

Compliance with water management principles – Amending the Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020

The NSW Government has amended the *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020*. This document explains how the changes comply with the water management principles of 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 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 Darling Alluvial Groundwater Sources 2020*. 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 remove subclause 37(3)(a) from the plan. This subclause banned some licence holders from taking water from the Lower Darling Alluvial Groundwater Source unless they were using the water for irrigating perennial horticulture, such as orchards or vineyards.

Since most affected licence holders have removed their perennial plantings, this change will give them the opportunity to use the water for other purposes when little surface water is available. This supports the mental wellbeing of regional communities during drought and optimises economic return from licences. It does this while maintaining planned environmental water (water reserved for

the health of the environment) and reducing pressure on the residual pools in the Darling–Baaka River.

All other access rules remain the same.

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

Principles that are not affected by this amendment are not included in the table.

Table 1. How the plan amendment promotes the water management principles of the *Water Management Act 2000*.

Water management principle	How we have promoted the principle	Relevant amendment item	Relevant plan provisions (legal conditions)
Subsection 5(2)(g) – the social and economic benefits to the community should be maximised	The change allows affected licence holders to take water from the Lower Darling Alluvial Groundwater Source for purposes other than irrigating perennial crops.	Schedule 1 [1]	Cl 37(3)(a)
Subsection 5(3)(c) – sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b) (which are to protect the water source and its dependent ecosystems, and to protect basic landholder rights).	<p>The change maintains the current level of protection for the water source and its dependant ecosystems (subsection 5(3)(a)) as it does not alter:</p> <ul style="list-style-type: none"> • the long-term average annual extraction limit • how we assess compliance with that limit • what we must do if extraction by all users exceeds the limit • when access is permitted. <p>The change maintains the current level of protection of basic landholder rights (subsection 5 (3)(b)) as it does not alter:</p> <ul style="list-style-type: none"> • the volume of water that licence holders can extract from the water sources • when access is permitted. 	N/A	Cl 24-26

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/barwon-darling-west-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.