

Changes to the Border Rivers regulated water sharing plan

A summary of changes made to the *Water Sharing Plan for the Border Rivers Regulated River Water Source 2021*

The NSW Government amended the *Water Sharing Plan for the Border Rivers Regulated River Water Source 2021* to include rules for floodplain harvesting (regulated river) access licences that are to be issued in the water source.

Table 1 summarises the substantive changes from the previous 2021 Border Rivers plan.

Table 1. Summary of changes to the *Water Sharing Plan for the Border Rivers Regulated River Water Source 2021*

Clause	Plan as made 2021	2022 Amendments as made	Basis for change
4	New note	We included a note to make clear that water extracted under a floodplain harvesting (regulated river) access licence is part of the water source.	Licensing of floodplain harvesting take
24A	New clause	We included a provision (legal condition) to facilitate floodplain harvesting licence share components.	Licensing of floodplain harvesting take
26, 27	New subclause	We added a provision to exclude exempt rainfall run-off or water taken under clause 43A when calculating long-term annual extraction or the long-term average annual extraction limit.	Licensing of floodplain harvesting take
33, 34, 39A	New clause	We added a provision to facilitate floodplain harvesting licence water determinations.	Licensing of floodplain harvesting take

Clause	Plan as made 2021	2022 Amendments as made	Basis for change
41A	New clauses	We included a provision to facilitate floodplain harvesting water supply works.	Licensing of floodplain harvesting take
42, 43	New clause	We included a provision to facilitate floodplain harvesting licence water allocation accounts.	Licensing of floodplain harvesting take
43A	New clause	We included a provision to allow for the taking of uncontrolled flows under a floodplain harvesting licence.	Licensing of floodplain harvesting take
43B	New clause	We included a provision to apply access rules to floodplain harvesting licences.	Licensing of floodplain harvesting take
49, 51, 53	New clauses	We included a provision to facilitate dealings for floodplain harvesting licences.	Licensing of floodplain harvesting take
65, 66	New clause	We included a provision to facilitate mandatory conditions for floodplain harvesting licences and water supply work approvals.	Licensing of floodplain harvesting take
70	New clause	We included a provision to allow us to make changes in the future for floodplain harvesting licences.	Licensing of floodplain harvesting take
Appendix 1	New appendix	We included a map to facilitate floodplain harvesting licences and water supply works.	New map

Clause	Plan as made 2021	2022 Amendments as made	Basis for change
Appendix 2	New appendix	We included a map to facilitate floodplain harvesting licences and water supply works.	New map

The process for changing water sharing plans

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

- take all reasonable steps to promote the water management principles of the 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 Act.

The water sharing management principles under s5(3) of the 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 amendments before submitting the plan for the agreement and approval of the ministers.

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/border-rivers-region.

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