

Compliance with the ministers' duty under section 9 of the Water Management Act 2000 – amending the water sharing plans for the Macquarie-Castlereagh Groundwater Sources, NSW Great Artesian Basin Groundwater Sources, and NSW Great Artesian Basin Shallow Groundwater Sources

This document details how the ministers have promoted and given effect to the water management principles of the *Water Management Act 2000* in the amendment of the water sharing plans for the Macquarie-Castlereagh, the NSW Great Artesian Basin, and the NSW Great Artesian Basin Shallow groundwater sources.

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

- a) take all reasonable steps to promote the water management principles, and
- b) 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):

- a) sharing water from a water source must protect the water source and its dependent ecosystems
- b) sharing 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 points 1 and 2.

The Minister for Water obtained the agreement of the Minister for the Environment to amend the:

- *Water Sharing Plan for the Macquarie-Castlereagh Groundwater Sources 2020*
- *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2020*, and the
- *Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2020*.

In amending the plans, the ministers ensured that the changes promote the water management principles of the WM Act and prioritise its water sharing principles appropriately.

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

The changes clarify protection of water sources and dependent ecosystems by:

- Prohibiting carryover of unused water in allocation accounts and limiting annual take from the Cudgegong Alluvial Groundwater Source. These limit the volume of groundwater that can be extracted annually, protecting baseflow in the Cudgegong River as well as groundwater dependent ecosystems in the Cudgegong Alluvial Groundwater Source.

The long-term average annual extraction limit (LTAAEL) and other operational rules for each water source are unaffected by the amendments.

How water sharing in the plan protects basic landholder rights

The changes clarify protection of basic landholder rights by:

- Prohibiting carryover of unused water in allocation accounts and limiting annual take from the Cudgegong Alluvial Groundwater Source which limits the volume of groundwater that can be extracted annually, reducing risks for basic landholder rights.

The plans continue to:

- protect basic landholder rights, allowing landholders to exercise these under part 1 of Chapter 3 of the WM Act
- give 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 the water management principles have been promoted and given effect

The NSW Government has taken all reasonable steps to act in accordance with and promote the water management principles of the WM Act in amending the *Water Sharing Plan for the Macquarie-Castlereagh Groundwater Sources 2020*, the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2020*, and the *Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2020*.

Changes that limit carryover and annual take from the Cudgegong Alluvial Groundwater Source improve clarity on how the principles promotion as outlined in the Table 1 – 6 below. Principles not affected by the amendments are not listed.

The following changes also improve clarity but do not affect how the plans meet the principles:

- remove provisions covered by other regulations or taken to be repealed and
- redefine the groundwater covered by these plans to exclude the water covered by the *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024*.

Table 1. How the plan promotes 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
<p>The amendments limit annual take and prohibit carryover of unused water allocations in the Cudgegong Alluvial Groundwater Source. This limits the volume of groundwater that can be extracted annually, reducing risks to baseflow in the Cudgegong River as well as to groundwater dependent ecosystems from groundwater extraction.</p>	<p>s36 and s37 of the <i>Water Sharing Plan for the Macquarie - Castlereagh Groundwater Sources 2020</i></p>

Table 2. How the plan promotes the 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
<p>The plans protect and restore animals and habitats through:</p> <ul style="list-style-type: none"> the provision of water for the environment (unamended) the same provisions set out above in relation to section 5(2)(a). <p>The amendments limit annual take and prohibit carryover of unused water allocations in the Cudgegong Alluvial Groundwater Source. This limits the volume of groundwater that can be extracted annually, reducing risks to baseflow in the Cudgegong River as well as to groundwater dependent ecosystems from groundwater extraction.</p>	<p>s36 and s37 of the <i>Water Sharing Plan for the Macquarie - Castlereagh Groundwater Sources 2020</i></p>

Table 3. How the plans promotes 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>The plans manage the cumulative impact of licences through rules limiting annual use.</p> <p>The amendments limit annual take and prohibit carryover of unused water allocations in the Cudgegong Alluvial Groundwater Source. This limits the volume of groundwater that can be extracted annually, reducing risks to baseflow in the Cudgegong River as well as to groundwater dependent ecosystems from groundwater extraction.</p>	<p>s36 and s37 of the <i>Water Sharing Plan for the Macquarie- Castlereagh Groundwater Sources 2020</i></p>

Table 4. How the plan promotes 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
<p>See Table 1</p>	<p>See Table 1</p>

Table 5. How the plan promotes 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
<p>The amendment prohibits carryover of unused water allocations and limits annual take in the Cudgegong Alluvial Groundwater Source which limits the volume of groundwater that can be extracted annually, reducing risks to access for basic landholder rights.</p>	<p>s36 and s37 of the <i>Water Sharing Plan for the Macquarie- Castlereagh Groundwater Sources 2020</i></p>