

# Compliance with water management principles - Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023

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This document details how the department has complied with the water management principles outlined in the *Water Management Act 2000* in the development of the Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023

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When making or concurring to the making of the Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023 (the Plan), Ministers have a duty under section 9(1) of the *Water Management Act 2000* (the Act):

- (a) to take all reasonable steps to do so in accordance with, and so as to promote, the water management principles of the Act, and
- (b) as between the principles for water sharing set out in section 5(3) of the Act, to give priority to those principles in the order in which they are set out in that subsection.

The water management principles that are set out in section 5(3) provide that in relation to water sharing:

- (a) sharing of water from a water source must protect the water source and its dependent ecosystems, and
- (b) sharing of water from a water source must protect basic landholder rights, and
- (c) sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b).

In the Plan there are two key mechanisms for protecting water sources and dependent ecosystems:

Long term average annual extraction limit (LTAAEL) on water take for each water source. All water in excess of these limits is water protected for environmental benefit.

Specific plan rules of an operational nature that aim to protect explicit ecosystem functions and /or environmental assets in the water sources. Rules relevant to the Towamba water sharing plan are detailed in the table below.

Basic landholder rights are also protected under the Plan. The Plan gives priority to current and future basic landholder rights by ensuring any action to ensure compliance with extraction and diversion limits does not apply to these rights.

All reasonable steps have been taken to promote the water management principles set out in the Act and to reflect these principles in the Plan, as detailed in the table below.

Water management/sharing principle	How principle has been promoted	Relevant Plan Provisions
<p>Section 5 (3) (a) – Sharing of water from a water source must protect the water source and its dependent ecosystems</p>	<p>The Plan ensures water is committed and identified as planned environmental water by establishing:</p> <ul style="list-style-type: none"> <li>- provisions that provide a physical presence of water in the water source, and</li> <li>- a long-term average annual extraction limit to create a long-term average annual commitment of water as planned environmental water</li> </ul> <p>In particular, the Plan:</p>	
	<ul style="list-style-type: none"> <li>• includes objectives, strategies and performance indicators which measure the effectiveness of Plan rules.</li> </ul>	Part 2
	<ul style="list-style-type: none"> <li>• establishes the rules and arrangements for preserving planned environmental water that is in excess of the long-term average annual extraction limits.</li> </ul>	Part 4, Division 2 and Part 6, Division 1
	<ul style="list-style-type: none"> <li>• establishes rules for making of an Available Water Determination in accordance with the priorities in the WM Act and ensuring extraction is managed within the long term average annual extraction limit</li> </ul>	Part 4 Division 1 and 2
	<ul style="list-style-type: none"> <li>• establishes daily cease to take rules that protect very low flows for environmental purposes</li> </ul>	Part 6
	<ul style="list-style-type: none"> <li>• prohibits in-river dams in third order or higher streams except for the purpose of town water supply</li> </ul>	Part 7, Division 2
	<ul style="list-style-type: none"> <li>• establishes the rules for managing the construction and use of supply works to prevent unacceptable impacts on groundwater dependent ecosystems (GDEs) and wetlands at a local scale. These rules are based on published Australian guidelines for water bore construction and technical assessment of pumping impacts on GDEs</li> </ul>	Part 7
	<ul style="list-style-type: none"> <li>• prohibits or conditions the construction of works near sources of contamination as informed by the Australian guidelines for water bore construction</li> </ul>	Part 7 and Section 65

	<ul style="list-style-type: none"> <li>prohibiting water supply works having greater than minimal harm on wetlands listed in Coastal SEPP</li> </ul>	Part 7, Division 2
	<ul style="list-style-type: none"> <li>prohibiting groundwater supply works within specified distances of where acid sulphate soils are likely to occur.</li> </ul>	Part 7, Division 3
Section 5 (3) (b) – Sharing of water from a water source must protect basic landholder rights	The plan protects basic landholder rights by:	
	<ul style="list-style-type: none"> <li>protecting low flows from licenced extraction for the environment and basic landholder rights take</li> </ul>	Part 6
	<ul style="list-style-type: none"> <li>establishing rules for making of Available Water Determinations in accordance with the priorities in the WM Act.</li> </ul>	Part 4
	<ul style="list-style-type: none"> <li>Extraction is managed to the LTAAEL by first setting aside water for basic landholder rights and then applying an available water determination to ensure the sum of basic landholder’s rights and licenced extraction do not exceed the long-term average annual extraction.</li> </ul> <p>The plan protects basic landholder rights by establishing the rules for managing the construction and use of water supply works to prevent unacceptable impacts on take from basic landholder rights bores at a local scale. This is informed by the Australian guidelines for water bore construction and the imposition of bore extraction limits to meet the published impact criteria</p>	Parts 9 and 4
Section 5 (3) (c) – Sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b).	<p>The rules previously discussed in this document ensure the principles for the protection of planned environmental water and basic landholder rights are upheld.</p> <p>Planned environmental water is that volume of water that is in excess of the long-term average annual extraction limit (LTAAEL). Extraction is managed to the LTAAEL by first setting aside</p>	As above  Part 4

	water for basic landholder rights and then applying an available water determination to ensure the sum of basic landholder’s rights and licenced extraction do not exceed the long-term average annual extraction.	
Section 5(2)(a) - Water sources, floodplains, and dependent ecosystems (including groundwater and wetlands) should be protected and restored and, where possible, land should not be degraded	The plan aims to protect and restore dependent ecosystems through the provision of water for the environment and contains provisions that:	
	<ul style="list-style-type: none"> <li>Specify the objectives, strategies and performance indicators which will provide measurable evidence of whether outcomes have been achieved</li> </ul>	Part 2
	<ul style="list-style-type: none"> <li>Identify planned environmental water by specifying Long Term Average Annual Extraction Limits.</li> </ul>	Part 4 & 6
	<ul style="list-style-type: none"> <li>Establish the rules and arrangements for preserving planned environmental water that is in excess of the long-term average annual extraction limits.</li> </ul>	Parts 4 and 6
	<ul style="list-style-type: none"> <li>Establish the rules for managing the construction and use of supply works to prevent unacceptable impacts on groundwater dependent ecosystems (GDEs) and wetlands at a local scale. These rules are based on published Australian guidelines for water bore construction and technical assessment of pumping impacts on GDEs.</li> </ul>	Part 7
	Establish daily cease to take rules that protect very low flows for environmental purposes.	Part 6
Section 5(2)(b) - habitats, animals and plants that benefit from water or are potentially affected by managed activities should be protected and (in the case of habitats) restored	The Plan protects and restores animals, and habitats through water for the environment and the same provisions set out above in respect of section 5(2)(a)	Parts 2, 4, 6, 9 and 10
Section 5(2)(c) - the water quality of all water sources	The plan aims to protect and enhance water quality by:	

<p>should be protected and, wherever possible, enhanced</p>	<ul style="list-style-type: none"> <li>• Prohibiting ground water supply works where acid sulphate soils are likely to occur</li> <li>• Prohibiting or conditioning the construction of works near sources of contamination as informed by the Australian guidelines for water bore construction and the NSW contaminated sites register.</li> <li>• Applying standards to water bore construction to prevent contamination of and between aquifers and prevent flow of saline water between aquifers. This is informed by the Australian guidelines for water bore construction.</li> <li>• Establish daily cease to take rules that protect very low flows for environmental purposes including water quality.</li> </ul>	<p>Parts 6, 7 and 9</p>
<p>Section 5(2)(d) - the cumulative impacts of water management licences and approvals and other activities on water sources and their dependent ecosystems, should be considered and minimised</p>	<p>Cumulative impacts are managed through rules limiting total extraction. The Plan establishes long-term average annual extraction limits which protect water within the water sources in excess of those limits for environmental purposes.</p> <p>Long-term average annual extraction limit compliance provisions that reduce water availability where the extraction limits have been exceeded.</p> <p>The plan provides setback rules to limit construction of new bores within defined distances from identified GDEs.</p> <p>Access licence dealing rules that allow for a variety of dealings within specified environmental constraints. For example prohibiting or restricting trade of licences into waters sources assessed as having high risks to instream values.</p> <p>Prohibiting in-river dams in water sources with assessed high instream values.</p>	<p>Part 4</p> <p>Part 7</p> <p>Part 8</p> <p>Part 7</p>
<p>Section 5(2)(e) and (f) - geographical and other features of Aboriginal significance should be protected</p>	<p>The plan specifies social, cultural, and Aboriginal objectives, strategies and performance indicators which will provide measurable evidence of whether outcomes have been achieved.</p> <p>The plan provides for applications for surface and groundwater Aboriginal cultural licences.</p>	<p>Part 2</p> <p>Part 5</p>

	The plan provides for applications for groundwater Aboriginal community development licences in certain water sources.	
	The Plan recognises requirements for water consistent with the exercise of native title rights.	Part 3
	The Plan gives priority to current and future basic landholder rights by targeting extraction limit compliance actions at unregulated river and aquifer access licences only. This allows BLR extractions to increase. BLR includes native title rights.	Part 4
	The plan provides setback rules to limit construction of new bores within defined distances from identified groundwater dependent culturally significant areas.  The <i>Access Licence Dealing Principles Order 2004</i> also applies to assessment of dealings (trade) of groundwater entitlements and allocations. Dealings are only approved if they do not adversely affect geographical and other features of indigenous significance, or major cultural, heritage or spiritual significance.	Part 7
	The Plan provides for amendment if there is a determination of native title in future.	Part 10
Section 5(2)(g) - the social and economic benefits to the community should be maximised	The Plan maximises the social and economic benefits to the community and contains provisions which:	
	<ul style="list-style-type: none"> <li>specifies economic and social strategies and performance indicators which will provide measurable evidence of whether outcomes have been achieved</li> </ul>	Part 2
	<ul style="list-style-type: none"> <li>establishes defined long-term average annual extraction limits which provide an amount of water for community and economic benefit</li> </ul>	Part 4
	<ul style="list-style-type: none"> <li>establish the percentage of licence shares for each category of licence that may be allocated to water accounts and subsequently taken under licence in any one water year</li> </ul>	Part 4

	<ul style="list-style-type: none"> <li>enable applications for licences including Aboriginal cultural and Aboriginal community development licences</li> </ul>	Part 5
	<ul style="list-style-type: none"> <li>provides rules for trade of licenced entitlement and account water to allow the market to drive improved economic outcomes</li> </ul>	Part 8
	<ul style="list-style-type: none"> <li>supports social and community requirements by reserving water for basic landholder rights (including Native Title rights), domestic and stock needs, and urban water needs, before making water available for lower priority uses</li> </ul>	Part 6
<p>Section 5(2)(h) - the principles of adaptive management should be applied, which should be responsive to monitoring and improvements in understanding of ecological water requirements</p>	<p>The Plan is audited and reviewed at ten-year intervals by the Natural Resources Commission, to indicate if the Plan rules remain fit for purpose.</p> <p>The Plan includes a set of objectives, strategies, and performance indicators. If required, an earlier review of the Plan could be triggered based on monitoring of these indicators</p>	<p>WMA 2000 Sections 43A and 44</p> <p>Part 2</p>