

Changes to the Lachlan Regulated River water sharing plan

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

The NSW Government has amended the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016* (the plan) to update the access licence dealing provisions to clarify their intent and assist with implementation.

Note: These changes reflect the advice of the department’s legal team after their review of the plan.

Table 1 summarises these changes.

Table 1. Summary of changes to the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016* from the December 2022 version of the plan

Clause	Amendments proposed	Basis for change
47(1)c	Updates to the drafting of the assignment of rights dealings provisions.	<ul style="list-style-type: none"> To clarify intent and assist with implementation. To improve understanding and enforceability.
49(1)a	Updates to the drafting of the assignment of water allocations dealings provisions.	<ul style="list-style-type: none"> To clarify intent and assist with implementation. To improve understanding and enforceability.

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. While surface water trade rules are not considered as part of accreditation of water resource plans, all state legislative mechanisms that form part of an accredited water resource plan, such as water sharing plans, must start before the water resource plan is accredited.

The process for changing water sharing plans

Amending a water sharing plan requires the approval of the NSW Minister for Water and the agreement of the NSW Minister for Environment (this is known as ‘concurrence’). Consistent with

section 9 of the *Water Management Act 2000* (the WM Act), when the ministers amend 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):

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.

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

More information

To read the amended water sharing plan and supporting fact sheets, visit water.dpie.nsw.gov.au/plans-and-programs/water-sharing-plans/status/lachlan-region.

To read the water sharing plan amendment protocol, visit www.industry.nsw.gov.au/_data/assets/pdf_file/0004/509863/water-sharing-plan-amendment-protocol.pdf