

Summary of changes

A summary of changes made to the Water Sharing Plan for the Murray Unregulated River Water Sources

The Minister for Water, with the agreement of the Minister for the Environment, made a replacement Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources in July 2024. The table below outlines the substantive changes from the previous 2011 plan. In drafting the replacement plan, the NSW Department of Climate Change, Energy, the Environment and Water (the department) also updated the plan to simplify and modernise its drafting, make the intent of its provisions clear, and improve its legal robustness.

Table 1. Summary of changes to the Water Sharing Plan for the Murray Unregulated River Water Sources

| Part in 2011 plan | Change in 2024 plan | Basis for change |
|---|---|---|
| Part 1 Introduction | The commencement date will be replaced with the new date of 1 July 2024. | <p>The commencement date will be changed to 2024 to reflect that the plan has been remade rather than amended.</p> <p>This means that the 2011 plan will be repealed, and in line with the <i>Water Management Act 2000</i> (WM Act), Section 43, the new plan will go for 10 years from the date of 1 July 2024, or until the end of June 2035 if the new plan commences after 1 July 2024.</p> <p>It should be noted that the plan can be amended, if necessary, within the 10-year term.</p> |
| Part 1 Introduction | We created a section to identify maps that form a part of the plan. | To improve clarity and align with the current template. |
| Part 2 Vision, objectives, strategies and performance indicators | <p>We revised the vision, objectives, strategies and performance indicators.</p> <p>We made minor changes to reflect that not all strategies may apply to the plan.</p> | The Natural Resources Commission (NRC) recommended review of the plan objectives to strengthen monitoring, evaluation and reporting (MER) of the plan outcomes. The proposed vision, objectives, |

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| | <p>We added a requirement for the Minister to prepare a monitoring, evaluation and reporting (MER) plan. The MER plan is to be published by 30 June 2025 and each year the Minister is to publicly report on the implementation of the water sharing plan, including progress against the MER plan.</p> <p>Additionally, evaluation reporting is to be undertaken by year nine of the water sharing plan.</p> | <p>strategies and performance indicators deal with similar matters to the previous water sharing plan but are changed to more clearly distinguish between the environmental, economic, social and Aboriginal objectives.</p> <p>More detail about the logical connections between plan vision, objectives, strategies, performance indicators and intended plan outcomes will be included in the monitoring, evaluation and reporting (MER) plan. The MER plan will provide details on monitoring, evaluation and reporting activities designed to meet the requirements of Part 2 of the water sharing plan within available resourcing.</p> <p>The annual reporting will provide transparency on the implementation of the MER activities, while the reporting in year 9 of the plan will provide transparency on how the plan’s vision, objectives, strategies and performance indicators are being met.</p> |
| <p>Part 3 Bulk access regime</p> | <p>We removed this section of the plan.</p> | <p>This provides no additional information than that already existing in the WM Act or elsewhere in the water sharing plan.</p> |
| <p>Part 4 Planned environmental water provisions</p> | <p>We have distributed the planned environmental water provisions throughout the plan into Part 4 – Limits to the availability of water and Part 6 – Operation of water allocation accounts and managing access licences.</p> <p>The planned environmental water provisions are identified by clauses at the commencement of the relevant sections.</p> | <p>We have simplified the drafting of water sharing plans and have distributed the environmental water provisions throughout the plan rather than in a specific part for planned environmental water.</p> <p>The legal effectiveness of the provisions is unchanged.</p> |

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| <p>Part 5 Requirements for water</p> | <p>We updated licenced water requirements including basic landholder domestic and stock rights.</p> | <p>The new basic landholder rights estimates are expressed in megalitres per year instead of megalitres per day and reflect updated land use since the 2011 plan commenced. In some water sources the estimates have increased and in others they have decreased.</p> <p>Reflects changes to licensed water entitlements since the 2011 plan commenced.</p> |
| <p>Part 6 Division 2 Long-term average annual extraction limits</p> | <p>We updated drafting of the Long Term Average Annual Extraction Limit (LTAAEL) provisions, and included a requirement to develop a numerical LTAAEL (an LTAAEL expressed as a specific volume of water).</p> <p>We added a requirement for the Minister to review the numerical LTAAEL, including seeking the advice of the NRC.</p> <p>We also added a requirement for the Minister to consider the “minimum inflow” review and enabled amendments to be made to the plan based on that review.</p> | <p>We have simplified the drafting of LTAAEL provisions and removed unnecessary detail.</p> <p>The development of a numerical LTAAEL implements a recommendation of the NRC and will enable better assessment of compliance with the LTAAEL. The review requirements will help ensure that the LTAAEL reflects a sustainable level of take.</p> <p>The requirement to consider the “minimum inflow” review will ensure that the findings of the review can be used to inform the rules in this plan.</p> |
| <p>Part 6 Division 3 Long-term average sustainable diversion limit</p> | <p>We updated drafting of the long-term average sustainable diversion limit (SDL) provisions, but no material changes have occurred to this Part.</p> | <p>We have simplified the drafting of SDL provisions, removed unnecessary detail and included references to appropriate sections of the <i>Basin Plan 2012</i> and the <i>Water Act 2007</i> (Commonwealth).</p> |
| <p>Part 6 Division 4 Compliance with extraction and diversion limits</p> | <p>We updated drafting of the LTAAEL and SDL compliance provisions, but no material changes have occurred to this part.</p> | <p>We have simplified the drafting of the compliance provisions and removed unnecessary detail.</p> |

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| <p>Part 7 Rules for granting access licences</p> | <p>We made changes to the Aboriginal cultural specific purpose access licence provision.</p> | <p>The changes clarify that any secondary or incidental commercial benefit gained from take under an Aboriginal cultural access licences is permitted.</p> |
| <p>Part 8 Division 2 Flow classes and daily access rules</p> | <p>We changed the upper limit of the Very Low Flow Class and the corresponding lower limit of A Class in Mannus Upstream Management Zone of the Mannus Water Source.</p> | <p>There is a new reference gauge in the zone and the proposed rule is based on flow at this gauge (401029). The current rule is based on a height at the older, replaced gauge (40110008).</p> <p>The upper limit of A Class and the corresponding lower limit of B Class in this management zone are unchanged.</p> |
| <p>Part 8 Division 2 Flow classes and daily access rules</p> | <p>We removed the term ‘visible flow’ and replaced it with the words “flow equivalent to the full flow of water through a 200 mm pipe.”</p> | <p>This plan has a unique definition of visible flow, which is “the full flow of water through a 200 mm pipe.” To avoid confusion, the term “visible flow” is no longer used in access rules in the plan and instead the definition itself is used in new wording at Part 6 Division 4 - Access rules – General.</p> <p>The dictionary defines the term ‘visible flow’ only to help understand the definition of ‘full capacity’.</p> |

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| <p>Part 8</p> <p>Division 2</p> <p>Flow classes and daily access rules</p> | <p>The access rule for natural in-river and off-river pools now refers to 'full capacity'.</p> | <p>The 2011 plan stated that extraction from natural in-river pools could not occur if water in the pool was below "full containment volume", which was defined as "the volume of water that is impounded.... when the level of the water in the pool...is at the high water mark." Similarly, the 2011 plan stated that extraction from natural off-river pools could not occur if water in the pool was below 80% of full containment volume.</p> <p>This term and definition have been removed and are replaced with the standard term 'full capacity', which is defined as "the volume of water that is impounded.... when the pool...is at the level when a visible flow out of the pool....would cease."</p> |
| <p>Part 8</p> <p>Division 2</p> <p>Flow classes and daily access rules</p> | <p>The table of flow classes has been moved to Schedule 1.</p> | <p>This improves plan readability and aligns with other water sharing plans being remade at the same time.</p> |

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| <p>Part 8 Division 2 Flow classes and daily access rules</p> | <p>We removed provisions for total daily extraction limits (TDELs) and individual daily extraction limits (IDELs) and replaced them with an amendment provision.</p> <p>We added a provision to enable individual daily extraction components (IDECs) to be imposed on access licences in the Indi Water Source if total daily extraction in that water source exceeds 24 ML/day when flows are in the A Class.</p> | <p>The previous plan had an established total daily extraction limit of 24 ML/day in the Indi Water Source. The new IDEC provision better reflects that the 24 ML/day of total daily extractions acts as a threshold that triggers an action (that is, to impose IDECs), rather than operating as a limit on total daily extractions.</p> <p>IDELs, and TDELs in other water sources have not been established in this plan so the relevant provisions have been removed. However, amendment provisions to introduce TDELs and individual daily extraction components (IDECs) (if required) have been introduced.</p> <p>Cease to pump rules are the primary tool for protecting low flows and the review of these rules will be the focus when developing replacement plans.</p> |
| <p>Part 9 Division 1 Rules applying to water supply works</p> | <p>We have included a new rule that prohibits new surface water supply works within, or within 3 km upstream of, a Ramsar-listed wetland and within other significant wetlands identified in the plan’s Significant Wetlands Map, unless, in the Minister’s opinion, there will be no more than minimal harm to the wetland.</p> <p>We have more clearly defined the term ‘replacement water supply work’.</p> | <p>Prohibiting new surface water works within or upstream of significant wetlands aims to protect these areas from the impacts of surface water extraction. These rules will not apply to replacement works (as defined in the plan) that are within these locations.</p> |

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| <p>Part 9 Division 1 Rules applying to water supply works</p> | <p>We have prohibited construction of in-river dams on third or higher order streams in the Murray Below Mulwala Water Source.</p> <p>An exemption will only apply for applications for in-river dams for town water supply purposes.</p> | <p>The existing prohibition on new in-river dams on larger streams in the Dora Dora Water Source is retained. The inclusion of the Murray Below Mulwala Water Source in this prohibition recognises the high instream values in this water source.</p> <p>The exemption will enable towns the flexibility to improve their security and reliability, if required, and recognises the priority actions in the NSW Water Strategy relating to town water supply.</p> |
| <p>Part 10 Access licence dealing rules</p> | <p>We have simplified wording concerning dealings of high flow access licences under sections 71Q, 71R, 71S and 71T of the WM Act.</p> | <p>There is no change to the rules themselves. For clarity, the limits on allowable trade in are now expressed as a single number.</p> |
| <p>Part 10 Access licence dealing rules</p> | <p>We have allowed limited trade of non-high flow licences into nine water sources and five management zones.</p> <p>The relevant water sources are:</p> <p>Dora Dora, Hume, Indi, Jingellic, Lower Wangamong, Majors, Maragle, Ournie Welaregang and Swampy Plain.</p> <p>The relevant management zones are:</p> <p>Mannus Upstream and Downstream Management Zones, Tooma River and Tooma tributaries Management Zones and Tumbarumba Downstream Management Zone.</p> | <p>Domestic and stock licensed entitlement and unregulated river licensed entitlement may now trade between many water sources and management zones without first needing to convert to a high flow access licence. No conversions to high flow licence have occurred since plan commencement.</p> <p>Permitting limited trade into these water sources and management zones is consistent with the Access Licence Dealing Principles.</p> <p>Allowing limited trading into some water sources may create opportunities for water users without increasing risk to ecological values, and potentially shift extraction away from water sources with higher instream ecological value or higher hydrologic stress.</p> |

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| <p>Part 10</p> <p>Access licence dealing rules</p> | <p>We now permit No Net Gain trade (no increase in overall value of share components) into the Albury Water Source.</p> | <p>The Albury Water Source has low environmental values but high hydrological stress. No Net Gain trade will not add to hydrological stress but may provide opportunities to water users.</p> |
| <p>Part 10</p> <p>Access licence dealing rules</p> | <p>We now permit 71T trade of Local Water Utility allocation into the Mannus Water Source.</p> | <p>This is a measure to increase the security of Tumbarumba’s town water supply, which is at relatively high risk of failure during drought times. It would allow Mannus Lake to be another source of water for Tumbarumba at these times.</p> |
| <p>Part 10</p> <p>Access licence dealing rules</p> | <p>We have prohibited trades into areas within, or within 3 km upstream of a Ramsar-listed wetland and into significant wetlands.</p> <p>Trades within the same significant wetland are permitted.</p> | <p>These rules aim to protect significant wetlands from the impacts of surface water extraction by restricting new development and extraction.</p> |
| <p>Part 11</p> <p>Mandatory conditions</p> | <p>We have updated mandatory conditions.</p> | <p>The work approval conditions have been updated to align with the Non-Urban Water Metering Framework 2018 and the water sharing plan template. The non-urban metering policy commenced in the inland southern region on 1 June 2023.</p> |

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| <p>Part 12</p> <p>Amendment of this plan</p> | <p>We have simplified amendment provisions.</p> | <p>Amendment provisions have been limited to those that are possible under the WM Act, where there is a policy being developed that is well advanced that will require a change to the water sharing plan, or where an administrative change is required.</p> <p>Amendment provisions reflect potential changes, including those resulting from climate change.</p> <p>The WM Act provides for amendment if:</p> <ul style="list-style-type: none"> • in the public interest • required under the <i>Water Act 2007</i> (Commonwealth) • required to give effect to a NSW Land and Environment Court decision, or • the water sharing plan allows amendment to those rules. <p>A specific amendment provision has been added to allow access rules in the Mannus Upstream Management Zone to be amended following a review within 3 years of plan commencement. The review will look at the water requirements for Macquarie perch and the social and economic impacts of amending flow class thresholds.</p> |

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|---|---|---|
| <p>Schedule 1 Dictionary</p> | <p>We updated the dictionary (now Schedule 5) with relevant terms, and with references to relevant sections within the plan.</p> <p>The new Schedule 1 is the table of Flow Classes formerly embedded in the body of the 2011 WSP.</p> <p>We changed the upper limit of the Very Low Flow Class and the corresponding lower limit of A Class in the Mannus Upstream Management Zone of the Mannus Water Source.</p> | <p>To align with other water sharing plans being remade at the same time.</p> <p>We have clarified existing definitions, removed unnecessary terms, and added new terms where these are not defined in the WM Act or the <i>Water Management (General) Regulation 2018</i>.</p> <p>To reflect infrastructure upgrades and move from a height-based to a flow-based access rule.</p> |
| <p>Schedule 2 Access licences used to take surface water exempt from cease to pump rules</p> | <p>We have combined former Schedules 2 and 5 into Schedule 2. Table B refers to Local Water Utility and ‘town water supply’ licences. Table A refers to other kinds of water access licences.</p> <p>We updated <i>Water Act 1912</i> licence numbers to <i>Water Management Act 2000</i> water access licence numbers.</p> | <p>For improved clarity, the new tables give more detail by providing the water source and management zone of each licence.</p> <p>To align with current licence information.</p> |
| <p>Schedule 3</p> | <p>The former Schedule 3 had been repealed previously.</p> <p>We have moved former Appendix 3 to Schedule 3.</p> <p>We updated <i>Water Act 1912</i> licence numbers to <i>Water Management Act 2000</i> water access licence and water supply approval numbers.</p> <p>Three of the 11 licences in the 2011 plan are cancelled and have been removed from the schedule.</p> | <p>The information in former Appendix 3 needed to be incorporated into the legally enforceable provisions of the plan so has been elevated to a schedule.</p> |
| <p>Schedule 4</p> | <p>The former Schedule 4 had been repealed previously.</p> <p>We have created a new Schedule 4.</p> | <p>To enable identification of wetlands subject to any future additional rules that might apply to a specific wetland or wetlands. This schedule is not currently used but may be in the future.</p> |

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|---|---|---|
| <p>Schedule 5</p> <p>Access rules for local water utility access licences or unregulated river (“Town water supply”) access licences</p> | <p>This schedule has been included in Schedule 2</p> | <p>We have simplified the drafting of water sharing plans.</p> |
| <p>Schedule 6</p> <p>Office</p> | <p>This schedule has been removed.</p> <p>We have removed the list of office locations.</p> | <p>Office locations are no longer referenced in water sharing plans.</p> |
| <p>Appendices</p> | <p>Appendices have been removed.</p> <p>The content of Appendix 3 has been moved into Schedule 3.</p> | <p>Appendices do not form a legal part of the plan.</p> <p>The information in former Appendix 3 needs to be incorporated into the legally enforceable provisions of the plan so has been elevated to a Schedule.</p> |
| <p>New wetland map</p> | <p>We have identified significant wetlands in a new Significant Wetlands Map</p> | <p>All wetlands identified in the Significant Wetlands Map will be protected by the rules in the plan.</p> <p>The map includes internationally, nationally and regionally significant wetlands. The internationally significant NSW Central Murray Forests Ramsar site, comprising the Millewa, Weraï and Koondrook Forests, is included.</p> |

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| Plan map | <p>We added some new features including more detail on regulated water bodies that are not part of this unregulated plan.</p> <p>In Mannus Water Source, gauge 40110008 has been replaced by gauge 401029.</p> | <p>The Plan Map now has a greater level of detail. For example, the Legend now defines Upper River Murray Water Source and two pairs of management zones. The reference gauge in Mannus Upstream Management Zone has been updated.</p> <p>Some towns and other features have been added or removed to make the map more informative.</p> |

Why we have made these changes

The *Water Sharing Plan for the Murray Unregulated River Water Sources 2011* was due to expire on 30 June 2022. The plan was extended for 2 years to give the department time to replace it. This is in line with the recommendation of the Natural Resources Commission’s review of the 2011 plan.

The process for changing water sharing plans

As well as the approval of the Minister for Water, replacing a plan requires the agreement of the NSW Minister for the Environment (this is known as ‘concurrence’). Consistent with section 9 of the *Water Management Act 2000* (the WM Act), when replacing a water sharing plan the ministers must:

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

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

- 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.

A draft replacement plan was placed on public exhibition from 9 October to 17 November 2023. During public exhibition 4 public information sessions in the form of one webinar and 3 face-to-face events were held. Sixteen submissions on the draft plan were received.

The department's Water group worked with colleagues in the department's Biodiversity, Conservation and Science group to develop the replacement plan before submitting the plan for the agreement and approval of the ministers.

More information

To read the *Water Sharing Plan for the Murray Unregulated River Water Sources 2024* and supporting information, visit the department's [water sharing plan status](#) website.