

NSW Murray–Darling Basin Porous Rock Water Resource Plan—answers to frequently asked questions

What is a water resource plan?

Water resource plans are a key requirement of the Commonwealth Government's *Basin Plan 2012* (the Basin Plan). These plans outline how we manage each water resource in the Murray–Darling Basin to be consistent with the Basin Plan.

The NSW Department of Planning, Industry and Environment is currently developing nine water resource plans for surface water and eleven for groundwater to meet NSW's commitment to the Basin Plan.

The factsheet '*Water resource plans in NSW*' provides more information (industry.nsw.gov.au/water-resource-plan-consultation).

What happens to water sharing plans?

The entire NSW portion of the Murray–Darling Basin is already covered by statutory water sharing plans. Water sharing plans are made under NSW legislation and will remain the primary mechanism for defining water sharing arrangements in NSW.

The department is developing water resource plans to meet requirements set out in the Basin Plan. These will directly adopt many of the provisions of water sharing plans.

Are water sharing plans being remade?

Water sharing plans are statutory plans made under the NSW *Water Management Act 2000*. In NSW, combined unregulated river and alluvial water sharing plans cover both surface water and groundwater resources within an area. The water resource plans under the Basin Plan cover surface water resources and groundwater resources separately.

For simplicity, and to align with the Basin Plan areas, NSW will separate the unregulated and alluvial water sharing plans.

Will a water resource plan change my access to water?

There will be very few changes to the current rules for accessing the groundwater resources of NSW MDB Porous Rock.

The planning process and Basin Plan requirements may result in some changes to groundwater access rules, however stakeholders will be consulted on proposed changes during the public exhibition period.

How are you consulting on water resource plans?

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

- public information and consultation sessions
- a stakeholder advisory panel covering all groundwater water resource plan areas
- targeted engagement on valley specific issues
- First Nation, Land Council and other Aboriginal organisations consultation to identify issues of importance to Aboriginal peoples.

Each water resource plan will be on public exhibition for forty days. You can have your say by attending the public meetings and sending in a submissions form, available on the department's website: industry.nsw.gov.au/water-resource-plans-consultation.

What's the difference between the long term average annual extraction limits and sustainable diversion limits?

The 'long-term average annual extraction limit' is a term used in NSW water sharing plans to define the limit of water that can be taken for all purposes (including domestic and stock, urban, industrial, agricultural use and held environmental water) from each water source. The water sharing plan sets out the rules and assessment method to ensure these limits are being met.

The 'sustainable diversion limit' is a term used in the Commonwealth's Basin Plan to define limits on total extractions for human uses from a groundwater source or a group of groundwater sources in the Basin.

For the Murray–Darling Basin Porous Rock, sustainable diversion limits will be the same as the long term average annual extraction limits in the *MDB Porous Rock Water Sharing Plan 2020*. This requires a decrease in the current long term annual extraction limit in the Gunnedah-Oxley Basin, Sydney Basin and Western Porous Rock groundwater sources. There will be no material impact on users from this change as the sum of the current licence and entitlement volumes is less than the new long term annual extraction limits. There will be an increase from the current long term annual extraction limit for the Oaklands Basin.

How will NSW manage compliance to the long term average annual extraction limits?

Each water sharing plan sets out the rules to assess compliance with each long-term average annual extraction limit. Assessing compliance involves calculating the average annual extraction over a specified period of time. The period currently varies between three and five years for different plans, however the department is proposing that all long-term average annual extraction limit compliance provisions specify a five-year rolling average period in all Murray-Darling Basin groundwater sharing plans.

If a long-term average annual extraction limit is exceeded, the Minister for Water will do either or both of the following:

- limit the amount of water credited to lower priority access licences (available water determinations)
- limit the take of water from water allocation accounts of lower priority access licences.

How is NSW managing compliance to the sustainable diversion limits?

The Basin Plan requires NSW to manage extractions within sustainable diversion limits. Compliance to a sustainable diversion limit is based on the concepts of actual take and permitted take.

The volume of water extracted during a water year from a sustainable diversion limit resource unit is the annual actual take, and the volume that is allowed to be extracted during a water year is the annual permitted take. The difference between these two volumes is recorded on a register of take as a debit (when actual take is greater than permitted take) or a credit (when actual take is less than permitted take).

Over time, a cumulative balance accrues based on each year's credit or debit. For the first ten years of the plan, if the cumulative balance reaches a debit of 20% or more of the sustainable diversion limit for that groundwater source, then it is non-compliant.

If a sustainable diversion limit is exceeded, the Minister for Water will do either or both of the following:

- limit to amount of water credited to lower priority access licences (available water determinations)
- limit the take of water from water allocation accounts of lower priority access licences.

For further information refer to the fact sheet *Compliance with sustainable diversion limits for groundwater* from industry.nsw.gov.au/water-resource-plan-consultation.

Can the sustainable diversion limit be changed?

The Basin Plan set a sustainable diversion limit volume for each groundwater resource unit. The sustainable diversion limits can only be altered by the Murray–Darling Basin Authority if better information becomes available about the groundwater resources and the factors relevant to setting the limit, in particular information about any of the following:

- recharge rates
- connectivity with surface water
- usage patterns
- Basin state policy and planning settings.

How will NSW address annual permitted take?

For the Murray–Darling Basin Porous Rock plan area, licence and entitlement volumes are less than the sustainable diversion limits, therefore annual permitted take will be fixed, and aligned with the sustainable diversion limit.

How will groundwater-dependent ecosystems be managed?

Groundwater-dependent ecosystems rely on groundwater to meet their water needs. The groundwater helps maintain plant and animal communities and ecological processes. Water sharing plans for groundwater have a schedule that identifies potential high priority groundwater-dependent ecosystems, and includes rules for protecting them such as offset distances for bores and other extractive works.

To manage groundwater-dependent ecosystems better, we propose to:

- add a map of recently identified potential high priority groundwater dependent ecosystems in the water sharing plan as a schedule
- maintain existing setback distance rules for new water supply works (bores).

The existing setback distances from a high priority groundwater-dependent ecosystem are:

- 40 metres of the top of the high bank of a river
- 100 metres if the work will take water for basic landholder rights only
- 500 metres from a high priority karst environment groundwater-dependent ecosystem
- 500 metres from the edge of an escarpment, where the location of the water supply work is to be above the escarpment
- 200 metres for all other groundwater works.

Unless the Minister for Water is satisfied that allowing the work to be located at a lesser distance will have no more than minimal impact.

For more information, refer to the fact sheet – *Groundwater-Dependent Ecosystems* from industry.nsw.gov.au/water-resource-plan-consultation.

Are there changes to where I can locate a new bore?

We propose to standardise the rules for assessing applications for new or amended water supply works (bores). The existing minimum distance rules are unchanged for all groundwater sources for the construction of new water supply works in relation to existing bores, groundwater-dependant ecosystems and contamination sources.

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:
 - constructed with cement grout between the bore casing and the borehole annulus¹ 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.

How does the department assess dealing (trade) applications in relation to groundwater impacts?

The potential impacts of groundwater extraction are managed through an assessment process applied to all applications for all groundwater dealings (trade) and water supply works approvals (extractive works such as bores). These applications are received by either WaterNSW or the Natural Resources Access Regulator and then if required, referred to the department for hydrogeological assessment.

The fact sheet *Assessing groundwater applications* provides details on the groundwater impact assessment criteria across the state. It does not propose any significant changes to the existing impact assessment criteria.

You can see it at: industry.nsw.gov.au/water-resource-plan-consultation.

What is happening with planned environmental water for groundwater sources?

Planned environmental water is committed for fundamental ecosystem health or other specified environmental purposes and cannot be taken or used for any other purpose. Planned environmental water rules are established in water sharing plans.

The *Basin Plan 2012* states a water resource plan must ensure that there is no net reduction in protection of planned environmental water from that provided under state water management law at the start of the Basin Plan in 2012.

In many existing groundwater water sharing plans, planned environmental water is specified as a volume of water equal to a set proportion of the long term average annual 'recharge' to the groundwater source. Although there will be no changes to the actual volume of planned environmental water, the timing of its availability, or how it is calculated in the water sharing plan, the way planned environmental water is specified in the water sharing plan will change.

¹ the space between the bore casing and the wall of the borehole

The fact sheet *Specifying planned environmental water* provides more information (industry.nsw.gov.au/water-resource-plan-consultation)

Are there any proposed changes to the water sharing plan rules that may affect me?

Yes, although it will depend on your specific circumstances. The proposed changes to the water sharing plan include:

- additional rules for assessing compliance with the sustainable diversion limit. The new rules will mirror the process in the Basin Plan.
- additional rules that allow annual limits on the take of water in accounts if the long term average annual extraction limit or sustainable diversion limit is exceeded.
- including additional potential high priority groundwater-dependent ecosystems into the water sharing plan schedule.
- new standard setback rules for water supply works located near high priority groundwater-dependent ecosystems
- additional rules to reduce risks to groundwater from contamination sources
- additional setback rules for water supply works to minimise the impacts between users. This will mean the blanket Basic Landholder Rights exemption is removed.

More information

The draft Murray–Darling Basin Porous Rock Water Resource Plan and other fact sheets are available from www.industry.nsw.gov.au/water

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