 8 ML/day for the months of June to October.

Extraction can still happen for basic landholder rights or health and hygiene purposes. A summary of these changes can be found in Table 4.

6.7.3 Proposed changes to access rules for the Kings Creek and Mullumbimby Creek Water Sources

The current plan also refers the Kings Creek and Mullumbimby Creek water sources to the Brunswick River Durrumbul (Sherrys Crossing) gauge (202001). The draft Brunswick 2027 plan proposes:

- a cease to take/pump of 2ML/day
- a pumping restriction of 6 hours/day when flows are greater than 2 ML/day and less than or equal to 4 ML/day at the gauge.

We do not propose changing access rules for any other water sources. Table 4 compares the current access rules to proposed rules in the draft Brunswick 2027 plan.

Table 4. Proposed access rule changes in the draft Brunswick 2027 plan

(note VLF is Very Low Flow and is the flow at which take of water must stop)

Water source	Current access rule	Proposed access rule	Decision drivers
Upper Brunswick River at the Brunswick River Durrumbul (Sherrys Crossing) gauge (202001)	Cease to pump: for the VLF class at 2 ML/day. Commence to pump: when flows have exceeded 4 ML/day over a 24-hour period. Pumping restriction: 6 hours/day between 18:00 and 8:00 when flows are less than 4 ML/day.	Cease to pump: for the VLF class at 2 ML/day or less from November to May and 8 ML/day or less from June to October. Commence to pump: when flows have exceeded 6 ML/day (currently 4 ML/day) from November to May, which follows a low flow of 2 ML/day. Pumping restriction: 6 hours/day when flows are greater than 2 ML/day and less than or equal to 6 ML/day (currently 4 ML/day) at the gauge during November to May.	Environmental water requirements for the Australian bass and other aquatic species. These new access rules are proposed to protect the Upper and Lower Brunswick River Water Sources and their dependent ecosystems. The Upper and Lower Brunswick River Water Sources were identified as having high or medium risks that extraction is impacting times of low or no flows. The proposed rules further protect low flows and a proportion of fresh flows to enable and enhance fish migration in the water sources. The high risks in the Lower Brunswick River Water Source are driven by extraction in the Upper Brunswick River Water Source. Changing access rules for the Upper Brunswick River Water Source is expected to improve the water source ecosystem and the dependent ecosystem of the Lower Brunswick River Water Source. These new access rules promote and prioritise the environment in the Upper and Lower Brunswick River Water Sources by: • increasing protection of low flows • reducing occurrence of no flow times • allowing environmental benefits of first flushes after dry times • promoting conditions to support fish migration periods. This also benefits the water sources and estuaries to the Cape Byron Marine Park and provides additional water for BLR before water can be taken under access licences.

Water source	Current access rule	Proposed access rule	Decision drivers
Kings Creek	Cease to pump: for the VLF class at 2 ML/day. Pumping restriction: 6 hours/day between 18:00 and 8:00 when flows are less than 4 ML/day.	Cease to pump: for the VLF class at 2 ML/day. Pumping restriction: 6 hours/day when flows are greater than 2 ML/day and less than or equal to 4 ML/day at the Brunswick River Durrumbul (Sherrys Crossing) gauge (202001).	Protecting ecological and river health of the water source, low flows and a proportion of fresh flows to enable and enhance fish migration in the water sources and their dependent ecosystems. Low risk at zero, low and fresh flows. Low entitlement. No flow gauge in water source
Mullumbimby Creek	Cease to pump: for the VLF class at 2ML/day. Pumping restriction: 6 hours/day between 18:00 and 8:00 when flows are less than 4ML/day.	Cease to pump: for the VLF class at 2ML/day. Pumping restriction: 6 hours/day when flows are greater than 2 ML/day and less than or equal to 4 ML/day at the Brunswick River Durrumbul (Sherrys Crossing) gauge (202001).	Protecting ecological and river health of the water source, low flows and a proportion of fresh flows to enable and enhance fish migration in the water sources and their dependent ecosystems. Medium hydrological stress and consequence. Low risk at zero, low and fresh flows No flow gauge in water source.
Lower Brunswick River	Licence holders are not permitted to take water when there is no visible flow at the pump site, or where water is being taken from a pool, when the volume of water in that pool is less than the full capacity of the pool.	No change.	Medium consequence with high risk at zero flows and low risk to low flows with high environmental value of wetlands. Protecting ecological and river health of the water source. Trade permitted from these water sources as it is a downstream water source. No flow gauge in water source.
Lower Marshalls Creek	Cease-to-pump when there is no visible flow at the reference point.	No change.	Medium sensitivity of the estuary to low flow and high flow. High hydrological stress rating and high environmental value of wetlands. No flow gauge in water source. The presence of high environmental values and a high risk of insufficient flows.
Tyagarah Creek	Cease-to-pump when there is no visible flow at the reference point.	No change.	High hydrologic stress of the waterway and water source is hydrologically disconnected until below the limit of the plan (mangrove limit). No flow gauge in water source.

Water source	Current access rule	Proposed access rule	Decision drivers
Upper Marshalls Creek	Cease-to-pump when there is no visible flow at the reference point.	No change.	High hydrologic stress of the waterway. Protecting high environmental values and ecological health of the water source. High risk at zero flows and medium risk at low flows. High likelihood of risk rating so no net gain. No flow gauge in water source.
Belongil Creek	Licence holders are not permitted to take water when there is no visible flow at the pump site, or where water is being taken from a pool, when the volume of water in that pool is less than the full capacity of the pool.	No change.	No suitable gauge. Low risk at zero, low and fresh flows There are no surface water licences and no areas of upriver alluvial within the water source. No flow gauge in water source.
Tallow Creek	Licence holders are not permitted to take water when there is no visible flow at the pump site, or where water is being taken from a pool, when the volume of water in that pool is less than the full capacity of the pool.	No change.	Protecting high environmental values and the ecological health of the water source. High sensitivity of the estuary to both low flow and high flow inflows. Low risk at zero, low and fresh flows The water source is hydrologically disconnected from other water sources. No flow gauge in water source.

6.7.4 Proposed changes to access of alluvial groundwater in all water sources

In the draft Brunswick 2027 plan surface water access rules have been applied to groundwater extraction from alluvium within waterfront land. Alluvium within waterfront land holds water that is highly connected to surface water. Extracting water from the alluvium within waterfront land has a similar impact to extracting water from the adjacent river or creek so it is proposed to manage extraction in the same way with the same rules to access water.

Waterfront land is as defined in the Dictionary of the WM Act and includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary. For specific surface water access rules per water source see Table 4.

6.7.5 Proposed changes to access water from in-river pools for all water sources

Where there are flow classes in water sources, we propose that water must not be taken from an in-river pool when flows are in the very low flow class or, when they are below full capacity. For water

sources that do not have flow classes, the current rule has been retained where take from in-river pools is not permitted when they are below full capacity. This is to protect low flows and refuge pools and increase connectivity which will improve water quality and river health. Table 5 outlines the proposed changes to take of water from in-river pools and lists the current rules for take of water from other types of pools.

Table 5. Proposed changes to access rules for take of water from pools

Pool Type	Current Access Rules	Proposed access rule	Decision drivers
In-river dam pools	Prohibit the licensed take of water from the pool when flows or storage levels in that pool are at or less than the cease to take conditions specified on the licence. In addition, take is permitted from an in-river dam pool only when the dam is constructed, operated and maintained in accordance with the conditions of the works approval and is passing flows in accordance with the works approval.	No change.	
In-river natural pools	Where there are no flow classes: for Belongil Creek, Lower Brunswick River and Tallow Creek: Water must not be taken from in-river pools when they are below full capacity Where there are flow classes: Water must not be taken from in-river pools when flows are in the very low flow class.	Water must not be taken from in-river pools when flows are in the very low flow class, and water must not be taken from in-river pools when they are below full capacity.	Provides protection in low flows and very low flows and supports water dependent ecosystems.
Off-river pools	Water must not be taken from off-river pools when they are below full capacity.	No change.	

6.8 Updated basic landholder rights estimates and license share components

We are updating the estimate of extraction of water under basic land holder rights contained in Part 5 of the Brunswick 2016 plan. Draft estimates of the new figures are in Part 3 of the draft Brunswick 2027 plan. We are currently finalising these estimates.

Since the development of the first WSPs, which began before 2003, numerous methods have been followed to estimate water requirements for domestic and stock BLR. These methods were

superseded by a standard NSW approach to support the development of surface and groundwater macro-sharing plans in 2010.

In 2020, we adopted the same method used in the development of macro-water sharing plans for estimating the water requirements of domestic and stock BLR. This method is in [Appendix F of the Replacement Water Sharing Plan Manual \(PDF 2.17 MB\)](#).

The 2022 estimates may differ from those in the current plan because of changes in land use, population density and the availability of more accurate spatial data.

The water access licence share components (water entitlements for each water source) are listed in Part 5 of the Brunswick 2016 plan and Part 3 of the draft Brunswick 2027 plan. They reflect total share components in each water source.

6.9 Updated distance rules for groundwater works

The draft plan proposes additional rules to govern the minimum distance that new groundwater bores can be located from certain sites or areas. These include the proposed changes to rules listed below:

- minimising interference between water supply works
- water supply works located near contamination sources
- water supply works located near high-priority, GDEs
- water supply works located near potential acid sulfate soils
- water supply works located near groundwater-dependent, culturally significant areas
- water supply works used solely for BLR
- replacement groundwater works.

6.9.1 Water supply works located near existing water supply works (minimising interference)

We propose changing distance rules for new bores near existing ones on neighbouring properties. To prevent effects on bores on neighbouring properties a new bore must be a minimum of:

- 200 m from a bore that is nominated on another landholding and authorised to take water from the same water source under an aquifer access licence or basic landholder rights
- 100 m from a property boundary (unless negotiated in writing with neighbour)
- 500 m from a bore nominating a local or major water utility access licence
- 100 m from a government monitoring bore.

These distance restrictions do not apply if:

- the bore is used solely for basic landholder rights
- the bore is a replacement bore
- the bore is used for monitoring, environmental remediation activities or emergency services
- the location of the bore at a lesser distance will have no more than minimal detrimental effect on existing extraction.

6.9.2 Water supply works located near contamination sources

In the draft Brunswick 2027 plan we propose that water supply works (bores) must not be granted or amended within:

- 500 m of a contamination source identified within the plan
- 250 m from the edge of a plume of a contamination source
- 250 m and 500 m from the edge of a plume associated with a contamination source identified within the plan, unless no drawdown of water will occur within 250 m of that plume
- 250 m of an onsite sewage disposal system unless the water supply work is:
 - constructed with cement grout in the borehole annulus to a minimum depth of 20 m from the ground surface
 - located at a sufficient distance from the on-site sewage disposal system to prevent migration of septic contamination in the aquifer.

The minimum construction depth may be less than 20 m if it can be shown there is adequate protection of the water source, the environment and public health and safety, or the work is used for monitoring or remediation.

These distances restrictions do not apply if:

- the location of the bore is adequate to protect the water source, the environment and public health and safety
- the bore is used for the purpose of monitoring, environmental remediation activities or emergency services.

6.9.3 Water supply works located near high-priority, groundwater-dependent ecosystems (GDEs)

In the draft Brunswick 2027 plan we propose that water supply works (bores) must not be granted or amended within:

- 40 m of the top of the high bank of a river (waterfront land ²)
- 200 m of any high-priority, groundwater-dependent ecosystem
- 200 m of a wetland.

These distances restrictions do not apply if the bore is:

- used for basic landholder rights
- a replacement groundwater work
- used for the purpose of monitoring, environmental remediation activities or emergency services
- in the Minister's opinion, likely to cause no more than minimal harm to any water source or its dependent ecosystems.

² 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 m of the highest bank of the river, lake or estuary.

6.9.4 Water supply works located near potential acid sulfate soils

The draft Brunswick 2027 plan proposes limited changes to works to protect groundwater from adverse effects of acid sulfate soils. The proposed rules are that new bores cannot be in an area classed as having a high probability of the occurrence of acid sulfate soils if there is significant risk of acidification of the water sources.

6.9.5 Water supply works located near groundwater-dependent, culturally significant areas

New rules are proposed for the minimum distance between a groundwater bore and a groundwater-dependent, culturally significant site. We will not grant new or amended water supply works within 200 m of a groundwater-dependent, culturally significant site.

This location distance restriction does not apply if:

- the bore is used solely for basic landholder rights
- the bore is a replacement bore
- the bore is used for monitoring, environmental remediation activities or emergency services
- the location of the bore at a lesser distance will have no more than minimal harm to any groundwater-dependent, culturally significant sites.

6.9.6 Water supply works used solely for Basic Landholder Rights (BLR)

The draft Brunswick 2027 plan now includes proposed distance rules for BLR bores. These are that water supply works (bores) used solely for BLR must not be granted or amended if the bore is located within:

- 100 m of a government monitoring bore
- 40 m from the top of the high bank of a river
- 100 m of any high-priority vegetation groundwater-dependent ecosystem
- 100 m of a groundwater-dependent, culturally significant area
- 100 m of a wetland.

These location distance restrictions do not apply if:

- the bore is a replacement bore
- a lesser distance would result in no more than minimal harm to any high-priority vegetation groundwater-dependent ecosystem
- a lesser distance would result in no more than minimal harm to any groundwater-dependent, culturally significant area
- a lesser distance would result in no more than minimal harm to a wetland.

6.9.7 Replacement Groundwater Works

Proposed rules include changes to:

- the internal diameter or excavation footprint being no larger than the existing bore, unless that diameter is no longer manufactured, in which case it is proposed that this will now be permitted to be no greater than 120% of the current internal diameter, instead of 110%.
- the replacement bore must not have a greater internal diameter or excavation footprint than the existing bore, unless the existing bore's internal diameter is less than 100 mm, in which case the internal diameter must be no more than 100 mm.

Additionally, a replacement bore may be permitted to a different depth within the water source, or greater than 20 m from the existing bore, if it can be determined that it will not adversely impact:

- a water source
- a high priority groundwater dependent ecosystem
- public health and safety
- a groundwater-dependent culturally significant area
- take of water by another user with an existing water supply work.

A detailed description of all current and proposed rules is available in the report card for Groundwater Works Approvals on the department's [public exhibition website](#).

6.10 Prohibition of in-river dams

Construction of licensed dams on third order or higher stream has been identified as a key threatening process for catchment and marine environments.

In-river dams on streams of third-order or higher are generally prohibited in water sources where:

- we have identified it in our risk assessment as having high ecological value
- such a prohibition is already in place in the current WSP.

Five additional considerations were examined including to:

- carry over into the replacement plan any rule in the current plan that prohibits in-river dams
- prohibit in-river dams in those water sources that include, or are immediately upstream of a marine park
- prohibit in-river dams in those water sources that include, or are immediately upstream of an estuary of 'high instream value'
- prohibit in-river dams in those water sources that include, or are immediately upstream of an intermittently closing and opening lake or lagoon (ICOLL)
- prohibit in-river dams in those water sources in which nil licence shares are held.

The draft Brunswick 2027 plan proposes prohibiting new in-river dams on streams of third-order or higher in an additional 4 water sources which includes all surface water sources:

- Belongil Creek Water Source
- Kings Creek Water Source

- Lower Brunswick River Water Source
- Lower Marshalls Creek Water Source
- Mullumbimby Creek Water Source
- Tallow Creek Water Source
- Tyagarah Creek Water Source
- Upper Brunswick River Water Source
- Upper Marshalls Creek Water Source.

The department is currently reviewing its approach to in-river dams, which may inform the final decision in the WSP. These rules can be found in Part 7 Division 2 of the draft Brunswick 2027 plan.

6.11 Proposed changes to trade provisions

Trade of entitlement is prohibited:

- between water sources that are not hydrologically connected (that is, the water sources do not drain into each other)
- into water sources that have high ecological value
- where there are no reference points/gauges.

We have proposed changes to the trade rules in the draft plan to open opportunities for trade while complying with the above limitations.

Table 6 shows the trade rules in the Brunswick 2016 plan and lists the changes we propose and the reasons for them.

Table 6. Proposed changes to trade rules in the draft Brunswick 2027 plan

Water source	Current trade rule	Proposed trade rule	Decision drivers
Belongil Creek	Trade into water source prohibited.	No change.	There are no surface water licences and no areas of upriver alluvial within the water source. No gauge in water source.
Kings Creek	Trade in up to limit of 70 ML into water source permitted from Mullumbimby Creek, Tyagarah Creek and Upper Brunswick River Water Sources only, subject to a maximum water source entitlement of 50% of the 80th percentile (70 ML).	Trade in permitted from Mullumbimby Creek, Tyagarah Creek, Lower and Upper Brunswick River water sources only up to a limit of 25 unit shares or sum of net annual allocations up to 25 ML (for 71T dealings). Trade within water source permitted, subject to assessment.	Protecting ecological and river health of the water source. No gauge in water source.

Water source	Current trade rule	Proposed trade rule	Decision drivers
Lower Brunswick River	Trade into water source permitted from Kings Creek, Mullumbimby Creek and Upper Brunswick River Water Sources only, subject to mandatory conditions regarding impact on freshwater wetlands mapped under <i>State Environmental Planning Policy 14 - Coastal Wetlands</i> (SEPP 14).	Trade in permitted from Kings Creek, Mullumbimby Creek and Upper Brunswick River Water Sources only up to a limit of 5 unit shares or sum of net annual allocations up to 5 ML (for 71T dealings) Trade limit is set to no net gain above water source unregulated river access licenced entitlement at the plan's commencement, rather than no limit. Trade within water source permitted, subject to assessment.	Medium consequence with high risk at zero flows and low risk to low flows with high environmental value of wetlands. Protecting ecological and river health of the water source. Trade permitted from these water sources as it is a downstream water source. No gauge in water source.
Lower Marshalls Creek	Trade into water source permitted from Upper Marshalls Creek Water Source only, subject to a mandatory condition regarding impact on freshwater wetlands mapped under SEPP 14.	Trade into water source prohibited. Trade within water source permitted, subject to assessment.	Medium sensitivity of the estuary to low flow and high flow. High hydrological stress rating and high environmental value of wetlands. The presence of high environmental values and a high risk of insufficient flows. No gauge in water source
Mullumbimby Creek	Trade into water source permitted from Kings Creek and Upper Brunswick River Water Sources only, subject to no net gain above total licenced entitlement in the water source at the plan's commencement.	Trade in permitted from Kings Creek, Upper Brunswick River and Lower Brunswick River Water sources only up to limit of 111 unit shares or sum of net annual allocations up to 111 ML (for 71T dealings). Trade within water source permitted, subject to assessment.	Medium hydrological stress and consequence. No gauge in water source.

Water source	Current trade rule	Proposed trade rule	Decision drivers
Tallow Creek	Trade into water source prohibited.	Trade into water source prohibited. Trade within water source permitted, subject to assessment.	High sensitivity of the estuary to both low flow and high flow inflows. The water source is hydrologically disconnected from other water sources. Protecting high environmental values and the ecological health of the water source. No gauge in water source.
Tyagarah Creek	Trade into water source prohibited.	Trade into water source prohibited. Trade within water source permitted, subject to assessment.	High hydrologic stress of the waterway and water source is hydrologically disconnected until below the limit of the plan (mangrove limit). No gauge in water source.
Upper Brunswick River	Trade into water source permitted from Kings Creek and Mullumbimby Creek Water Sources only, subject to no net gain above water source entitlement at the plan's commencement,	Trade in permitted from Kings Creek, Mullumbimby Creek and Lower Brunswick River Water Sources only to up to limit of 659 unit shares or sum of net annual allocations up to 659 ML (for 71T dealings) Subject to no net gain above water source unregulated river access licenced entitlement at the plan's commencement. Trade within water source permitted, subject to assessment.	High hydrologic stress and medium consequence with high risk at zero flows and medium risk at low flows. Protecting high environmental values and the ecological health of the water source. No net gain as high likelihood of risk to zero flows.
Upper Marshalls Creek	Trade into water source permitted subject to no net gain above total licenced entitlement in the water source at the plan's commencement.	Trade into water source prohibited. Trade within water source permitted, subject to assessment.	High hydrologic stress of the waterway. Protecting high environmental values and ecological health of the water source. High likelihood of risk rating so no net gain. No gauge in water source.

Water source	Current trade rule	Proposed trade rule	Decision drivers
Brunswick River Coastal Floodplain Alluvial Groundwater Source	Trade into water source prohibited. Trade within water source permitted, subject to assessment. Conversion to another category of access licence not permitted.	Trade into water source prohibited. Trade within water source permitted, subject to assessment. Conversion to another category of access licence prohibited.	Prohibits the amendment of a licence share if it changes the water source from an unregulated river water source to a groundwater source and vice versa. No trade permitted between extraction management units.

6.12 Inclusion of map of high priority, groundwater - dependent ecosystems

The draft Brunswick 2027 plan will include a map of GDEs. High-priority GDEs are currently in a schedule of the plan. We will remove this and replace it with a map.

GDEs are those ecosystems that need access to groundwater to maintain their plant and animal communities and ecological processes. The current plan contains allows for the protection of GDEs by specifying minimum distance rules for new groundwater works (bores), which vary depending on the annual extraction limits to be associated with a groundwater works.

GDE mapping has changed since the current plans began in 2010–11. The department recently completed a program to identify and prioritise GDEs in NSW. The identification method incorporated existing vegetation community mapping and remote sensing to identify vegetation communities. We analysed monitoring-bore data to identify potential groundwater dependence of the vegetation communities. We have identified these vegetation communities as terrestrial GDEs overlying alluvial resources.

The mapping was supported by field-based verification in sample areas representing different land cover types. We selected sites from almost all major catchments distributed across NSW. We did this to ensure that each area had a representative geographic sample that reflected the diverse environmental conditions and management practices.

The high-priority GDEs we identify in the plan map are vegetation ecosystems that have a high probability of being groundwater-dependent and are of very high or high ecological value. As it is not certain (only highly probable) that the vegetation community is groundwater-dependent, the WSP now includes a provision that ensures distance rules do not apply unless the department has confirmed groundwater dependence.

For more information on methods we used to identify GDEs, see the paper [High probability GDE Method Report \(PDF 8.8 MB\)](#).

The draft GDE map to be included in the draft plan is shown in Figure 2. You can view a high-resolution version of the high-priority GDE map on the department's [public exhibition website](#).

6.13 Prohibition of work approvals near SEPP wetlands and potential acid sulfate soils

We propose to ban the construction of water supply work approvals that take water from sources where it will cause more than a minimal impact on wetlands listed under the *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP).

The *Coastal Management Act 2016* and Resilience and Hazards SEPP specify how developments within the coastal zone should be assessed. The Resilience and Hazards SEPP identify wetlands to protect their ecological values. Coastal WSPs must recognise these same wetlands to ensure protection to align regulatory objectives.

Part 7 of the draft plan proposes to prohibit the granting of approvals for surface water or groundwater works if it would result in more than minimal harm to a wetland mapped under the Resilience and Hazards SEPP.

You can find more information about the Resilience and Hazards SEPP on the [Coastal management page](#) of the department's website. The draft plan includes rules to prevent water sources from becoming acidic through drainage of potential acid sulfate soils. The rule bans the construction of a water supply work that takes groundwater, such as a bore, from within an area classed as having a high probability of containing acid sulfate soils.

6.14 Adaptive management and amendment provisions

Adaptive management means changing things in response to new information. During the life of a WSP, this information may come from data collection and monitoring or from some other improvement in understanding. Such information could include socio-economic studies, hydrological modelling, ecological studies and information about Aboriginal cultural sites.

Adaptive management is a requirement of both the WM Act and the National Water Initiative. The WM Act allows for changes to a WSP during its life if it is in the public interest. The draft Brunswick 2027 plan also allows for amendments during its life. We will consult the public before making any future changes that could affect water users or the environment's access to water. Part 10 of the draft Brunswick 2027 plan includes updated amendment provisions.

Examples of adaptive environmental water provisions in the replacement plan include the ability to amend the plan to:

- add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools
- add, remove or modify the flow classes and flow reference points in response to changes in water availability as a result of climate change
- add, remove or modify the access rules in response to alternative gauging being identified
- replace Part 4, Division 2 to establish extraction limits, including to achieve the sustainable level of take arising from a review under section 19
- give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth

- vary the amount of recharge reserved as planned environmental water in the Brunswick River Coastal Floodplain Alluvial Groundwater Source as a result of recharge studies undertaken or assessed as adequate by the Minister
- modify the long-term average annual extraction limits for the Brunswick River Coastal Floodplain Alluvial Groundwater Source as a result of recharge studies undertaken or assessed as adequate by the Minister
- add provisions relating to total daily extraction limits & individual daily extraction components
- protect water-dependent Aboriginal cultural assets or groundwater-dependent culturally significant areas
- provide additional protection to ecologically significant wetlands as a result of a review of wetland protection in inland NSW
- give effect to any recovery plan or threat abatement plan made under the *Fisheries Management Act 1994*.

6.15 Revised Aboriginal Community Development Licences

Some coastal WSPs allow for Aboriginal Community Development Licences (ACDLs). ACDLs can be used for commercial activities owned/operated by Aboriginal people and could include:

- irrigation cropping
- horticulture, such as fruit, vegetables, flowers or ornamental plants
- aquaculture, such as oyster growing or prawn farms
- non-agricultural activities, such as manufacturing or crafts.

For the draft Brunswick 2027 plan, we have proposed to remove the ability to grant unregulated river (subcategory Aboriginal community development) access licences into the Upper Brunswick Water Source. Data from Durrumbul gauge (202001) in the Upper Brunswick River Water Source indicates that high flows (which are the flows ACDLs can extract from) are only a small volume of water (7 ML/day). This is being prioritised for the environment in line with the water sharing principles of the WM Act.

We propose permitting applications for ACDLs in one water source:

- Brunswick River Coastal Floodplain Alluvial Groundwater Source, up to 100 ML.
-

6.16 High flow conversions

There is competition for available water in coastal unregulated rivers when conditions are dry, with water users competing for access to low flows and diminishing pools. Instream values experience increased stress under these conditions. Highly stressed streams are characterised by having a large volume of water entitlement in the form of extraction licences, compared to the volume of water available in the stream during low flow periods. By providing for the conversion of unregulated river access licences to specific purpose high flow access licences, over time, river conditions may improve.

For the draft Brunswick 2027 plan, we propose prohibiting application for high flow conversions in all water sources as there is no reliable gauge, low entitlement, tidal influence, ICOLLs and SEPP wetlands with high mangrove and saltmarsh value. Rainfall in Brunswick plan area is one of the highest in NSW. Data from Durrumbul gauge (202001) (Upper Brunswick River Water Source) indicates that high flows (50 percentile) are only a small volume of water (7 ML/day). This is being prioritised for the environment in line with the water sharing principles of the WM Act to preserve high flows for the water source and its dependent ecosystems. Conversion from an unregulated river access licence to an unregulated river (high flow) access licence is now prohibited in Kings Creek, Mullumbimby Creek, and Upper Brunswick River Water Sources.

We propose to prohibit high flow conversions across all water sources in the draft Brunswick 2027 plan.

7 Public exhibition phase and making a submission on the draft plan

The draft Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2027 will be on public exhibition from 31 August to 26 October 2026.

You can make submissions throughout the public exhibition period. We encourage you to comment on all aspects of the draft WSP, not just those where we propose a change. We will review all submissions carefully and consider the issues raised when finalising the plan.

Public information sessions will comprise of:

- a face-to-face public information session on Thursday 24 September 2026 in Mullumbimby
- a webinar on Tuesday 15 September 2026 at 1pm.

To find out more about the sessions and the draft plan, visit the department's [public exhibition website](#). The page includes the draft plan, fact sheets, water source report cards and additional information on making a submission.

You will find links to references and supporting documents that detail the water planning processes for the Brunswick 2016 plan in 'Appendix A – References and supporting documents'.

8 Finalisation of the draft plan

Following formal public exhibition, we will consider the feedback and issues raised during the consultation process. We will use this to help finalise the plan.

The final WSP must have the agreement of the Minister for Environment and the approval of the Minister for Water before it can start.

We expect the final plan will begin in July 2027.

9 Monitoring, evaluation and reporting

Monitoring, evaluation and reporting (MER) are key components to adaptive management. They ensure that WSPs are effective in meeting their objectives.

Comprehensive MER programs are resource-intensive and long term. We must prioritise areas where there is a high risk of water extraction affecting environmental assets or where the demand for water is greater than the volume of water available.

The department is working on a project that will prioritise water sources for MER activities, based on risk in areas that have high levels of extraction, ecological value, or stakeholder needs.

The MER plan will be a framework specifically designed for the WSP. It will follow established guidelines and include both freshwater and estuarine ecosystems.

10 Areas for further work

10.1 Determine flow requirements for key assets and functions

Several government agencies, including the department's Conservation Programs, Heritage and Regulation and the Department of Primary Industries and Regional Development – Fisheries division are working on flow requirements for key assets and ecosystem functions. As these become available and there is sufficient flow data, we can use this information in making water-sharing decisions.

10.2 Stormwater harvesting

The department is developing a stormwater harvesting policy to determine the best way to manage stormwater extraction to maximise the benefits of re-using stormwater and reducing erosion of water ways while ensuring adequate water is available for the environment and water users who rely on it.

10.3 Cultural flows and improving the involvement of First Nations people in water management

The department will work toward achieving the priorities in the State Water Strategy. Priority 2 of the State Water Strategy is to recognise First Nations/Aboriginal People's rights and values and increase access to and ownership of water for cultural and economic purposes. The NSW Government recognises First Nations/Aboriginal People's rights to water and our aim is to secure a future where water for First Nations/Aboriginal People is embedded within the water planning and management regime in NSW, delivering cultural, spiritual, social, environmental and economic benefit to communities.

Actions under the State Water Strategy include:

- strengthening the role of First Nations/Aboriginal People in water planning and management
- implementing the state-wide Aboriginal Water Strategy
- providing for Aboriginal ownership of and access to water for cultural and economic purposes
- working with First Nations/Aboriginal People to improve shared water knowledge
- working with First Nations/Aboriginal People to maintain and preserve water-related cultural sites and landscapes.

The department is committed to providing greater opportunities for Aboriginal water management and participation in water sharing. The [Aboriginal Water Strategy](#) identifies the ways in which we can achieve the priorities under the State Water Strategy, which has been prepared in consultation with Aboriginal communities.

The Aboriginal Water Strategy recognises water is deeply important to Aboriginal peoples, forming a key part of their connection to Country and the life blood of culture and communities. It aims to strengthen these connections by involving Aboriginal people in water management and planning, and by looking for ways they can access, care for and have ownership of water.

This reflects the NSW Government's commitment to working with Aboriginal peoples to deliver water related cultural, spiritual, social, environmental and economic benefits to Aboriginal communities.

The department also convened Regional Aboriginal Water Committees in each of the NSW water regions and piloted the development of some cultural watering plans in various parts of NSW. There are also various initiatives being developed to support increased Aboriginal ownership of and access to water. All of these programs aim to assist NSW meet its commitments in Closing the Gap.

10.4 Sustainable extraction

The NRC has recommended that LTAAELs on the coast should be set at a sustainable level. The department is currently working on a project to create a method for determining sustainable extraction in coastal areas. It is not known if current coastal LTAAELs meet the needs of the environment and the community. Determining sustainable levels of extraction will allow for more robust and informed water management decisions to sustain ecological processes and support a growing population and economic growth.

The draft plan sets numerical and fixed LTAAELs to cover all flows and a separate, specific limit for just high flows. This will limit take from low flows to that which was generally provided for at the start of the first WSP.

10.5 Climate change

Australia has a highly variable climate, and rainfall is especially variable. This makes it vital that we understand as much as we can about our climate so we can work out how we manage our water supplies. The frequency and duration of wet and dry events determine how much water we have available.

NSW is experiencing trends of higher average temperatures and reduced cool season rainfall. There are indications from climate models that drought conditions may become more frequent and severe, and last longer.

Higher demand from a growing population, alongside reductions in supply, will increase water scarcity, putting more pressure on all users, including the environment (Productivity Commission, National Water Reform Issues Paper, May 2020, p.2). We must collectively improve our understanding of these risks to better manage water supply and ensure that our operational, planning and future development decisions take future water reliability and security into account.

The department's Water Group is developing a guide for use of climate datasets in WSPs. These datasets provide a consistent foundation for modelling, decision-making and stakeholder communication. They reflect best practice within the current constraints of water modelling by balancing scientific rigour, hydrological relevance and practical implementation needs. They are specifically designed to support the requirements of WSP planners and those who contribute

technical input to the planning process, including modellers, scientists, and those involved in environmental and economic assessments.

When these datasets are finalised, guidance on how to use them developed and policy positions on managing impacts of climate change are determined future climate projections will be used in managing water sharing.

Priority 4 of the State Water Strategy is to increase resilience to changes in water availability (variability and climate change). The 2021/22 action plan looks to improve and apply our understanding of climate variability and change. This includes work to determine a methodology and progressively incorporate climate risk data into WSP and environmental water management decision making.

11 Appendix A – References and supporting documents

- The [Draft Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2027 public exhibition](#) page contains the draft plan, maps, other supporting information and information about the public exhibition period and how to make a submission
- [NSW Legislation website](#) contains NSW legislation, including the WM Act
- [National Water Initiative](#)
- [*Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016*](#)
- The [background document for the Brunswick 2016 plan \(PDF 2.9 MB\)](#)
- Details of the macro-planning approach:
 - [Macro water sharing plans – approach for unregulated rivers \(PDF 829KB\)](#)
 - [Macro water sharing plans – access and trading rules for pools \(PDF 627 KB\)](#)
 - [Macro water sharing plans – the approach for groundwater \(PDF 3.11 MB\)](#)
- The NRC's [Review of the North Coast Unregulated and Alluvial Water Sharing Plans April 2025 \(PDF, 5 MB\)](#)
- The NRC's [Audit of the Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016 \(2020-21\) \(PDF, 808 KB\)](#)

12 Appendix B - Vision, objectives, strategies and performance and indicators

12.1 Vision statement

The vision for the Draft Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2027 is to provide for the following:

- the health and enhancement of the water sources and their dependent ecosystems
 - the continuing productive extraction of water for economic benefit
 - the spiritual, social, customary and economic benefits of water to Aboriginal communities
 - the social and cultural benefits to urban and rural communities resulting from water.
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12.2 Objectives

The objectives of this plan are:

- to protect and, where possible, enhance and restore the condition of the water sources and their water-dependent ecosystems
 - to maintain and, where possible, improve access to water to optimise economic benefits for agriculture, water-dependent industries and local economies
 - to maintain and, where possible, improve the spiritual, social, customary and economic values and uses of water by Aboriginal people
 - to provide access to water to support water-dependent social and cultural values
 - to help prevent structural damage to aquifers resulting from groundwater extraction.
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12.3 Strategies

The strategies for reaching the objectives of this plan are as follows:

- reserve all water in excess of each long-term average annual extraction limit for the environment
- reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources
- restrict the take of water from an in-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity
- reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including connectivity with tidal pools and estuaries
- manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, high priority groundwater-dependent ecosystems and groundwater quality,

groundwater-dependent culturally significant areas, basic landholder rights and town water supply

- restrict or prevent water supply work approvals on third order or higher streams within specified water sources
- provide for trade of water allocations and share components subject to environmental constraints and local impacts
- provide a stable and predictable framework for sharing water among water users,
- provide for flexibility of access to water
- manage access to water consistently with the exercise of native title rights and domestic and stock rights
- provide for water associated with Aboriginal cultural values and uses, and community development.

Each strategy may contribute to achieving one or more of the objectives of this plan.

12.4 Performance indicators

The performance indicators used to measure the success of the strategies for reaching the objectives of this plan are the changes or trends, during the term of this plan, in the following:

- the ecological condition of the water sources
- economic benefits
- Aboriginal cultural benefits
- social and cultural benefits.

The performance indicators must be monitored and evaluated in the way approved by the Minister.