

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 Macquarie-Castlereagh Surface WRP package, including the proposed new regulated river water sharing plan (WSP) and amendments to the existing unregulated river WSPs, was publicly exhibited from 22 November 2018 to 1 February 2019.

Two public meetings were held on 4 and 5 December 2018, with stakeholders attending as follows: Mudgee (25) and Narromine (18).

The proposed amendments for the inclusion of active management of environmental water in the Macquarie Bogan unregulated water sharing plan was publicly exhibited from 26 September 2019 to 29 October 2019. A public meeting was held in Warren on 9 October 2019 with 25 attendees.

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

Further feedback on the water sharing plans was sought in early 2020 from the Macquarie 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 64 written submissions on the draft Macquarie-Castlereagh Surface WRP package, with 94 specific issues raised for consideration. A total of 14 written submissions were received for consideration on the active management of environmental water in the Macquarie Bogan 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 inconsistency, 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.
- 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 Macquarie Cudgegong Regulated River Water Sharing Plan

The following changes have been made:

- The water sharing plan was amended to ensure the original general security account spill rules for Cudgegong licence holders were retained.
- The volume of the Cudgegong Environmental Water Allowance has been revised based on the best available modelling information (now 11.4 GL).
- The water sharing plan amendment provisions have been revised to enable:
 - a review of the storage trigger for releases and the volume of the Cudgegong Environmental Water Allowance
 - the maximum daily flow of 1,500 megalitres per day for Cudgegong environmental flows to be increased if infrastructure is upgraded
- Provisions relating to the operation of the flood mitigation zone have been amended to reflect the original wording and ensure there is no change to intent.
- 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.
- 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.
- The economic objectives for the plan have been updated to include a targeted objective which states 'maintain and where possible improve access to water up to the long-term average sustainable diversion limit for agriculture, surface water-dependant businesses and landholders'.
- 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.
- Minor changes to a number of amendment provisions were made to improve clarity and ensure key stakeholders were consulted where appropriate.

Changes to Macquarie Bogan Unregulated River 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 51 of the Plan and 3) releases made from the Macquarie Environmental Water

Allowance sub-allowance 2 under the *Water Sharing Plan for the Macquarie and Cudgegong Regulated River Water Source 2016*. 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.

- 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.

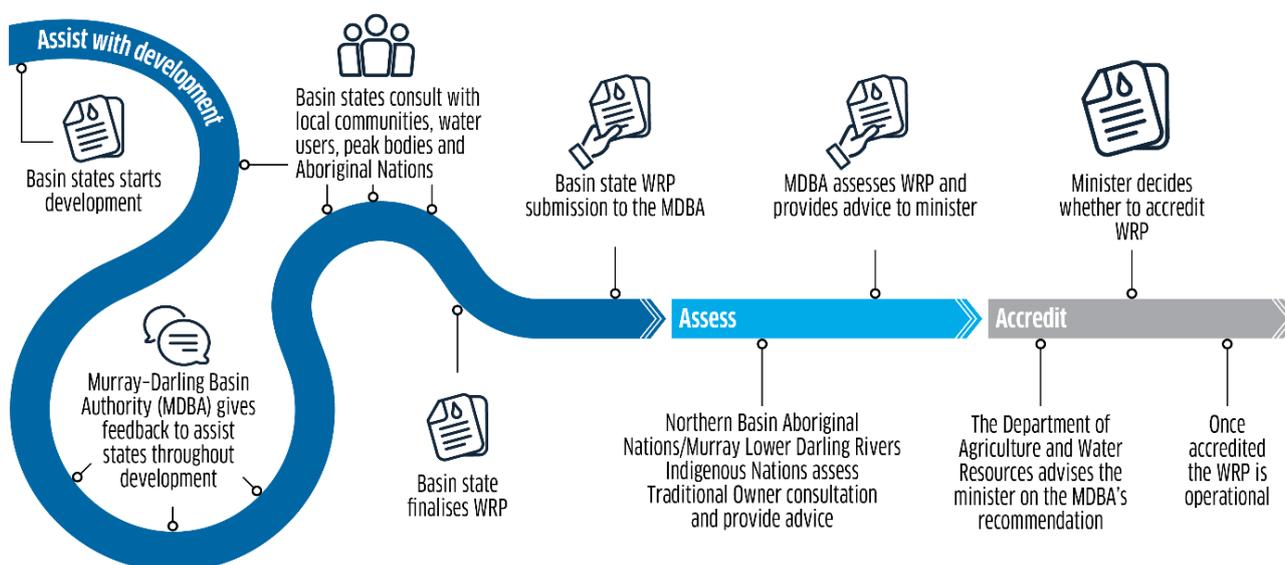
Next Steps – Plan accreditation

The Murray–Darling Basin Authority (MDBA) formally assesses the water resource plan against the requirements in Chapter 10 of the Basin Plan. The Murray Lower Darling River Indigenous Nations (MILRIN) and 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 Macquarie-Castlereagh Surface Water Resource Plan and fact sheets are available from the department’s website.

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