

## 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 Barwon-Darling Watercourse WRP package, and proposed amendments to the existing water sharing plan (WSP), was publicly exhibited from 26 September 2019 to 29 October 2019

Four public meetings were held from 15 to 18 October, with stakeholders attending as follows: Walgett (21), Bourke (22), Wilcannia (16) and Menindee as a joint presentation with the downstream NSW Murray and Lower Darling Surface WRP package (25).

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

Further feedback on the water sharing plans was sought in early 2020 from the Barwon Darling 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 29 written submissions on the draft Barwon-Darling Watercourse WRP, with 82 specific issues for consideration.

### How submissions were considered

NSW Department of Planning, Industry and Environment (DPIE) 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 inconsistencies, 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 plan and supporting documents have been aligned to ensure consistency between the documents, following initial feedback from MDBA and legal review.

### 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.
- 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 Barwon-Darling Unregulated River Water Source Water Sharing Plan

The following changes have been made from the exhibited plan:

- The economic objectives for the plan have been updated to include the objective “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”.
- The term ‘Individual Daily Extraction Limit (IDEL)’ was used for discussions with stakeholders in the consultation period leading up to the public exhibition. The correct legal term under the WMA 2000 is Individual Daily Extraction Component (IDEC) and the water sharing plan uses this term. Other than the name change, an IDEL and an IDEC are exactly the same.
- A typographical error in Clause 64(3) was corrected.
- In relation to provisions that support active management.
  - The definition of Active Environmental Water has been revised to include only water arising from 1) held environmental water from an upstream water source, 2) a notification by a licence holder to protect water from extraction under Clause 43 of the Plan. 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 that may arise if Planned Environmental Water from upstream water sources was protected when previously not protected by the Barwon-Darling water sharing plan.
  - Changes have been made to Clause 49A so that the flow class announcement can now apply for longer than 24 hours and a default provision has been added to allow the flow class previously announced to continue to apply for 24 hours if a further flow class announcement is not made. These changes allow for a more efficient process where there is sufficient confidence to predict access for more than 24 hours and minimises the risks of no announcement being in place. Defaulting to the previous announcement minimises any unintended impacts on either licence holders or environmental water in the event that no announcement is made or it is delayed.
  - During public exhibition comment was sought on how to distribute the volume available among licences. Comment was mixed. Subclauses have been added to Clause 42A and 46 to require the Minister to invite expressions of interest to take water and to prohibit take if an expression of interest is not submitted for the relevant period in accordance with the Active Management Procedures Manual. Distributing the volume available to those who have expressed interest based on their Individual Daily Extraction Component is the most effective way of sharing the water available amongst those who want access while still protecting the Active Environmental Water. Details on how an expression of interest process will operate will be in the Active Management Procedures Manual.
  - Clause 42A (3) allowed announcements of less than 1 ML per daily flow share to protect Active Environmental Water only. In response to support from stakeholders to share flows during times of low supply (and not just when Active Environmental Water is present), the revised plan also allows announcements of less than 1 ML per daily flow share to protect water below the flow class thresholds specified in Table B in the plan. The details will be set out in the Active Management Procedures Manuals.
- The wording of Clauses in Part 8 have been changed and notes updated to improve clarity.

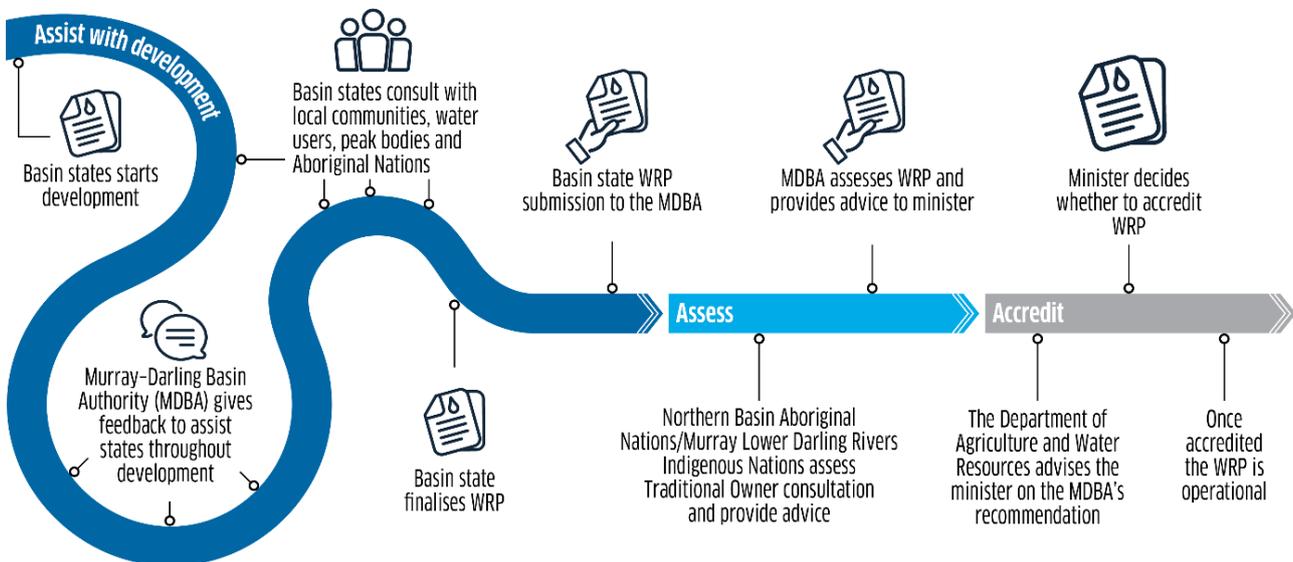
## Next Steps – Plan accreditation

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

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