

Outcomes from consultation

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

Water resource plans (WRPs) demonstrate how the Basin states and territory of NSW, Victoria, Queensland and the ACT coordinate their water management with the federal government's Basin Plan, including how the sustainable diversion limits set in the Basin Plan will be met.

As part of the planning process, the draft Namoi Surface WRP package, including the proposed new regulated river water sharing plans (WSP) and amendments to the existing provisions of the unregulated river WSP, was publicly exhibited from 26 September to 20 November 2019.

Four public meetings were held with one on 23 October 2019 and three in November 2019, with stakeholders attending as follows: Tamworth (38), Gunnedah (58), Narrabri (93) and Wee Waa (300).

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

Further feedback on the water sharing plans was sought in early 2020 from the Namoi 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 243 written submissions on the draft Namoi Surface WRP package, with 74 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, we considered the following questions for each issue or suggestion:

- 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 for 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 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 Upper Namoi and Lower Namoi Regulated Water Sharing Plan

The following changes have been made from the exhibited plan:

- All references to the Long-term Watering Plan (LTWP) and Environmental Water Requirements (EWR) has been removed from the water sharing plan.
- The reference to supplementary flow sharing rules have been removed from Part 4 of the exhibited Water Sharing Plan (Environmental Water Provisions) but are retained in Part 8 (Operation of water allocation accounts and managing access licences).
- A 50:50 sharing of supplementary water throughout the year has been adopted, with some modification in threshold flows. These changes have been incorporated in clause 48 (3) of the draft *Water Sharing Plan for Upper and Lower Namoi Regulated Water Sources 2020*.
- 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 the Plan.

Changes to Peel Regulated River Water Sharing Plan

The following changes have been made:

- 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 the Plan.
- A drafting mistake has been corrected. Temporary water trading between the Peel and Lower Namoi Water Sources was introduced in 2014. This provision was introduced on a trial basis only for the 2014/15 water year. However, due to a drafting error, no sunset clause was included in the water sharing plan. The temporary trade provisions between the Peel and Lower Namoi have now been repealed.
- A clause has been included to enable the environmental releases from Chaffey Dam to be varied while an authorisation is in force under the *Water Supply (Critical Needs) Act 2019*. The authorisation under the Critical Needs Act is a temporary measure to respond to the critical risk to the Tamworth's water supply from the ongoing drought conditions. The authorisation is in place until October 2020 and is required to be reviewed before then.

Changes to Namoi and Peel Unregulated Rivers Water Sharing Plan

The following changes have been made:

- The drafting of the water trading rules (clause 62 and clause 63) has been changed to further clarify these.
- In the Cockburn River, water access is allowed from 7 am to 7 pm when the flow at Kootingal Gauge (419099) is between 2.5 ML/day and 0.3 ML/day during the months of June to August, and the flow hydrograph is receding. This change was sought by the Cockburn River Water Users to protect lucerne crops from frost. For all other months, access will be permitted between 7 pm and 7 am.

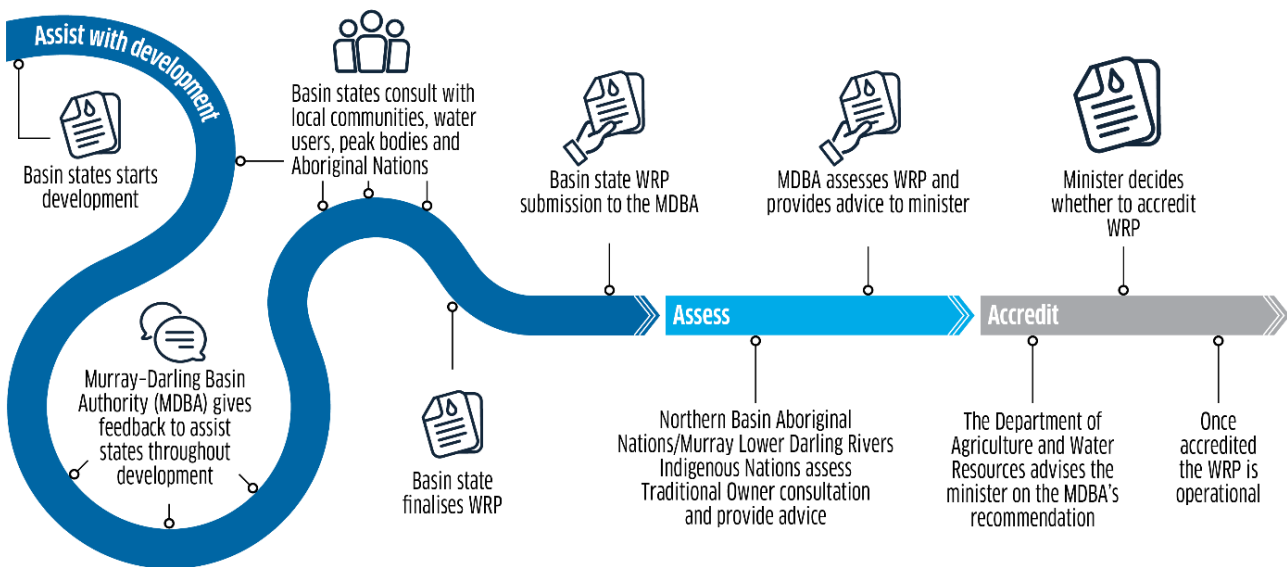
Next Steps – Plan accreditation

The Murray–Darling Basin Authority (MDBA) formally assesses the water resource plan against the requirements in Chapter 10 of the Basin Plan. The Northern Basin Aboriginal Nations (NBAN) 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 Namoi Surface Water Resource Plan and fact sheets are available from the department’s website.

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