

Summary of changes

A summary of changes made to the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023*

The NSW Government replaced the water sharing plan (the plan) for the Greater Metropolitan Region Groundwater Sources in July 2023. The table below outlines the substantive changes from the previous 2011 plan. In drafting the replacement plan, the NSW Department of Planning and Environment (the department) also updated the plan to simplify and modernise its drafting, make the intent of its provisions clear, and make it legally robust.

Table 1. Summary of changes to the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023*

Clause in 2011 plan	Change in 2023 plan	Basis for change
Part 1	<p>We have amalgamated the Goulburn Fractured Rock Groundwater Source and the Coxs River Fractured Rock Groundwater Source to become the Lachlan Fold Belt Greater Metropolitan Groundwater Source.</p> <p>We have amalgamated the Sydney Basin Blue Mountains Groundwater Source, Sydney Basin Coxs River Groundwater Source and Sydney Basin Richmond Groundwater Source to become the Sydney Basin West Groundwater Source.</p>	<p>These changes recognise the connectivity and common rainfall and hydrogeological characteristics shared by the groundwater sources.</p> <p>Amalgamating these groundwater sources removes some trade restrictions imposed by the 2011 plan.</p>
Part 1	<p>We have adjusted the mapped extent of the plan to incorporate reclaimed land in Botany Bay and underlying water bodies, previously excluded from the plan.</p>	<p>This enables take from all underlying water bodies and aquifers to be managed under the plan.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
Part 1	<p>We have extended the boundary of the Maroota Tertiary Sands Groundwater Source to include the areas of the Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2). This has reduced the area of the Sydney Basin Central Groundwater Source.</p>	<p>This simplifies implementation without impacting on the environment or other users.</p> <p>The geological boundary between Maroota Tertiary Sands Groundwater Source and Sydney Basin Central Groundwater Source is not distinct. The boundary now incorporates Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2), this is a larger area which is defined by distinguishable cadastral information.</p>
Part 1	<p>We have changed the descriptions and mapped area of groundwater sources to reflect their “stacked” nature:</p> <ul style="list-style-type: none"> • The Lachlan Fold Belt Greater Metropolitan Groundwater Source underlies the Sydney Basin groundwater sources. • The Sydney Basin groundwater source(s) underlie the Botany Sands, Hawkesbury Alluvium and Metropolitan Coastal Sands Groundwater Sources. 	<p>This reflects the ‘stacked’ nature of these groundwater sources.</p> <p>This is consistent with water sharing arrangements in NSW.</p>
Part 1	<p>We have defined the Botany Sands Groundwater Source and the Metropolitan Coastal Sands Groundwater Source as the Cenozoic sediments shown within the groundwater source boundaries on the Plan Map.</p>	<p>The groundwater sources no longer include the underlying or exposed rock water sources within the plan boundary. “Cenozoic” is a geological era, and describes the material deposited more recently than the bedrock in the plan area.</p>
Part 1	<p>We have defined the Lachlan Fold Belt Greater Metropolitan Groundwater Source to include Cenozoic sediments in all exposed areas of the water source.</p>	<p>This ensures all of the smaller alluvial aquifers are incorporated in the plan area.</p> <p>These sediments were inadvertently excluded from the definition of the Coffs River Fractured Rock Groundwater Source in the 2011 plan.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
<p>Part 2 - Vision, objectives, strategies and performance indicators</p>	<p>We have reviewed, the vision, objectives, strategies and performance indicators.</p>	<p>The Natural Resources Commission (NRC) recommended reviewing the plan objectives to strengthen monitoring, evaluation and reporting (MER) of the plan outcomes.</p> <p>The new vision, objectives, strategies and performance indicators deal with similar matters to the previous plan’s objectives.</p> <p>More detailed vision, objectives, strategies and performance indicators will be included in the MER plan.</p> <p>The plan:</p> <ul style="list-style-type: none"> • makes 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 cultural objectives of the water sharing plan. <p>The plan includes an additional section10(2) that requires the performance indicators to be monitored and evaluated.</p>
<p>Part 3 – Bulk access regime</p>	<p>We have removed the bulk access regime as it does not provide additional information than exists in the Act or elsewhere in the water sharing plan.</p>	<p>The drafting of plans has changed to improve readability and simplify the plans.</p>
<p>Part 4 - Planned environmental water</p>	<p>We have removed the recharge figures from the environmental water section.</p>	<p>Recharge estimates are used to establish the long-term average annual extraction limits and the rules about compliance to these limits. The recharge estimates have been reviewed for this plan however, as they do not directly relate to plan rules they have been removed.</p> <p>This approach is consistent with the recent inland groundwater plan replacements.</p>

Clause in 2011 plan	Change in 2023 plan	Basis for change
Part 4	The environmental water provisions remain in the plan but not in their own part. They have been distributed throughout the plan where rules protect environmental water: Part 4 – Limits to the availability of water, and Part 6 – Operation of water allocation accounts and managing access licences.	The drafting of plans has changed to improve readability and simplify the plans.
Part 5 - Requirements for water	We have updated the estimated water requirements for basic landholder rights and licensed entitlements in the plan.	Demands have changed in response to drought and changing land use. New licences have been issued in some groundwater sources following controlled allocations.
New provisions	We have included provisions to clarify that licences with share components in the merged groundwater sources will be considered to belong in the new groundwater sources.	Licences with share components in the old groundwater sources can be used according to the rules of the new, merged groundwater source. This minimises disruption regardless of any delays in re-issuing licence notices.
Part 6 - Limits to the availability of water	We have revised long-term average annual extraction limits.	The revision incorporates improved recharge estimate methods and increased range of rainfall data. The revision also incorporates changes to the environmental and socio-economic risk profile which has occurred over the life of the plan and refinements to how we assess risks to inform the extraction limit. The risks were assessed with better spatial and quantitative information. New risks included climate change, land use change and future emergency water supply demands.
Part 7 - Rules for granting access licences	We have included the ability to permit Aboriginal Community Development licences (ACDLs) in all except the Botany Sands Groundwater Source, Sydney Basin West Groundwater Source and the Sydney Basin Nepean Groundwater Source.	These licences are made available where water is available within the extraction limit.

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Part 7	We have removed provisions allowing granting of access licences under controlled allocations.	Section 65 of the WM Act provides for this. The drafting of plans has changed to improve readability and simplify the plans.
Part 8 - Rules for managing access licences	We have removed rules preventing carryover unless metering is installed.	The risks of exceeding water permitted to be taken under an access licence have been reviewed. Metering requirements in this plan area will be specified by the NSW Non-Urban Water Metering Policy under the WM (General) Regulation
Part 8	We have updated and simplified the rules that apply to groundwater works located near surface water sources.	The intent of the rules remains and will continue to protect surface water sources and environmental flows. In some water sources, access rules are no longer defined according to ‘flow class’, instead refer to notices published by WaterNSW or the department. Publication of a Cease to Pump event is required due to the complexity of the access rules. References to <i>the Water Sharing Plan for the Greater Metropolitan Unregulated Rivers Water Sources 2023</i> have been updated.
cl.36(2), (3)	We have replaced the term “at or less than 40m from the high bank of the river” with “waterfront land”.	The term ‘waterfront land’ is defined in the WM Act. This simplifies the language of the plan and is consistent with the terms used for water management in other NSW legal instruments.
Part 8	We have changed the access rules that apply to extracting groundwater on waterfront land.	This is because we have changed water source names and access rules in the <i>Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023</i> . The access rules were changed to mitigate identified risks to low flows. They were also changed in response to updated information and a review of flow gauges.

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Part 8	We have removed the requirement that access rules apply to extraction from new water supply works for major or local water utilities.	New works for major or local water utilities will be subject to conditions to ensure no more than minimal harm.
Part 9 - Rules for water supply work approvals	We have included new distance restrictions to prevent water quality impacts from Potential Acid Sulfate Soils.	<p>Drawdown in acid sulfate soils can cause groundwater contamination, soil and surface water impacts.</p> <p>These are the same distance rules that apply in other NSW coastal water sharing plans.</p>
Part 9	We have removed - specific rules about saline aquifers in the Sydney Basin.	<p>The equivalent protection is provided in construction conditions.</p> <p>Removing these specific rules simplifies the plan.</p>
Part 9	<p>We have replaced the term “sensitive environmental areas” with “high priority groundwater-dependent ecosystems”.</p> <p>We have added additional distance rules that will apply to:</p> <ul style="list-style-type: none"> • High priority vegetation GDEs. These are identified by mapping high probability groundwater dependent vegetation and will be included in a map. • All coastal wetlands protected by coastal wetlands SEPP. <p>We have included a provision that allows for exception to these rules if the mapped GDE vegetation is not groundwater dependent.</p>	<p>Following the updated approach to GDE protection, the plan provides additional GDE protection.</p> <p>The plan now includes a map identifying High Priority GDEs and restricting new works near the mapped GDEs.</p> <p>New groundwater works are now also prohibited near significant coastal wetlands to protect those wetlands.</p> <p>The exception to the rules if the ecosystem is not groundwater dependent has been applied across the state and recognises the uncertainty in the model used to map high priority vegetation GDEs.</p>
Part 9	We have removed some exceptions to distance restrictions for basic rights bores.	Aligned with current policy and to be clear for bore applicants, there are no circumstances where a basic rights bore would be approved on water front land or closer than the minimal distance to a monitoring bore.

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Part 9	We have removed rules for the use of water supply works located within restricted distances.	Powers to restrict groundwater take from existing water supply works to manage local impacts are in the WM Act.
Part 10 - Access licence dealing rules	We have specified the maximum number of shares or allocations allowed in Nepean Management Zone 1.	This more clearly defines limit to trade and reflects the intent of 2011 plan.
Part 10	We have amalgamated groundwater sources which allows trade between areas that were previously different groundwater sources.	Water sharing principles allow trade between highly connected aquifers.
Part 11 - Mandatory Conditions	We have removed rules requiring licence or approval holders to notify the Minister of a breach of condition of their licence.	This is consistent with the legal right that a person should not be required to do something that would incriminate themselves.
Part 11	We have changed the rules that if a water supply work approval is abandoned or replaced, it is to be decommissioned according to the requirements of the “Minimum construction requirements for water bores in Australia”.	The rules now only apply to bores, not all water supply work approvals.
Part 12 - Amendment of this Plan	<p>We have simplified the amendment provisions.</p> <p>We have added amendment provision to change accounting rules if a major utility access licence is granted (if emergency urban supply bore fields are established in plan area).</p>	The amendment provisions identify specific circumstances which could arise over the life of this plan.

Clause in 2011 plan	Change in 2023 plan	Basis for change
Schedule 2	We have removed Table B and Table C.	<p>Table B contained some licences which have been cancelled or were converted to basic landholder rights. Bores used for basic landholder rights are not subject to the access rules and do not require exemption from these.</p> <p>Table C - Contained licences that were converted to domestic and stock access licences for which the access rules do not apply, or because the licences have been exempted and are not required to adhere to the access rules in the plan.</p>
Schedule 3	We have removed reference to on-site sewage systems.	The rules are now specified within Part 7 of the plan.
Schedule 4	<p>We have revised Table D.</p> <p>We have removed Table E</p>	<p>Table D – we have updated longitudinal and latitudinal co-ordinates, used and Geographical Names Register entries. We have removed GDEs which are not within the plan area.</p> <p>Table E- The ecosystems identified in this table that are groundwater dependent are identified on the high priority groundwater dependent ecosystem (vegetation) map or in Schedule 4 of the 2023 plan. GDEs that are not groundwater dependent have been removed.</p>
Dictionary	<p>We have included definitions for:</p> <ul style="list-style-type: none"> • surface water • in-river dam pool 	These are not defined in the Act or <i>Water Management (General) Regulation 2018</i> .

Why we have made these changes

The *Water Sharing Plan for the Greater Metropolitan Groundwater Sources 2011* was extended for a period of up to 2 years so the NSW Department of Planning and Environment could replace it. This was 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 Lands and Water, replacing a plan requires the agreement of the NSW Minister for Environment and Heritage (this is known as ‘concurrence’). Consistent with section 9 of the *Water Management Act 2000* (the WM Act), when replacing a water sharing plan the ministers must:

- take all reasonable steps to promote the water management principles of the WM Act and
- 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):

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 department’s Water group worked with colleagues in the department’s Environment and Heritage 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 Greater Metropolitan Region Groundwater Sources 2023* and supporting information, visit the NSW Department of Planning and Environment’s website, water.dpie.nsw.gov.au/plans-and-programs/water-sharing-plans/status/greater-metropolitan-region.