

# Changes to the Murrumbidgee regulated water sharing plan

## A summary of the changes made to the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016*

The NSW Government replaced or amended all water sharing plans for groundwater and unregulated river water sources within the Murray–Darling Basin on 1 July 2020. The NSW Department of Planning and Environment is now completing a similar process for regulated river sources within the Basin, including the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016*.

The department initially submitted the Murrumbidgee Surface Water Resource Plan to the Murray–Darling Basin Authority (MDBA) in June 2020 and resubmitted a revised water resource plan in September 2022. The department resubmitted the final draft of the amended regulated water sharing plan as part of this water resource plan. This included extra changes to those that were already proposed in June 2020. Table 1 details changes made in 2020 and 2022.

The NSW Government is submitting NSW’s water resource plans to the MDBA for accreditation. The changes to water sharing plans are part of this accreditation process. To learn more, refer to the section ‘Why we have made these changes’.

Table 1. Summary of changes to the *Murrumbidgee Regulated River Water Sharing Plan 2016*

Clause	Plan as submitted to MDBA in June 2020	Plan as amended in 2022	Basis for change
33 - Long-term average sustainable diversion limit	Only included subclause in reference to 6.05 of the Basin Plan 2012 (the Basin Plan) in relation to shared reduction.	We inserted a new subclause to also recognise adjustment of the sustainable diversion limit under section 6.05A of the Basin Plan.	Brings clause 33 in line with Basin Plan requirements.
36 – Action following non-compliance	No change at the time.	We have added that the department must consult the NSW Environmental Water Manager (EHG) before acting.	This allows EHG as well as water user representatives and the operator (WaterNSW) to have input before the department acts to address non-compliance with either the long-term average annual extraction limit or the long-term

			average sustainable diversion limit.
48 – access to uncontrolled flows	We have updated the provision on access to uncontrolled flows to make the intent of the rule clearer.	No further change.	This update ensures that the plan rules are consistent with current arrangements and that application of this rule is on an individual licence basis only.
58 – Billabong Creek end of system flow	We have added a subclause relating to end of system flows in Billabong Creek that makes explicit that the daily flow target at Darlot gauge does not include water use from orders and basic landholder rights downstream of the gauge.	No further change.	The plan previously did not make this requirement explicit.
64(3) –EWA crediting	We have removed operator discretion in relation to the crediting of EWA 2 from provisional storage volume 1.	No further change.	This change means that the operator will be required to deliver EWA water in line with procedures established by the Minister.
66 – Environmental Water Allowance (EWA) releases	We have changed the release rules for the EWAs to remove operator discretion.	No further change.	This change means that the operator will be required to deliver EWA water in line with procedures established by the Minister.
72 – Maintenance of water supply	No review provision included.	Allows for a review of the specified period of lowest accumulated inflows to the water source for system operation.	Requires a review to consider concerns about the drought sequence underpinning water sharing plan allocations and operations.  Provides for a possible future change if necessary to protect the critical needs of basic landholder rights, domestic and stock access licence holders and local water utility access licence holders.

76 – dam operation during flood

We have changed the provisions on dam operation during floods and spills to clarify that water must be spilled from the dam in a manner that will minimise downstream flood damage.

No further change.

This change aims to help minimise downstream flood damage from dam releases.

## Why we have made these changes

### The accreditation process for water resource plans

The NSW Government is working with the Australian Government to progress accreditation of NSW water resource plans. All state legislative instruments that form part of an accredited water resource plan, such as water sharing plans, must start before the water resource plan is accredited. NSW has been progressing the amendment of NSW water sharing plans submitted as part of the water resource plans. All groundwater and unregulated river water sharing plans within the Murray Darling Basin were replaced or amended on 1 July 2020.

The NSW Government originally drafted and publicly exhibited updates to the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016* as part of the Murrumbidgee Surface Water Resource Plan in 2019. We addressed issues raised relating to the water sharing plan and sought further feedback from the stakeholder advisory panel in March 2020. We then submitted a final draft of the amended water sharing plan to the MDBA for accreditation assessment in June 2020 as part of the water resource plan. For information on this process and documentation, visit the NSW Department of Planning and Environment’s website at [Murrumbidgee Surface Water Resource Plan - Water in New South Wales \(nsw.gov.au\)](https://www.nsw.gov.au/murrumbidgee-surface-water-resource-plan). This includes the June 2020 drafted water sharing plan and a summary of changes to the plan to that point.

As part of the accreditation process for water resource plans, the MDBA wrote to the NSW Minister for Lands and Water to advise on the outcomes of its assessment. The MDBA did not identify any issues that would result in further changes to the draft amended *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016* as submitted for accreditation. However, there were changes needed to other aspects of the water resource plan.

### The process for changing water sharing plans

Amending a water sharing plan requires the approval of the NSW Minister for Lands and Water and the agreement of the Minister for the Environment and Heritage. Consistent with section 9 of the *Water Management Act 2000* (the WM Act), when amending 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 order of their priority):

1. Sharing of water from a water source must protect the water source and its dependent ecosystems.
2. Sharing of 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 paragraphs (a) and (b).

The NSW Department of Planning and Environment's Water group worked with colleagues in the department's Environment and Heritage group to develop the amendments before submitting the plans for the agreement and approval of the ministers.

The amendments made to the water sharing plans:

- meet the requirements for the Basin Plan accreditation process
- simplify and modernise its drafting
- make the intent of some provisions clearer
- provide a legally robust plan.

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## More information

To read the water sharing plan and supporting fact sheets, visit

[www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/status/murrumbidgee-region/](http://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/status/murrumbidgee-region/).

To read the water sharing plan amendment protocol, refer to the fact sheet

[www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0004/509863/water-sharing-plan-amendment-protocol.pdf](http://www.industry.nsw.gov.au/_data/assets/pdf_file/0004/509863/water-sharing-plan-amendment-protocol.pdf).