

Changes to the Barwon-Darling water sharing plan

A summary of changes made to the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012*

The NSW Government has amended the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012* to:

- include floodplain harvesting provisions
- allow the temporary trade of individual daily extraction components (IDECs)
- allow for the amendment of access announcements
- allow forecast flow data at both reference gauges to be used to make flow class announcements when one of those gauges is not working
- clarify how the cumulative flow trigger that relaxes the resumption of flows rule works
- make minor administrative changes.

Table 1 summarises these amendments.

Table 1. Summary of changes to the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012*

Clause	Water Sharing Plan as submitted as part of WRP accreditation to the MDBA in June 2020	December 2022 amendment as made	Basis for change
3 (2)	Active management provisions to commence 1 December 2021	Provision now removed	Active management provision now enacted
4 (3) (d)	Water included in the water source	We amended this provision to clarify water extracted under a floodplain harvesting (unregulated river) access licence is part of the water source and removed a redundant note.	Licensing of floodplain harvesting
28A	New clause	We included this provision to facilitate floodplain	Licensing of floodplain harvesting

Clause	Water Sharing Plan as submitted as part of WRP accreditation to the MDBA in June 2020	December 2022 amendment as made	Basis for change
		harvesting licence share components	
31	New subclause	We included this subclause to exclude floodplain harvesting licences from amendment of share components	Licensing of floodplain harvesting
34 (c)	Removed	We removed this provision as floodplain harvesting is calculated under licences and it is no longer required	Licensing of floodplain harvesting
36	Updated clause	We updated this clause to allow for a response to an exceedance of the extraction limit to be tailored to floodplain harvesting or unregulated river access licences	Licensing of floodplain harvesting
36 (9)	Previously subclause (5)	We included NSW Environmental Water Manager (department's Environment and Heritage group (EHG), formerly known as the Environment, Energy and Science group) to be consulted before action taken	This will allow input from EHG as well as water user representatives and the operator (WaterNSW) before taking action to address non-compliance with either the long-term average annual extraction limit or the long-term average sustainable diversion limit
39	Updated clause	We updated this provision to facilitate floodplain harvesting licence available water determinations	Licensing of floodplain harvesting
40A	New clause	We included this provision to facilitate the granting	Licensing of floodplain harvesting

Clause	Water Sharing Plan as submitted as part of WRP accreditation to the MDBA in June 2020	December 2022 amendment as made	Basis for change
		or amendment of water supply works nominated by a floodplain harvesting access licence	
42 (10)	New subclause	We included this provision to facilitate floodplain harvesting licence water allocation accounts	Licensing of floodplain harvesting
42A (2A)	New subclause	We included this provision to facilitate implementation of temporary trade of IDECs	Temporary trade of individual daily extraction components (IDECs)
43A	New clause	We included this provision to exclude floodplain harvesting licences from the access rules in Division 2 of Part 8	Licensing of floodplain harvesting
46 (5)	New subclause	We introduced a new access rule to apply to water subject to temporarily dealings (trade) of IDECs	Temporary trade of IDECs
46 and 47	Notes	We removed notes as the clause has commenced	Active management has commenced
49A (3A)	New subclause	We included a provision to allow for amendment to flow class announcement in the case of flow forecast inaccuracies	Allow timely response to differences in forecast and observed flows due to unforeseen circumstances
50	Flow trigger (30,000 ML at Bourke) that relaxes the resumption of flows rule	We clarified this provision to show that the trigger is a cumulative flow and to show when flows start contributing to the 30,000 ML	Clarify how relaxation trigger works
52B	New clause	We included provisions to apply access rules, including resumption of flow rules consistent with clause 50, to floodplain	Provision included to apply access rules to floodplain harvesting licences

Clause	Water Sharing Plan as submitted as part of WRP accreditation to the MDBA in June 2020	December 2022 amendment as made	Basis for change
		harvesting licences and an access rule that recognises connectivity with Menindee Lakes	
64, 67, 69	New subclauses	We included provisions to facilitate dealings for floodplain harvesting licences	Licensing of floodplain harvesting
64A	Clause prohibiting temporary IDEC dealings	We amended a provision to permit temporary IDEC dealings	Allow temporary trade of IDECs
71	Removal of subclauses	We removed subclauses as mandatory metering requirements have commenced under the <i>Water Management (General) Regulation 2018</i> regulation	Requirements under the Regulation
71	New subclause	We included a provision to facilitate mandatory conditions for floodplain harvesting licences	Licensing of floodplain harvesting
72	Removal of subclauses	We removed subclauses as mandatory metering requirements have commenced under the <i>Water Management (General) Regulation 2018</i> regulation	Requirements under the Regulation
72 (1)	New note	We included an explanatory note in relation to mandatory measurement requirements for floodplain harvesting in the <i>Water Management (General) Regulation 2018</i>	Licensing of floodplain harvesting
72 (2)	Existing clause	We included a provision to facilitate mandatory conditions for water supply work approvals	Licensing of floodplain harvesting

Clause	Water Sharing Plan as submitted as part of WRP accreditation to the MDBA in June 2020	December 2022 amendment as made	Basis for change
		nominated by a floodplain harvesting access licence	
84	New subclauses	We included provisions to facilitate future amendments for floodplain harvesting licences	Licensing of floodplain harvesting
Dictionary	Includes additional definitions	We added some additional terms	Need to clarify existing/additional terms
Appendix 2	Repealed clause number used for new clause	Map included to facilitate floodplain harvesting licences and water supply works	New map showing management zones in the Barwon-Darling Valley Floodplain, as established in the floodplain management plan.
Appendix 3	New appendix	Map included to facilitate floodplain harvesting licences and water supply works	New map showing the Barwon-Darling Valley Floodplain
Appendix 4	New appendix	Map included to facilitate floodplain harvesting licences and water supply works	New map showing management zones in the Lower Namoi Valley Floodplain, as established in the floodplain management plan. There are some floodplain harvesting properties that extend into both the Barwon-Darling Valley Floodplain and the Lower Namoi Valley Floodplain.

Why we have made these changes

Floodplain harvesting provisions

Floodplain harvesting has increased across the NSW northern basin. In some cases, water diversions have increased above the legal limits set under water sharing plans and the Basin Plan.

We have included floodplain harvesting provisions in the water sharing plan. Water taken using floodplain harvesting works will be measured in accordance with Part 10 of the *Water Management (General) Regulation 2018*.

The NSW Floodplain Harvesting Policy sets out the process for bringing floodplain harvesting into the water licensing framework. It involves granting water supply work approvals, floodplain harvesting access licences, implementing rules and imposing measurement requirements to ensure that floodplain harvesting take can be managed within the legal limits. For more information on the NSW Floodplain Harvesting Policy, visit the [NSW floodplain harvesting information website](#).

Temporary trade of IDECs

When IDECs were introduced in 2020, the plan allowed permanent trade of daily flow shares under section 71Q of the Water Management Act 2000 (the Act). At that time, the plan noted the temporary trade of IDECs would be considered in future. This was to allow time to develop policies and systems that would ensure WaterNSW could implement such trades and that other water users and the environment would not be affected.

The temporary trade of IDECs allows a buyer to temporarily increase the daily limit on how much of their water allocation they are allowed to take out of the river. The rules mean licensees can trade the right to take an amount of water from the river on a future day or for a future period. For example, this could be on an event-by-event basis or for a set period. How much additional access the trade provides on each day of the trade depends on the access and daily flow share announcements made on those days. Once the term of the trade has passed, the traded IDEC reverts to the seller. Water allocations or daily flow shares are not traded under this type of trade.

The access rule means the buyer can only increase their access by the volume calculated under the traded IDEC on days when WaterNSW has announced access for both the buyer and seller's licences. This ensures no more water is taken than may otherwise be extracted from a flow event as it moves down the river, protecting environmental water and avoiding effects on other users.

Trading IDECs permanently by trading daily flow shares or temporarily may also help users who have a lower IDEC than their pump capacity to manage the work, health and safety risks of switching pumps on and off each day to comply with their IDEC.

The department and WaterNSW are working through how to implement temporary trade of IDECs under section 71QA of the Act. This includes work to:

- identify all the elements of the trade needed to allow the trade to occur
- upgrade WaterNSW's water management systems to implement all elements of the trade

Temporary trades of IDECs cannot commence until WaterNSW systems have been upgraded to implement the trades.

Amendment of access announcements

We have added a rule in clause 49A to allow access announcements to be amended within 24 hours if there are inaccuracies between forecast and observed flows. These changes will commence after WaterNSW systems are upgraded to allow an access announcement to be changed.

Before the introduction of active management, licensees could respond to increases in flows at gauges as soon as they were observed. Now access announcements, which are based on forecast flows, remain in place for 24 hours or longer. If greater flows than forecast are observed, then WaterNSW must wait 24 hours from the initial announcement before making the next one.

The change allows WaterNSW to announce increased access when more water than forecast is observed in the river because of:

- unforeseen circumstances such as local rainfall events that increase river flows downstream of reference gauges, or
- differences in predicted and actual travel time of flows.

Allowing access announcements to be amended means WaterNSW can respond to mismatches between forecast and observed flows, while maintaining the transparency and certainty of active management. All announcements will be recorded using the existing processes and made available to relevant agencies for compliance and reporting.

If more water is observed in the river than forecast, an amendment can be made to increase access without waiting for the next announcement. Water users will be notified of the amendment in the same way as the original announcement. If less water than forecast is observed, corrections will still be made in the following day's announcement.

Flow class announcements when one of 2 reference gauges is not working

We have repealed and replaced subclause 49A (5). This removes the requirement that currently applies in management zones that usually rely on flow thresholds at 2 reference gauges to determine flow class announcements, to use only one flow class threshold if actual flows cannot be observed at the other of those gauges.

This change allows WaterNSW to use the best available data at multiple reference points to set flow class access in situations where one of 2 flow reference gauges is not working. If the most downstream of the 2 gauges is not working, this change increases the likelihood that the flow event is in the whole management zone before access is granted, ensuring users only take water available for extraction that is in the river at their access point.

We will also update the Active Management Procedures Manual, which sets out the actions to prevent extraction of active environmental water, to be consistent with this change to the water sharing plan.

Clarifying how relaxation of the resumption of flows rule works

In 2020, a 'resumption of flows' rule was introduced in the Barwon–Darling water sharing plan (clause 50), to protect the critical first flows after an extended low-flow or dry period. The rule is activated when a flow event happens after a continuous period of dry or low-flow conditions. This is to prevent access to the first flow for a period. Once the required flow targets are met, normal access conditions are enabled.

We have modified the wording to clarify how the flow trigger at Bourke operates. The trigger at Bourke turns off the access restrictions imposed by the resumption of flows when certain

conditions have been met. The change makes it clear that the flow trigger of 30,000 megalitres (ML) in the Darling River at Bourke is a cumulative total flow. It also clarifies that flows start contributing to the 30,000 ML target from the start of the most recent low-flow or dry period, when flows have been less than 200 ML/day for more than 90 consecutive days at Wilcannia.

This change is in response to the Claydon review, which recommended ‘being clearer about what constitutes an “event”, including its start and end conditions and dates’. The review gave the example ‘for the purposes of accumulating the 30 GL trigger volume at Bourke’. The review indicated there had been misunderstanding about how the trigger works. The trigger allows the ‘resumption of flows’ rule to achieve one of its intended purposes, which is to ensure the river channel is wet before allowing the rule to be switched off and access to begin again.

The process for changing water sharing plans

As well as the approval of the Minister for Lands and Water, amending a plan requires the agreement of the NSW Minister for Environment and Heritage (this is known as ‘concurrence’). Consistent with section 9 of the Water Management Act 2000 (the Act), when amending a water sharing plan the ministers must:

- take all reasonable steps to promote the water management principles of the Act and
- give priority to the principles relating to water sharing according to the order they are set out in under section 5 (3) of the Act.

The water sharing management principles under s5(3) of the Act are (in their order of priority):

1. Sharing water from a water source must protect the water source and its dependent ecosystems.
2. Sharing water from a water source must protect basic landholder rights.
3. Sharing or extraction of water under any other right must not prejudice the principles set out in points 1 and 2.

The NSW Department of Planning and Environment’s Water group worked with colleagues in the department’s Environment and Heritage group to develop the amendments before submitting the plan for the agreement and approval of the ministers.

More information

To read the amended water sharing plan and supporting fact sheets, visit www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/status/barwon-darling-west-region

To read the water sharing plan amendment protocol, visit https://www.industry.nsw.gov.au/_data/assets/pdf_file/0004/509863/water-sharing-plan-amendment-protocol.pdf