

Review of the 2004 Water Sharing Plans - summary of submissions

April 2013

The NSW Office of Water and the Natural Resources Commission (NRC) invited submissions to inform their respective water sharing plan reviews.

Submissions closed 8 February 2013, with over 170 submissions received.

The Office of Water and NRC appreciate the time and effort that went into all submissions and would like to thank all those who contributed.

Submissions can be accessed via the [NRC's website](#).

Just over half of the responses came from community members or local landholders, with the next largest group of respondents being irrigators and commercial stakeholders.

Some submissions focused on providing feedback on state or regional matters, whereas others identified one or more plan-specific issues relating to 20 of the 31 water sharing plan areas under review.

What are the next steps?

The Office of Water and NRC are now considering the issues raised in all submissions to inform their respective plan review processes, as outlined in Figure 1.

The NRC and Office of Water's reviews will ultimately inform the Minister for Primary Industries' decision on whether a water sharing plan is to be replaced or extended under the provisions of Section 43.A of the *Water Management Act 2000* (WMA 2000).

The NRC intends to deliver its advice to the Minister regarding extension or replacement of water sharing plans in June 2013, providing timely inputs are received from other external stakeholders.

As required under WMA 2000, the NRC's advice will focus on the extent to which the plans have contributed to the *Standard for Quality Natural Resource Management* and natural resource management targets in the relevant catchment management area, and whether any changes to the plan rules are warranted.

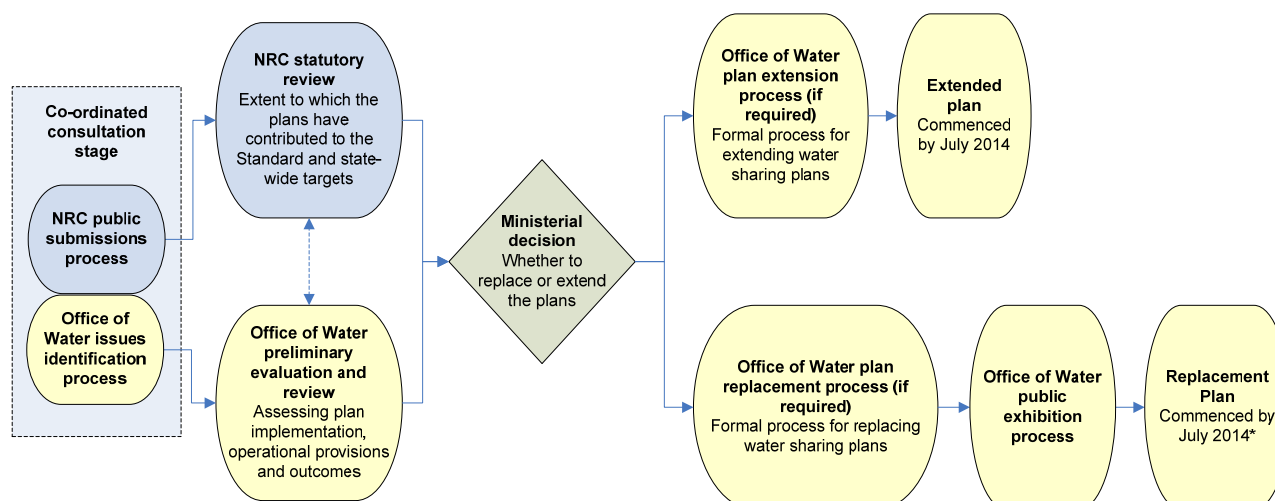
At the same time, the Office of Water is continuing work on its preliminary evaluation and review processes, in line with its legislative role in developing and implementing water sharing plans.

This work will also inform the Minister's decision regarding extension or replacement of water sharing plans, and help prepare for plan replacement if required.

As Figure 1 shows, if the Minister decides to replace the plans there will be further opportunities for community involvement during the public exhibition process led by the Office of Water, including further consideration of relevant issues raised in submissions.

During public exhibition periods, all licence holders and key stakeholders will be sent a letter inviting comments and outlining the dates and times for public information sessions.

Figure 1: Process for extending or replacing water sharing plans



* If the Minister for Primary Industries decides to replace a plan then the existing plan may be extended until the commencement of a replacement plan, or until the first anniversary of the date the plan would otherwise have expired, whichever occurs first. This means that for the 2004 water sharing plans, the existing plan could be in place until 1 July 2015.

Overview of submissions

The submissions identify a wide range of issues across local, regional and state scales.

The following summary aims to provide an overview of the kinds of issues raised in the submissions, but it is not exhaustive.

For more detailed information on issues relevant to your water sharing plan area, or the state-wide issues raised, you are invited to access the submissions online via the [NRC's website](#).

In summary, submissions raised the following issues.

- **Plan extension** – some submissions called for the current plans to be extended as:
 - **the plans are achieving their intended social, economic, cultural and environmental outcomes** – for instance by providing secure or well defined tradeable entitlements and making broad contributions to improved environmental outcomes
 - **more time is needed to determine plan outcomes** – more work needs to be done in setting and evaluating plan objectives, particularly where plans have been suspended
 - **there are uncertainties around the Murray-Darling Basin Plan** – submissions, particularly from irrigator groups, indicate there has been a great deal of water planning uncertainty in the Murray-Darling Basin already, and that it may be prudent to extend plans until they can be transitioned to meet Basin Plan requirements rather than risk multiple plan replacement processes over a relatively short period of time.
- **Changes to plan provisions** – for example, some submissions suggested changes to:
 - **rules governing extraction** – including daily flow sharing, cease to pump rules, trading rules, carryover and water allocation account rules and access to supplementary water
 - **environmental water management** – including simplified and flexible specification of environmental contingency allowances, delivery of ordered water so as to mimic natural variability, revisions to end-of-system flow rules and dam minimum release rules, and protection of environmental water as it passes down rivers
 - **Aboriginal cultural access** – improving how Aboriginal cultural needs are addressed
 - **reflect new information since 2004** – including updated river modelling.

- **Changes to plan implementation** – for example, some submission suggested changes to:
 - **communication and available information** – including timely announcement of supplementary water access, publishing progress towards trigger points for trading rules and water account limits so that licence holders are able to plan accordingly, and compiling a register of buyers and sellers to assist trading in smaller systems
 - **monitoring arrangements** – some submissions called for groundwater monitoring by telemetry to assist in implementation of plan rules, although others opposed installation of meters in unregulated rivers because of cost and water pressure impacts
 - **implementation of some plan provisions** – for example, extraction rights for priority water users in the Pian-Gunidgega system
 - **environmental watering** – in particular, to consider the impact of environmental watering events on floodplain farms.
- **Issues with current water access and sharing arrangements** – for example, some submissions discussed:
 - **tradeoffs and access for different user groups** – for example, businesses in towns compared to those outside town, priority access for specific water users (such as town water or critical industries), diversion of water from inland rivers towards the east or where water requirements to meet a town's water needs could be replaced with more efficient alternatives
 - **rule consistency** – calls for consistent rules for upstream and downstream water users, across different zones in a water source or between adjoining rivers, and for environmental contingency allowances to be treated the same as water licences
 - **distribution of flow** – for example, provision of replenishment flows to effluents and anabranches of regulated rivers
 - **water reductions** – calls for surface and groundwater users within a region to be subject to similar water reductions and compensation arrangements
 - **access to new licences** – for example, questions around why new stock and domestic licences are being issued while issuing new licences for other purposes is not allowed
 - **recognition of non-consumptive water use** – requests for the ability to receive allocation credits for water returned to rivers.
- **Water to support local values** – for instance, some submissions raised concerns over:
 - **community amenity** – a number of submissions indicated that the classification of Lake Cargelligo as man-made should be changed, and that the Lake should be given a water allocation to reflect its social, cultural, environmental and economic benefits
 - **sustainability of local industries** – groundwater and/or stream base flows in specified areas potentially being impacted through over-allocation and new consumptive industries
 - **land use change** – water trading possibly leading to increased water use by newer industries, which may then impact on the amount of water available for agricultural production
- **Adaptability in extreme climatic events** – some submissions emphasised the need to avoid plan suspensions and make plans better able to cope with periods of extreme drought, particularly in relation to critical water supply.
- **Governance arrangements** – submissions discussed the following:
 - **advisory groups** – there is support for Environmental Contingency Allowance Advisory Committees and Environmental Flows Reference Groups, but calls for broader community representation on those committees
 - **clearer governance arrangements** – stakeholders have reported that governance of water management and catchment management in NSW is complex and not well defined or explained; that roles, responsibilities and coordination arrangements are not understood; and that ongoing change makes this worse.

- **Documentation and access to information** – for example, submissions called for:
 - **accessibility** – plain English versions of water sharing plans
 - **explanation of methods used** – for example, explaining how available water determinations are made
 - **information about how the plans are working** – for instance, information on the current level of water use compared to the sustainable level of water use, how the plan would prevent the sustainable level being exceeded, or, if already exceeded, how the level of water use would be reduced
 - **access to real time information** – real time access to groundwater level and quality information.
- **Plan objectives and monitoring, evaluation and reporting** – submissions commented on:
 - **plan logic and objective setting** – the internal logic and evaluation criteria for water sharing plans could be improved, for instance clear explanations of the linkages between provisions and the expected outcomes
 - **monitoring and assessment** – requests for better means for monitoring and reporting on environmental outcomes, and concern about cuts to government monitoring and assessment programs (Sustainable Rivers Audit and Integrated Monitoring of Environmental Flows (IMEF)) and the adequacy of agency resources to collect meaningful monitoring information
 - **recognition of knowledge gaps** – plans should state prioritised knowledge gaps with a view to their being addressed and funded during plan implementation
 - **accessibility of information** – monitoring and assessment of achievement of environmental, social and economic outcomes, including research done under the IMEF program, should be publicly accessible
 - **state-scale strategic guidance** – calls for the now lapsed State Water Management Outcomes Plan to be remade to provide clear guidance for water plans in relation to objectives and priorities.
- **Opportunities for greater integration** – submissions suggested the following:
 - **merging plans** – rolling unregulated river plans into the broader scale macro plans that surround them, integrating floodplain harvesting into Gwydir and Namoi regulated river plans, and including management of effluents and anabranches of the Lachlan and Macquarie Rivers in the regulated river plans, as they are dependent on the regulated rivers for water
 - **aligning plans** – for example, aligning regulated river and aquifer planning with lower Hunter water supply planning that is currently underway, and reducing areas of overlap between water sharing plans and other water approvals
 - **recognising water quality** – greater consideration of water quality in river plans, in particular in relation to salinity offsets and return flows
 - **state-scale strategic direction** – calls for development of an overarching strategy for addressing river and catchment health to guide both water and catchment action plans.
- **Feedback on the water sharing plan review and replacement processes** – submissions raised discussion around:
 - **opportunities to input when the water plans are remade** – stakeholders asked for a considered and comprehensive community engagement process in remaking the plans
 - **access to information** – several submissions noted that the community should be given access to information currently being compiled by agencies on the effectiveness of the plans before being asked to comment, rather than have this come out later
 - **non-government stakeholder representation on the interagency panels** – stakeholders requested greater stakeholder input in the panels that will review and endorse revised water plans.

- **Feedback on the assessment framework for water sharing plans** – within the submissions there are:
 - concerns that:
 - the NRC’s review against the Standard for Natural Resource Management is about process not results
 - the state-wide natural resource management targets are too general
 - catchment action plan targets are either irrelevant, or too general, and may have an uncertain future due to current Local Land Service re-structuring
 - calls to remake the State Water Management Outcomes Plan, potentially to include targets along the lines of the Murray-Darling Basin Authority’s hydrologic indicators, and use this as a basis for assessing effectiveness of water plans
 - proposals that water plans should be evaluated against criteria derived from the National Water Initiative.
- **Submissions on a range of other water issues** – a number of water management issues that are not managed through water sharing plans were also raised, including:
 - **issues around specific licences** – reports that issues relating to conditions on specific water licences had not been properly addressed and were causing hardship
 - **separation of land and water rights** – concern that the separation of land and water rights was impacting on the ability of some existing land uses such as agriculture to access water
 - **concerns about pollution of water sources** - for example, concern about potential pollution of water sources from identified industries and activities
 - **concerns about possible illegal activity** – a few cases were raised where there was concern that water may be being taken or used unlawfully
 - **changes to fee structure** – replacing fixed annual fees with fees based on volume taken.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (April 2013). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries (NSW Office of Water), the Natural Resources Commission or the user’s independent adviser.

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