

What we heard – Darling alluvial water sharing plan 2022 amendment

Feedback from consultation on the proposed amendment to the Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020

Access to water from the Lower Darling Alluvial Groundwater Source is managed under the *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020*.

The department proposed to remove a rule from the plan that banned most aquifer access licence holders from taking water from the Lower Darling Alluvial Groundwater Source unless they used the water for irrigating perennial horticulture, such as vineyards or orchards. Removing the rule would allow licence holders to take water for any purpose during periods of low surface water availability.

We sought public comment on the proposed amendment from 1 March 2022 to 10 April 2022 to understand how the change may impact stakeholders in the Lower Darling and to gauge the level of support for the amendment.

This fact sheet outlines the outcomes and changes since public consultation.

How we engaged with stakeholders

The department emailed licence holders in the groundwater source to gauge support for the proposed change.

We also consulted more broadly to understand community sentiment and ensure all issues and unintended consequences were considered. We:

- contacted all licence and approval holders in the groundwater source by mail
- contacted community stakeholders by email
- provided information on the department's website
- released a WaterNews article seeking comment on the proposed amendment
- sought public submissions.

Submissions

We received 8 submissions from licence holders on the proposed amendment to the *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020*.

Submissions were not received from other stakeholders or basic landholder rights users.

Submissions that have the author's permission for publication can be viewed on the [water sharing plan status – Barwon, Darling and West region page](#) of the department's website.

What we heard

Licence holders said:

- they supported removing the requirement to use water only for perennial horticulture purposes
- that perennial horticulture plantations downstream of Weir 32 on the Darling–Baaka River have been removed
- the groundwater is an emergency backup when there is no surface water available
- that removing the restrictions would:
 - allow water to be used for other drought-proofing purposes such as feeding and watering breeding stock or finishing off annual crops
 - provide economic security and mental comfort during drought periods
 - reduce pressure on residual surface water flows in the Darling–Baaka River that are important drought refugia for native species
- that not all licence holders were consulted on proposals to include the restriction before the water sharing plan commenced in July 2020, nor were aware of the changes
- that some licence holders had received advice prior to July 2020 (correct at the time) that restrictions based on the purpose of use did not apply.

How issues were considered

We examined the submissions and then considered the:

- principles set by the NSW Government for water sharing plans and any statutory technical or administrative constraints
- principles and requirements outlined in the Basin Plan.

We considered the following questions in relation to the amendment:

- Is it likely to affect water availability for other licence holders, and if so, how?
- Is it likely to alter 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?
- Are there additional costs for the NSW Government?
- Will there be a cost to NSW licence holders?
- Does it relate to water charges, costs, operational activities or licensing matters outside the scope of the water sharing plan?
- Is it consistent with the Basin Plan requirements?
- Does it set a precedent for other water sharing plans?

Outcomes of public consultation

The Minister for Lands and Water can change a water sharing plan within its life if the:

- changes are in the public interest
- changes are required under the *Water Act 2007* (Cth)
- changes are required to carry out a NSW Land and Environment Court decision
- water sharing plan allows amendment to those rules.

The Minister for Lands and Water, after receiving concurrence from the Minister for Environment and Heritage, approved amending the *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020* to remove the clause prohibiting take unless water is used for perennial horticulture.

The change affects 10 of the 11 licences in the Lower Darling Alluvial Groundwater Source.

The amendment is in the public interest as it:

- allows for continued economic activity in the region when surface water is not available
- benefits the welfare of regional communities during dry periods by providing mental comfort that groundwater is available when surface water is not
- optimises economic benefits by allowing water to move to its highest value
- maintains planned environmental water.

Long-term average annual extraction limits plus other access conditions under clause 37 that limit access based on salinity levels and surface water availability will continue to apply, maintaining planned environmental water.

Next steps

The department will

- update the [NSW legislations website](#) with the revised plan
- revise and issue new licence conditions to licence holders

More information

View the [amendment order](#) published on the NSW legislation website

View a document outlining how the [amendment complies with the Water Management Principles \(PDF 81KB\)](#).

Before the NSW legislation website is updated, you can find an [informal compilation of the water sharing plan \(PDF 1,084KB\)](#) including this approved amendment on the department's website. This document will be removed once the NSW legislation website is updated.