

Compliance with water management principles - Amendment to the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022.

The NSW Government has amended the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Source 2022*. This document explains how the changes comply with the water management principles of the *Water Management Act 2000*.

Requirements for amending a water sharing plan

Amending a water sharing plan requires the approval of the NSW Minister responsible for Water, and the concurrence of the NSW Minister responsible for the Environment. When amending a plan, Section 9 of the *Water Management Act 2000* (the WM Act) requires the ministers to:

- take all reasonable steps to promote the water management principles and;
- give priority to the water management principles relating to water sharing in the order they are set out under s5(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.

Sharing water from a water source must protect the water source and its dependent ecosystems.

In the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022* (the Plan), there was no regulation in place to protect the Hunter tidal pool water sources and their dependant ecosystems from salinity during periods of low freshwater inflow. The amendment to the Plan will provide a mechanism to protect the water sources and their dependent ecosystems by using an Available Water Determination (AWD) mechanism to limit water extracted from the water sources during periods on prolonged low freshwater inflows.

Implementation of AWD mechanism in the Hunter tidal pool water sources will:

- Mitigate the upstream migration of saltwater during periods of prolonged low freshwater inflows.
- Provide environmental protection to ecosystems of the Hunter tidal pool water sources.

- Ensure basic landholder rights are maintained
- Ensure licence holders have continued access to water ensuring economic stability.

The department's Biodiversity, Conservation and Science branch support the proposed amendments due to the expected environmental benefits.

How the amendment protects basic landholder rights

The amendment only applies to licenced water users of the Hunter River, Paterson River, and Wallis Creek tidal pool water sources. It will improve access to higher quality water for basic landholder rights by reducing the upstream migration of salt water within the tidal pools.

The plan also protects basic landholder rights, allowing landholders to exercise these under part 1 of Chapter 3 of the WM Act. The plan gives priority to current and future basic landholder rights by ensuring any compliance actions for extraction and diversion limits does not apply to these rights.

How we have promoted water management principles

The department has changed the plan to protect the needs of the environment and water users of the Hunter tidal pool water sources.

The department has, accordingly, changed the water sharing plan to:

- Introduce a variable available water determination based on inflows.
- provide protection of water quality in Hunter tidal pool water sources.
- Include provisions to mitigate saltwater migration.
- limit the amount of water extracted during periods of low flow.
- provide water security for water users during periods of low flow.

In developing these rules, the NSW Government has taken all reasonable steps to promote the water management principles set out in the WM Act and to make the water sharing plan reflect these principles.