

Compliance with water management principles - *Water Sharing Plan for the Border Rivers Regulated River Water Source 2020*

This document details how the department has complied with the water management principles outlined in the Water Management Act 2000 in the development of the Water Sharing Plan for the Border Rivers Regulated River Water Source 2020.

When making or concurring to the making of the *Water Sharing Plan for the Border Rivers Regulated River Water Source 2020* (the Plan), Ministers have a duty under section 9(1) of the *Water Management Act 2000* (the Act):

- (a) to take all reasonable steps to do so in accordance with, and so as to promote, the water management principles of the Act, and
- (b) as between the principles for water sharing set out in section 5(3) of the Act, to give priority to those principles in the order in which they are set out in that subsection.

The water management principles that are set out in section 5(3) provide that in relation to water sharing:

- (a) sharing of water from a water source must protect the water source and its dependent ecosystems, and
- (b) sharing of water from a water source must protect basic landholder rights, and
- (c) sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b).

In the Plan there are two key mechanisms for protecting water sources and dependent ecosystems:

- Long term average annual limits on water take. This includes the NSW long-term average annual extraction limit (LTAAEL) for each water source, and the Sustainable Diversion Limit (SDL) for each water resource plan area, established under the *Murray Darling Basin Plan* through extensive peer reviewed scientific analysis. Both limits are included in the water sharing plans, which also contain provisions to assess and ensure compliance with limits. All water in excess of these limits is water protected for environmental benefit.
- Specific plan rules of an operational nature that aim to protect explicit ecosystem functions and /or environmental assets in the water sources. Rules relevant to the NSW Border Rivers Regulated River water sharing plan are detailed in the table below.

Basic landholder rights are also protected under the Plan. The Plan gives priority to current and future basic landholder rights by ensuring any action to ensure compliance with extraction and diversion limits does not apply to these rights.

All reasonable steps have been taken to promote the water management principles set out in the Act and to reflect these principles in the Plan, as detailed in the tables below:

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Water management/sharing principle	How principle has been promoted	Relevant Plan Provisions
<p>Section 5 (3) (a) – Sharing of water from a water source must protect the water source and its dependent ecosystems</p>	<p>The Plan ensures water is committed and identified as planned environmental water by establishing:</p> <ul style="list-style-type: none"> - environmental flow provisions that provide a physical presence of water in the water source, and - a long-term average annual extraction limit and sustainable diversion limit to create a long-term average annual commitment of water as planned environmental water <p>In particular, the Plan:</p> <ul style="list-style-type: none"> • establishes compliance rules for the long-term average annual extraction limit and sustainable diversion limit which protects the water above these limits for environmental purposes. This effectively achieves the end of system flow target for Mungindi as identified in the IGA between NSW and Queensland. • provides a daily environmental release from Pindari Dam of between 10 ML/day and 200ML/day depending on dam inflows and the times of the year. • provides for the storage and release of water to achieve an environmental stimulus flow of up to 8,000 ML/year. The stimulus flow is used to mimic a naturally occurring hydrograph, targeting pre-season cues for fish breeding and to regularly wet and inundate riparian areas • ensures a portion of uncontrolled flows are protected from extraction during supplementary water events • includes objectives, strategies and performance indicators which measure the effectiveness of Plan rules. 	<p>Part 4</p> <p>Part 6</p> <p>Part 6 Division 2</p> <p>Clause 57</p> <p>Clause 58</p> <p>Clauses 45 – 47</p> <p>Part 2</p>

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	<ul style="list-style-type: none"> The Commonwealth recovery target in the NSW Border Rivers has not been met. There is 5.4GL to recover to meet the local recovery target 	
Section 5 (3) (b) – Sharing of water from a water source must protect basic landholder rights	<p>The Plan includes provisions for maintaining compliance with the long-term average annual extraction limit and sustainable diversion limit which target supplementary water licences and general security licences only. These provisions give priority to current and future basic landholder rights by allowing their extractions to increase at the expense of future access for supplementary and general security licences.</p> <p>The Plan also requires the operator to:</p> <ul style="list-style-type: none"> operate the water supply system to be able to meet the annual water requirements of domestic and stock rights and native title rights through a repeat of the period of lowest accumulated inflows to the water source that occurred prior to 1 July 2009. set aside sufficient volumes of water in Pindari Dam and Glenlyon Dam water storages so that up to 10,000 ML per water year can be supplied to the Boomi River for domestic and stock purposes. 	<p>Part 6</p> <p>Clause 57(2)</p> <p>Clause 61</p>
Section 5 (3) (c) – Sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b).	The rules previously discussed ensure the principles for the protection of planned environmental water and basic landholder rights are upheld	
Section 5(2)(a) - Water sources, floodplains and dependent ecosystems (including groundwater and wetlands) should be protected and restored and, where possible, land should not be degraded	<p>The Plan protects and restores floodplains by including provisions to facilitate the rollout of licences to bring floodplain harvesting within the licensing and approval framework of the Act. The rollout of floodplain harvesting licences will result in more accurate accounting against the long-term average annual extraction limit.</p> <p>The Plan aims to protect and restore dependent ecosystems through the</p>	

	<p>provision of water for the environment and contains provisions to:</p> <ul style="list-style-type: none"> • establish a long-term average annual extraction limit which protects a percentage of flows within the water source for environmental purposes, and to achieve the end of system flow target for Mungindi as identified in the inter-governmental agreement between NSW and Queensland. • provide for a daily environmental release from Pindari Dam of between 10 ML/day and 200 ML/day • provide for the storage and release of water to achieve environmental stimulus flow of up to 8,000 ML/year • ensure a portion of uncontrolled flows in the water source are protected during supplementary water events • includes objectives, strategies and performance indicators which measure the effectiveness of Plan rules. 	<p>Part 6, Division 2</p> <p>Clause 57</p> <p>Clause 58(8)</p> <p>Clause 47-50</p> <p>Part 2</p>
<p>Section 5(2)(b) - habitats, animals and plants that benefit from water or are potentially affected by managed activities should be protected and (in the case of habitats) restored</p>	<p>The Plan protects and restores animals, and habitats through water for the environment and the same provisions set out above in respect of section 5(2)(a)</p>	<p>See above</p>
<p>Section 5(2)(c) - the water quality of all water sources should be protected and, wherever possible, enhanced</p>	<p>The Plan aims to protect and enhance water quality by providing environmental water which will provide flushing flows. In particular:</p> <ul style="list-style-type: none"> • the daily environmental release and stimulus flow could be used to respond to specific water quality issues, should they arise • the protection of a portion of uncontrolled flow during supplementary water events can contribute to the 	<p>Part 10, Division 1</p> <p>Part 8, Division 2</p>

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	<p>management of water quality events in downstream connected water sources</p> <p>While the specific environmental water provisions cannot be specifically targeted at water quality outcomes, they and any water categories can provide flushing flows when they flow down the river</p>	
<p>Section 5(2)(d) - the cumulative impacts of water management licences and approvals and other activities on water sources and their dependent ecosystems, should be considered and minimised</p>	<p>Cumulative impacts are managed through rules limiting total extraction. The Plan establishes both a long-term average annual extraction limit and a long-term average sustainable diversion limit which protect water within the water source in excess of those limits for environmental purposes.</p> <p>Long-term average annual extraction limit and long-term average sustainable diversion limit compliance provisions reduce water availability where the extraction limits have been exceeded.</p> <p>Access licence dealing rules that allow for a variety of dealings within specified environmental constraints.</p>	<p>Part 6, Division 2</p> <p>Part 6, Division 5</p> <p>Part 9</p>
<p>Section 5(2)(e) - geographical and other features of Aboriginal significance should be protected</p>	<p>The Plan makes water available for Aboriginal Cultural purposes via a specific purpose access licence category, which could be used to provide water to these features</p> <p>Environmental flow rules may not target Aboriginal outcomes, however they may provide flows which also assist or fully achieve Aboriginal Cultural outcomes.</p> <p>The Plan gives priority to current and future basic landholder rights by targeting extraction limit compliance actions at supplementary water and general security licences only. This allows BLR extractions to increase. BLR includes native title rights.</p> <p>The Plan also requires the operator to:</p> <ul style="list-style-type: none"> operate the water supply system to meet the annual water requirements of domestic and stock rights and 	<p>Clause 43</p> <p>Part 10, Division 1</p> <p>Clause 19</p> <p>Part 6</p>

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	<p>native title rights through a repeat of the period of lowest accumulated inflows to the water source that occurred prior to 1 July 2009.</p> <ul style="list-style-type: none"> • set aside sufficient volumes of water in reserve in Pindari Dam and Glenlyon Dam water storages so that up to 10,000 ML per water year can be supplied to the Boomi River for domestic and stock purposes. • The Plan provides for amendment if there is a determination of native title in future. 	<p>Clause 57(2)</p> <p>Clause 58</p> <p>Part 12</p>
<p>Section 5(2)(f) - geographical and other features of major cultural, heritage or spiritual significance should be protected</p>	<p>The Plan makes water available for Aboriginal cultural purposes via a specific purpose access licence category, which could be used to provide water to these features</p>	<p>Clause 43</p>
<p>Section 5(2)(g) - the social and economic benefits to the community should be maximised</p>	<p>The Plan maximises the social and economic benefits to the community and contains provisions to:</p> <ul style="list-style-type: none"> • A defined long-term average annual extraction limit and long-term sustainable diversion limit which provides an amount of water for community and economic benefit • provides rules for trade of licenced entitlement and account water to allow the market to drive strong economic outcomes • provide environmental flows that also have positive social and community outcomes • provide for supplementary water access to a portion of uncontrolled flows • environmental flow rules may contribute to the mitigation of water quality events • support social and community requirements by reserving water for basic landholder rights (including Native Title rights), domestic and stock needs, and urban water needs, before making water available for lower priority uses 	<p>Part 6, Division 2</p> <p>Part 9</p> <p>Part 10, Division 1</p> <p>Part 8 Division 2</p> <p>Part 10, Division 1</p> <p>Part 5, Division 2</p>

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<p>Section 5(2)(h) - the principles of adaptive management should be applied, which should be responsive to monitoring and improvements in understanding of ecological water requirements</p>	<p>The Plan is audited and reviewed at ten-year intervals by the Natural Resources Commission, to indicate if the Plan rules remain fit for purpose.</p> <p>The Plan includes a set of objectives, strategies, and performance indicators. If required, an earlier review of the Plan could be triggered based on monitoring of these indicators</p>	<p>WMA 2000 Sections 43A and 44</p> <p>Part 2</p>
	<p>Mandatory metering and reporting requirements will inform the implementation of the Plan rules and water available for the environment.</p>	<p>Part 11</p>

Note: During periods when there are channel capacity issues, as described in clause 62 of the plan, clause 63 prioritises the release of a stimulus flow at the same priority as General Security, and a lower priority than Basic Landholder Rights or High Security Entitlement. While the wording in the plan has changed, it maintains the priorities as prescribed under clause 12 of the current 2009 plan. It is considered that the Long Term Annual Average Extraction Limit (LTAAEL) and Available Water Determination (AWD) provisions of the Plan achieve the prioritisation of the requirements under 5(3)(a) of the Act.

Floodplain harvesting

In order to manage floodplain harvesting and comply with the water management principles under the Act, licences need to be issued.

The Plan has been amended to include provisions for the management of floodplain harvesting. In developing the rules for floodplain harvesting, all reasonable steps have been taken to promote the water management principles as follows:

Water management/sharing principle	Floodplain harvesting rule	Relevant Plan Provisions
<p>Section 5(2)(a) - Water sources, floodplains and dependent ecosystems (including groundwater and wetlands) should be protected and restored and, where possible, land should not be degraded</p>	<p>The Plan protects and restores floodplains by including provisions to facilitate the rollout of licences and bring floodplain harvesting within the licensing and approval provisions of the Act. The rollout of floodplain harvesting licences will result in more accurate accounting against the long-term average annual extraction limit and long-term sustainable diversion limit.</p> <p>The Plan aims to protect and restore dependent ecosystems through water for the environment and contains provisions to:</p> <ul style="list-style-type: none"> - establish a long-term average annual extraction limit and long-term 	<p>Part 6, Division 2</p>

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Water management/sharing principle	Floodplain harvesting rule	Relevant Plan Provisions
	<p>sustainable diversion limit which protects a percentage of flows within the water source for environmental purposes and to achieve the end of system flow target for Mungindi as identified in the inter-governmental agreement between NSW and Queensland</p> <ul style="list-style-type: none"> - includes objectives, strategies and performance indicators which measure the effectiveness of Plan rules. identifying and prioritising flood-dependent ecological assets and values on the floodplain. This information is used to inform the trade rules for floodplain harvesting licences and manage the granting and amending of water supply work approvals 	<p>Part 2</p> <p>Part 9</p> <p>Part 7</p>
<p>Section 5(2)(b) - habitats, animals and plants that benefit from water or are potentially affected by managed activities should be protected and (in the case of habitats) restored</p>	<p>The Plan protects and restores animals, and habitats through water for the environment and the same provisions set out in section 5(2)(a)</p>	<p>See above</p>
<p>Section 5(2)(c) - the water quality of all water sources should be protected and, wherever possible, enhanced</p>	<p>The Plan includes amendment provisions that allow for access rules to be introduced when appropriate information becomes available.</p> <p>The future inclusion of access rules for floodplain harvesting will complement existing rules for supplementary water access licences that contribute to the management of water quality events in downstream connected water sources</p>	<p>Part 12</p>
<p>Section 5(2)(d) - the cumulative impacts of water management licences and approvals and other activities on water sources and their dependent ecosystems, should be considered and minimised</p> <p>Note Division 2 of Part 4 of Chapter 6 of the Basin Plan 2012 specifies the requirements for complying with the SDL</p>	<p>The Plan manages cumulative impacts through:</p> <ul style="list-style-type: none"> - rules limiting total extraction. The Plan establishes both a long-term average annual extraction limit and long-term sustainable diversion limit which protect water within the water source in excess of those limits for environmental purposes <p>Long-term average annual extraction limit and long-term average sustainable diversion limit compliance provisions reduce water</p>	<p>Part 6 Division 2</p> <p>Part 6 Division 5</p>

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Water management/sharing principle	Floodplain harvesting rule	Relevant Plan Provisions
	<p>availability where the extraction limits have been exceeded.</p> <ul style="list-style-type: none"> - access licence dealing rules that allow for a variety of dealings within specified environmental constraints - rules for the granting or amending of water supply work approvals 	<p>Part 9</p> <p>Part 7</p>
<p>Section 5(2)(e) - geographical and other features of Aboriginal significance should be protected</p>	<p>The Plan contributes to the protection of cultural assets and values, including Aboriginal cultural values on the floodplain, by:</p> <ul style="list-style-type: none"> - identifying and prioritising flood-dependent Aboriginal values on the floodplain. This information is used to inform the trade rules for floodplain harvesting licences and manage the granting and amending of water supply work approvals 	<p>Part 9</p> <p>Part 7</p>
<p>Section 5(2)(f) - geographical and other features of major cultural, heritage or spiritual significance should be protected</p>	<p>The plan contributes to the protection of cultural assets and values, including Aboriginal cultural values and heritage sites on the floodplain, by:</p> <ul style="list-style-type: none"> - identifying and prioritising flood-dependent cultural assets on the floodplain. This information is used to inform the trade rules for floodplain harvesting licences and manage the granting and amending of water supply work approvals 	<p>Part 9</p> <p>Part 7</p>

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Water management/sharing principle	Floodplain harvesting rule	Relevant Plan Provisions
Section 5(2)(g) - the social and economic benefits to the community should be maximised	<p>The Plan maximises the social and economic benefits to the community by:</p> <ul style="list-style-type: none"> - a defined long-term average annual extraction limit and long-term sustainable diversion limit which provides an amount of water available for community and economic benefit - certainty of access for licence holders for the duration of the Plan - provides rules for trade of licensed entitlement and account water to allow the market to drive strong economic outcomes - facilitating the granting or amending of water supply work approvals 	<p>Division 2 of Part 6</p> <p>Division 1 of Part 8</p> <p>Part 10</p> <p>Part 7</p>
Section 5(2)(h) - the principles of adaptive management should be applied, which should be responsive to monitoring and improvements in understanding of ecological water requirements	<p>The plan is reviewed at ten-year intervals by the Natural Resources Commission, to indicate if the Plan rules remain fit for purpose.</p> <p>The plan includes a set of objectives, strategies, and performance indicators. An earlier review of the plan could be triggered if required, based on monitoring of these indicators</p> <p>Mandatory measurement requirements will inform the implementation of the Plan rules and provision of water for the environment</p>	<p>S43A of the WMA</p> <p>Part 2</p> <p>Part 11</p>

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