

Compliance with water management principles – Amending the Water Sharing Plan for the Macquarie–Bogan Unregulated Rivers Water Sources 2012

The NSW Government has amended the *Water Sharing Plan for the Macquarie–Bogan Unregulated Rivers Water Sources 2012*. This document explains how the changes comply with the water management principles outlined in the *Water Management Act 2000*.

Requirements for amending a water sharing plan

Changing a water sharing plan requires the approval of the NSW Minister for Lands and Water and the agreement of the NSW Minister for the Environment. Under section 9 of the *Water Management Act 2000* (the Act), everyone exercising functions under through the Act must:

- 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 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 Minister for Lands and Water gained the agreement of the Minister for Environment and Heritage to amend the *Water Sharing Plan for the Macquarie–Bogan Unregulated Rivers Water Sources 2012*. In changing the plan, the ministers ensured that they promote the water management principles of the Act and prioritise its water sharing principles appropriately.

This amendment

We have made this change to allow people to apply for a water supply works approval for an in-river dam when it is for town water supply.

Current policy bans the construction of in-river dams in water sources that have high instream value. When we replace water sharing plans for inland, unregulated sources at the end of their 10-year term, we will review how we apply this policy. We will also review other water sharing rules using

new information we have gained from our risk assessments, which we developed to meet requirements of the Commonwealth Basin Plan 2012.

In many NSW regions, the Millennium drought and drought of 2018–2020 were more severe than any previous one captured by instrumental climate records. During both droughts, there were many small towns that exhausted local water supplies and had to transport water in by truck. Some larger towns were within months of running out of water.

During the most recent drought (January 2017 to July 2021), Orange and surrounding areas experienced 3 consecutive dry winters. The town water supply was very stressed, with storages reaching low levels (21% in 2020). New infrastructure work is being proposed to address these water security issues. The current legal conditions of the water sharing plan do not allow us to grant or amend a water supply works approval for these new town water supply works.

This amendment promotes the water management principles set out in the Act, as detailed in Table 1.

Table 1. How the plan amendments promote the water management principles of the *Water Management Act 2000*.

Water management principle(s)#	How we have promoted the principle	Relevant amendment item	Relevant plan provisions (legal conditions)
<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(3)(b) – sharing of water from a water source must protect basic landholder rights</p>	<ul style="list-style-type: none"> • The change allows a local water utility to apply for a water supply work approval for an in-river dam. Any application to grant a new water supply works approval or amend an existing approval must satisfy a stringent assessment process that considers, case-by-case, the location and effect of the works being applied for. • The final decision relies on specialist input from the Department of Planning and Environment’s Water, and Environment and Heritage groups, and the Department of Primary Industries – Fisheries. It ensures the proposed works will do no more than minimal harm on the water source and its dependent ecosystems. • There is no guarantee an application will be approved as this is determined by the assessment process. • Protection remains in place for water sources where there is currently a ban on in-river dams for any purpose other than town water supply. • The amendment does not increase the amount of water that users are currently allowed to extract. 	<p>Item 1</p>	<p>57(2) 57(3)(b)</p>

Water management principle(s)#	How we have promoted the principle	Relevant amendment item	Relevant plan provisions (legal conditions)
Section 5(3)(c) – sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs 5 (3) (a) and (b).			
Section 5(2)(g) – the social and economic benefits to the community should be maximised	<ul style="list-style-type: none"> • The change recognises the priorities for sharing water specified in the <i>Water Management Act 2000</i>, where towns and critical human needs have a higher priority. • The change gives towns flexibility to investigate options for improving the security or reliability of town water supplies. 	N/A	57(3)(b)

Note: Water sharing principles that are not affected by this amendment are not included in the table.

More information

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

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