

Proposed changes to groundwater sharing plans

The NSW water sharing plans are the primary legal framework for managing water access and sharing in the Murray-Darling Basin. Chapter 10 of the *Basin Plan 2012* requires that water resource plans are prepared to meet requirements set out by Commonwealth legislation. NSW is meeting these requirements by replacing, remaking or amending existing water sharing plans to meet the accreditation requirements of Chapter 10 of the *Basin Plan 2012*.

This factsheet is a summary of proposed changes to the groundwater sharing plan for the alluvial groundwater resources in the NSW Border Rivers. In summary, changes are proposed to the:

- Scope
- Objectives, strategies, and performance indicators
- Definition of planned environmental water
- Estimated requirements for water
- Definition of limits to the availability of water for extraction in the area
- Measurement of compliance with limits to the availability of water
- Determination of annual permitted take
- Distance rules for groundwater works
- Regard to Queensland Border River water resources
- Ability to adjust the limits to the availability of water in line with s 7.25 of the Basin Plan.

The proposed changes to the plan range from purely administrative to more substantial. In general, the changes aim to modernise and simplify the water sharing plan to make it easier to read and put in place, while maintaining its legal accuracy. In addition, we have made changes to eliminate inconsistencies, inequities, and unintended implementation issues.

Scope of the water sharing plan

A new water sharing plan, called the '*Water Sharing Plan for the NSW Border Rivers Alluvial Groundwater Sources 2020*' has been drafted. It is proposed that this plan will replace the *Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012* in relation to the Macintyre Alluvial, NSW Border Rivers Downstream Keetah Bridge, NSW Border Rivers Upstream Keetah Bridge and Ottleys Creek Alluvial Groundwater Sources. The water sharing plan area aligns with the NSW Border Rivers Alluvium Water Resource Plan Area, as defined in the *Basin Plan 2012*.

Objectives, strategies and performance indicators

The objectives, strategies and performance indicators have been revised. The proposed new objectives, strategies and performance indicators of the WSP deal with similar matters to the previous ones, but have been changed to:

- link the objectives, strategies and performance indicators more strongly
- distinguish between the environmental, economic, social and Aboriginal cultural objectives more clearly.

Definition of planned environmental water

We propose to change the way planned environmental water is specified in the water sharing plan. We will define it more accurately, including removing the reference to recharge. This change will not alter the actual volume of planned environmental water or the timing of its availability to the environment.

More information on this proposal is provided in the fact sheet *Specifying planned environmental water in groundwater plans*, available from www.industry.nsw.gov.au/water.

Estimated requirements for water

We have updated the estimated water requirements of basic landholder rights. We have also updated the total volumes or unit shares specified in the share components of all access licences to reflect the current information.

Aligning long-term average annual extraction limits to Basin Plan sustainable diversion limits

The long-term average annual extraction limits for the Macintyre and Ottleys Creek Alluvial groundwater sources will not be changed and are aligned with the sustainable diversion limit for the NSW Border Rivers Tributary Alluvium sustainable diversion limit resource unit. The long-term annual extraction limits for the NSW Border Rivers Upstream Keetah Bridge and the NSW Border Rivers Downstream Keetah Bridge Alluvial groundwater sources will not be changed and are aligned with the sustainable diversion limit for the NSW Border Rivers Alluvium sustainable diversion limit resource unit.

More information is provided in the fact sheet *NSW Border Rivers Alluvium WRP - relationships between the water resource plan and water sharing plans*, available from industry.nsw.gov.au/water-resource-plan-consultation.

Compliance with long-term average annual extraction limits

The existing water sharing plan specifies the process to assess compliance with the long-term average annual extraction limits. We propose to include an additional rule that directly adopts the *Basin Plan 2012* provisions for assessing compliance with the Basin Plan long term average diversion limits.

To assess compliance with the long-term average annual extraction limits in each groundwater source, the average annual extraction over the past five years will be compared with the long-term average annual extraction limits.

No change is proposed to the trigger for requiring action to ensure compliance with the long-term average annual extraction limit. This will remain at 10% for the Macintyre, NSW Border Rivers Downstream Keetah Bridge, NSW Border Rivers Upstream Keetah Bridge and Ottleys Creek Alluvial groundwater sources.

As previously, if extraction exceeds the triggers, the Minister can limit the available water determinations to lower priority access licences¹ to achieve compliance in the following year(s).

We have also proposed an additional, alternative means to reach compliance. With this mechanism, the Minister may also limit the water allocation that can be taken, assigned under section 71T of the *Water Management Act 2000*, or otherwise debited or withdrawn, from a water allocation account, to achieve compliance. This method may reduce the need for more severe limits on available water determinations.

If compliance action is required, licence holders will be consulted on the most appropriate mechanism to achieve compliance with the long-term average annual extraction limit.

Compliance with Basin Plan sustainable diversion limits

The existing water sharing plan that specifies the process to assess compliance with the long-term average annual extraction limits. Additional provisions will be included in the new water sharing plan that directly adopts the *Basin Plan 2012* provisions for assessing compliance with the Basin Plan long term average sustainable diversion limits.

The *Basin Plan 2012* requires an annual assessment of extractions against 'annual permitted take'. The annual permitted take for each sustainable diversion limit resource unit in the NSW Border Rivers Alluvium will be equivalent to the sustainable diversion limit for that resource unit.

¹ aquifer access licences or Aquifer access (high security) aquifer access licences

At the end of each water year take will be compared with the annual permitted take (or sustainable diversion limit) for each sustainable diversion limit unit. If actual take exceeds the annual permitted take a debit will be recorded, and conversely if actual take is less than the annual permitted take a credit will be recorded.

Under the *Basin Plan 2012*, there is non-compliance with a sustainable diversion limit when the cumulative balance is in debit by 20% or more of the sustainable diversion limit for a sustainable diversion limit unit.

If compliance action is required, the Minister may limit available water determinations and/or the water that can be taken from accounts in subsequent years to bring actual take back to the sustainable diversion limit.

More information on these issues is in these fact sheets available from industry.nsw.gov.au/water-resource-plan-consultation:

- *Compliance with the sustainable diversion limit for groundwater*
- *Available water determinations in groundwater sources*
- *NSW Border Rivers Alluvium WRP - relationships between the water resource plan and water sharing plans.*

Standardising distance rules

We propose to standardise the rules for assessing applications for water supply works (bores). The proposed changes to rules are summarised below.

Rules for water supply works located near contamination sources

Distance rules from contamination sources and plumes will remain largely unchanged. Contaminated sources will be identified in a Schedule as previously, however sewage disposal systems will no longer be listed in this schedule. There will be an important additional rule for all groundwater sources to reduce risks to public health and safety from contaminated groundwater resulting from on-site sewage disposal systems:

- A water supply work approval located within 250 metres of an on-site sewage disposal system may only be granted or amended if the water supply work is:
 - constructed with cement grout between the bore casing and the borehole annulus² to a minimum depth of 20 metres from the ground surface, and
 - located at sufficient distance from the on-site sewage disposal system to prevent septic contamination of the aquifer.

Additions to groundwater-dependent ecosystems schedules

Recent work by the Department of Planning, Industry and Environment has identified additional high priority, groundwater-dependent ecosystems. We proposed to add the mapped extent of these groundwater-dependent ecosystems as a water sharing plan schedule.

More detailed information on this proposal is provided in the fact sheet *NSW Border Rivers Alluvium WRP - groundwater-dependent ecosystems*, available from industry.nsw.gov.au/water-resource-plan-consultation

Removal of 'local impact management' and take 'within restricted distances' rules

Rules for granting new water supply works or amending existing water supply works will remain (as amended) in the water sharing plan, as outlined above. However, we propose to remove the provisions about restricting take from existing water supply works.

Contemporary advice is that the powers to restrict groundwater take from existing water supply works lie firmly within the *Water Management Act 2000* (the Act), and that their duplication and re-interpretation in water

² the space between the bore casing and the wall of the borehole

sharing plans may cause inconsistencies between the Act and the plan. This means that the Act will continue to provide the framework for groundwater take from existing water supply works.

The powers in the Act enable the Minister, at any time, to specify a limit on the volume or rate of extraction from a water supply work to minimise impacts on other users, on groundwater-dependent ecosystems, or groundwater-dependent culturally significant areas; or for public health and safety reasons. The Minister may also condition or refuse an application for a dealing to effect these outcomes.

For transparency, the draft plan includes notes explaining these powers.

More details on the process for assessing groundwater applications for a new or amended water supply work approval or dealing is provided in the fact sheet *Assessing groundwater applications*, available from industry.nsw.gov.au/water-resource-plan-consultation

Regard to Queensland Border River groundwater sources

Section 10.05 of the *Basin Plan 2012* requires water resource plans to ‘have regard to the management and use of any water resources which have a significant hydrological connection to the water resources of the water resource plan area’. To give effect to this, NSW will include in the new NSW Border River Alluvial water sharing plan a clause that allows the plan to be amended to provide for inter-state trading rules to be developed and implemented. The clause will specify that such an amendment can only occur if and when appropriate administrative arrangements are in place.

Adjustments to groundwater sustainable diversion limits

Section 7.25 of *Basin Plan 2012* allows for the MDBA to propose ‘an adjustment of the sustainable diversion limit for a groundwater sustainable diversion limit resource unit if better information becomes available about the groundwater resources of the unit and the factors relevant to setting the sustainable diversion limit.’

To allow for this, the new NSW Border River Alluvial water sharing plan will contain a provision that allows for a s.7.25 adjustment, and in particular for Part 6 of the plan to be amended to modify long-term average annual extraction limits and hence sustainable diversion limits.

More information

The draft NSW Border Rivers Alluvium water resource plan and other facts sheets are available from www.industry.nsw.gov.au/water.

© State of New South Wales through Department of Planning, Industry and Environment 2019. The information contained in this publication is based on knowledge and understanding at the time of writing (July 2019). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user’s independent adviser.