

Proposed changes to groundwater sharing plans

The NSW water sharing plans are the primary legal framework for managing water access and sharing in the Murray-Darling Basin. Chapter 10 of the *Basin Plan 2012* requires that water resource plans are prepared to meet requirements set out by Commonwealth legislation. NSW is meeting these requirements by replacing, remaking or amending existing water sharing plans to meet the accreditation requirements of Chapter 10 of the *Basin Plan 2012*.

This factsheet is a summary of proposed changes to the groundwater sharing plan for the groundwater resources in the NSW Murray Darling Basin Porous Rock. In summary, changes are proposed to the:

- scope
- objectives, strategies, and performance indicators
- definition of planned environmental water
- estimated requirements for water
- definition of limits to the availability of water for extraction in the area
- measurement of compliance with limits to the availability of water
- determination of annual permitted take
- distance rules for groundwater works
- management of storage
- ability to adjust the limits to the availability of water in line with s 7.25 of the Basin Plan.

The proposed changes to the plan range from purely administrative to more substantial. In general, the changes aim to modernise and simplify the watering sharing plan to make it easier to read, while maintaining its legal accuracy. In addition, we have made changes to eliminate inconsistencies, inequities, and unintended implementation issues.

Scope of the water sharing plan

The *Water Sharing Plan for the Murray-Darling Basin Porous Rock Groundwater Source 2011* is being amended. The new water sharing plan is to be called the '*Water Sharing Plan for the Murray-Darling Porous Rock Groundwater Sources 2020*'.

This process will align the water sharing plan area with the Murray-Darling Basin Porous Rock Water Resource Plan Area, as defined in the *Basin Plan 2012*.

Objectives, strategies and performance indicators

The objectives, strategies and performance indicators have been revised. The proposed new objectives, strategies and performance indicators of the water sharing plan deal with similar matters to the previous ones, but have been changed to:

- link the objectives, strategies and performance indicators more strongly
- distinguish between environmental, economic, social and Aboriginal cultural objectives more clearly.

Definition of planned environmental water

We propose to change the way planned environmental water is specified in the water sharing plan. We will define it more accurately, including removing the reference to recharge. This change will not alter the actual volume of planned environmental water or the timing of its availability to the environment.

More information on this proposal is provided in the fact sheet *Specifying planned environmental water in groundwater plans*, available from www.industry.nsw.gov.au/water.

Estimated requirements for water

We have updated the estimated water requirements of basic landholder rights. We have also updated the total volumes or unit shares specified in the share components of all access licences to reflect current information.

Aligning long-term average annual extraction limits to Basin Plan sustainable diversion limits

The *Basin Plan 2012* and more contemporary water sharing plans in NSW include a numerical estimate of basic landholder rights requirements that falls within the long-term limits to the availability of groundwater. The estimate of requirements for basic landholder rights is already included in the current version of this plan.

The extraction limits established in the Basin Plan 2012, known as ‘sustainable diversion limits’ are different to the long term annual average extraction limits in the current *Water Sharing Plan for the Murray-Darling Basin Porous Rock 2011*. The long term average annual extraction limits in the remade water sharing plan will be increased for the Oaklands Basin Groundwater Source and reduced for the other groundwater sources to align with the sustainable diversion limits established in the Basin Plan 2012. There will be no material impact on users from this change as the sum of the current licence and entitlement volumes is less than the new long term annual extraction limits.

Compliance with long-term average annual extraction limits

To assess compliance with the long-term average annual extraction limits in each groundwater source, the average annual extraction over the past five years will be compared with the long-term average annual extraction limits. This is a change from the current provisions that require a three year assessment period. This change will provide some flexibility to accommodate climatic variability while still protecting environmental values.

No change is proposed to the trigger for requiring action to ensure compliance with the long-term average annual extraction limit. This will remain at 5% for all Murray-Darling Basin Porous Rock groundwater sources.

As previously, if extraction exceeds the triggers, the Minister can limit the available water determinations to lower priority access licences¹ to achieve compliance in the following year(s).

We have also proposed an additional, alternative means to reach compliance. With this mechanism, the Minister may also limit the water allocation that can be taken, assigned under section 71T of the *Water Management Act 2000*, or otherwise debited or withdrawn from a water allocation account. This method will reduce the need for more severe limits on available water determinations.

If compliance action is required, licence holders will be consulted on the most appropriate mechanism to achieve compliance with the long-term average annual extraction limit.

Compliance with Basin Plan sustainable diversion limits

The existing water sharing plan specifies the process to assess compliance with the long-term average annual extraction limits. Additional provisions will be included in the new water sharing plan that directly adopt the *Basin Plan 2012* provisions for assessing compliance with the Basin Plan long term average sustainable diversion limits (SDL).

The *Basin Plan 2012* requires an annual assessment of extractions against ‘annual permitted take’. The annual permitted take for each resource unit (groundwater source) in the Murray-Darling Basin Porous Rock plan area will be the equivalent to the sustainable diversion limit for that resource unit.

At the end of each water year, take will be compared with the annual permitted take (or sustainable diversion limit) for each resource unit. If actual take exceeds the annual permitted take a debit will be recorded, and conversely, if actual take is less than annual permitted take a credit will be recorded.

¹ aquifer access licences or aquifer access (high security) aquifer access licences

Under the *Basin Plan 2012*, there is non-compliance with a sustainable diversion limit if the cumulative balance is in debit by 20% or more of the sustainable diversion limit for a resource unit.

If compliance action is required, the Minister may limit available water determinations and/or the water that can be taken from accounts in subsequent years to bring actual take back to the sustainable diversion limit.

More information on these issues is in these fact sheets available from industry.nsw.gov.au/water-resource-plan-consultation

- *Compliance with the sustainable diversion limit for groundwater*
- *Available water determinations in groundwater sources*
- *Murray-Darling Basin Porous Rock – relationships between the water resource plan and water sharing plans.*

Standardising distance rules

We propose to standardise the rules for assessing applications for new or amended water supply works (bores). The existing minimum distance rules are unchanged for all groundwater sources for the construction of new water supply works in relation to existing bores, groundwater-dependant ecosystems and contamination sources.

We propose to introduce an additional rule for all groundwater sources, to reduce the risk to public health and safety from contaminated groundwater from on-site sewage disposal systems, as follows:

- A water supply work approval located within 250 metres of an on-site sewage disposal system may only be granted or amended if the water supply work is:
 - constructed with cement grout between the bore casing and the borehole annulus² to a minimum depth of 20 metres from the ground surface, and
 - located at sufficient distance from the on-site sewage disposal system to prevent septic contamination of the aquifer.

Removal of ‘local impact management’ and take ‘within restricted distances’ rules

As outlined above, rules for granting new water supply works or amending existing water supply works will remain (as amended) in the water sharing plan. However, we propose to remove the provisions about restricting take from existing water supply works. Specifically the rules for the use of water supply works located within restricted distances for the all Murray-Darling Basin Porous Rock groundwater sources.

Contemporary advice is that the powers to restrict groundwater take from existing water supply works lie firmly within the *Water Management Act 2000* (the Act), and that their duplication and re-interpretation in water sharing plans may cause inconsistencies between the Act and the plan. This means that the Act will continue to provide the framework for groundwater take from existing water supply works.

The powers in the Act enable the Minister, at any time, to specify a limit on the volume or rate of extraction from a water supply work to minimise impacts on other users, on groundwater-dependent ecosystems, or groundwater-dependent culturally significant areas; or for public health and safety reasons. The Minister may also condition or refuse an application for a dealing to effect these outcomes.

For transparency, the draft plan includes notes explaining these powers.

More details on the process for assessing groundwater applications for a new or amended water supply work approval or dealing is provided in the fact sheet *Assessing groundwater applications*, available from www.industry.nsw.gov.au/water

² the space between the bore casing and the wall of the borehole

Additions to groundwater-dependent ecosystems schedules

A recently completed program by the NSW Department of Planning, Industry and Environment has identified additional, high-priority, groundwater-dependent ecosystems. We propose to add the mapped extent of these groundwater-dependent ecosystems as a water sharing plan schedule. The setback distance rules for new water supply works will apply to these groundwater-dependent ecosystems.

More detailed information on this proposal is provided in the fact sheet *Murray-Darling Basin Porous Rock – managing groundwater-dependent ecosystems*, available from industry.nsw.gov.au/water-resource-plan-consultation

Management of storage for buried/ partly buried water sources

The *NSW policy for managing access to buried groundwater sources* was developed to set out a framework for how access to water will be managed in groundwater sources that are fully buried or partly buried. The Water Sharing Plan for the Murray-Darling Basin Porous Rock Groundwater Sources 2011 currently provides for access to storage in the Gunnedah-Oxley Basin MDB, Oaklands Basin and Sydney Basin MDB groundwater sources.

The Department proposes changes to the water sharing plan including:

- The removal of rules allowing access to storage in the Gunnedah-Oxley Basin MDB and Sydney Basin MDB groundwater sources to ensure compliance with the Basin Plan sustainable diversion limits.
- Aligning the long-term average annual extraction limit in Oaklands Basin with the Basin Plan sustainable diversion limit.
- Simplifying the process to limit the cumulative groundwater storage extraction for storage licences in the Oaklands Basin groundwater source by removing the provisions from the water sharing plan and instead, reviewing the volumes of groundwater extracted, and storage licence provisions as part of the water sharing plan review.

The current mechanism for granting of storage licences in the Oaklands Basin groundwater source is through a controlled allocation process. This is unchanged, however The Department is continuing to undertake work in regard to buried water source management.

The detail of the rules will be the subject of discussions with stakeholders during the public exhibition phase of the draft water resource plan and water sharing plan.

Adjustments to groundwater sustainable diversion limits

Section 7.25 of *Basin Plan 2012* allows for the MDBA to propose an adjustment of the sustainable diversion limit for a groundwater sustainable diversion limit resource unit if better information becomes available about the groundwater resources of the unit and the factors relevant to setting the sustainable diversion limit

To allow for this, the new Murray-Darling Basin Porous Rock Groundwater Sources water sharing plan will contain a provision that allows for a s.7.25 adjustment, and in particular for Part 6 of the plan to be amended to modify long term average annual extraction limits and hence sustainable diversion limits.

More information

The draft NSW MDB Porous Rock Water Resource Plan and other fact sheets are available from www.industry.nsw.gov.au/water

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