

Have your say...

Draft Water Sharing Plan for the

Brunswick Unregulated and Alluvial Water Sources 2027

15 September 2026

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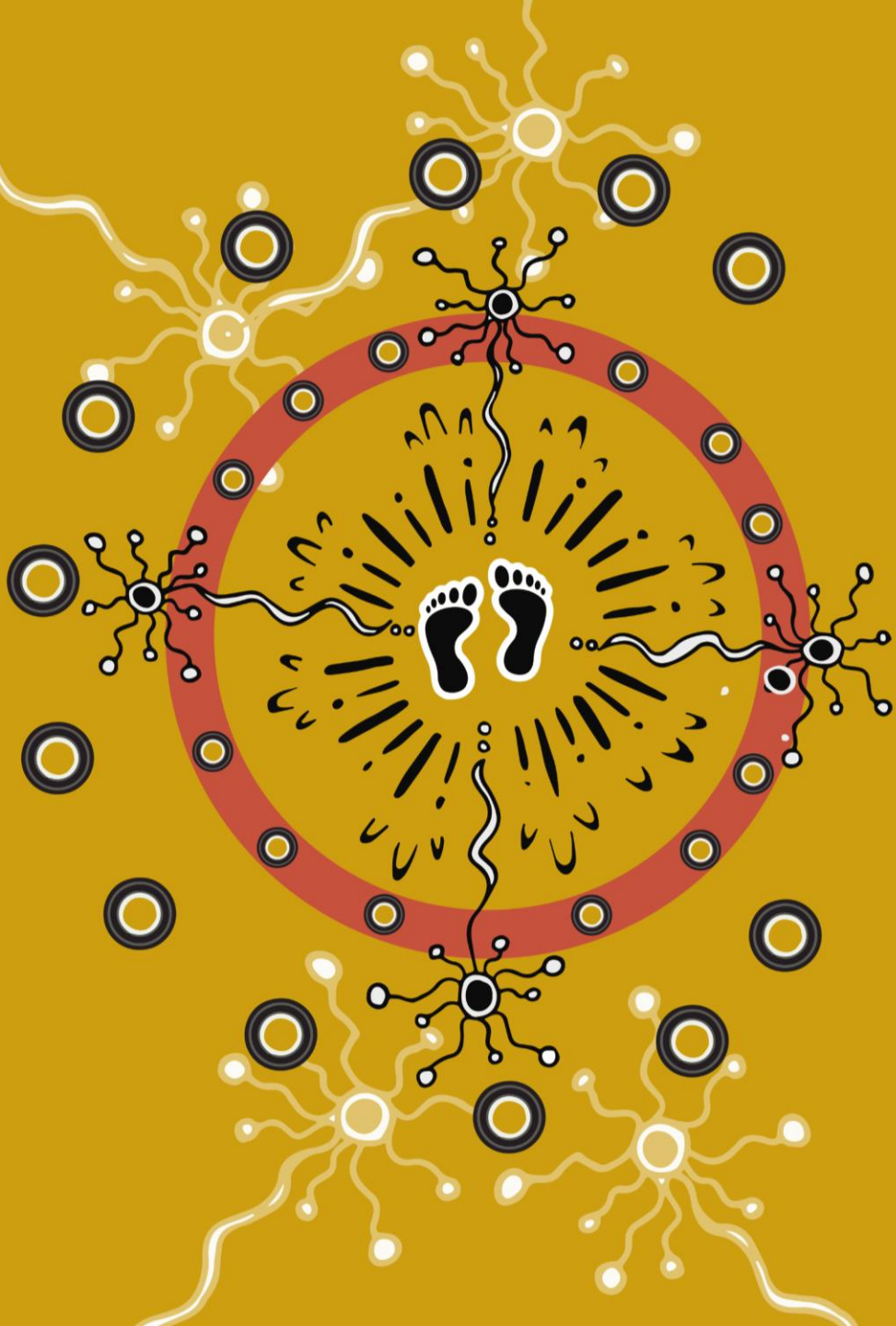
Acknowledgement of Country

The Department of Climate Change, Energy, the Environment and Water acknowledges that it stands on Aboriginal land.

We acknowledge the Traditional Custodians of the land and water, and we show our respect for Elders past, present and emerging. We acknowledge the Traditional Custodians caring for country across the Brunswick water sharing plan area – the Arakwal, Jali and other peoples of the Bundjalung Nation.

We do this through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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





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What is a water sharing plan?

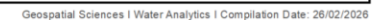
NSW *Water Management Act 2000* requires water sharing plans for all NSW rivers and groundwater



Proposed timeline for replacing the Brunswick water sharing plan



Background to the water sharing plan area



North Coast area industry

NSW Top Primary Industries 2019-20 ¹

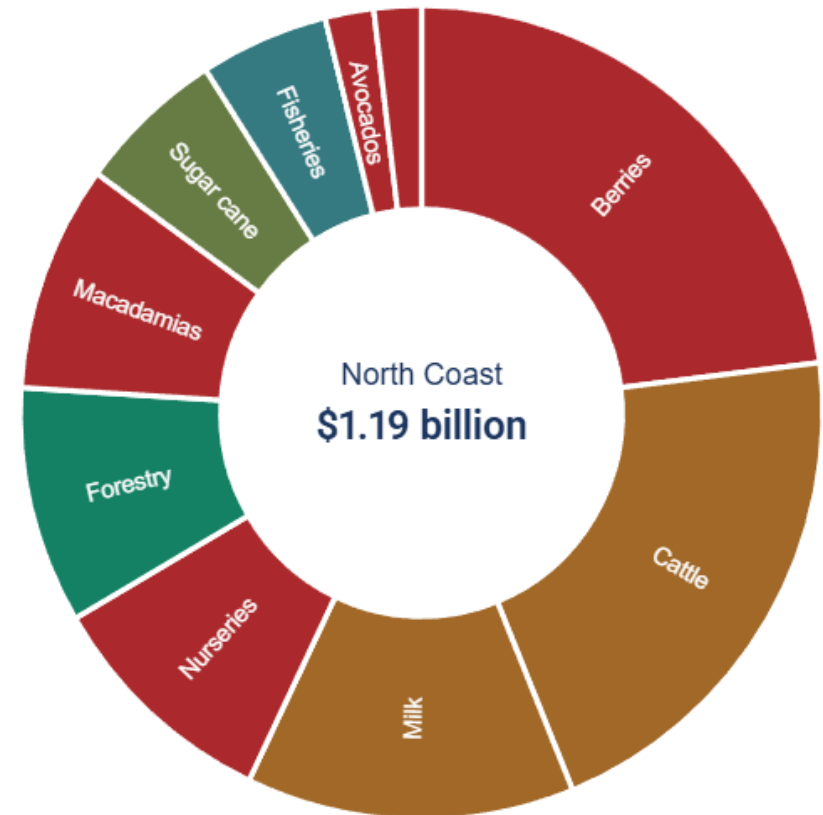


Image credit: Department of Primary Industries

Brunswick water sharing plan

Basic landholder rights and licenced entitlement



Basic landholder rights

- Native title determination for the Bundjalung People of Byron Bay (National Native Title Tribunal reference NCD2019/001)

Note: A native title holder is entitled, without the need for an access licence, or water use approval, to take and use water in the exercise of native title rights and may be exercised in accordance with the *Native Title Act 1993* of the Commonwealth.

- Domestic and stock = 634 ML/year (estimated use)
- Harvestable rights = 1397 ML/year (estimated use).

Total licenced entitlement = 2556.5 ML/year

- Domestic and Stock licenses = 29 ML/year
- Town water supply licenses = 0 ML/year
- Unregulated river access licenses = 2417.5 ML/year
- Aquifer access licenses = 110 ML/year.

Brunswick water sharing plan entitlement by water source

Water Source	Aquifer	Domestic And Stock	Unregulated River	Grand Total
Brunswick River Coastal Floodplain Alluvial Groundwater Source	23			23
Kings Creek Water Source		18	15	33
Lower Brunswick River Water Source			5	5
Lower Marshalls Creek Water Source	40	1	208	249
Mullumbimby Creek Water Source		1	96	97
Tallow Creek Water Source			103	103
Tyagarah Creek Water Source	5	1	1060.5	1066.5
Upper Brunswick River Water Source	29	3	659	691
Upper Marshalls Creek Water Source	13	5	271	289
Grand Total	110	29	2417.5	2556.5

Final report

Review of North Coast Unregulated and Alluvial Water Sharing Plans

April 2025



Drivers for change

- *Water Management Act 2000* principles
- Natural Resources Commission review and recommendations, and submissions received
- 5-year audit report
- Plan amendments and departmental amendment registers
- New information or new policy e.g. risk assessments, supplementary report, new flow data.



Proposed changes to the Brunswick water sharing plan

1. Access to water in the Upper Brunswick River Water Source
2. Access to water from in-river natural pools
3. Access to water from bores located in alluvium
4. Licences for First Nations people or organisations
5. High flow licences
6. Construction of new dams within a river
7. Trade rules

1. Proposed access rules for Upper Brunswick River Water Source

Rule type	Current access rules	Proposed access rules
Cease to take/pump	Water must not be taken when flows at the Brunswick River @ Durrumbul (Sherrys Crossing) gauge – 202001 are less than or equal to 2 ML/day all year.	Water must not be taken when flows at the Brunswick River @ Durrumbul (Sherrys Crossing) gauge are less than or equal to: • 2 ML/day from 1 November to 31 May and • 8 ML/day from 1 June to 31 October.
Pumping restriction	Pumping restricted to 6 hours per day when flows are between 2 and 4 ML/day at gauge 202001.	Pumping restricted to 6 hours per day when flows are between 2 and 6 ML/day at gauge 202001 between 1 November to 31 May.
24-hour first flush/commence to take rule	Water must not be taken for 24 hours after flows first exceed 4 ML/day following a flow or 2 ML/day.	Water must not be taken for 24 hours after flows first exceed 6 ML/day following a flow or 2 ML/day between 1 November and 31 May.

1. Proposed access rules for Upper Brunswick River Water Source (continued)

Access rules	Environmental benefits	Presumed access
The new access rules are proposed to protect the Upper and Lower Brunswick River Water Sources and their dependent ecosystems.	✓ 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.	Based on historical flows, it is estimated that the proposed rules would result in water extraction being possible 71% of days during June to October on average. This would depend on climatic conditions with more access in wet years and less access in dry years.

2. Proposed access rules for take of water from pools

Pool type	Current access rules for in river natural pools in each water source	Proposed change to apply to all water sources
In-river natural pools	Belongil Creek, Lower Brunswick River, Tallow Creek: Water must not be taken from in-river pools when they are below full capacity. Kings Creek, Lower Marshalls Creek, Mullumbimby Creek, Tyagarah Creek, Upper Brunswick River, Upper Marshalls Creek: Water must not be taken from in-river pools when flows are in the very low flow class.	All water sources: Water must not be taken from in-river pools when flows are in the very low flow class, and when they are below full capacity.

3. Proposed access rules for bores located in Alluvium

The draft plan proposes that in the **upriver alluvial sediments** (Cenozoic sediments—see map):

- groundwater works constructed on waterfront land have access rules linked to surface water access rules
- groundwater works constructed **beyond** waterfront land will not have access rules linked to surface water access rules.

The draft plan proposes that in the **Brunswick River Coastal Floodplain Alluvial** Groundwater Source (see map):

- groundwater works will not have access rules linked to surface water access rules, regardless of a bore's proximity to the river.



Photo credit: Adam Smith, DCCEEW

4. Proposed licences available to First Nations people and organisations

Photo credit: Adam Smith, DCCEEW

Aboriginal Cultural Access Licences are proposed to be available in all water sources. These are capped at 10 ML/yr per licence but there is no limit on the number of licences that can be applied for in each water source.

Aboriginal Community Development Licences are proposed to be available in the Coastal Floodplain Alluvial Groundwater Source up to a volume of 100 ML/yr.



5. High flow conversion licences



Photo credit: Adam Smith, DCCEEW

The draft plan proposes no high flow conversion licences to be permitted in any water sources in the plan area.

6. Proposed rules for new in-river dams

The draft plan proposes:

- no new in-river dams on third order or higher streams in all surface water sources.
 - Now also includes Kings Creek, Mullumbimby Creek, Upper Brunswick River, and Upper Marshalls Creek Water Sources in addition to those water sources where currently prohibited.
- no new water supply works (pumps, bores, dams) permitted:
 - 3 km upstream of, or within, Ramsar wetlands
 - 200 m upstream of, or within, coastal wetlands.

7. Proposed trade rules

Water source	Current trade rule	Proposed trade rule	Drivers
Belongil Creek	No trade into water source.	No change.	No water licences.
Kings Creek	Trade into the water source permitted up to limit of 70 unit shares from Mullumbimby Creek, Tyagarah Creek and Upper Brunswick River Water Sources only.	Trade into the water source permitted up to limit of 25 unit shares from Mullumbimby Creek, Tyagarah Creek, Lower and Upper Brunswick River water sources only.	Protecting ecological and river health of the water source.
Lower Brunswick River	Trade into water source permitted from Kings Creek, Mullumbimby Creek and Upper Brunswick River.	Trade into water source permitted from Kings Creek, Mullumbimby Creek and Upper Brunswick River Water Sources only. Trade limit set to no net gain above water source entitlement at the plan's commencement (5 unit shares).	Protecting ecological and river health of the water source.

7. Proposed trade rules (continued)

Water source	Current trade rule	Proposed trade rule	Drivers
Lower Marshalls Creek	Trade into water source permitted from Upper Marshalls Creek.	No trade into water source.	High hydrological stress rating, high environmental values and wetlands.
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 (105 unit shares).	Trade into water source permitted up to limit of 111 unit shares from Kings Creek, Upper Brunswick River and Lower Brunswick River Water sources only.	Medium hydrological stress and consequence.
Tallow Creek	No trade into water source.	No change.	Protecting high environmental values, ecological and river health of the water source.

7. Proposed trade rules (continued)

Water source	Current trade rule	Proposed trade rule	Drivers
Tyagarah Creek	No trade into water source.	No change.	High hydrological stress. Protecting high environmental values, ecological and river health of the 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 into water source permitted from Kings Creek, Mullumbimby and Lower Brunswick Water Source only. Trade limit set to no net gain above water source entitlement at the new plan's commencement (659 unit shares).	Protecting high environmental values, ecological and river health of the water source.

7. Proposed trade rules (continued)

Water source	Current trade rule	Proposed trade rule	Drivers
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.	No trade into water source.	Protecting high environmental values, ecological and river health of the water source.
Brunswick River Coastal Alluvial Groundwater Source	Trade into water source prohibited.	No change.	Water source not hydrologically connected to other water sources.

Other proposed changes

(See further details in the Background Document, factsheets and report cards available on website)

- Redefining the long-term average annual extraction limit:
 - standard (fixed & includes basic landholder rights)
 - higher flow (variable & include higher flow licences only).
- Construction rules applying to new groundwater water supply work approvals in alluvial aquifers.
- Updated groundwater-dependent ecosystem map.
- An additional new groundwater extraction management unit.
- Updates to licensed entitlement volumes and basic landholder rights estimates.

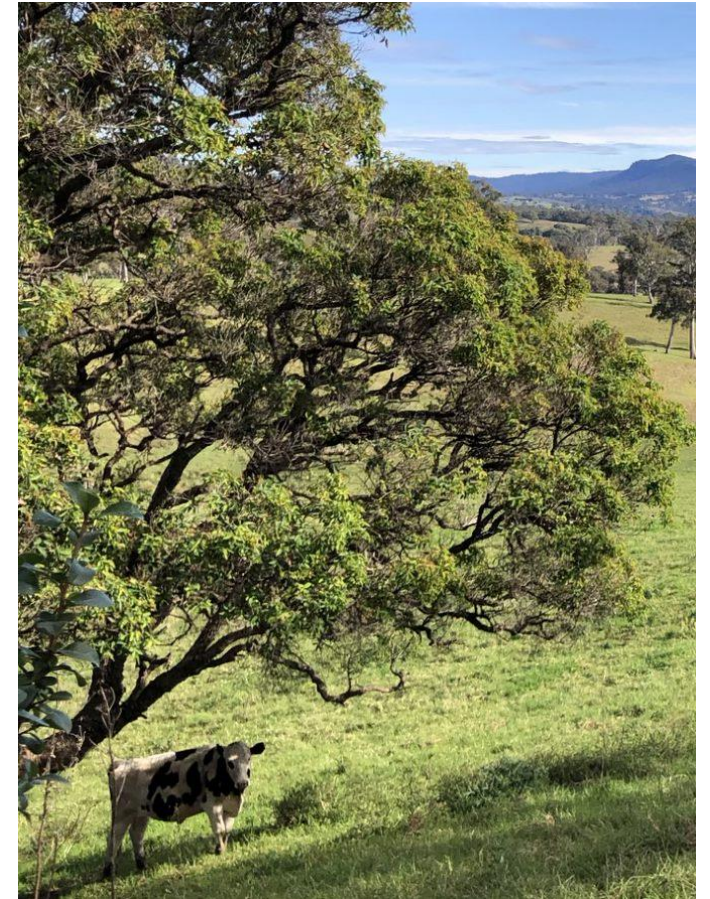


Photo credit: Adam Smith, DCCEEW

PUBEX



Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2027

under the Water Management Act 2000

I, the Minister for Water, make the following plan under the *Water Management Act 2000*, section 50.

Minister for Water

Where to from here?



We are currently seeking comments on the draft plan.

Please make a submission to have your say on any component of the water sharing plan.

Feedback and issues raised in your submission will be considered and changes made where appropriate.

Final plan must be approved by:

- Minister for Water
- Minister for the Environment.

The final plan to be in effect by late 2027.

Submission information

Public exhibition is open from 31 August to 26 October 2026.

A specific drop-in session for First Nations people will be held on 23 September 2026 in Byron Bay.

A face-to-face session will be held in Mullumbimby on 24 September 2026 for all members of the public. We encourage you to book an appointment via our Water website.

Submissions can be completed by:

- using the online submission form from our Water website
<https://www.water.dcceew.nsw.gov.au/our-work/plans-and-strategies/water-sharing-plans>
- downloading a hard copy submission form which can be emailed to
water.enquiries@dcceew.nsw.gov.au

Closing date for receipt of submissions: 5pm, 26 October 2026.

Further information

- Further information can be found on the website

water.dcceew.nsw.gov.au/our-work/plans-and-strategies/water-sharing-plans

- Scan the QR code to go to the webpage



- Ring **1300 081 047** for assistance in finding information and other questions or
- Send an email to water.enquiries@dcceew.nsw.gov.au

Questions

Ask questions in the chat bar

Send all other Water related queries to

water.enquiries@dcceew.nsw.gov.au

Feedback

Thank you for your interest in today's event

Please take a moment to give us your feedback



