

Proposed amendment to the Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2020

Update, what we've heard so far, additional
consultation, and next steps

March 2025

Acknowledgement of Country



Department of Climate Change, Energy, the Environment and Water acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

Proposed amendment to the Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2020 Update, what we've heard so far, additional consultation, and next steps

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Contents

Acknowledgement of Country.....	ii
1 Introduction.....	4
1.1 How do I make comment?	4
2 Proposed changes, effects and reasons	5
2.1 Changes for new or amended bore approvals used only for basic landholder rights	6
2.1.1 Why we are proposing this change	6
2.1.2 What will this change mean?.....	6
2.1.3 Implications if we do not make this change	7
2.2 Changes for new or amended bore approvals used for other purposes.....	7
2.2.1 Why we are proposing this change	7
2.2.2 What will this change mean?.....	7
2.2.3 Implications if we do not make this change	8
2.3 What would these changes mean for applicants?	8
2.4 How does the assessment process protect the environment and water access at current bores?.....	8
3 What we've heard so far	10
4 Additional consultation	13
4.1 How do I make comment?	13
5 Next steps.....	14
6 More information.....	15
6.1 Background on water sharing plans.....	15
6.2 What do changes in the public interest mean	15
6.3 What is a water supply work approval	15

1 Introduction

This document:

- provides further information on the proposed amendments including the implications of the changes versus not making the changes
- describes how we engaged and what we heard from stakeholders to date
- advises how to have your say during the additional consultation period, open until 6 April 2025.

The NSW Department for Climate Change, Energy, the Environment and Water (the department) sought public feedback in late 2023 on proposed changes to the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2020* (the plan) to distance restrictions for new or amended bores from other bores or property boundaries.

Several stakeholders opposed the proposed changes, while others supported the proposed changes. Some requested more information or suggested additional changes.

Given opposing stakeholder views, requests for more information, and the time elapsed since we first consulted, we are providing additional information and inviting further community feedback before we prepare recommendations to the Minister for Water.

1.1 How do I make comment?

To make an online submission, please visit the department's [GAB Amendment Public Exhibition webpage](#) or use [this link](#) to go straight to the form.

Written submissions can also be sent via email to wspconsultation@dpie.nsw.gov.au by 11:59pm on Sunday 6 April 2025. **Please include 'GAB amendment' in email subject line.**

2 Proposed changes, effects and reasons

The plan includes rules governing where new or amended bores (and other types of water supply works) can be placed. These are broadly termed 'distance restrictions'.

Extraction from one bore can affect water levels or pressure at a neighbouring bore. The plan includes distance restrictions designed to manage interference between bores, specifically rules for:

- bores used solely for basic landholder rights (section 41 of the plan)
- bores used for other purposes (section 37 of the plan).

Chapter 2.1 outlines changes proposed to rules for bores used **solely** for basic landholder rights and Chapter 2.2 for changes to bores used for other purposes.

The proposed changes intend to protect basic landholder rights and enhance social and economic benefits by considering local risks and circumstances while controlling interference between bores.

The proposed amendment **will not** change distance restrictions for:

- replacement bores or
- new or amended bores near contamination sources, high priority groundwater-dependent ecosystems and groundwater-dependent culturally significant areas.

We are not proposing changes to environmental or cultural protection rules, so do not expect any effects on the groundwater sources, connected water sources, groundwater-dependent ecosystems or culturally significant areas.

For example, the proposed amendment **does not**:

- increase the volume of water permitted to be taken from the groundwater sources or
- change how close a new or amended bore can be to a contamination source, groundwater-dependent ecosystems or culturally significant area.

For this reason, information in the Chapter 2 focusses on the effects **on** new or amended bore approvals and **on** existing bore approvals only.

2.1 Changes for new or amended bore approvals used only for basic landholder rights

Table 1 summarises what will stay the same and what we propose to change for basic landholder right approvals.

Table 1. Changes to basic landholder rights bore approvals

Keep the same	Proposed change
Retain distance restrictions from government monitoring bores in all groundwater sources.	Remove distance restrictions from property boundaries and other bores in the Eastern and Southern Recharge groundwater sources.
Retain distance restrictions from property boundaries and other bores in the Central, Warrego and Surat groundwater sources.	Allow Ministerial discretion to approve an application for a basic landholder right bore within a restricted distance in the Central, Warrego and Surat Groundwater Sources provided the proposed extraction will have no more than minimal effect on the ability of a person to take water at an existing bore.

2.1.1 Why we are proposing this change

All landholders overlying an aquifer have a basic landholder right to take water for domestic (household) purposes or non-intensive stock watering without a licence.

The water can only be used for limited purposes. A volumetric limit is not set for basic landholder rights, however, in most cases, the volume typically taken is less than 20 megalitres per year.

In the Eastern and Southern Recharge groundwater sources, the risk to existing bores is low as the basic landholder rights bores in these areas typically take a relatively small volume compared to bores used for other purposes.

The risk to existing users from new basic landholder rights bores is higher in the Central, Warrego and Surat groundwater sources where artesian conditions (i.e. water is pressurised) mean the area of impact from pumping is larger. Further, given the arid nature of these areas, large property sizes and infrastructure costs, there is more demand for groundwater to supply multiple points. This means larger volumes could be taken from one location and distributed. For these reasons, it is important to look at the specific circumstances for basic landholder right applications in these water sources. This is why we propose to retain the distance restrictions in these water sources but allow ministerial discretion to approve applications if there is no more than minimal effect on other users.

2.1.2 What will this change mean?

- It will increase opportunities to locate or deepen a bore used solely for basic landholder rights.
- It supports the water management principles under section 5(3) of the *Water Management Act 2000* (the WM Act) by protecting basic landholder rights for domestic and stock water ahead of access under a water access licence.
- It is expected to have minimal impact on existing users as the volume taken under a basic landholder right in the Eastern or Southern Recharge groundwater sources is small compared to bores taking water for other purposes, and, approvals within distance restrictions in the Central, Warrego and Surat will be assessed to identify if they should be refused or conditioned to mitigate risks to existing bores.

2.1.3 Implications if we do not make this change

If rules remain unchanged, landholders may not be able to access water for basic landholder rights, particularly in areas with small property sizes. This does not support the WM Act principles to:

- maximise social and economic benefits
- share water so that basic landholder rights are prioritised above take under access licences.

This could lead to undesirable consequences for communities including restricted access to drinking water and stock water in areas not serviced by reticulated supply, affecting household and community wellbeing and lifestyle developments that contribute to regional communities.

2.2 Changes for new or amended bore approvals used for other purposes

Table 2 summarises what will stay the same and what we propose to change for approvals used for other purposes, e.g. take of water under a water access license.

Table 2. Changes to approvals for bores used for other purposes

Keep the same	Proposed change
<p>Retain distance restrictions from property boundaries and other bores i.e.,</p> <ul style="list-style-type: none">• 200 m from property boundary unless consent• 1000 m from LWU bore unless consent• 500 m from BLR bores• 500 m from non-LWU bore• 400 m from government monitoring bore.	<p>Allow Ministerial discretion to approve an application for a bore within a restricted distance provided the proposed extraction will have no more than minimal effect on the ability of a person to take water at an existing bore.</p>

2.2.1 Why we are proposing this change

Bores used for purposes other than basic landholder rights generally take more water and are more likely to impact other users than basic landholder rights bores. For this reason, the plan includes distance restrictions for these bores in all groundwater sources.

However, the local aquifer conditions and specific circumstances matter.

Under the current plan, the distance restrictions are hard wired – a proposed bore within the distance restriction cannot be approved even if the proposed extraction would have no effect on extraction from nearby bores. The current plan does not allow the licensing authorities to consider the local circumstances including the local geology and groundwater behaviour, proposed extraction depths and rates, and the details of approved extraction on neighbouring properties.

2.2.2 What will this change mean?

- It will provide for bores to be located within distance restrictions from property boundaries or neighbouring bores, provided there is no more than minimal detrimental effect on the ability of a person to take water at an approved existing bore and licence.
- It will provide an opportunity for bore applications to be assessed to allow for specific circumstances such as local geology and groundwater behaviour, the depth of bore construction and pumping rate, and details of approved extraction from neighbouring properties to be considered in an approval decision.

- It supports the WM Act objective under section 3(e) to equitably share water from water sources and water management principles under section 5(2) to maximise social and economic benefits to the community.
- It does not necessarily result in more approvals being granted, they could be refused or conditions imposed to control effects on other bores so there is no more than minimal detrimental effect on the ability of a person to take water at an approved existing bore and licence.

2.2.3 Implications if we do not make this change

If rules remain unchanged, licence holders may be prevented from accessing water even if their application meets all other requirements under the water sharing plan and WM Act, and there is minimal detrimental effect on existing users.

This can constrain land use, economic opportunity, regional development and associated social and economic benefits.

This does not support the WM Act:

- principle, to maximise social and economic benefits to the community or
- object, to provide for orderly, efficient and equitable sharing of water from water sources.

If all other WM Act objects under section 3 and principles under section 5(2) and 5(3) are met, the current rules can instead restrain social and economic benefits.

2.3 What would these changes mean for applicants?

For **bores used solely for basic landholder rights** in the Eastern and Southern Recharge groundwater sources – licensing authorities will not consider distance from property boundaries or another bore (other than government monitoring bores) when assessing applications. Note, further assessment would apply if someone wanted to later apply to convert a basic landholder right bore to use it for other purposes. An application to change the purpose may be refused or conditioned if it has more than minimal impact on other bores.

For **all other bore approvals**, the change would mean the licensing authorities could further assess, and would not automatically reject, an application for a new or modified bore located within the distance restriction of another bore or property boundary. We could evaluate the potential effects of extraction on existing approved bores, considering the unique characteristics of the Great Artesian Basin, local aquifer conditions and the proposed pumping depths and rates of both the proposed bore and existing bores.

2.4 How does the assessment process protect the environment and water access at current bores?

Applications for new or amended **basic landholder rights bores in the Eastern and Southern Recharge groundwater sources**:

- may be refused or conditions imposed for other reasons including to protect the environment, the water source, a groundwater-dependent ecosystem or culturally significant area or control spread of contamination
- do not increase the volume of water that can be extracted from a water source as groundwater take is managed within the plan's extraction limit.

Applications for new or amended **basic landholder rights bores in the Central, Warrego and Surat groundwater sources**:

- would be assessed by the department
- could be refused or conditions imposed to control effects on other bores

- may also be refused or conditions imposed for other reasons including to protect the environment, the water source, a groundwater-dependent ecosystem or culturally significant area or control spread of contamination
- could be approved within distance restrictions if they are assessed as having no more than minimal detrimental effect on neighbouring bores and meet all other plan requirements
- do not increase the volume of water that can be extracted from a water source as groundwater take is managed within the plan's extraction limit.

Applications for new or amended **bores used for other purposes in all groundwater sources**:

- would be assessed by the department using established criteria¹
- could be refused or conditions imposed to control effects on other bores
- may also be refused or conditions imposed for other reasons including to protect the environment, the water source, a groundwater-dependent ecosystem or culturally significant area or control spread of contamination
- could be approved within distance restrictions if they are assessed as having no more than minimal detrimental effect on neighbouring bores and meet all other plan requirements
- are advertised so that the public has an opportunity to raise objections or concerns²
- do not increase the volume of water that can be extracted from a water source as groundwater take is managed within the plan's extraction limit.

¹ More information on impact assessment criteria is available here https://publications.water.nsw.gov.au/watergroupjspui/bitstream/100/772/1/Groundwater_impact_assessment_criteria.pdf

² More information is available here <https://water.dpie.nsw.gov.au/our-work/licensing-and-trade/water-access-licences-and-approvals/public-notice>.

3 What we've heard so far

From 21 August 2023 to 2 October 2023, the department consulted with stakeholders and sought their views on the proposed changes to the plan.

We encouraged stakeholders to give feedback through written submissions. Our website included a 'Have your say' section that gave people different ways to make a submission, including by email, direct mail and a downloadable feedback form. A total of 10 written submissions were received before the consultation period closed on 1 October 2023. Following the formal submission period, community members and WaterNSW raised concerns with the department about how current distance restrictions impacted access to basic landholder rights.

Table 3 and

Table 4 show a summary of feedback we received on the proposed rule changes. Several stakeholders opposed the proposed changes, while others supported the proposed changes. Some requested more information or suggested additional changes.

Table 3. Summary of stakeholder feedback concerned about or opposing the changes

Theme	Example comment
Impacts will not be prevented	<p>‘What is going to protect current bores from over extraction?’</p> <p>‘It could result in the neighbour’s water being affected’</p> <p>‘Unclear on procedure for neighbouring landholders to object to proposed water source works’</p> <p>‘The assessment criteria does not take into account variabilities in extraction, particularly variabilities in time of drought’</p> <p>‘Increased water extraction from recharge areas and in areas with pressurised aquifers causing more widespread environmental harm.’</p> <p>“No more than minimal detrimental effect” needs to take into account more than just average drawdowns over a 5- or 10-year period but the effect on holders of entitlements in times of water shortage noting the reliance upon holders of water entitlements in times of drought.’</p> <p>‘Clarification needed of what does “minimal impact” entail.’</p>
Current extraction is not sustainable – the change will be more unsustainable	<p>‘Both the Eastern and Southern recharge are over allocated and have had extreme restrictions in place for years.’</p> <p>‘The proposed amendments will further compromise the environmental values and integrity of the GAB by allowing for discretionary increase in extraction’</p>
No need for change	<p>‘Cannot see there would be a huge demand or need for this change.’</p>
Department did not explain well the proposed change or demonstrate a sound reason for change	<p>‘Government has not properly justified the proposed amendments, provided any risk assessment to support them or identified a genuine Public Interest’</p> <p>‘There are pressurized aquifers in the recharges as well’</p>
Changes intend to benefit a specific individual	<p>‘The changes are to facilitate one particular application’.</p>

Table 4. Summary of stakeholder feedback in support of changes

Theme	Example comment
Local circumstances are relevant and need to be included in assessments	<p>‘Local considerations of a site are relevant and need to be included in assessments’</p>
Current plan rules restrict basic	<p>‘Lost previous [property] sale due to not having a bore or the ability to obtain one’</p>

landholder right access	'Subdivided small plots (<5 acres) out of town water limits unable to obtain bore for basic residential needs' 'All pre-existing bores overlap 200m distance rule' 'The block we wished to purchase is completely restricted by the 200m rule'
Current bore locations are incorrect	'No true pin points of bore locations' 'Bore locations supplied to me are incorrect. So therefore distances and circumferences as indicated on maps aren't correct' 'Bores that are located – some are on incorrect lots and some are not included'

We also heard:

- 'Keep valued resources local - do not support sharing water with overseas parties'
- 'Revise the list of high priority groundwater-dependent ecosystems in Schedule 2 as there are new National Parks that contain significant groundwater-dependent ecosystems'
- 'The requirement to obtain consent from a neighbour is onerous – not all neighbours can or want to be contacted'.

In addition to points above, stakeholders sought information on groundwater level monitoring, capping and piping bores, reclassifying or decommissioning bores, managing collapsed bores and when the amendments would commence if approved.

4 Additional consultation

To provide the community with as much information as possible on the proposed changes and the reasoning behind them, and provide another opportunity to have your say, the department is holding an additional public consultation period until 11:59pm Sunday 6 April 2025.

We encourage all stakeholders to read more about the proposed amendment in this supporting document and other information on our website and contact us with questions or feedback.

4.1 How do I make comment?

To make an online submission, please use [this link](#).

Written submissions can also be sent via email to wspconsultation@dpie.nsw.gov.au by 11:59pm on Sunday 6 April 2025. **Please include 'GAB amendment' in email subject line.**

5 Next steps

After the public consultation period closes, the department will consider all feedback and consult colleagues in the department's Conservation Programs, Heritage and Regulation Group before making a recommendation on the proposed amendment to the Minister for Water.

The Minister of Water will decide if an amendment proceeds. The Minister for Water must have the agreement of the Minister for Environment before approving an amendment.

Consistent with section 9 of the WM Act, when amending a water sharing plan the ministers must:

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

The water sharing management principles under s5(3) of the WM Act are:

- 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
- c) sharing or extraction of water under any other right must not prejudice the principles set out in points a) and b).

6 More information

More information about the proposed amendment is available on the department's [website](#).

6.1 Background on water sharing plans

Water sharing plans manage water access and sharing in NSW. These plans set rules for water access licences and water supply works, such as bores, including where bores can be located.

Water sharing plans are in place for 10 years, so water users, landholders and water managers know what to expect. However, under the WM Act, water sharing plans may be amended under certain conditions and circumstances, including if the changes are in the public interest.

Plan amendments should reflect, support or promote the water management principles of the WM Act and prioritise the environment and then basic landholder rights ahead of sharing or extraction under any other right.

6.2 What do changes in the public interest mean

Considering amendments 'in the public interest' involves a decision-making process that considers matters that affect the public's interests within the scope and purpose of the WM Act. The meaning of 'public interest' is not defined in the WM Act. It is a decision for the Minister for Water, and also the Minister for the Environment when granting concurrence. It involves identifying:

- which sectors of the public these amendments affect
- what public interests there are that are relevant to the amendment
- the weight of each applicable 'public interest', which involves considering competing or conflicting public interests to determine if the amendment is in the overall public interest.

More information is available here on the department's [water sharing plan amendment protocol](#) webpage.

6.3 What is a water supply work approval

[Water supply work approvals](#) allow you to construct and use a work that takes water from a river, lake, or underground aquifer.

A bore is a type of water supply work. All bores into the GAB, including those used solely for Basic Landholder Rights must have a work approval.

Amending a work approval could include:

- changing the purpose – for example converting a bore used solely for basic landholder rights to use it for irrigation
- deepening a bore
- changing a bore extraction limit
- adding another bore
- changing the location of a bore.