

# Changes to the Water Sharing Plan for the for the Greater Metropolitan Region Unregulated River Water Sources 2023

A summary of changes made as part of the Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources Amendment Order 2025.

The NSW Government has amended the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023* to:

- Allow for additional environmental flow releases from Warragamba Dam when the St Marys Advanced Wastewater Treatment Plant is offline
- Increase WaterNSW's long-term average annual extraction limits (LTAAEL) in the Southern Sydney Rivers Extraction Management Unit to reflect the number agreed on in the publicly exhibited draft 2010 water sharing plan
- Clarify the agency responsible for the notification system to implement plan rules, and
- Make minor amendments to correct errors or inconsistencies that improve plan drafting and make the intent of the rules clearer and more legally robust.

These changes do not affect users access to water or change the intent of the rules. The amendments are summarised in Table 1.

Table 1. Summary of amendments to the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023*

| Clause                                                                               | Change in amended plan                                                                                                                                                                                                                                               | Basis for change                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part 3, Division 2, section 15(3)</b><br><b>Unregulated river access licences</b> | We propose to amend 15(3): <ul style="list-style-type: none"><li>• sum of share components to 148,790.3 unit shares</li><li>• change ML/year to unit shares</li><li>• change error in Stonequarry Creek shares (15(3)(zx)) from 678.5 to 687.5 unit shares</li></ul> | An error was found in the sum of shares for unregulated river access licences which was due to an error in the shares for Stonequarry Creek Water Source.<br><br>The share components for unregulated river access licences are currently listed in ML/year not unit shares |

| Clause                                                                                                                                       | Change in amended plan                                                                                                                   | Basis for change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part 4, Division 2,</b><br><b>Subdivision 3A,</b><br><b>section 26A(c)</b><br><b>Establishment of</b><br><b>WaterNSW</b><br><b>LTAELs</b> | We propose to amend WaterNSW current LTAAEL from 13,000ML/year to 18,000ML/year in the Southern Sydney Rivers Extraction Management Unit | <p>At the time the 2011 plan was being drafted, volumes were provided by the Sydney Catchment Authority (now WaterNSW) that included historical supply averages and system yield modelling. They estimated their LTAAEL for the Southern Sydney Rivers Extraction Management Unit (EMU) to be 18,000 ML/year. Following a submission from Sydney Catchment Authority during public exhibition, the volume was changed to 13,000 ML/year. The current LTAAEL of 13,000 ML/year for the Southern Sydney Rivers EMU is continually exceeded and due to continuing demand for drinking water and operational needs, actual water take is projected to continue to exceed the LTAAEL into the future.</p> <p>Actual water take continues to be consistent with the original LTAAEL estimate. Returning to the original estimate of 18,000 ML/year will ensure sufficient volumes for drinking water operations, supply growth and mining incidental take are adequately met.</p> <p>This change has no impact on environmental releases from Woronora Dam and negligible impact on environmental releases from Cataract, Cordeaux, Nepean, Avon and Tallow Dams.</p> |
| <b>Part 6, Division 4,</b><br><b>section 35</b><br><b>Access rules for</b><br><b>take of surface</b><br><b>water</b>                         | We propose to amend 35(2)(c) to include the missing word “pool” after in-river dam.                                                      | Section 35(2)(c) of the plan unintentionally omitted the word ‘pool’ after ‘in-river dam’                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Clause                                                                                                             | Change in amended plan                                                                                                                                                                                                      | Basis for change                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Part 6, Division 4,<br>section 36<br><br>Specific access<br>rules                                                  | We propose to amend section 35(2) to include an additional subsection referencing licences specified in Schedule 3 that surface water can't be taken which contravene licence conditions that apply to the licences listed. | This amendment will include rules that prohibit surface water from being taken under an access licence specified in Schedule 3 in contravention of the specified cease to take condition.                                              |
| Part 6, Division 4,<br>section 36(1)<br><br>Specific access<br>rules if flows are in<br>the Very Low Flow<br>Class | Delete section 36(1)(x) -Yarrunga Creek Water Source.                                                                                                                                                                       | The plan does not establish flow classes in Yarrunga Creek Water Source. Instead the access rules are based on a cease-to-take notice (set out in section 36(10)).                                                                     |
| Part 6, Division 4,<br>section 36(5)<br><br>Specific access<br>rules                                               | Remove reference to very low flows (A Class) as this water source does not have flow classes. Refer instead to cease-to-take notice.                                                                                        | There are no flow classes established in the Lower Nepean River Water Source. The appropriate trigger for accessing water will be specified in a cease-to-take notice.                                                                 |
| Part 6, Division 4,<br>section 36(6)<br><br>Specific access<br>rules                                               | Amend section 36(6) to allow take under an Aboriginal community development access licence when flows are in C Class in the Upper Shoalhaven River Water Source.                                                            | This section incorrectly refers to 'B Class' for all water sources and management zones. However, in the Upper Shoalhaven River Water Source high flows are C Class. The amendment will reference C Class flows for this water source. |
| Part 6, Division 4,<br>section 36(7)<br><br>Specific access<br>rules                                               | We propose to rectify a spelling error in the water source name – Kedumba River Water Source                                                                                                                                | Correct a spelling mistake in the water source name for Kedumba River Water Source. Currently spelt 'Keduma' in the plan.                                                                                                              |

| Clause                                                                           | Change in amended plan                                                                                                                                                                                                                          | Basis for change                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Part 6, Division 4,<br>section 36(10)(e)<br>Specific access<br>rules gauge table | We propose to add gauge reference numbers to the table: <ul style="list-style-type: none"> <li>• 212216 - Nepean River at Camden Weir</li> <li>• 212238 - Nepean River at Menangle Weir</li> <li>• 212202 - Nepean River at Wallacia</li> </ul> | Adding gauge numbers to the table improves clarity for licence holders and is consistent with other parts of the plan.                                                                                                                       |
| Part 6, Division 4,<br>section 36(10)(e)(ii)<br>Specific access<br>rules         | We propose to amend the reference of Camden Weir to be flows measured at Nepean River at Camden Weir                                                                                                                                            | The plan unintentionally omitted the words “Nepean River” when describing the location and name of the weir.                                                                                                                                 |
| Part 6, Division 4,<br>section 37(4)(a)<br>Exceptions                            | We propose to remove 37(4)(a) that allowed licence holders an exception to rules for taking from pools and daily flow rates.                                                                                                                    | Amending the clause will remove access of licences included in 36(3) & (4) from taking from an in-river dam pool or an off-river pool and retain the daily flow limits for take. This returns the rules to their original intent.            |
| Part 6, Division 4,<br>section 37(4)(b)<br>Exceptions                            | We propose to delete section 37(4)(b):                                                                                                                                                                                                          | The rules, as they were drafted had unintended consequences and were inequitable.<br><br>Deleting section 37(4)(b) means the higher priority drinking water supply is protected from take which was the intent of the access rule in s36(9). |
| Part 6, Division 4,<br>section 37(4)(c)(ii)<br>Exceptions                        | Delete reference to Very Low Flow Class                                                                                                                                                                                                         | No flow classes are established for the water sources and management zones listed. This subsection will be amended to reference when a cease-to-take notice is in effect.                                                                    |

| Clause                                                                     | Change in amended plan                                                                                                                                                                                                                                     | Basis for change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part 8, section 52(6)(d)(i)</b><br><b>Assignment of rights dealings</b> | Delete reference to gauge and gauge number 213400 for Liverpool Weir.                                                                                                                                                                                      | The dealing rules reference ‘above the Georges River at Liverpool weir gauge (213400)’. The rules use this weir as a location boundary to allow dealings above this point. Referring to the gauge number isn’t necessary, and the gauge isn’t listed on WaterNSW website.                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Part 8A Rules for major utility storages 57L</b>                        | Include a new subsection requiring the release of water for the environment from Warragamba Dam when the St Marys Advanced Wastewater Treatment Plant is offline. The amendment to also include an exception when this additional release is not required. | <p>This change reflects the original intent of the rules in the water sharing plan to have a set volume released (either by dam releases or from replacement flows from the St Marys Advanced Wastewater Treatment Plant) until infrastructure is available for variable daily dam releases.</p> <p>The exception when this additional release is not required includes a provision for when the Upper South Creek Advanced Water Resourcing Center comes online.</p>                                                                                                                                                                                                          |
| <b>Part 9, Division 2, section 59(2)</b><br><b>General conditions</b>      | We propose to amend section 59(2) to add the Domestic and stock (town water supply) access licences, therefore requiring this category of licence to give notice of run of river town water supply transfers.                                              | <p>Currently s59(2) requires the holder of a local water utility access licence or a major utility access licence to give notice of run of river town water supply transfers planned for the following 24 hours.</p> <p>The plan imposes a mandatory condition on local water utility and major utility access licences that holders are to give notice of run of river town water supply transfers. It is proposed to be broadened to include Domestic and stock (town water supply) access licences, given there are many of this category of licence held by local water utilities in the plan area. Water users are unaware of transfers unless a notice is published.</p> |

| Clause                                                                                                                    | Change in amended plan                                                                                                                                                                                    | Basis for change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part 9, Division 3, section 61</b><br><b>Water supply work approvals</b>                                               | <p>We propose to amend section 61 to include a water supply work approval held by Greenspot Wallerawang Pty Ltd to be subject to mandatory conditions to give effect to the rules set out in Part 8A.</p> | <p>The mechanism for imposing mandatory conditions to give effect to rules in Part 8A (rules for major utility storages) are in sections 61(2) for WaterNSW, 61(4) for Energy Australia and 61(5) for Origin Energy. However, one of the major storages is now authorised by an approval not held by any of these organisations. In 2022, an approval held by Energy Australia was amended to remove several works including Wallerawang Dam. That dam, subject to release rules in section 57J, is now authorised by an approval held by Greenspot Wallerawang Pty Ltd following its sale. There is no mechanism in the plan to impose a condition on the approval held by Greenspot Wallerawang in relation to daily release requirements.</p> <p>The amendment will make it possible to require the daily environmental flow release from the storage held by Greenspot Wallerawang Pty Ltd.</p> |
| <b>Schedule 2, Table B Local water utility access licences and access licences of the subcategory “town water supply”</b> | <p>We propose to amend this section to rectify an error – reference of WAL25625 should be Wingecarribee River Water Source in the list.</p>                                                               | <p>Schedule 2 lists local water utilities with subcategory town water supply in Table B. One of the WALs lists Medway Rivulet Water Source. The relevant WAL is located in the Medway Rivulet Management Zone in the Wingecarribee River Water Source. This is incorrect as WALs in this list are listed at water source level.</p> <p>An amendment referencing this WAL in the Wingecarribee River Water Source in the list is required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Clause                                                                                                                    | Change in amended plan                                                                                                                | Basis for change                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Schedule 2, Table B Local water utility access licences and access licences of the subcategory “town water supply”</b> | We propose to amend this section to rectify an error – reference of WAL25376 should be Mid Shoalhaven River Water Source in the list. | Error in the plan as WAL25376 is listed in Upper Shoalhaven River Water Source and should reference Mid Shoalhaven River Water Source. |
| <b>Schedule 3 Access licences and approvals subject to cease-to-take condition of a former entitlement</b>                | This schedule is being updated to include conditions.                                                                                 | Schedule 3 will now contain relevant water access licences and conditions relevant to the individual’s access licence.                 |
| <b>Schedule 6 Dictionary</b>                                                                                              | We propose to amend the plan to reference the map number and version (WSP016_Version 4)                                               | Currently in the dictionary section of the plan, the plan map does not reference a number or version.                                  |

## Why we have made these changes

### Additional releases from Warragamba Dam for the environment whilst the St Marys Advanced Water Treatment Plant is offline which delivers replacement flows

Western Sydney Recycled Water Initiative - Replacement Flows Project from 2007 was approved to construct and release high quality treated wastewater down Boundary Creek into the Nepean River. These would be considered replacement flows for the former environmental flows and keep more water in Warragamba Dam for drinking water supply. These discharges were made from the St Marys Advanced Wastewater Treatment Plant (AWTP) and commenced 2010. Interim releases of 43.3 ML/day from the dam then ceased, except for the drinking water supply (up to 25 ML/day) for North Richmond plus a dilution flow of 5 ML/day. Replacement flows from the St Marys AWTP will be offline from August 2024 until November 2026. The amendment to the plan (section 57 L) requires WaterNSW to release additional water, so that a total of 38 ML/day is to be released from Warragamba Dam when St Marys AWTP is offline. This volume will include the current drinking

water releases, plus the dilution flow plus additional to make up to the environmental flow replacement volume, whilst the St Marys AWTP is offline. These will be protected under existing provision in the plan (once a notification system is implemented) as far as North Richmond, and have an environmental benefit.

## **Increasing WaterNSW's LTAAEL in the Southern Sydney Rivers Extraction Management Unit due to an error resulting in a change to the original agreed volume**

A compliance assessment has shown that WaterNSW extraction has exceeded the major utilities long-term average-annual extraction limit (LTAAEL) in the Southern Sydney Rivers Extraction Management Unit (EMU) in both the 2011 plan and the replacement 2023 plan. Over the ten-year period from 2009/10 to 2019/20, the average annual extraction under this licence was 16,465 ML/year which means the LTAAEL was exceeded by 3,465 ML/year and has consistently been exceeded since. WaterNSW's LTAAEL for the Southern Sydney Rivers EMU included in the public exhibition version of the draft 2011 plan was 18,000 ML/year. This was set based on data provided by Sydney Catchment Authority (SCA, now WaterNSW) using a combination of historical supply volumes from SCA to Sydney Water Corporation, and WATHNET yield modelling. The 18,000 ML/year volume was supported by the interagency working group at the time to be included in the draft water sharing plan that went on public exhibition in 2010. SCA made a submission to the publicly exhibited draft 2011 plan, advising a change to the LTAAEL to 13,000 ML/yr. No information around this amended volume was provided. The 2011 plan (and replacement 2023 plan) include the 13,000 ML/year volume. Increasing WaterNSW's LTAAEL in Southern Sydney Rivers EMU to the original volume, will not impact any users or the environment.

## **Minor amendments such as errors or inconsistencies**

A number of errors or inconsistencies have been identified in the plan. These include but are not limited to correcting units, correcting reference locations, including gauge reference numbers, and clarification inserts. These will have no material impact.

---

## **The process for changing water sharing plans**

As well as the approval of the Minister for Water, amending a plan requires the agreement of the NSW Minister for Environment (this is known as 'concurrence'). Consistent with section 9 of the *Water Management Act 2000* (the WM Act), when amending a water sharing plan the ministers must:

- take all reasonable steps to promote the water management principles of the WM Act and

- give priority to the principles relating to water sharing according to the order they are set out in under section 5 (3) of the WM Act.

The water sharing management principles under s5(3) of the WM Act are (in their order of priority):

- a. Sharing water from a water source must protect the water source and its dependent ecosystems.
- b. Sharing water from a water source must protect basic landholder rights.
- c. Sharing or extraction of water under any other right must not prejudice the principles set out in points a and b.

The Department's Water Group worked with colleagues in the Department's Conservation Programs, Heritage and Regulation Group to develop the amendments before submitting the plan for the agreement and approval of the ministers.

---

## More information

To read the amended water sharing plan and supporting fact sheets, visit the department's [water sharing plan status](#) page.

To read the water sharing plan amendment protocol, read the departments [Water sharing plan amendment protocol](#) fact sheet.