

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 Lachlan Surface WRP package, including the proposed new regulated river water sharing plan (WSP), amendments to the existing unregulated river WSP and Belubula regulated WSP, was publicly exhibited from 29 November 2019 to 1 February 2019.

Three public meetings were held from 5 to 7 December 2018, with stakeholders attending as follows: Canowindra (9), Hillston (14) and Forbes (20).

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

Further feedback on the water sharing plans was sought in early 2020 from Lachlan 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 14 written submissions on the draft Lachlan Surface WRP package, with 79 specific issues raised for consideration.

How submissions were considered

NSW Department of Planning, Industry and Environment (DPIE) 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 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 Lachlan Regulated River Water Source Water Sharing Plan

The following changes have been made:

- Temporary and permanent trades will be permitted in a downstream direction across the mid-Lachlan trade barrier at Lake Cargelligo Weir. These trades cannot exceed an annual equivalent of 149 GL. This limit ensures water remains within the channel and there are not overbank system losses.
- The accounts of general security and conveyance access licences, and the spillable sub-accounts of high security access licences will only reset when storages are full or are filling from flows already in upstream tributaries. Airspace operations at Wyangala Dam will not reset accounts, and there will be a minimum of 6 months between account resets.
- Debit of evaporation losses against general security access licence accounts will be based on the volume of allocation held in an account at a defined point in time. This will provide more equity in apportioning losses and is expected to reduce the volume of inactive water held in storage.
- Two creek offtakes (Island and Wallamundry) have infrastructure that constrains the maximum flow that can be diverted during both high and low flows. Instead of restricting trade and impacting the market, a note has been added to the WSP that identifies these known infrastructure constraints. The channel capacity in Island Creek, Wallamundry Creek system and Willandra Creek will be shared in accordance with flow sharing protocols to be established by Water NSW
- No new D&S (S) licences will be granted in the Lachlan Regulated River Water Source. This limits potential growth in overall extractions and brings the Lachlan Regulated WSP in line with other inland Regulated WSPs.
- 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.
- The economic objectives for the plan have been updated to include a targeted objective to maintain and where possible to improve access to water up to the long-term average sustainable diversion limit for agriculture, surface water-dependant businesses and landholders'.
- 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 Belubula Regulated Rivers Water Source Water Sharing Plan

Changes have been made in the Belubula system to better reflect the hydrologic nature of the Belubula system, maintain environmental outcomes, reduce the pressure on Carcoar Dam and maintain water user access for productive use. The changes are:

- The end of system flow target has been revised to provide a seasonally appropriate flow by including a 'wet' and 'dry' trigger. This change better reflects the Belubula system and reduces the pressure on Carcoar Dam during dry periods.
- A 'first flush' rule has been added to protect one flow event in or after autumn each year.

This provides for environmental outcomes by ensuring that a first flow event after a dry period is protected from take.

- Access to uncontrolled flows will now have a trigger relating to the storage level in Carcoar Dam. Part of the previous trigger was based on general security allocations and it has been changed to meet the intent for uncontrolled flow access that was established during the development of the water sharing plan without impacting on environmental flows.
- Accounting rules for uncontrolled flows have changed so that take is debited from the allocation accounts. Currently uncontrolled flows can be taken 'without debit' from a general security account, and this water is accounted for later in the water year. Water users will have similar access to uncontrolled flows through without lead time ordering and the water that is extracted will be debited from their account.
- The account limit for general security accounts has been reduced from 130% to 110%. This means that less unused water is held in accounts and it can be made available in subsequent available water determinations. This is expected to help address the issue of underutilisation in the Belubula and increase available water determinations for general security licences.
- 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.

The proposed rule changes represent an interim step as the Belubula Regulated Rivers Water Source Water Sharing Plan will be reviewed in the lead up to the expiry of the water sharing plan in 2022. During the review a number of issues will be looked at including environmental flows, accounting rules, water user access to the uncontrolled flows and further reducing the pressure on Carcoar Dam. An objective of the review will be to further refine the rule set to better reflect the hydrology of the Belubula system.

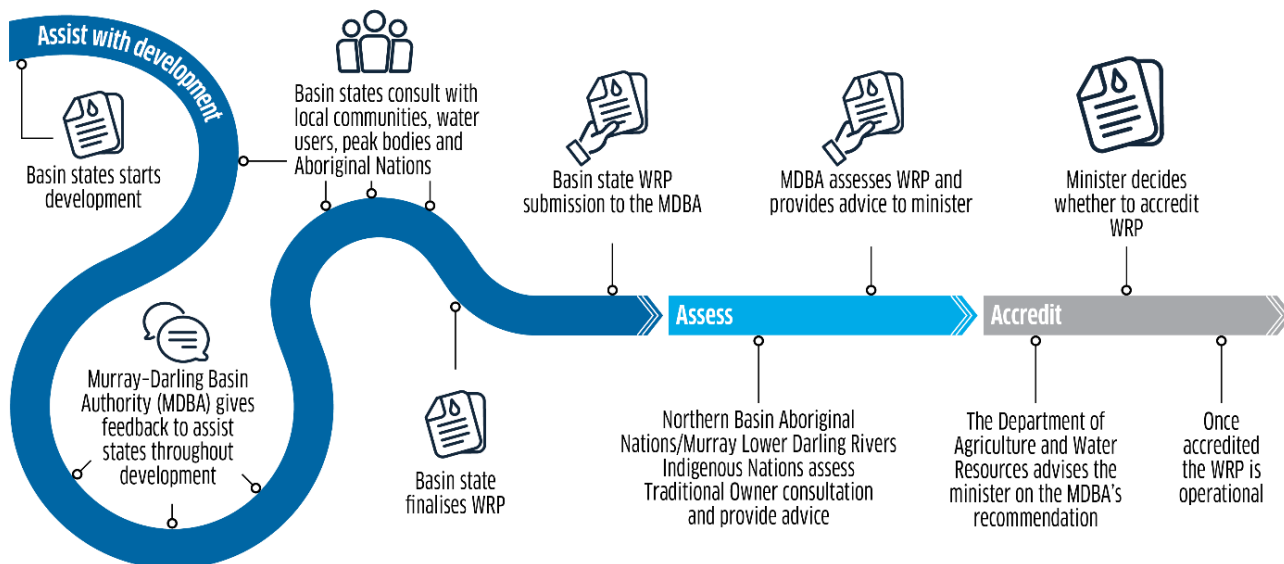
Next Steps – Plan accreditation

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 (MLRIN) 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 Lachlan Water Resource Plan and fact sheets are available from the department's website.

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