

# Changes to the Lachlan regulated and unregulated water sharing plans

A summary of the changes made to the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016* and the *Water Sharing Plan for the Lachlan Unregulated River Water Sharing Plan 2012*

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 Lachlan Regulated River Water Source 2016*.

The department initially submitted the Lachlan Surface Water Resource Plan to the Murray-Darling Basin Authority (MDBA) in June 2020 and resubmitted a revised water resource plan in March 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 the changes made in 2020 and 2022. We made further changes to the unregulated water sharing plan to update cross referencing of clauses consistent with the updated Lachlan regulated water sharing plan and resubmitted it to the MDBA in June 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 *Lachlan Regulated River Water Sharing Plan 2016*

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
<b>29 - Long-term average sustainable diversion limit</b>	Only included subclause in reference to 6.05 of the Basin Plan 2012 (the Basin Plan) about 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 29 in line with Basin Plan requirements.

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
<b>32 - Action following non-compliance</b>	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 give 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.
<b>45 – Trigger and frequency of account reset</b>	We amended provisions to allow for account resets to occur only once Wyangala Dam is full or expected to fill from existing flows, and not at the commencement or maintenance of airspace operations. Once an account reset occurs, a period of at least 6 months must elapse before any additional resets are allowed.	No further changes.	Issues were raised during public exhibition with the previous reset rule including frequency of subsequent resets and the information used for determining available water determinations when airspace releases are made. This change provides more certainty to water users.
<b>45 – Evaporation reduction of general security accounts</b>	We included a provision that allows for the quarterly reduction of water in Lachlan general security accounts in proportion to the additional evaporation incurred in Wyangala Dam storage.	No further changes.	This change aims to reduce the volume of inactive water held in storage over time and return this volume to active users via available water determinations.

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
<p><b>49 – Trade across the mid-Lachlan trade barrier</b></p>	<p>We amended the trading rules to allow for temporary and permanent trades to occur up to 149 GL across the mid Lachlan trade barrier located at the Lake Cargelligo Weir.</p>	<p>No further changes.</p>	<p>This ensures compliance with Water Trading rules in the Murray-Darling Basin Plan, allowing for both the temporary and permanent trade markets to operate across the trade barrier while ensuring that trades do not result in overbank or transmission losses through the implementation of volumetric limits.</p>
<p><b>58 – Maintenance of water supply</b></p>	<p>No review provision included.</p>	<p>Allows for review of the specified period of lowest accumulated inflows to the water source for system operation.</p>	<p>Requires a review to consider concerns about the drought sequence underpinning water sharing plan allocations and operations.</p> <p>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.</p>

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
<b>60 – Reviewing trading in the Wallamundry/ Wallaroi System</b>	We have added a note to clause 60 that identifies known infrastructure constraints as a way to manage any impacts that future increases in extractions in this system may have.	No further changes.	Both Island Creek offtake (from the Lachlan River) and Wallamundry Creek offtake (from Island Creek) are constrained by infrastructures and have limitations on the maximum flow that can be diverted during high and low flows in the Lachlan River.
<b>Prohibiting granting of stock and domestic</b>	We changed the way the plan is operated to prohibit continued granting of Domestic and Stock (stock) access licences.	No further changes.	This change aims to manage the potential for growth in extractions and brings the plan in line with other inland regulated plans.

## 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 Lachlan Regulated River Water Source 2016* and *Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012* as part of the Lachlan Surface Water Resource Plan in 2019. We addressed issues raised relating to the water sharing plans and sought further feedback from the stakeholder advisory panel in March 2020. We then submitted final drafts of the amended water sharing plans 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 [Lachlan Surface Water Resource Plan - Water in New South Wales \(nsw.gov.au\)](https://www.nsw.gov.au/lachlan-surface-water-resource-plan-water-in-new-south-wales). 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 Lachlan Regulated River Water Source 2016* as submitted for accreditation. A small cross-referencing issue was identified in the *Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012* due to proposed amendments to the regulated river plan changing clause numbering. 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 changes 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/lachlan-region/](http://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/status/lachlan-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).