

## Outcomes from consultation

*The NSW Government has agreed to develop water resource plans as part of the implementation of the Murray–Darling Basin Plan 2012.*

Water resource plans (WRPs) demonstrate how the Basin states and territory of NSW, Victoria, Queensland and the ACT coordinate their water management with the Federal Government's Basin Plan, including how the sustainable diversion limits set in the Basin Plan will be met.

As part of the planning process, the draft Gwydir Surface WRP package including the proposed new regulated river water sharing plan (WSP) and amendments to the existing unregulated river WSP, was publicly exhibited from 18 October 2018 to 29 November 2018.

Two public meetings were held on 31 October and 1 November 2018, with stakeholders attending as follows: Bingara (11) and Moree (9).

The proposed amendments for the inclusion of active management of environmental water in the Gwydir unregulated water sharing plan was publicly exhibited from 26 September 2019 to 29 October 2019. During the public exhibition a public meeting was held in Moree on 8 October 2019 with 21 attendees. Subsequently on 16 June 2020, 16 stakeholders attended a meeting to discuss the feedback from consultation, the proposed plan amendments and the draft Gwydir active management procedures manual.

Stakeholders provided valuable feedback that helped us develop the final versions of the water resource plan and water sharing plans.

Further feedback on the water sharing plan was sought in early 2020 from the Gwydir stakeholder advisory panel, relevant agencies and stakeholder organisations before the water resource plan was submitted to the Murray Darling Basin Authority (MDBA) for accreditation in mid-2020.

This factsheet outlines the main changes since public exhibition.

## Submissions

There were 15 written submissions on the draft Gwydir Surface WRP package, with 40 specific issues raised for consideration. A total of 10 submissions were received for consideration on the active management of environmental water in the Gwydir unregulated water sharing plan.

### How submissions were considered

NSW Department of Planning, Industry and Environment examined the nature of the issues raised and considered:

- Whether the issues were within the scope of water resource planning
- The consistency of any proposed changes with the principles and requirements of the Basin Plan
- The consistency of any proposed changes with the principles set by the NSW Government for water resource planning, and
- Any statutory, technical or administrative barriers to further considering is proposed changes.

In particular, we considered the following questions for each issue or suggestion:

- Is it likely to have an impact on water availability or how water is distributed to access licences of different categories or within a category, and if so, how?

- Is it likely to result in a net reduction in planned environmental water?
- Can current statutory mechanisms enable the change, or is legislative change required?
- Is it consistent with current policy settings, and if not, is development of robust alternative policies feasible within the timeframe to develop the water resource plan?
- Are there additional costs for the NSW Government?
- Is it cost neutral for NSW water licence holders and if not, what is the cost implication?
- Does it relate to water sharing, charges, operational activities or licensing matters outside of the scope of the water resource plan?
- Are there existing programs or processes or other departments addressing the issue?
- Is its full investigation feasible within the timeframe of developing the water resource plan?
- Does it set a precedent for other water resource plans?

## Water sharing plan drafting

Water sharing plans are part of legislative tools for water management in NSW. Over time legal drafting conventions have changed and these are reflected in the updates to the plans.

It should be noted that:

- provisions and notes in the plan cannot be inconsistent with the Act
- to avoid inconsistencies, where the power is contained in an Act, it should not be repeated in the water sharing plan
- the plan cannot fetter the Minister's decision-making powers

## Changes since public consultation

The water resource plan, water sharing plans and supporting documents have been aligned to ensure consistency between the documents, and in response to legal review and initial feedback from the MDBA.

### General changes to the water sharing plans

- The water sharing plan objectives were revised to address comments raised in submissions, and to better align with strategies and performance indicators. The objectives identify what the rules in the plan are trying to achieve and specify what will be used to measure the performance of the plan when it is evaluated. Minor changes to wording in the exhibited draft plans were made and the references to the 'Long Term Water Plans' and Monitoring, Evaluation and Reporting plan in the notes to the plan objectives were removed.
- The use of the words 'must', 'may' and 'shall' were updated to clearly indicate where there is an obligation imposed and to improve legal clarity and robustness.
- Provisions relating to sustainable diversion limit compliance have been amended to clarify that the compliance process will follow the requirements of the Basin Plan.
- Specific licence, account management and implementation provisions for floodplain harvesting have been removed. Further consultation will be undertaken when the licences are ready to be issued and amendments made.
- An amendment clause relating to the access licence dealing rules has been added to

provide for the conversion of the regulated river (high security) access licences to unregulated river access licences where the regulated system is connected to and downstream of the unregulated system. Further stakeholder engagement will be undertaken to review options prior to development of the dealing rules, if they are required.

- Amendment clauses have been added to:
  - Enable changes to ensure Basin Plan accreditation
  - Provide for rules for the protection of water-dependent Aboriginal cultural assets.
- The Dictionary has been updated to ensure all definitions referred to in the plan are included.
- Other minor amendments have been made to clarify the intent of clauses and remove ambiguity.

## Changes to Gwydir Regulated River water sharing plan

The following changes have been made:

- The proposed rule that manages water during very wet periods (300,000 megalitres flow over six months at the Yarram Bridge gauge) has been revised and relocated from the environmental flow rules to supplementary water events division of the water sharing plan. This rule now provides the option to direct supplementary water event volume not required for extraction, as well as the environment's share of supplementary water event volume, away from the Gwydir wetlands for a specified time period. Consultation between the Environmental Water Advisory Group and the NSW Environmental Water Manager is required to ensure this action will not be detrimental to the Gwydir wetlands.
- The third definition/component of planned environmental water - 'water remaining after water has been taken under basic landholder rights and access licences, in accordance with the rules in Parts 8 - has been removed to reduce potential ambiguity. The intent and practical operation of the rules has not changed.
- An amendment provision has been included to facilitate total extractions reaching the long-term average annual extraction limit, or long-term average sustainable diversion limit should an assessment of compliance with those limits show verified medium to long-term under usage. Any amendment will be subject to there being no net reduction in the protection of planned environmental water established the Plan.
- The wording in Part 4 was altered to remove 'the limitations on access to flows for supplementary water access licences specified in Part 8'. This is in line with the existing wording of the water sharing plan that is currently in force.
- The wording of the supplementary water rules has been updated to account for water allocations traded both into and out of an account when making an announcement.
- The reference to water supply works on the Mehi River, Carole Creek, or on rivers which receive effluent flows from the Mehi River or Carole Creek have been reinstated in the supplementary water event clause to reflect the original intent of the rule.
- A note has been added to the clause relating to water delivery and channel capacity constraints to provide clarity on operational processes.

## Changes to Gwydir Unregulated Water Sharing Plan

The following changes have been made:

- The definition of Active Environmental Water has been revised to include only 1) held environmental water from an upstream water source, 2) water requiring protection under Clause 40 of the plan. This change provides greater clarity on the environmental water to be protected from extraction and minimises the risk of unintended impacts on unregulated river access licence reliability.
- Access rules for the Lower Gingham Watercourse Management Zone have been amended to ensure rules can be implemented as intended and to address variability in channel morphology at the gauge.

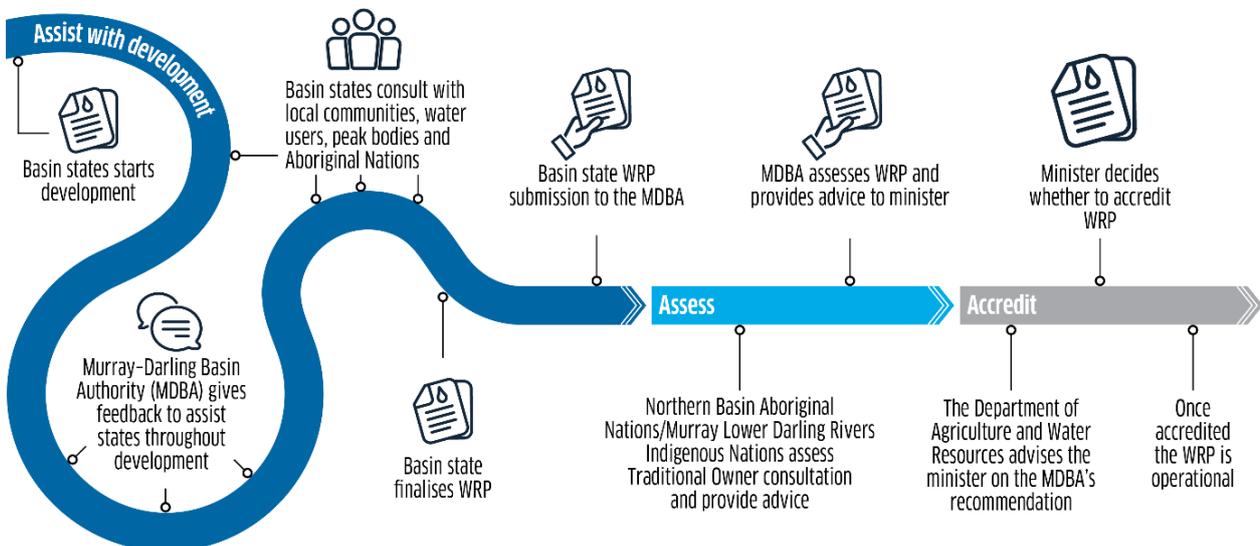
## Next Steps – Plan accreditation

The Murray–Darling Basin Authority (MDBA) formally assesses the water resource plan against the requirements in Chapter 10 of the Basin Plan. The Northern Basin Aboriginal Nations (NBAN) will also review the plan against the requirements in Part 14 of Chapter 10 of the Basin Plan and provide its advice to the federal Minister. Both these will inform the minister’s decision on whether to accredit the water resource plan. The draft plan can be accessed on the MDBA website.

Following the MDBA’s assessment, the federal minister responsible for water will review the plan and determine whether it meets the Basin Plan requirements for accreditation.

The accredited plan will be uploaded to MDBA’s website.

**Figure 1. Water resource plan accreditation process**



## More information

The draft Gwydir Surface Water Resource Plan and fact sheets are available from the department’s website.

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