

Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2024 – summary of rule changes

Summary of changes included in the *Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2024*.

The NSW Government has made the *Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2024* (**Bega 2024 plan**) to address an administrative error with the publication of the *Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023* (**2023 plan**).

In addressing the administrative error, the Bega 2024 plan also includes several updates from the published 2023 plan which are summarised below in Table 1. These updates reflect proposed changes previously communicated with Bega stakeholders as part of the plan replacement process and will not have any negative impact on water users or the environment and will ensure the plan operates as intended.

Aside from these changes the 2024 plan also includes clarification on the operation of the exemption to the prohibition of in river dams in six water sources and extends the exemption by 12 months.

Table 1. Summary of changes as previously agreed as part of the replacement of the plan

Change in 2024 plan	Basis for change	Impact of change
<p>Reference to Wallaga Lake Tributaries Water Source – Section 15(2)(d) and Schedule 2 Table A</p> <p>Amend water source name from Wallaga Lakes (plural) Tributaries Water Source to correct name which is Wallaga Lake Tributaries Water Source.</p>	<p>Typographical error</p>	<p>No impact on water users.</p>
<p>Total Daily Extraction Limits – Mid Bega River Sands Water Source</p> <p>s27 – Remove subsection (3)(b) which purports to establish total daily extraction limits during very low flows</p>	<p>Generally water is prohibited from being taken under an access licence during very low flows (s 36(1) and 38(d)), so there is no need to establish a total daily extraction limit during very flow flows.</p>	<p>Change will remove contradiction.</p> <p>No impact on water users.</p>
<p>Access rules for Dignams Creek water source</p> <p>s38 – Drafting amendments to ensure the correct application of the rules relating to in-river pools.</p> <p>s39 – Addition of subsection (4), which states:</p> <p><i>Groundwater must not be taken from the Dignams Creek Water Source when there is no visible flow at the nearest rock bar downstream of the location at which the water is taken.</i></p> <p>s40 – Addition of subsection (5), which states:</p> <p><i>Section 38(a) does not apply to Dignams Creek Water Source.</i></p>	<p>These changes allow the same level of access to highly connected alluvial groundwater as surface water in the Dignams Creek Water source.</p>	<p>These changes are to ensure the water sharing plan accurately reflects the access rules proposed during the public consultation process.</p> <p>No impacts on water users</p>

Change in 2024 plan	Basis for change	Impact of change
<p>Access rules for Mid Bega River Sands water source</p> <p>s40 – Addition of subsection (4) that states:</p> <p><i>Sections 38(a) to (c) do not apply to the take of groundwater in the Mid Bega River Sands Water Source.</i></p>	<p>This ensures the same level of access to highly connected alluvial groundwater as surface water in the Mid Bega Sands Water source.</p>	<p>These changes are to ensure the water sharing plan accurately reflects the access rules proposed during the public consultation process.</p> <p>No impacts on water users.</p>
<p>Applications for in-river dams</p> <p>s42 – Remove s42(4) which repealed s42(3) on 1 July 2026.</p> <p>s42(3) provides a time-limited exemption for an in-river dam to be constructed in six water sources, if a relevant development application has been lodged by 1 January 2025.</p>	<p>There is no need to repeal s42(3) as the exemption is already time bound. A proponent will need to lodge a development application prior to 1 July 2025, and the integrated development pathway under the <i>Environmental Planning and Assessment Act 1979</i> allows three years after the date on which development consent is granted to then grant a water supply work approval.</p>	<p>These changes are to ensure these rules can be implemented as proposed during the public consultation process and consistent with the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p>Applications for in-river dams</p> <p>s42 – Amend s42(3) to provide an exemption for an in-river dam, in circumstances where a development application is not required, where an application for a water supply work approval has been submitted before 1 July 2025.</p>	<p>The intent of the original provision was to allow the application for water supply work approvals for a limited time, in limited locations, for water users who have shown intent to build a dam. The previous drafting resulted in only dams that required planning approval to be able to be granted a water supply work approval pursuant to the time-limited exemption. This amendment provides a time-limited exemption for applications for water supply work approvals for dams where planning approval is not required.</p>	<p>An extension of the timeframe for submitting an application was made to allow sufficient time following the making of the plan. Applications must now be made prior to 1 July 2025.</p>

Change in 2024 plan	Basis for change	Impact of change
<p>Trade of licences into high flows</p> <p>s52 – In subsections (2)(c)(ii), (2)(c)(iii) and (2)(c)(iv), following “and the assignment will not cause the sum of share components of unregulated river (C Class) access licences”, insert:</p> <p><i>and unregulated river (Aboriginal community development) access licences</i></p>	<p>Clarification that the total entitlement limit that applies to take from higher flows applies to both unregulated river high flow licences and unregulated river Aboriginal community development licences.</p>	<p>Entitlement limits for high flow licences were calculated based on specified levels of hydrologic stress. The plan does not differentiate between licence types regarding access to high flow entitlement.</p>
<p>Trade of licences into high flows</p> <p>s53 – In subsections (1)(b), (1)(c) and (1)(d), following “if the dealing will not cause the sum of share components of unregulated river (C Class) access licences”, insert:</p> <p><i>and unregulated river (Aboriginal community development) access licences</i></p>	<p>Clarification that the total entitlement limit that applies to take from higher flows applies to both unregulated river high flow licences and unregulated river Aboriginal community development licences.</p>	<p>As above.</p>
<p>Trade of licences into the Upper Bega/Bemboka Rivers Tributaries Water Source</p> <p>s53 – Amend to allow for trade into the Lower Tributary Management Zone of the Upper Bega/Bemboka Rivers Tributaries Water Source up to a limit of 1000ML/year.</p>	<p>Trade into the Lower Tributary Management Zone of the Upper Bega/Bemboka Rivers Tributaries Water Source up to the specified limit was agreed by the NSW government’s interagency working group, but dealing rules to give effect to this decision were omitted from the 2023 plan in error.</p>	<p>These changes are to ensure the water sharing plan accurately reflects the dealing rules agreed by the NSW government’s interagency working group and proposed during the public consultation process.</p>

The process for making water sharing plans

Under the *Water Management Act 2000* (WM Act), the Minister for Water must obtain the agreement of the NSW Minister for Environment (this is known as ‘concurrence’) before making a water sharing plan.

The Water group in the NSW Department of Climate Change, Energy, the Environment and Water (the department) worked with colleagues in the department's Biodiversity, Conservation and Science group to develop the changes above, before including these in the plan put before the Ministers for approval and concurrence.

More information

To read the water sharing plan and supporting fact sheets, visit the [department's website](#).