

## NSW legal limits on water take

The amount of water taken under each type of limit decreases with the introduction of each limit

The **Cap** is greater than or equal to the long term average annual extraction limit (LTAEL) and LTAEL is greater than the sustainable diversion limit (SDL) (when the same types of water use are compared), which means that, under the SDL (which will be enforceable once NSW water resource plans are accredited), the volume allowed to be taken under the SDL will never exceed the Cap.

### Cap on surface water diversions (the Cap)

**Cap** = the average volume of water that could have been taken with rules and infrastructure in 1993/94.

Established under the *Murray-Darling Basin Agreement* in 1997.

For example, in the year 2020 the Cap is the amount of water that could be taken with 2020 rainfall using rules and infrastructure that existed in 1993/94.

### Long term average annual extraction limit (LTAEL)

**LTAEL** = the lesser of

- a. the Cap, or
- b. the average volume that could have been taken with rules and infrastructure in 1999/2000.

Established under the *Water Management Act 2000* through NSW water sharing plans.

This includes environmental water and consumptive entitlements.

### Sustainable diversion limit (SDL)

**SDL** = generally the LTAEL minus environmental water recovery

Established under the *Basin Plan 2012* and compliance assessed using methods specified in Commonwealth water resource plans.

Legal limits are described as definitions or formulae, rather than set volumes. Each legal limit (definition or formula) does not change, but the volumetric estimates can vary based on better available information including modelling and historical data.

## Snapshot: Legal limits and floodplain harvesting



**Legal limits are designed to protect water resources, dependent ecosystems and communities** from the impacts of over-extraction.



**Legal limits include all types of surface water take**, for example, regulated rivers, supplementary flows, rainfall runoff, floodplain harvesting.



**The definition of each legal limit does not change.** The legal limits set the amount of water that could have been taken at a reference date. Volumetric estimates of legal limits can be updated with better information.



**Transition from Cap to SDL results in a decrease in legal consumptive limits.** From Cap to LTAEL, the NSW Government introduced a water sharing framework with rules to manage extraction. From LTAEL to SDL, the Commonwealth Government recovered environmental water and removed it from the consumptive pool.



Issuing **floodplain harvesting licences will not change the legal limits.** Legal limits already account for floodplain harvesting.