

Compliance with water management principles - Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023

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 Towamba River Unregulated and Alluvial Water Sources 2023*

Making a water sharing plan requires the approval of the NSW Minister for Water and the agreement of the NSW Minister for Environment and Heritage. When making a plan, section 9 of the *Water Management Act 2000* (the WM Act) requires the ministers to:

- take all reasonable steps to promote the water management principles and
- give priority to the water management principles relating to water sharing in the order they are set out under s5(3) of the WM Act.

The water sharing management principles under s5(3) of the WM Act are (in 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 Minister for Water gained the agreement of the Minister for Environment and Heritage to make the *Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023* (the plan). In making the plan, the ministers ensured that they promote the water management principles of the WM Act and prioritise its water sharing principles appropriately.

How water sharing in the plan protects the water source and dependent ecosystems

In the plan, there are 2 key mechanisms for protecting water sources and dependent ecosystems:

- **Long-term average annual extraction limit (LTAAEL)** for each water source. On a long-term average annual basis, all water above these limits is protected for environmental benefit.
- **Specific, operational plan rules** in the plan that aim to protect explicit ecosystem functions and /or environmental assets in the water sources. The tables below give details of the rules for the Towamba plan.

How water sharing in the plan protects basic landholder rights

The plan also protects basic landholder rights, allowing landholders to exercise these under part 1 of Chapter 3 of the WM Act. The plan gives priority to current and future basic landholder rights by ensuring any compliance action for extraction and diversion limits does not apply to these rights.

How we have promoted water management principles

The NSW Government has taken all reasonable steps to promote the water management principles set out in the WM Act and to make the Towamba water sharing plan reflect these principles. Refer to the tables below for details.

Table 1. How the plan changes promote the water management principles of section 5(3)(a) – Sharing of water from a water source must protect the water source and its dependent ecosystems

How we have promoted the principle in Section 5(3)(a)	Relevant plan provisions
The plan ensures water is committed and identified as planned environmental water by establishing:	See below
<ul style="list-style-type: none"> provisions that provide a physical presence of water in the water source 	Part 6
<ul style="list-style-type: none"> a long-term average annual extraction limit to create a long-term average annual commitment of water as planned environmental water. 	Part 4
In particular, the plan:	See below
<ul style="list-style-type: none"> includes objectives, strategies and performance indicators which measure the effectiveness of plan rules 	Part 2
<ul style="list-style-type: none"> establishes the rules and arrangements for preserving planned environmental water that is in excess of the long-term average annual extraction limits (LTAAELs) 	Part 4, Division 2 and Part 6, Division 1
<ul style="list-style-type: none"> establishes rules for making of an available water determination in accordance with the priorities in the WM Act and ensuring extraction is managed within the LTAAEL 	Part 4 Division 1 and 2
<ul style="list-style-type: none"> establishes daily cease to take rules that protect very low flows for environmental purposes 	Part 6
<ul style="list-style-type: none"> prohibits in-river dams in third order or higher streams except for the purpose of town water supply 	Part 7, Division 2
<ul style="list-style-type: none"> establishes the rules for managing the construction and use of supply works to prevent unacceptable impacts on groundwater dependent ecosystems (GDEs) and wetlands at a local scale. These rules are based on published Australian guidelines for water bore construction and technical assessment of pumping impacts on GDEs 	Part 7
<ul style="list-style-type: none"> prohibits or conditions the construction of works near sources of contamination as informed by the Australian guidelines for water bore construction 	Part 7 and Section 65
<ul style="list-style-type: none"> prohibits water supply works having greater than minimal harm on wetlands listed in Coastal State Environmental Planning Policy (SEPP) 	Part 7, Division 2
<ul style="list-style-type: none"> prohibits groundwater supply works within specified distances of where acid sulphate soils are likely to occur. 	Part 7, Division 3

Table 2. How the plan changes promote the water management principles of section 5(3)(b) – Sharing of water from a water source must protect basic landholder rights

How we have promoted the principle in Section 5(3)(b)	Relevant plan provisions
The plan protects basic landholder rights by:	See below.
<ul style="list-style-type: none"> protecting low flows from licenced extraction for the environment and basic landholder rights take 	Part 6
<ul style="list-style-type: none"> establishing rules for making of available water determinations in accordance with the priorities in the WM Act. 	Part 4
<p>Extraction is managed to the LTAAEL by first setting aside water for basic landholder rights and then applying an available water determination to ensure the sum of basic landholder’s rights and licenced extraction do not exceed the long-term average annual extraction.</p> <p>The plan protects basic landholder rights by establishing the rules for managing the construction and use of water supply works to prevent unacceptable impacts on take from basic landholder rights bores at a local scale. This is informed by the Australian guidelines for water bore construction and the imposition of bore extraction limits to meet the published impact criteria</p>	Parts 9 and 4

Table 3. How the plan changes promote the water management principles of 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).

How we have promoted the principle in Section 5(3)(c)	Relevant plan provisions
The rules previously discussed in this document ensure the principles for the protection of planned environmental water and basic landholder rights are upheld.	As above
Planned environmental water is that volume of water that is above the LTAAEL. Extraction is managed to the LTAAEL by first setting aside water for basic landholder rights and then applying an available water determination to ensure the sum of basic landholder’s rights and licenced extraction do not exceed the LTAAEL.	Part 4

Table 4. How the plan changes promote the water management principles of 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

How we have promoted the principle in Section 5(2)(a)	Relevant plan provisions
The plan aims to protect and restore dependent ecosystems through the provision of water for the environment and contains rules to:	See below
<ul style="list-style-type: none"> specify the objectives, strategies and performance indicators that measure the effectiveness of plan rules 	Part 2
<ul style="list-style-type: none"> identify planned environmental water by specifying LTAAELs 	Part 4 & 6
<ul style="list-style-type: none"> establish the rules and arrangements for preserving planned environmental water above LTAAELs 	Parts 4 and 6
<ul style="list-style-type: none"> establish the rules for managing the construction and use of supply works to prevent unacceptable impacts on GDEs and wetlands at a local scale. These rules are based on published Australian guidelines for water bore construction and technical assessment of pumping impacts on GDEs 	Part 7
<ul style="list-style-type: none"> establish daily cease to take rules that protect very low flows for environmental purposes. 	Part 6

Table 5. How the plan changes promote the water management principles of 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

How we have promoted the principle in Section 5(2)(b)	Relevant plan provisions
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).	Parts 2, 4, 6, 9 and 10

Table 6. How the plan changes promote the water management principles of section 5(2)(c) – the water quality of all water sources should be protected and, wherever possible, enhanced

How we have promoted the principle in Section 5(2)(c)	Relevant plan provisions
The plan aims to protect and enhance water quality by:	Parts 6, 7 and 9
<ul style="list-style-type: none"> prohibiting ground water supply works where acid sulphate soils are likely to occur 	As above

How we have promoted the principle in Section 5(2)(c)	Relevant plan provisions
<ul style="list-style-type: none"> prohibiting or conditioning the construction of works near sources of contamination as informed by the Australian guidelines for water bore construction and the NSW contaminated sites register 	As above
<ul style="list-style-type: none"> applying standards to water bore construction to prevent contamination of and between aquifers and prevent flow of saline water between aquifers. This is informed by the Australian guidelines for water bore construction 	As above
<ul style="list-style-type: none"> establishing daily cease to take rules that protect very low flows for environmental purposes including water quality. 	As above

Table 7. How the plan changes promote the water management principles of 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

How we have promoted the principle in Section 5(2)(d)	Relevant plan provisions
<p>We manage the cumulative impact of licences through rules limiting total extraction. The long-term average annual extraction limits established by the plan protect water within the water sources for environmental purposes.</p> <p>Long-term average annual extraction limit compliance provisions reduce water availability where the extraction limits have been exceeded.</p>	Part 4
<p>The plan provides setback rules to limit construction of new bores within defined distances from identified GDEs.</p>	Part 7
<p>Access licence dealing rules allow for a variety of dealings (trade) within specified environmental constraints. For example prohibiting or restricting trade of licences into waters sources assessed as having high risks to instream values.</p>	Part 8
<p>The plan prohibits in-river dams in water sources with assessed high instream values.</p>	Part 7

Table 8. How the plan changes promote the water management principles of section 5(2)(e) and (f) – geographical and other features of Aboriginal significance should be protected

How we have promoted the principle in Section 5(2)(e) and (f)	Relevant plan provisions
The plan specifies social, cultural, and Aboriginal objectives, strategies and performance indicators which will provide measurable evidence of whether outcomes have been achieved.	Part 2
<p>The plan provides for applications for surface and groundwater Aboriginal cultural licences.</p> <p>The plan provides for applications for groundwater Aboriginal community development licences in certain water sources.</p>	Part 5
The plan recognises requirements for water consistent with the exercise of native title rights.	Part 3
The plan gives priority to current and future basic landholder rights by targeting extraction limit compliance actions at unregulated river and aquifer access licences only. This allows BLR extractions to increase. BLR includes native title rights.	Part 4
The plan provides setback rules to limit construction of new bores within defined distances from identified groundwater dependent culturally significant areas.	Part 7
The <i>Access Licence Dealing Principles Order 2004</i> also applies to assessment of dealings (trade) of groundwater entitlements and allocations. Dealings are only approved if they do not adversely affect geographical and other features of indigenous significance, or major cultural, heritage or spiritual significance.	<i>Access Licence Dealing Principles Order 2004</i>
The plan provides for its amendment if there is a determination of native title in future.	Part 10

Table 9. How the plan changes promote the water management principles of section 5(2)(g) – the social and economic benefits to the community should be maximised

How we have promoted the principle in Section 5(2)(g)	Relevant plan provisions
The plan maximises the social and economic benefits to the community and contains provisions to:	See below
<ul style="list-style-type: none"> specify economic and social strategies and performance indicators which will provide measurable evidence of whether outcomes have been achieved 	Part 2

How we have promoted the principle in Section 5(2)(g)	Relevant plan provisions
<ul style="list-style-type: none"> establish defined long-term average annual extraction limits which provide an amount of water for community and economic benefit 	Part 4
<ul style="list-style-type: none"> establish the percentage of licence shares for each category of licence that may be allocated to water accounts and subsequently taken under licence in any one water year 	Part 4
<ul style="list-style-type: none"> enable applications for licences including Aboriginal cultural and Aboriginal community development licences 	Part 5
<ul style="list-style-type: none"> provide rules for trade of licenced entitlement and account water to allow the market to drive improved economic outcomes 	Part 8
<ul style="list-style-type: none"> 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 	Part 6

Table 10. How the plan changes promote the water management principles of 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

How we have promoted the principle in Section 5(2)(h)	Relevant plan provisions
<p>The Natural Resources Commission plan audits and reviews the plan at 10-year intervals, to inform whether the plan rules are being applied and remain fit for purpose.</p>	WM Act Sections 43A and 44
<p>The plan includes a set of objectives, strategies, and performance indicators. Monitoring of these indicators could trigger an earlier review of the plan, if necessary.</p>	Part 2

More information

To read the water sharing plan and supporting fact sheets, visit water.dpie.nsw.gov.au/plans-and-programs/water-sharing-plans/status/south-coast-region.

To read the manual for making water sharing plans, refer to the published document www.industry.nsw.gov.au/___data/assets/pdf_file/0009/492453/replacement-water-sharing-plan-manual.pdf