

Compliance with water management principles - *Water Sharing Plan for the Border Rivers Regulated River Water Source 2021*

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 2021.

When making or concurring to the making of the *Water Sharing Plan for the Border Rivers Regulated River Water Source 2021* (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 the limits. On a long-term average annual basis, 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 Border Rivers and downstream Barwon-Darling 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 allows for the exercise of basic landholder rights in accordance with Part 1 of Chapter 3 of the Act and gives priority to current and future basic landholder rights by ensuring any action to ensure compliance with the long term average annual limits on water take 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:

Table 1. Promoting the water management principles set out in the Act.

Water management/sharing principle	How principle has been promoted	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 aims to protect and restore water sources and dependent ecosystems through the provision of water for the environment and contains provisions to:</p> <ul style="list-style-type: none"> • establish long-term average annual extraction limits which protect water in excess of those limits for environmental purposes. Compliance with these also achieves the end of system flow target for Mungindi as identified in the inter-governmental agreement between NSW and Queensland. • reserve a portion of high and medium natural flows and provide for hydrological connectivity • 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 in channel uncontrolled flows in the water source are protected during supplementary water events • minimise environmental impacts, damage to river banks and other 	<p>Part 6, Division 2</p> <p>Part 8, Division 2 & clause 73</p> <p>Clause 54</p> <p>Clause 55</p> <p>Clauses 44-47 and 73</p> <p>Clause 59</p>

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	<p>damage caused by floods when operating water storages</p> <ul style="list-style-type: none"> specify objectives, strategies and performance indicators which measure the effectiveness of Plan rules 	Part 2
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	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)	See above
Section 5(2)(c) - the water quality of all water sources should be protected and, wherever possible, enhanced	<p>The Plan aims to protect and enhance water quality by providing environmental water for 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 management of water quality events in the Border Rivers and downstream connected water sources <p>The operation of all environmental water rules, and the delivery of water for regulated river licences can provide water quality benefits within the river.</p>	<p>Part 10, Division 1</p> <p>Part 8, Division 2</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 impact is managed through rules limiting total take. The long-term average annual extraction limit and long-term average sustainable diversion limit established by the Plan protect water within the water source for environmental purposes.</p> <p>Water available for extraction is reduced if these limits are exceeded.</p> <p>Access licence dealing rules that allow for a variety of dealings within specified environmental constraints.</p> <p>The Plan allow for access to supplementary water to be restricted or prohibited if necessary, to ensure that outflows from the water source contribute to meeting specified flow targets in the downstream Barwon-Darling water source.</p>	<p>Part 6, Division 2</p> <p>Part 6, Division 4</p> <p>Part 9</p> <p>Part 8, Division 2 and clause 73</p>
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<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>The Plan provides for the recognition of Native Title determinations as they are made and the amendment of the plan to reference the determination.</p> <p>While planned environmental water rules may not target Aboriginal outcomes specifically, they provide flows which may also provide for 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 basic landholder rights extractions to increase. Basic landholder rights includes native title rights.</p> <p>The Plan requires the operator 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.</p> <p>Clause 57 can be amended at a later date to provide greater security for domestic and stock rights and native title rights follow an analysis of options to achieve this.</p>	<p>Clause 41</p> <p>Clause 19 Part 12</p> <p>Part 10, Division 1</p> <p>Clause 33</p> <p>Clause 57</p>
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<p>Section 5(2)(f) - geographical and other features of major cultural, heritage or spiritual significance should be protected</p>	<p>Above in respect of section 5(2)(e)</p>	<p>See above</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"> • define a long-term average annual extraction limit and a long-term sustainable diversion limit which provides water for community and economic benefit • trade licensed entitlement and account water to allow the market to drive strong economic outcomes and water dependent business to manage their own supply requirements and risks • maintain supply and replenishment flows for basic human needs, town water supply and domestic and stock requirements • provide environmental flows that also have positive social and community outcomes • provide for supplementary water access to a portion of uncontrolled flows • environmental water rules that contribute to the mitigation of poor 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>Clauses 57, 58 & 60</p> <p>Part 10, Division 1 & 3</p> <p>Part 8 Division 2</p> <p>Part 10, Division 1 & 2</p> <p>Part 5, Division 2, Clauses 18, 19, 57 & 60</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 are being applied and 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>The Plan requires a review of the drought sequence underpinning water sharing plan allocations and operations during the first 5 years of the plan and provides for amendments to these to ensure the critical needs of basic landholder rights, domestic and stock access licence holders and local water utility access licence holders are not jeopardised</p> <p>Following an assessment and review of critical needs downstream, the plan allows the Minister to add, modify or remove a supplementary access flow target to ensure the taking of water under supplementary water access licences does not jeopardise the critical needs of the environment, basic landholder rights, domestic and stock access licence holders and local water utility access licence holders in the Barwon-Darling River.</p> <p>Mandatory metering and reporting requirements will inform the implementation of the Plan rules and water available for the environment.</p>	<p>WMA 2000 Sections 43A and 44</p> <p>Part 2</p> <p>Clause 57</p> <p>Clause 73</p> <p>Part 11</p>
<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 both a long-term average annual extraction limit and a long-term 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 a long-term average annual extraction limit which protects water within the water source in excess of that limit 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 time of 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 establishes rules for making available water determinations in accordance with the priorities in the WM Act ensures a portion of uncontrolled flows are protected from extraction during supplementary water events has environmental water requirements, including 	<p>Part 4</p> <p>Part 6</p> <p>Part 6 Division 2</p> <p>Clause 54</p> <p>Clause 55</p> <p>Part 6, Division 5</p> <p>Part 8 Division 2</p> <p>Part 10</p>
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	<p>environmental flow targets and environmental water allowances to protect the water source and dependent ecosystems.</p> <ul style="list-style-type: none"> includes objectives, strategies and performance indicators which measure the effectiveness of the Plan rules in delivering environmental outcomes. <p>Note that the Commonwealth recovery target in the NSW Border Rivers has not been met. There is 5.4GL still to recover to meet the local recovery target.</p>	<p>Part 2</p>
<p>Section 5 (3) (b) – Sharing of water from a water source must protect basic landholder rights</p>	<p>The Plan includes provisions for maintaining compliance with the long-term average annual extraction limit and long-term sustainable diversion limit which target general security licences. These provisions give priority to current and future basic landholder rights by allowing their extractions to increase at the expense of future access for general security licences.</p> <p>The Plan allows for the inclusion of any future Native Title determinations.</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. Clause 57 can be amended at a later date to provide greater security for domestic and stock rights and native title rights follow an analysis of options to achieve this. 	<p>Part 6, Division 2</p> <p>Clause 19</p> <p>Clause 57</p>

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	<ul style="list-style-type: none">• 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.	Clause 58
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 outlined above ensure the principles for the protection of planned environmental water and basic landholder rights are upheld	All above

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