

Outcomes from consultation

The NSW Government has agreed to develop water resource plans as part of implementation of the Murray–Darling Basin Plan 2012.

Water resource plans (WRPs) demonstrate how the Murray-Darling basin and territory of NSW, Victoria, Queensland and the ACT coordinate their water management with the Commonwealth Government's Basin Plan 2012, including how the sustainable diversion limits set in the Basin Plan will be met.

As part of the planning process, the draft NSW Murray and Lower Darling Surface WRP package, including the proposed new regulated river water sharing plan (WSP) and amendments to the existing unregulated river WSPs, was publicly exhibited from 4 September 2019 to 13 October 2019, with an extension granted for the Lower Darling to 25 October 2019.

Four public meetings were held from 17 to 19 September 2019, with stakeholders attending as follows: Corowa (7), Deniliquin (11), Barham (16) and Dareton (12). While the upstream Barwon-Darling WRP was on public exhibition, a further public meeting for the NSW Murray and Lower Darling Surface WRP was held at Menindee on 18 October 2019, and this was attended by 20 stakeholders.

Stakeholders provided valuable feedback that helped to develop the final versions of the water resource plan and water sharing plans.

Further feedback on the water sharing plans was sought during early 2020 from the NSW Murray and Lower Darling stakeholder advisory panel, relevant agencies and stakeholder organisations before the water resource plan was submitted to the Murray Darling Basin Authority (MDBA) for accreditation in mid-2020.

This factsheet outlines the main changes since public exhibition.

Submissions

There were 20 written submissions on the draft NSW Murray and Lower Darling Surface WRP package and associated documents, with over 600 specific issues raised for consideration.

How submissions were considered

NSW Department of Planning, Industry and Environment examined the nature of the issues raised and considered:

- Whether the issues were within the scope of water resource planning
- The consistency of any proposed changes with the principles and requirements of the Basin Plan
- The consistency of any proposed changes with the principles set by the NSW Government for water resource planning, and
- Any statutory, technical or administrative barriers to further considering is proposed changes.

In particular, the following questions for each issue or suggestion were considered:

- Is it likely to have an impact on water availability or how water is distributed to access licences of different categories or within a category, and if so, how?
- Is it likely to result in a net reduction in planned environmental water?

- Can current statutory mechanisms enable the change, or is legislative change required?
- Is it consistent with current policy settings, and if not, is development of robust alternative policies feasible within the timeframe to develop the water resource plan?
- Are there additional costs for the NSW Government?
- Is it cost-neutral to NSW water licence holders and if not, what is the cost implication?
- Does it relate to water sharing, charges, operational activities or licensing matters outside of the scope of the water resource plan?
- Are there existing programs or processes or other departments addressing the issue?
- Is its full investigation feasible within the timeframe of developing the water resource plan?
- Does it set a precedent for other water resource plans?

Water sharing plan drafting

Water sharing plans are part of legislative tools for water management in NSW. Over time legal drafting conventions have changed and these are reflected in the updates to the plans.

It should be noted that:

- provisions and notes in the plan cannot be inconsistent with the Act
- to avoid inconsistency, where the power is contained in an Act, it should not be repeated in the water sharing plan
- the plan cannot fetter the Minister's decision-making powers

Changes since public consultation

The water resource plan, water sharing plans and supporting documents have been aligned to ensure consistency between the documents, and in response to legal review and initial feedback from the MDBA.

General changes to the water sharing plans

- The water sharing plan objectives were revised to address comments raised in submissions, and to better align with strategies and performance indicators. The objectives identify what the rules in the plan are trying to achieve and specify what will be used to measure the performance of the plan when it is evaluated. Minor changes to wording in the exhibited draft plans were made from the publicly exhibited documents and the references to the 'Long Term Water Plans' and Monitoring, Evaluation and Reporting plan in the notes to the plan objectives were removed.
- The use of the words 'must', 'may' and 'shall' were updated to clearly indicate where there is an obligation imposed and to improve legal clarity and robustness.
- Provisions relating to sustainable diversion limit compliance have been amended to clarify that the compliance process will follow the requirements of the Basin Plan.
- An amendment clause relating to the access licence dealing rules has been added to provide for the conversion of the regulated river (high security) access licences to unregulated river access licences where the regulated system is connected to and downstream of the unregulated system. Further stakeholder engagement will be undertaken to review options prior to development of the dealing rules, if they are required.

- Amendment clauses have been added to:
 - Enable changes to ensure Basin Plan accreditation
 - Provide for rules for the protection of water-dependent Aboriginal cultural assets.
- The Dictionary has been updated to ensure all definitions referred to in the plan are included.
- Other minor amendments have been made to clarify the intent of clauses and remove ambiguity.

Changes to the NSW Murray and Lower Darling Regulated Rivers Water Sharing Plan

The following changes have been made:

- Provisions have been included that:
 - Enable the implementation of the Pre-requisite Policy Measures (PPMs), including the reuse of environmental flows, and 'piggybacking' of environmental water on natural flows.
 - Establish a Lower-Darling Restart Allowance
 - Broaden the permissible uses of the Lower Darling Environmental Water Allowance (EWA) to address any water quality issue in that water source
 - Refer to inter-valley trade
 - Refer to Barmah-Millewa environmental water allowance (EWA) – without any changes to the existing separate operating rules
- The River Murray increased flows (RMIF) will be recognised as a new planned environmental water account, with the same rules of operation as proposed in the water sharing plan placed on public exhibition. The proposed operating rules are the same as the current temporary rules, which have been in place since the RMIF volume was recovered in 2011. The plan also allows for the Minister to consider creating a new licensed entitlement for the RMIF water in lieu of the planned environmental water provisions at a future date. An amendment provision has been included in the draft plan to enable this. Several factors will need to be carefully considered before a decision is made either way.
- The release rules for the environmental water allowances (EWAs) have been amended to remove operator discretion. The operator will be required to deliver EWA water in line with procedures established by the Minister.
- The third definition/component of planned environmental water - 'water remaining after water has been taken under basic landholder rights and access licences', in accordance with the rules in Parts 8 - has been removed to reduce potential ambiguity. The intent and practical operation of the rules has not changed.
- An amendment provision has been included to facilitate total extractions reaching the long-term average annual extraction limit, or long-term average sustainable diversion limit should an assessment of compliance with those limits show verified medium to long-term under usage. Any amendment will be subject to there being no net reduction in the protection of planned environmental water established by the Plan.

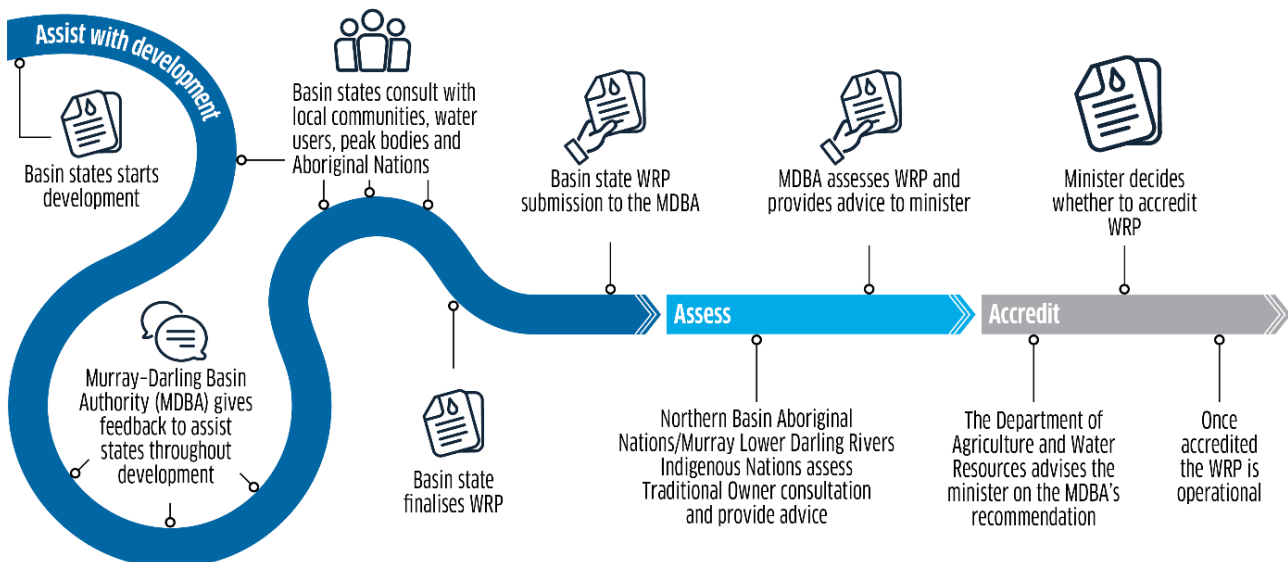
Next Steps – Plan accreditation

The Murray–Darling Basin Authority (MDBA) formally assesses the water resource plan against the requirements in Chapter 10 of the Basin Plan. The Murray Lower Darling River Indigenous Nations (MILRIN) will also review the plan against the requirements in Part 14 of Chapter 10 of the Basin Plan and provide its advice to the federal Minister. Both these will inform the minister’s decision on whether to accredit the water resource plan. The draft plan can be accessed on the MDBA website.

Following the MDBA’s assessment, the federal minister responsible for water will review the plan and determine whether it meets the Basin Plan requirements for accreditation.

The accredited plan will be uploaded to MDBA’s website.

Figure 1. Water resource plan accreditation process



More information

The draft NSW Murray and Lower Darling Surface Water Resource Plan and associated fact sheets are available from the department’s website.

NSW Murray and Lower Darling Surface Water Resource Plan



Fact sheet

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