Department of Climate Change, Energy, the Environment and Water

# What we heard report

## Draft Water Sharing Plan for the Macquarie/Wambuul Bogan Unregulated River Water Sources 2026

June 2026

NSW GOVERNMENT

# 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.

What we heard report

Published by NSW Department of Climate Change, Energy, the Environment and Water

water.dcceew.nsw.gov.au

First published: June 2026

Department or Agency reference number: PUB25/71

## More information

Cover image: Macquarie Marshes, Ben Wilkinson, DCCEEW

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# Executive summary

## About this document

The Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012 expired on 30 June 2025.

The Department of Climate Change, Energy, the Environment and Water (the department) publicly exhibited a draft replacement water sharing plan. This provided an opportunity for water users, broader stakeholders and other interested parties to learn more about proposed changes, to make submissions and comment on the draft plan.

This report summarises how we engaged with communities, the key issues we heard and the next steps taken to finalise the Water Sharing Plan for the Macquarie/Wambuul Bogan Unregulated River Water Sources 2026.

## Background

The department is responsible for surface and groundwater management, including ensuring water security for NSW. We also ensure equitable sharing of surface and groundwater resources, and that water entitlements and allocations are secure and tradeable.

Water sharing plans are the primary legal framework for managing and sharing water in NSW. They are made under the NSW *Water Management Act 2000* (WM Act) and are valid for 10 years. The rules in the plans allow equitable sharing of water for all water users, including the environment.

They do this by:

- providing water for the environment by protecting a proportion of the water available for fundamental ecosystem health
- setting limits on the total volume water extracted to ensure security for the environment and water users
- protecting the water needed to meet basic landholder rights

**Engagement at a glance**

- providing water users with a clear picture of when and how water will be available for extraction
- providing flexibility for licence holders in the way they can manage their water accounts
- specifying rules to minimise the impacts of extraction on groundwater users, groundwater-dependent ecosystems, culturally significant sites, water quality and the integrity of aquifers
- specifying the rules for water trading, that is, the buying and selling water licences and water allocations
- setting the mandatory conditions that apply to licence holders.

Under the WM Act water sharing plans are subject to review every 10 years and may be replaced to deliver better outcomes for all water users, including the environment.

# Consultation

Consultation is an essential part of developing the draft replacement Water Sharing Plan for the Macquarie/Wambuul Bogan River Water Sources 2026 (the replacement plan).

From 4 November 2024 to 10 January 2025 the replacement the plan was exhibited publicly and dated as the draft Water Sharing Plan for the Macquarie/Wambuul Bogan River Water Sources 2025.

We encouraged stakeholders to give feedback directly and through written submissions. Our website included a 'Have your say' section that gave people different ways to make a submission, including via email and a downloadable feedback form.

In addition to the feedback provided by those who attended face-to-face and webinar sessions, we received 92 written submissions during public exhibition.

The valuable feedback received during the public exhibition period and through submissions has helped the department finalise the draft replacement plan.

## How did we consult?

The initial consultation period was held between 4 November 2024 and 13 December 2024 during which the department consulted with stakeholders and sought their views on the proposed changes to the draft replacement plan. In response to public feedback, the consultation period was extended to 10 January 2025 for comments on the plan and 2 February 2025 for comments specific to proposed wetlands in the plan.

We identified stakeholders with a potential interest in the plan. These included water access licence holders and water supply work approval holders (WaterNSW customers), environmental interest groups, Local Aboriginal Land Councils, community groups, farming groups and local councils/water utilities.

WaterNSW customers were contacted via mail (1,736 letters) and other groups and individuals were contacted via email (1,943 recipients). These communications informed recipients of the plan replacement, ways to access information and invited them to attend the public information sessions.

Public information sessions were held over the 91-day exhibition period, including webinars: two face-to-face meetings with a plan-specific presentation and communication materials available. Surface water planning staff were in attendance to speak with stakeholders and answer questions.

## Face-to-face information sessions

We held two face-to-face meetings during the exhibition period in convenient locations for the majority of stakeholders likely to be impacted by proposed changes to the plan. We used a presentation and discussion approach for the meetings at which departmental staff were available to discuss the plan changes and answer questions. Stakeholders could watch the presentation, gather printed information, inspect maps and discuss any questions or concerns one-on-one with staff.

Table 1 summarises participation at each meeting.

Table 1. Stakeholder attendance at face-to-face meetings

| Location | Date | Registered to attend | Attended |
|---|---|---|---|
| **Bingara** | 21 November 2024 | 8 | 4 |
| **Bathurst** | 21 November 2024 | 4 | 8 |

## Webinar sessions

The department held two live webinar sessions using a virtual meeting platform. We presented the proposed changes to the plan and attendees could post questions in the live chat. We allocated time at the end of the presentation for clarification, questions and discussion.

Table 2 summarises the attendance at the webinars.

Table 2. Attendance at webinar

| Location | Date | Registered to attend | Attended |
|---|---|---|---|
| **Online webinar – Proposed changes to the draft Water Sharing Plan for the Macquarie/Wambuul Bogan Unregulated River Water Sources 2025** | 15 November 2024 | 15 | 11 |
| **Online webinar – Proposed changes for the Lower Macquarie River Water Source** | 18 November 2024 | 10 | 12 |

## Phone consultations

We held phone consultations with 12 stakeholders during the public exhibition period.

# What we asked

The online submission form focused on the following key proposed changes between the 2012 plan and the draft replacement plan:

- Gauge-based cease-to-pump access rules
- New management zones and access rules in the Lower Macquarie River Water Source

- Access rules for the Macquarie River above Bathurst Management Zone (Macquarie River above Burrendong Water Source) and Campbells River Downstream Management Zone (Campbells River Water Source) linked to Chifley Dam storage levels
- Trading rule for the Backwater Boggy Cowal Water Source
- Access rules for unregulated river (special additional high-flow) licences
- Proposed WSP prescribed wetlands and rules.

Although these were the key issues, comments, and discussion on all aspects of the plan were welcomed and encouraged.

## How we assessed submissions

Stakeholders raised issues in consultation sessions, through formal submissions and correspondence. When determining whether the issues raised were in or out of the scope of this consultation the department considered the following:

- Is the issue within the scope of the water sharing plan?
- Is the suggestion consistent with the WM Act?
- Are existing programs/processes or other departments addressing the issue?
- Does the issue relate to water charges, costs, operational activities or licensing matters that are outside of the scope of the water sharing plan?
- Is the issue likely to affect water availability for basic landholder right users and licence holders, and if so, how?
- Can current legal mechanisms enable the change, or is legislative change required?
- Is the issue consistent with current policy settings, and if not, can we develop robust, alternative policies within the timeframe for developing the water sharing plan?
- Are there additional costs for the NSW Government?
- Can we investigate the issue within the timeframe for developing the water sharing plan?

Issues raised during public consultation that were deemed out of scope of the draft replacement plan, are summarised in Appendix 1. These issues will not be explored further as part of the replacement plan.

## Key issues

We received feedback on the proposed changes during the consultation sessions and through submissions about the proposed rule changes. The feedback is summarised in Table 3 and is being considered as part of finalising the draft replacement plan.

Table 3. Summary of submissions about the proposed rule changes

| Issue | Comments |
|---|---|
| Access rules – Macquarie River above Burrendong Water Source – Macquarie River above Bathurst Management Zone | 'We believe that once a certain daily flow is reached in the Fish River, then access to our irrigation licences should be allowed. The proposed access rules do not consider the necessary beneficial impact to irrigators of Fish River flows in any way. It is hard to comprehend that there will be situations where water will be flowing past our irrigation pumps that we cannot access, will not be required by Bathurst Council, and will not contribute to the water levels or security of Ben Chifley Dam.'<br>'Upon reviewing the draft plan, we are concerned about the inability to access Fish River high flows. This would leave us unable to utilise excess water, which would not impact the town's water storage. During the last dry period, the Fish River was our only source of water, as the Ben Chifley Dam was closed off.' |
| Access rules – Lower Bogan River Water Source | 'The proposal to prohibit access along the entire stream length of the Lower Bogan Water Source when flows at Gongolgon are less than 5 ML/per day is neither practical nor equitable.'<br>'Flows well upstream will have ceased by the time water reaches Gongolgon and flows will not have reached all downstream reaches before flows fall below the threshold.' |
| Access rules – Summerhill Creek Water Source | Orange City Council agreed with proposed access rules.<br>'We feel that this is unfair and inequitable in terms of the principles of water sharing. We feel the proposed changes will make it difficult for the orchard to survive through a dry spell.'<br>'This is unacceptable overreach that specifically targets users who are entitled to water access for the purpose of agricultural production.' |
| Access rules – Lower Macquarie River Water Source | 'The proposed changes appear sensible and will also improve protection of low-flow connectivity in these zones. The Commonwealth Environmental Water Holder (CEWH) supports replacing "no visible flow" rules with flow-based rules, such as those proposed in the Lower Macquarie.'<br>'I do not agree with the proposed rule change in the Lower Macquarie Upstream Management Zone. The proposed 93 ML/day is at the high end of the range. This problem has come about from rule changes and not the fault of the licence holder. It is unfair that we must carry all the risk. This topic has been poorly handled and can I request that the fair point for all concerned be 85 ML/day at Gibsons Way gauge.'<br>'Strongly oppose the following rule change: The proposal to change the access rules in Lower Macquarie Upstream Management Zone from cease-to-pump of 500 ML/d at Oxley gauge to 93 ML/d at Gibson Way gauge.' |

| Issue | Comments |
| --- | --- |
| **Trading rules – Backwater Boggy Cowal Water Source** | 'The CEWH has concerns about permitting trade into the Backwater Boggy Cowal water source given this area has been identified as having high values because of the presence of endangered ecological communities and threatened species including fish.'<br>'Strongly oppose the following rule change: Trading into water sources with no gauges or low-flow protection i.e., Backwater Boggy Cowal water source.'<br>'No trading into or out of this system should be allowed. Trangie Cowal has had its flows eroded by the retrospective approval of works along its natural watercourse and this should be prevented at all costs in the future.' |

# New wetland rules

New wetland protections were proposed by introducing WSP prescribed wetlands in response to Natural Resources Commission recommendations from its reviews of inland unregulated water sharing plans (WSPs). As this is an evolving policy area, the department was keen to get feedback from stakeholders. Similar protections were included in 6 inland WSPs that were replaced in 2024.

The draft 2025-2026 replacement water sharing plans proposed to introduce new rules that prohibit the installation of new water supply works, such as pumps and impounding structures, and to prevent additional water from being extracted from identified wetlands beyond what is currently permitted by prohibiting trade into those wetlands. It was not proposed to reduce existing activities on these wetlands. New works could be permitted only if they are assessed to cause no more than minimal harm.

The department developed a desktop method of identifying important wetlands suitable for protection based on set criteria and existing data, including wetlands listed in international, national and/or existing planning documents.

An interactive mapping tool was provided to enable landholders (and other stakeholders) to zoom in to see whether any WSP prescribed wetlands had been proposed on their property.

## What we heard about proposed WSP prescribed wetland protections

The department received considerable feedback about the proposed protection of WSP prescribed wetlands. Environmental groups and some individuals concerned about environmental protection supported protecting wetlands, but other feedback included:

- lack of communication or contact with landholders with WSP prescribed wetlands identified on their property who do not have a water licence
- need a clear definition of what are WSP prescribed wetlands, as some areas identified are dry most of the time,
- need justification as to why some wetlands adjacent to WSP prescribed wetlands have not been identified as WSP prescribed wetlands
- inaccurate mapping of wetlands boundaries

- justification for including areas under cultivation and riverbeds as WSP prescribed wetlands
- requests to ground truth the data by onsite assessments and staff visits
- concern that having a WSP prescribed wetland on one's property will lead to a reduction in land value and affect opportunities to develop the land in the future,
- what is a practical application of a 3 km buffer upstream of Ramsar wetlands
- the proposed changes should be rolled out over the next 3 to 5 years.

During public exhibition, the department undertook to review the draft WSP prescribed wetlands protection and released revised draft WSP prescribed wetland maps for further public comment by early March 2025. The department prepared a separate What we heard report about feedback received during the period of comment on the revised wetlands approach, available on the department's 'Outcomes of public exhibition' webpage.

## Other issues

During the consultation period additional issues were raised. Some of the other issues raised that are within scope of the draft replacement plan are:

- Alternative access rules in relation to bigger cease-to-pump rules for bigger pumps and recognisable low-flow levels in publicly accessible locations.
- Reduce available water determinations (AWD) to address over-entitlement. No amendments/reduction to AWD without compensation.
- Support for the amendment provision for Bulbodney Grahway Water Source (includes Nyngan Weir Pools) noting action is required now. Related comments encompassed a range of sub-issues including town water supply, off-stream storages, environmental water, and trading and access rules.
- Request to provide further protection for Bell River and Wellington Caves.
- Objection to carryover rules in the plan with the view that they should only apply when the water carried over cannot unfairly impact on allocations.
- The incorporation of the Connectivity Program received mixed support and opposition. Some opinions encouraged incorporating the program now while others thought the reference should be removed until the final report and engagement with water users is complete.
- Risk of floodplain harvesting not being assessed.
- Request for more gauge-based access rules and establishment of additional gauging sites.
- Support for providing more water and prioritising access for Aboriginal cultural values. Other comments want assurance that any water recovered for Aboriginal peoples does not negatively impact other licence holders.
- Concern about the inter-basin transfer of inland water to coastal waters and the operation of the Fish River Water Supply Scheme in the Fish River Water Source.
- Support for and objections to the exemption for town water supply in terms of in-river dams. There was also commentary proposing the application of restrictions on in-river dams to all water sources in the plan.

- Request to prioritise the objectives and targets of the long-term watering plan (LTWP) as a main focus of the draft water sharing plan.
- General support for the numeric LTAAEL, but also some opposing views. Some submissions suggested fast-tracking the methodology and numeric number to 2025. Alternative views said there should be a delay until the methodology is finalised and supported by licence holders.
- There was a suggestion that all pumps should have metering to measure water take.
- Concerns were raised about some of the regulatory powers.
- There were comments opposing the perceived removal of planned environmental water (PEW) from the plan. There were also concerns about PEW being used for stock and domestic purposes.
- Provide further improvements to the operational aspects for replenishment flows. Neither unregulated nor regulated adequately ensure environmental water is not being used for replenishment flows.
- Questioning of numbers specified in the requirements for water.
- Questions raised about the reason for change in risk value from high to low in Summerhill Creek Water Source and the absence of town water supply (TWS) development consideration in the risk assessment.
- New rules for special additional high-flow licences should apply to all licences.
- Negative comments about stormwater harvesting schemes and development.
- Various issues raised in respect to securing town water such as permitting access to high-flow events, securing additional entitlement, and challenges of trading TWS entitlement between and within water sources including the need to convert other licence types to TWS licences.
- Prohibit retrospective approval of water supply works and that conditions should consider impacts and protect first-flush events.
- Resolve issues around operations and environmental flows in the Winburndale Rivulet Water Source.
- Put in place resumption of flows rules similar to Barwon-Darling.
- Issues with the public exhibition including timing, duration, and events.

## Next steps

Feedback and issues raised within the scope of draft replacement plan are considered by the department before recommending a replacement water sharing plan to the Minister for Water.

Before deciding to replace the plan, the minister must seek agreement from the Minister for Environment. The plan was approved to commence on 2 April 2026.

The department will publish a background document on the plan. This will include a summary of the changes made because of public consultation.

## More information

The draft replacement plan and supporting fact sheets are available on the department's website until the new plan commences. After that date, the new plan and supporting information will be available here.

# Appendix 1: Out-of-scope issues

## Assessing out-of-scope issues

Managing water resources in New South Wales relies on a range of legislation, initiatives and cooperative arrangements with other agencies. Many issues that are out of scope of a water sharing plan are managed by other agencies, including some issues relating to:

- complying to plan rules
- assessing development applications
- the costs and processes of obtaining water licences and works approvals
- pollution and contamination of water sources.

Feedback on out-of-scope issues may be passed on to responsible agencies, where appropriate.

Table 4 outlines the criteria for and examples of out-of-scope issues.

Table 4. Assessment criteria for identifying whether an issue it out of scope

| Assessment criteria | Comment/Example |
|---|---|
| **Does the issue relate to water charges, costs, infrastructure proposals, operational activities or licensing?** | These are issues with the implementation and operation of water management that a water sharing plan cannot address |
| **Is the issue about including descriptions or explanations within the Plan?** | The water sharing plan is a legal document that states the rules relevant to water sharing. Other documents provide supporting information that describe how water is managed and how decisions have been made. |
| **Is another program or process addressing the issue, or is it the responsibility of another department?** | Proposed or current land development activities such as mine approvals, road tunnel developments or water pollution are managed under other legislation by other departments.<br>The *Access Licence Dealing Principles Order 2004* is the basis for assessing the local impacts of water extraction, when an applicant seeks approval to trade water or construct a new water supply work. |
| **Does the issue require time and resources beyond the time frame to review the water sharing plan?** | For example, a study on the effects of climate change in a particular groundwater source. |
| **Is the issue consistent with the current legislative and policy framework?** | A water licence is required for any activities that intercept or extract surface or groundwater unless a valid exemption applies. |

# Out-of-scope issues heard

Table 5 summarises issues raised during public consultation that are outside of scope of the water sharing plan.

Table 5. Summary of submissions on out-of-scope issues

| Issue | Comments |
|---|---|
| **Renewable energy infrastructure development** | Resulting increase in population. Competing water demands with agriculture.<br>Increased water extraction. Increased vulnerability during droughts. Suggest frequent review of Renewable Energy Zone impacts. Issues around adaptive management, stakeholder engagement, and water resource modelling. |
| **Review of water sharing plan** | Copy of submission to the NRC unrelated to the current WSP. Submission in error. |
| **Pool access rules** | Retain pool drawdown laws at current levels in Murrumbidgee. Not relevant. Incorrect water sharing plan. |