
NSWIC Principles for Managing Groundwater Compliance

1) Mechanisms to address non-compliance

1A) The SDL compliance mechanism must be based on the specific circumstances of each valley and thus will need to vary between valleys. Consistency of methodology is not as important as ensuring accuracy and appropriateness of the method in each individual circumstance.

1B) The mechanism determined for each valley, should be the mechanism identified to have the most minimal impact on water users. This should include an option for a hybrid approach (Use Limit & AWD) or innovative alternatives, where determined suitable.

[Action] A more in-depth behavioral analysis is required to understand the profile of water use in each system to inform this process, and to avoid basing decisions on assumptions.

1C) A process should be established which allows the development of management options in each valley, flexibly tailored to the circumstances of each valley, but based on shared principles and processes.

2) Time period over which compliance is assessed

There are varying views on the time period over which compliance is assessed and in which measures are implemented, owing to balancing a view that longer time periods better captures climatic cycles thus maintaining compliance in the longer term, but also risks exposing water users to more severe compliance actions.

2A) This should be determined in accordance with 1C and the water use profiles of each valley.

3) Time period over which compliance measures are implemented

3A) Compliance should be smooth and avoid shocks to water access arrangements.

3B) The time period over which compliance measures are implemented should be a function of the time period over which compliance is assessed.

3C) Consistency between the NSW and MDBA compliance processes is required to avoid confusion and/or duplication. It should be considered a 'reasonable excuse' for annual SDL non-compliance to occur if subject to NSW processes to reach compliance over a longer time period.

[Action] Clarification of the compliance expectations from the MDBA is required.

4) Preferred approach for consultation on how the compliance approach is determined

4A) Management approaches are to be determined in collaboration with local water users, to ensure approaches are effective and based on local water user input.

4B) Water users should have an active role in designing compliance mechanisms and approaches from the forefront, and require access to sufficient detail on issues, time and opportunity for workshops, to reach informed and participatory decisions.

4C) DPIE to ensure early engagement with water users to provide forewarning for groundwater resources at risk of compliance breach (such as through a WAS). DPIE to provide guidelines to water users to provide additional clarity on the possible vicinity of availability (on the understanding they are indicative only).

5) Providing certainty and predictability

5A) Once the suitable compliance mechanism approaches have been determined, this should be locked-in to provide certainty, as water users will manage in accordance with that approach.

6) Reviews

6A) Periodic (annual) reviews of extraction data against compliance triggers are required.

[Action] Water users should be encouraged to enter their groundwater meter readings into iWAS.

[Action] WaterNSW to prioritise meter readings for groundwater zones at risk of breaching.

7) Property Rights

7A) Managing compliance should seek to protect property rights of water entitlement holders to either use or trade up to the SDL.

8) Impact Assessments

8A) Transparency of assessment methodology, with reporting, is required to demonstrate the process for minimizing/avoiding risks of new access points on both the reliability of other water users locally, and also the overall sustainability of the aquifer.

[Action] An online portal for approvals should be investigated as a means to improve transparency.

Background: These principles were formed based on questionnaire responses following an internal NSWIC Discussion Paper, and a Teams Meeting discussion with our Groundwater Portfolio Committee. Further information is available upon request.