

# FAQs – Proposed water sharing rules for the Hunter River Tidal Pools

## What is a water sharing plan?

Water sharing plans are statutory plans made under the *NSW Water Management Act 2000*. The rules in the plans allow equitable sharing of water for all water uses, including the environment. The plans have a statutory timeframe of 10 years. The purpose of a water sharing plan is to:

- provide water users with a clear picture of when and how water will be available for extraction
- protect the fundamental environmental health of water sources
- ensure our water sources are sustainably managed in the long term.

The plans clearly define the rules for sharing in the available water in a water source. The *NSW Water Management Act 2000* provides irrigators and farmers with continuing or 'perpetual' licences that have a title separate from the land, enabling better water trading opportunities. In addition, plans set out requirements for basic landholder rights – domestic and stock rights, harvestable rights and native title rights.

Water sharing plans support the long-term health of rivers and aquifers by making water available specifically for the environment.

The Hunter River Tidal Pool Water Sources; Hunter River Tidal Pool, Paterson River Tidal Pool and Wallis Creek Tidal Pool water sources form part of the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022*.

## Why is it proposed to amend the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022*?

Full extraction of existing water entitlements during times of low freshwater inflows into the Hunter tidal pools would result in increased occurrence, frequency, and extent of salinity in the tidal pools, negatively impacting the quality and quantity of water available for water users and the riverine environment.

The department is proposing to amend the existing water sharing plan to include rules to minimise the risk of these negative impacts on water users and the environment.

During consultation of the draft replacement water sharing plan during 2020-2022, the department proposed to apply access rules in the tidal pool water sources in order to manage the upstream migration of salt water in the tidal pools. Licence holders in the tidal pool water sources told the department that access rules based on inflows or salinity levels would result in severe economic

hardship. The department then proposed to use Available Water Determinations (AWDs) to manage extraction volumes during periods of low inflows. Further analysis and consultation was required to assess the benefits and impacts of this proposal. The plan includes an amendment provision to allow the introduction of AWD rules to manage extractions from the tidal pool. This amendment is now being considered.

### How will the department consult on the amendment?

Stakeholder input is critical to the development of water sharing plans in NSW. We are consulting the community through:

- Facilitated workshops
- Feedback forms
- inter-agency consultation.

Licence holders in the tidal pool water sources will receive a letter to attend the workshop. Once registered to attend, invitees will be provided with further information including access to fact sheets and submission forms.

### What is the amendment being proposed?

The department is deciding whether to implement AWD rules for the Hunter tidal pool water sources. The AWD rule being considered is to announce a 0.5ML/share AWD at the start of every water year, the AWD would then increase to 1ML/share once inflows reached 60,000 ML/quarter.

### How would the proposed amendment affect me?

Licence holders in the Hunter tidal pool water sources who use up to 50% of their entitlement would have sufficient water to continue their normal operations every year. Licence holders who use more than 50% of their entitlement may have insufficient water during the driest 8% of years to continue their usual operations. These water users may be able to purchase water on the water market to make up the shortfall of water in those years.

### What is the likelihood of an AWD less than 1 ML/share (100%) to be announced in the Hunter tidal pool water sources?

The proposed amendment to the water sharing plan would mean that a 0.5ML/share AWD would be announced on 1 July every year for the Hunter tidal pool water sources.

It is estimated there would be:

- 80% chance the AWD would reach 1ML/share by 1 Oct,
- 86% chance the AWD would reach 1ML/share by 1 January, and

- 92% chance the AWD would reach 1ML/share by 1 April.

### What is an AWD?

An available water determination (AWD) allocates water to licensed water users. An AWD is announced at the start of each water year on 1 July, crediting water to each licence holders water allocation account and if less than 1ML/share additional announcements can be made throughout the year up to a maximum of 1ML/share if additional water is assessed as being available.

### Is there a limit on how much water I can take with my licence?

Water Access Licences show the amount of entitlement that you have – called the share component. This share component can be expressed as ML/year or for most licence holder a number of ‘unit shares’ in the available water resource. The amount of water you can take is based on your licenced share component, the available water determination (AWD) and your account management rules and any relevant conditions on your access licence. An AWD is made at least on 1 July each year. The AWD sets out a volume of water per share (ML/share) that will be placed into your water allocation account at the start of a water year (1 July) or a % of the entitlement volume if share component is in ML/year. This is called an allocation. You can only take the volume of water that is in your water account, in accordance with the rules in the water sharing plan and any relevant conditions on your access licence.

### How do AWD announcements affect me?

On 1 July of each water year, allocations are given to each unregulated river access licence holder in megalitres per unit shares (ML/share) for example, 0.5 ML/share for a licence that has 50 shares is equal to 25ML of water put into the licence holders water allocation account for that unregulated river access licence, a 1 ML/share AWD for the same licence is equal to 50ML of water put into the water allocation account. This is the volume of water that a licence holder can extract or trade.

When licence holders receive 1ML/share AWD further allocations will not be provided for the rest of the water year. Further allocations can be provided when less than 1ML/share AWD is provided on 1 July if assessment indicate there have been sufficient inflows.

### How can I obtain a licence or additional water for a commercial enterprise?

New or additional licence shares or allocations may be acquired through the water market. The plan establishes rules governing buying and selling shares and allocations within and between water sources.

### Would this rule still apply if the Lostock to Glennies Pipeline and the Paterson River Connection projects proceed?

These two projects have not yet been approved, and if approved to proceed they will take a number of years to build. Because the potential impacts of these projects are not yet known, it is difficult to know what kind of rules/mitigations could be required. It is likely that if the AWD rule for the tidal pool water sources is implemented, and if the pipelines are built, the AWD rules for the tidal pool water sources may be reviewed.

### What are the environmental values in the Hunter tidal pools?

The Hunter Estuary is recognised as the most important migratory shorebird habitat in NSW, and the estuarine wetlands are internationally important (Ramsar wetlands) for threatened species and migratory shorebirds. The Hunter and Paterson Rivers also contain significant numbers and varieties of native fish and is surrounded by important freshwater wetlands and marshlands.

### How does water extraction from the tidal pools impact environmental values?

Extraction of the freshwater layer in the tidal pool results in upstream migration of saline water further, and more frequently than it would naturally occur, affecting plants and animals that are sensitive to higher salt loads.). This is particularly acute during dry times.

### How does water extraction from the tidal pools impact other users and stakeholders?

Extraction in the upstream reaches of a tidal pool reduces availability of fresh water for those further downstream, this is particularly important for Basic Landholder Rights requirements during dry times.

The volume of entitlement in the Hunter tidal pools exceeds the volume of water inflows in the driest 20% of time. This is particularly evident in the Paterson River tidal pool water source (based on inflows at Gostwyck gauge #210079) where volume of water available during dry times during irrigation months is only 5,601 ML compared to total entitlement of 10,965 ML.

### How far upstream can the salt wedge travel?

Full extraction of all entitlements during dry times is expected to move the salt wedge approximately 10 kilometres further upstream than would normally be expected.

### Why are we managing the three Hunter tidal pools as one?

Modelling and realtime flow analysis has shown that the Hunter tidal pool water sources are highly connected and what happens in one tributary directly affects what happens in the other, for example what happens in the Hunter River arm also affects tidal water moving up the Paterson River. Flows coming down the Paterson River, Hunter River and Wallis Creek all flow into the Hunter River Estuary where the Green Rocks monitoring gauge is located.

## How can I have my say?

Please either attend a workshop on either 27 June or 28 June 2024, download a feedback form from the [department's website](#) or contact the department on 1300 081 047 or email [water.enquiries@dpie.nsw.gov.au](mailto:water.enquiries@dpie.nsw.gov.au) and ask for a feedback form.

## More information

Please, contact the department on 1300 081 047 or email at [water.enquiries@dpie.nsw.gov.au](mailto:water.enquiries@dpie.nsw.gov.au).