

Summary of changes

A summary of changes made in the *Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024*

The Minister for Water, with the agreement of the Minister for the Environment, replaced the Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources, which commenced on 1 July 2024 and replaced the previous 2011 plan. The table below outlines the substantive changes from the previous 2011 plan. In drafting the replacement plan, the plan was also updated to simplify and modernise its drafting, make the intent of its provisions clear, and improve its legal robustness.

Table 1. Summary of changes in the *Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024*

2011 plan part	Change in 2024 plan	Basis for change
Introduction	We replaced the commencement date with the new date of 1 July 2024.	<p>The commencement date will be changed to 2024 to reflect that the plan was remade rather than amended.</p> <p>This means that the 2011 plan will be repealed, and in line with the <i>Water Management Act 2000</i> (WM Act), section 43, will be in effect for 10 years from 1 July 2024, or until the end of June 2035 if the new plan commences after 1 July 2024.</p> <p>It should be noted that the plan can be amended, if necessary, within the 10-year term.</p>
Introduction	We combined the three groundwater sources to create one new groundwater source called the North Western Fractured Rock Groundwater Source.	<p>Combining the three 2011 groundwater sources recognise the connectivity, and common rainfall and hydrogeological characteristics shared by those groundwater sources. It also reduces administrative barriers and burdens (including removing trade restrictions imposed by the current boundaries) and enables coordinated management of the Bancannia Trough. The Bancannia Trough forms part of the groundwater source and is not specifically distinguished.</p> <p>Risks at a local scale are managed by applying distance restrictions for new bores and trade assessments under the <i>Access Licence Dealings Principles Order 2004</i>.</p>

2011 plan part	Change in 2024 plan	Basis for change
Introduction	We extended the surface water source boundary to align with the water sharing plan area.	The North Western Water Source boundary did not include the southern tip of the water sharing plan area. This area includes the village of Silverton and Umberumberka Reservoir. This means the licences and approvals in this area will now be covered by this water sharing plan.
Introduction	We changed the description of water included in the groundwater source.	The groundwater source description was updated to include porous rocks in the southern portion of the plan area which includes the productive Bancannia Trough. While the Bancannia Trough was covered by the 2011 plan, this change clarifies what groundwater is covered by the plan.
Introduction	We have included a new map which identifies high-priority groundwater-dependent vegetation ecosystems.	New groundwater works cannot be constructed within specified distances of these newly identified groundwater-dependent ecosystems.

2011 plan part	Change in 2024 plan	Basis for change
<p>Vision, objectives, strategies and performance indicators</p>	<p>We revised the vision, objectives, strategies and performance indicators.</p> <p>We added a requirement for the Minister to prepare a monitoring, evaluation and reporting (MER) plan. The MER plan is to be published by 30 June 2025 and each year the Minister is to publicly report on the implementation of the water sharing plan, including progress against the MER plan.</p> <p>Additionally, evaluation reporting is to be undertaken by year nine of the water sharing plan.</p>	<p>The Natural Resources Commission (NRC) recommended a review of objectives to strengthen monitoring, evaluation and reporting (MER) of the plan outcomes.</p> <p>More detail about the logical connections between plan vision, objectives, strategies, performance indicators and intended plan outcomes will be included in the monitoring, evaluation and reporting (MER) plan. The MER plan will provide details on monitoring, evaluation and reporting activities designed to meet the requirements of Part 2 of the water sharing plan within available resourcing.</p> <p>The new vision, objectives, strategies and performance indicators deal with similar matters to the previous water sharing plan but are changed to:</p> <ul style="list-style-type: none"> • make a stronger logical connection between objectives, the strategies of the plan and the performance indicators to be monitored • more clearly distinguish between the environmental, economic, social and Aboriginal objectives of the water sharing plan • reflect a new plan strategy that provides for Aboriginal Community Development Licences in the North Western Fractured Rock Groundwater Source. <p>The annual reporting will provide transparency on the implementation of the MER activities, while the reporting in year 9 of the plan will provide transparency on how the plan’s vision, objectives, strategies and performance indicators are being met.</p>
<p>Bulk access regime</p>	<p>We removed the bulk access regime content.</p>	<p>This simplifies the plan. This part did not provide any additional information than that already existing in the WM Act or elsewhere in the water sharing plan.</p>

2011 plan part	Change in 2024 plan	Basis for change
<p>Planned Environmental Water Provisions</p>	<p>The planned environmental water provisions remain in the plan but not in their own part.</p> <p>We have removed references to long-term average annual rainfall recharge figures and percentages.</p>	<p>This simplifies the plan.</p> <p>The planned environmental water provisions are now distributed throughout the plan into Part 4 – Limits to the availability of water and Part 6 – Operation of water allocation accounts and managing access licences.</p> <p>While recharge was considered in setting extraction limits, the plan no longer refers to background information such as recharge. Information on how extraction limits were set is included the background document.</p>
<p>Requirements for water</p>	<p>We have recognised the native title determination for the Barkandji People (NCD2015/001) and updated domestic and stock rights requirements and licenced water requirements.</p>	<p>A native title determination has been made in the plan area for the Barkandji People.</p> <p>The landholder domestic and stock rights estimate reflects updated land and water use since the 2011 plan commenced.</p> <p>The update of licensed water requirements reflects changes since the 2011 plan commenced.</p>
<p>Extraction limits</p>	<p>We revised the surface water long term average annual extraction limit.</p> <p>We added a requirement for the Minister to review the numerical LTAAEL, including seeking the advice of the NRC.</p> <p>We also added a requirement for the Minister to consider the “minimum inflow” review and enabled amendments to be made to the plan based on that review.</p>	<p>The extraction limit for the North Western Water Source was based on 10 percent of rainfall runoff. This estimate was calculated using a regional runoff model and historical rainfall records.</p> <p>In revising the water source boundary, the area of the water source has increased which increases the rainfall runoff estimate. The rainfall runoff estimate used in the 2011 plan was extrapolated to the additional area rather than by recalculating the runoff for the entire water source.</p> <p>Analysis showed that extrapolating the existing runoff estimate to the additional area is a conservative estimate of the average annual runoff for this area.</p> <p>The review requirements will help ensure that the LTAAEL reflects a sustainable level of take.</p> <p>The requirement to consider the “minimum inflow” review will ensure that the findings of the review can be used to inform the rules in this plan.</p>

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Extraction limits	We revised the 2011 plan groundwater long term average annual extraction limits (LTAAELs) and combined these into a single LTAAEL for the North Western Fractured Rock Groundwater Source.	<p>The extraction limit was determined by applying a sustainability index determined after assessing environmental, economic and social risks to average annual aquifer recharge rates. The same approach used in 2011 was applied, however we incorporated an increased range of rainfall data (up to 2019 instead of 2011) and updates to national park areas and rounded results.</p> <p>The extraction limit for the combined North Western Fractured Rock Groundwater Source is 60,000 ML/year compared to the 2011 total of 58,311 ML/year.</p>
Available water determinations	The plan requires the minister to <u>consider</u> making available water determinations as set out in this part rather than requiring the minister to make certain available water determinations at a certain time.	The water sharing plan cannot <u>require</u> the minister to make certain available water determinations at a certain time.
Rules for granting and managing access licences	We removed provisions allowing granting of access licences under controlled allocations.	This simplifies the plan. Section 65 of the WM Act provides for controlled allocations.
Rules for granting and managing access licences	<p>We defined when a person can apply for a specific purpose access licence of subcategory Aboriginal cultural.</p> <p>The plan now permits applications for aquifer (Aboriginal community development) licences in the North Western Fractured Rock Groundwater Source.</p>	<p>The change provides Aboriginal people with opportunities to become involved in water-related businesses.</p> <p>Defining Aboriginal cultural licences clarifies the circumstances when a person can apply for such a licence and the conditions that would be imposed.</p> <p>Aboriginal Community Development licences are now provided for in the North Western Fractured Rock groundwater source as there is unassigned water and the water available under the extraction limit far exceeds current water requirements. No limits for Aboriginal Community Development licences are set under this plan. Limits may be considered when an application is assessed to ensure the volume is the minimum amount required for the specific purpose.</p>

2011 plan part	Change in 2024 plan	Basis for change
Rules for granting and managing access licences	We removed total daily extraction limits and individual daily extraction limits for surface water extraction.	These are not required currently. An amendment provision is included which allows total daily extraction limits and individual daily extraction limits to be introduced later if required.
Rules for granting and managing access licences	We have included a rule that provides for licences with share components in the 2011 groundwater sources to be taken as shares in the combined North Western Fractured Rock Groundwater Source on commencement of the plan.	This clarifies arrangements for groundwater water access licences when the 2024 plan commences. Licences with share components in the 2011 groundwater sources can be used according to the rules of the new, merged groundwater source.
Water supply works that take surface water	We have prohibited new surface water works: <ul style="list-style-type: none"> • within, or within 3 km upstream of, a Ramsar listed wetland, and • within, or within 1 km upstream of, a significant wetland shown on the plan’s significant wetlands map. 	This rule aims to protect significant wetlands from the impacts of surface water extraction. These rules will not apply to replacement works that are within these distances.
Water supply works that take groundwater - Rules near sensitive environmental areas	We replaced the term ‘sensitive environmental areas’ with ‘groundwater-dependent ecosystems’ - otherwise termed GDEs. We have identified high priority groundwater-dependent vegetation ecosystems on a map and restricted new water supply works near these GDEs. Some exceptions apply. We also extended the prohibition on the location of new groundwater water supply works to all waterfront land, rather than only waterfront land on third order or higher waterways.	The plan protects more identified GDEs by reference to mapped high priority groundwater-dependent vegetation ecosystems. It also prohibits the construction of new groundwater works near all waterways. High priority groundwater-dependent vegetation ecosystems were identified and mapped based on the latest available information and method. This takes account of the probability of groundwater dependence and the ecological value of the GDE. For more information on how the department identifies high-priority GDEs see the High Probability GDE method report (nsw.gov.au) . Extending distance restrictions to all waterfront land also prohibits new works in wetlands and waterfront land upstream of wetlands.
Groundwater replacement works	We increased the upper limit of the internal diameter of groundwater replacement works of the work being replaced.	The new work can be 120% of the internal diameter of the replaced water supply work instead of 110%. This aligns the North Western replacement work requirements with other inland water sharing plan areas.

2011 plan part	Change in 2024 plan	Basis for change
Access licence dealing rules	We now permit the trade of groundwater within the North Western Fractured Rock Groundwater Source.	This change increases economic opportunity across the plan area. Environmental risks are considered when trade applications are assessed.
Access licence dealing rules	We prohibited trade of groundwater from outside waterfront land to within waterfront land.	This change closes a loophole in the intent of the 2011 plan to ensure no increased extraction from waterfront land.
Access licence dealing rules	We prohibited trades into areas: <ul style="list-style-type: none"> • in, or within 3 km upstream of a Ramsar listed wetland and • in, or within 1 km upstream of a significant wetland shown on a map. 	This rule aims to protect significant wetlands from the impacts of surface water extraction.
Access licence dealing rules	We prohibited trade of rights between water sources.	This clarifies that trade is not permitted between groundwater and surface water sources.
Mandatory conditions	We removed metering conditions and instead rely on mandatory metering conditions of the <i>Water Management (General) Regulation 2018</i> (WM Regulation 2018).	The metering conditions of the WM Regulation 2018 applied from 1 December 2021 in the plan area. Clause 231(4) of the WM Regulation 2018 ensures metering is still required where it was previously required.
Amendment of this plan	We have limited amendment provisions to those that are possible under the WM Act, where there is a policy being developed that is well advanced that will require a change to the water sharing plan, or where an administrative change is required.	Wide ranging amendments where the outcome of a policy change is uncertain cannot be included in the plan. The WM Act provides for amendment to the plan if: <ul style="list-style-type: none"> • it is in the public interest • it is required under the <i>Commonwealth Water Act 2009</i> • it is required to give effect to a NSW Land and Environment Court decision, or • the water sharing plan allows amendment to those rules.
Schedule 1 Dictionary	We updated the Dictionary (now Schedule 6) with relevant terms, and with references to relevant sections within the plan.	Definitions were added that are not defined in the WM Act or WM Regulation 2018.

2011 plan part	Change in 2024 plan	Basis for change
Schedule 3 Contamination sources	We have removed reference to on-site sewerage systems from the schedule (now Schedule 4).	Rules for onsite-sewerage system are now better defined in Part 7 of the plan.
Schedule 4 High priority groundwater dependent ecosystems	This schedule (now Schedule 5) includes only a list of identified springs. We have removed reference to the Mutawintji and Torrowangee karsts.	While the Mutawintji and Torrowangee areas are limestone deposits, they are not cave systems and do not meet the department's high priority groundwater dependent criteria for managing extraction.
New wetland map	We have identified significant wetlands in a new Significant Wetlands Map .	All wetlands identified in the Significant Wetlands Map will be protected by the rules in the plan. The map includes internationally, nationally and regionally significant wetlands. The regionally significant Bulloo Overflow wetland is included. This wetland neighbours a Ramsar site in the Narriearra Caryapundy Swamp National Park and has similar attributes to the Ramsar listed site.
Plan map	We updated the plan map with the changes to water source boundaries.	The updated map includes the extended surface water source boundary (including the village of Silverton and Umberumberka Reservoir) and shows the North Western Fractured Rock Groundwater Source.
Appendices	We have removed appendices.	These do not form part of the plan.

Why we have made these changes

The Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2011 was due to expire on 30 June 2022. The plan was extended for 2 years to give the department time to replace it. This is in line with the recommendation of the Natural Resources Commission's review of the 2011 plan.

The process for changing water sharing plans

As well as the approval of the Minister for Water, replacing a plan requires the agreement of the NSW Minister for Environment (this is known as 'concurrence'). Consistent with section 9 of the WM Act, when replacing a water sharing plan the ministers must:

- a. take all reasonable steps to promote the water management principles of the WM Act, and
- b. give priority to the principles relating to water sharing according to the order they are set out in under section 5(3) of the WM Act.

The water sharing management principles under s5(3) of the WM Act are (in their 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 a. and b.

A draft replacement plan was placed on public exhibition from 30 June 2023 to 10 August 2023. During public exhibition one public information session in the form of a webinar was held. Two submissions on the draft plan were received.

The department's Water group worked with colleagues in the department's Biodiversity, Conservation and Science group to develop the replacement plan before submitting the plan for the agreement and approval of the ministers.

More information

To read the *Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024* and supporting information, visit the department's [water sharing plan status](#) website.