

4th August 2026

The Hon Rose Jackson MLC
Minister for Water
Parliament of New South Wales
52 Martin Place
Sydney NSW 2000
Email: office@jackson.minister.nsw.gov.au

Re: Request for Urgent Review of Government-Owned Meter Regulations for Coastal Water Users in Flood-Prone Areas

Dear Minister

On behalf of the Lower Nepean and Hawkesbury Water Users Association I write to express our profound disappointment with the recently approved non-urban metering regulations that require government-owned telemetry metering systems to be installed and maintained by landholders in flood-prone areas.

Throughout the consultation process with the Department of Climate Change, Energy, the Environment and Water, and WaterNSW, our organisations consistently raised serious concerns regarding the practicality, fairness and long-term sustainability of these proposed requirements. Unfortunately, despite repeated representations from landholders with decades of first-hand experience managing water infrastructure in the Hawkesbury-Nepean floodplain, these concerns appear to have been largely disregarded.

The regulations, as approved, place an unreasonable financial and operational burden on a relatively small number of primary producers who are already facing significant cost pressures.

Flood-Prone Areas Require a Different Approach

The Hawkesbury-Nepean Valley is one of Australia's most flood-prone catchments. During recent flood events, water levels approached 14 metres and carried enormous volumes of debris including mature trees, shipping containers, vehicles, building materials and household contents. Infrastructure located within these floodwaters is exposed to extreme forces.

The requirement to install telemetry equipment on elevated poles in these environments is neither practical nor sustainable.

Such installations will require substantial excavation, engineered footings and supporting structures, yet they remain highly vulnerable to destruction during major flood events. The likelihood of poles being struck by debris, uprooted or washed away is significant. In many cases, the telemetry equipment itself would require complete replacement following a flood, resulting in substantial ongoing costs for landholders. These concerns are not hypothetical.

When the original telemetry metering program was introduced into the Hawkesbury in 2010/2011, local water users strongly advised Government that telemetry systems were unsuitable for flood-prone areas. We warned that they would be expensive to install, costly to maintain and highly vulnerable during flood events. Despite these warnings, the program proceeded.

Unfortunately, experience has proven those concerns to be well founded. Many of the original telemetry systems never operated effectively from installation, while those that remained were subsequently damaged or completely destroyed during major flood events. This history demonstrates that the current concerns are based on practical experience, not theoretical assumptions.

It is therefore difficult to understand why responsibility for replacing similarly vulnerable infrastructure is now being transferred from Government to individual landholders.

Responsibility Should Remain with Government

If the Government determines that telemetry systems are necessary to meet its water management objectives, then ownership, installation, maintenance and replacement of that infrastructure should remain the responsibility of Government.

The current regulations appear to transfer not only the cost of compliance but also the ongoing financial liability associated with maintaining infrastructure that has already proven unsuitable for flood-prone environments. It is difficult to avoid the conclusion that the regulations simply shift the Government's future liability for these systems onto individual landholders.

It is unreasonable to require primary producers to assume responsibility for infrastructure that primarily serves a government compliance function, particularly when there is extensive evidence that the infrastructure is at high risk of repeated flood damage.

Mechanical Metering Provides a Practical Alternative

Mechanical metering provides a proven, reliable and significantly more economical solution for flood-prone environments.

Mechanical meters:

- are less vulnerable during flood events;
- require significantly lower installation costs;
- reduce ongoing maintenance expenses;
- provide reliable measurement of water use;
- avoid unnecessary expenditure on technology that is highly susceptible to flood damage; and
- provide a fair and practical compliance option for primary producers operating in flood-prone regions.

For floodplain users, mechanical metering represents the most practical, resilient and cost-effective solution.

The Regulations Create Inequity

The current regulations also create inequitable outcomes. Landholders with larger pumps or licensed entitlements above the prescribed thresholds are being required to bear substantially greater costs, despite already paying for their water licences and complying with existing water management obligations.

The result is that a relatively small group of primary producers is being disproportionately impacted by regulations that provide little additional benefit while imposing considerable financial hardship.

Primary producers are already managing increasing operational costs associated with energy, labour, insurance, environmental compliance and flood recovery.

The additional burden of funding expensive telemetry infrastructure—particularly infrastructure that is highly likely to be damaged in future floods—is both unreasonable and unsustainable.

Our Request

We respectfully request that the Government place an immediate hold on the implementation of the metering regulations applying to water users with pumps over 100 mm and licensed entitlements exceeding 100 ML in designated flood-prone areas, currently scheduled to commence by December 2026.

This pause would allow a comprehensive review of the policy and enable practical, evidence-based solutions to be developed in consultation with affected landholders.

Specifically, we recommend that:

- Primary producers operating within recognised flood-prone areas be permitted to comply using mechanical metering only; or
- If telemetry systems remain mandatory, the Government retains ownership of the telemetry equipment and assumes responsibility for all costs associated with installation, supporting structures, maintenance, repair and replacement.

These recommendations would provide a more equitable, practical and financially sustainable approach while still achieving the Government's water monitoring objectives.

Request for Meeting

Given the significant impacts these regulations will have on landholders throughout the Hawkesbury-Nepean region, we respectfully request the opportunity to meet with you at your earliest convenience.

A meeting would allow representatives of the association to share their practical experience of operating within flood-prone environments and demonstrate why the current regulations will impose unnecessary costs and create inequitable outcomes without delivering meaningful improvements in water management.

We also respectfully request your prompt consideration of this matter. With the implementation deadline for these regulations fast approaching, affected landholders require certainty regarding their compliance obligations before committing to substantial expenditure on infrastructure that will ultimately prove to be unsuitable.

We believe there remains an opportunity to develop a solution that satisfies the Government's compliance objectives while recognising the unique challenges faced by primary producers operating in one of the states most flood-affected regions.

We appreciate your consideration of this request and look forward to your timely response and the opportunity to meet with you to discuss this matter further.

Yours sincerely



Anthony Muscat
President
Lower Nepean & Hawkesbury Water Users Association Inc.

Email: anthony@greenerlawn.com.au