

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 NSW Murray Darling Basin Fractured Rock groundwater resources. 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
- 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 watering sharing plan to make it easier to read, 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 Murray Darling Basin Fractured Rock Groundwater Sources 2020* has been drafted. This plan will replace the:

- *Water Sharing Plan for the NSW Murray Darling Fractured Rock Groundwater Source 2011*, in relation to the NSW MDB Fractured Rock Groundwater Sources
- *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2012*, in relation to the Peel Valley Fractured Rock Water Source.

This process will align the water sharing plan area with the NSW MDB Fractured Rock Water Resource Plan Area as defined in the *Basin Plan 2012*, and deals with all groundwater resources in the NSW MDB Fractured Rock system in a single plan.

Objectives, strategies and performance indicators

The objectives, strategies and performance indicators have been revised. The proposed new objectives, strategies and performance indicators of the water sharing plan 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 industry.nsw.gov.au/water-resource-plan-consultation.

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 current information.

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

We propose to decrease the long-term annual extraction limits as follows:

- To align with the sustainable diversion limit for the Lachlan Fold Belt Murray Darling Basin SDL resource unit established in the *Basin Plan 2012*:
 - The Lachlan Fold Belt MDB groundwater source LTAAEL will be reduced from 875,652 ML/year to 253,788 ML/year, and
 - The Yass Catchment groundwater source LTAAEL will be reduced from 26,163 ML/year to 5,212 ML/yr
- To align with the sustainable diversion limit for the New England Fold Belt Murray Darling Basin SDL resource unit established in the *Basin Plan 2012*:
 - The New England Fold Belt MDB groundwater source LTAAEL will be reduced from 204,784 ML/year to 39,253 ML/year, and
 - The Peel Valley Fractured Rock water source LTAAEL will be reduced from 71,218 ML/year to 15,874 ML/yr

This means more environmental water will be retained in these systems in the future. There will be no material impact on users of this change as the sum of current licensed entitlement and volumes taken under basic right remains less than the revised long-term average annual extraction limits.

The long-term annual extraction limits for the remaining groundwater sources will not be changed and will align with the sustainable diversion limit for the equivalent SDL resource units.

More information on changes to long-term limits is provided in the fact sheet *Darling 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

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. This is a change from the current provisions that require a three year assessment period. This change will provide some flexibility to accommodate climatic variability while still protecting environmental values.

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 5% for all Murray-Darling Basin Fractured Rock 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. This method will 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 mechanisms to achieve compliance with the long-term average annual extraction limit.

Compliance with Basin Plan sustainable diversion limits

The existing water sharing plans specify 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 adopt 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 SDL resource unit in the NSW MDB Fractured Rock water resource plan area will be equivalent to the sustainable diversion limit.

At the end of each water year, take will be compared with the annual permitted take (or sustainable diversion limit) for each SDL resource unit. If actual take exceeds the annual permitted take a debit will be recorded, and conversely, if actual take is less than annual permitted take a credit will be recorded. Under the *Basin Plan 2012*, there is non-compliance with a sustainable diversion limit if the cumulative balance is in debit by 20% or more of the sustainable diversion limit for a SDL resource 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 MDB Fractured Rock WRP—relationships between the water resource plan and water sharing plans.*

Standardising distance rules

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

Rules to minimise interference between users

There will be a minor change to the water sharing plans rules to minimise interference between users to better align rules across groundwater sources.

¹ aquifer access licences or high security aquifer access licences

We propose the following minimum distance requirements for the construction of new water supply works for all groundwater sources within the NSW MDB Fractured Rock water resource plan area:

A water supply work approval must not be granted or amended, if the water supply work is located within any of the following:

- (a) 400 metres of a water supply work located on another landholding that is nominated by another access licence to take water from the same groundwater source,
- (b) 200 metres of a water supply work located on another landholding that is authorised to take water from the same groundwater source solely for basic landholder rights,
- (c) 200 metres of the boundary of the landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing,
- (d) 500 metres of a water supply work that is nominated by a local water utility access licence or a major utility access licence authorised to take water from the same groundwater source, unless the holder of the local water utility access licence or major utility access licence has provided consent in writing,
- (e) 400 metres of a Government monitoring or observation bore

This will make all interference rules consistent within all groundwater sources of the water sharing plan area given their hydrogeological similarity.

Rules for water supply works used solely for basic landholder rights

The following minimum distance rule is proposed for all groundwater sources:

A water supply work approval for a water supply work used solely for basic landholder rights must not be granted or amended if, in the Minister's opinion, the water supply work is located within any of the following:

- (a) 100 metres of a Government monitoring or observation bore,
- (b) 40 metres of the top of the high bank of a river,
- (c) 100 metres of any other high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map,
- (d) 100 metres of a groundwater-dependent culturally significant area

Rules for water supply works located near contamination sources

The following minimum distance rules are proposed for all groundwater sources:

- (a) within 500 metres of a contamination source listed in Schedule 1 of the water sharing plan
- (b) 250 metres from the edge of a contamination plume
- (c) between 250–500 metres from the edge of a contamination plume where drawdown will occur within 250 metres.

We propose to introduce an additional rule for all groundwater sources, to reduce the risk to public health and safety from contaminated groundwater from on-site sewage disposal systems, as follows:

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:

- (a) constructed with cement grout between the bore casing and the borehole annulus to a minimum depth of 20 metres from the ground surface, and
- (b) located at sufficient distance from the on-site sewage disposal system to prevent septic contamination of the aquifer.

Rules for water supply works located near groundwater-dependent ecosystems

A recently completed program by the NSW Department of Industry (now Department of Planning, Industry and Environment) has identified additional, high-priority, groundwater-dependent ecosystems. We propose to add the mapped extent of these groundwater-dependent ecosystems as a water sharing plan schedule. The setback distance rules for new water supply works outlined below will apply to these groundwater-dependent ecosystems. As a result, the proposed new water sharing plan rules provides greater protection of the environmental assets in these groundwater sources.

Unless the Minister is satisfied that allowing the work to be located at a lesser distance will have minimal impact on a groundwater-dependent ecosystem, new or amended water supply works approvals will not be granted within:

- (a) 40 metres of the top of the high bank of a river
- (b) 500 metres of a high priority karst environment groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map
- (c) 200 metres of any other high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map
- (d) 500 metres from the edge of an escarpment, where the location of the water supply work is to be above the escarpment.

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

Removal of take ‘within restricted distances’ rules

As outlined above, rules for granting new water supply works or amending existing water supply works will remain (as amended) in the water sharing plan.. However, we propose to remove the provisions relating to restricting take from existing water supply works. Specifically the rules for the use of water supply works located within restricted distances for the all NSW Murray-Darling Basin Fractured Rock groundwater sources.

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 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 www.industry.nsw.gov.au/water

Additions to groundwater-dependent ecosystems schedules

A recently completed program by the NSW Department of Industry (now Department of Planning, Industry and Environment) has identified additional, high-priority, groundwater-dependent ecosystems. We propose to add the mapped extent of these groundwater-dependent ecosystems as a water sharing plan schedule. The setback distance rules for new water supply works will apply to these groundwater-dependent ecosystems.

More detailed information on this proposal is provided in the fact sheet *Murray–Darling Basin Fractured Rock—managing groundwater-dependent ecosystems*, available from industry.nsw.gov.au/water-resource-plan-consultation

Adjustments to groundwater sustainable diversion limits

Part 4, section 7.25 of the *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 *Water Sharing Plan for the NSW Murray–Darling Basin Fractured Rock Groundwater Sources 2020* 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 MDB Fractured Rock Water Resource Plan and other fact sheets are available from www.industry.nsw.gov.au/water

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