

## Compliance with water management principles - *Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources Amendment Order 2021*

*This document details how the department has complied with the water management principles outlined in the Water Management Act 2000 in the developing the Water Sharing Plan for the NSW Murray Darling Fractured Rock Groundwater Sources Amendment Order 2021.*

### Background

When making or concurring to the making of the amendment of the *Water Sharing Plan for the NSW MDB Fractured Rock Groundwater Sources 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).

### This amendment

This amendment provides increased protection to groundwater-dependent ecosystems by:

- (a) adding seven high priority groundwater-dependent ecosystems to Schedule 2
- (b) amending the high priority groundwater-dependent ecosystem map to include high priority ecosystems for the Peel Fractured Rock Water Source.

The other changes included in this amendment order do not have an impact on the way in which the Plan promotes Water Management Act principles. They improve clarity in interpreting maps and water source descriptions ensuring new works are assigned to the correct groundwater source.

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This amendment promotes the water management principles set out in the Act, as detailed in the table below:

Water management/sharing principle #	How principle has been promoted	Relevant amendment item	Associated plan clause
<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>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>Section 5 (3) (a) – Sharing of water from a water source must protect the water source and its dependent ecosystems</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>The Plan restricts the ability to develop water supply works near high priority groundwater-dependent ecosystems. This amendment improves the protection of dependent ecosystems and habitats, animals and plants that benefit from water by adding:</p> <ul style="list-style-type: none"> <li>• seven locations to the high probability groundwater-dependent ecosystems and high priority karst environment groundwater-dependent ecosystems in Schedule 2 and</li> <li>• high priority groundwater-dependent ecosystems for the Peel Fractured Rock Water Source to the High Priority Groundwater-Dependent Ecosystem Map.</li> </ul>	<p>Item [3] Item [4] Item [6]</p>	<p>CI 4 (17) Schedule 2 Appendix 2</p>
<p>Section 5 (2) (g) - the social and economic benefits to the community should be maximised</p>	<p>The plan already provides for the granting or amending of water supply works approvals:</p> <ul style="list-style-type: none"> <li>• outside the location restrictions from groundwater-dependent ecosystems and</li> <li>• within the restricted distances if the Minister is satisfied the water supply work: <ul style="list-style-type: none"> <li>○ is used solely for basic landholder rights;</li> <li>○ is a replacement groundwater work;</li> </ul> </li> </ul>		<p>CI 41 (2) CI 41 (3)</p>

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Water management/sharing principle #	How principle has been promoted	Relevant amendment item	Associated plan clause
	<ul style="list-style-type: none"> <li>○ is for the purpose of monitoring, environmental remediation activities or emergency services; or</li> <li>○ would result in no more than minimal harm to any high priority groundwater-dependent ecosystem identified in the plan.</li> </ul> <p>Location restrictions do not apply to high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map unless a high probability of groundwater dependence has been confirmed by the Department for the relevant ecosystem.</p>		

# Note: Principles that are not impacted by this amendment are not included in the table.

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