Compliance with water management principles – Amending the Water Sharing Plan for the Belubula Regulated River Water Source 2012

The NSW Government has amended the *Water Sharing Plan for the Belubula Regulated River Water Source 2012*. This document explains how the changes comply with the water management principles of the *Water Management Act 2000*.

Requirements for amending a water sharing plan

Amending a water sharing plan requires the approval of the NSW Minister for Water and the agreement of the NSW Minister for Environment. When amending a plan, Section 9 of the *Water Management Act 2000* (the WM Act) requires the ministers to:

- take all reasonable steps to promote the water management principles and
- give priority to the water management principles relating to water sharing in the order they are set out under s5(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 Minister for Water gained the agreement of the Minister for Environment to amend the *Water Sharing Plan for the Belubula Regulated River Water Source 2012*. In changing the plan, the ministers ensured that they promote the water management principles of the WM Act and prioritise its water sharing principles appropriately.

How water sharing in the plan protects water sources and dependent ecosystems

In the plan for the Belubula Regulated River water source, there are two key mechanisms for protecting the water source and dependent ecosystems:

- **Long-term average annual limits on water take**, which include the
  - NSW long-term average annual extraction limit for the water source

> – sustainable diversion limit for the related water resource plan area, established under the Murray–Darling Basin Plan 2012 through extensive, peer-reviewed scientific analysis.

> We have included both limits in the water sharing plan, which also contains provisions (legal conditions) to assess and ensure water users comply with these limits. On a long-term average annual basis, all water above these limits is protected for environmental benefit.

Specific, operational plan rules that aim to protect explicit ecosystem functions and/or environmental assets in the water source.

How water sharing in the plan protects basic landholder rights

The plan also protects basic landholder rights, allowing landholders to exercise these under Part 1 of Chapter 3 of the WM Act. The plan gives priority to current and future basic landholder rights by ensuring any compliance actions for extraction and diversion limits does not apply to these rights.

How we have promoted water management principles

The NSW Government has changed the plan to correct two discrete errors.

- to correct drafting errors from a previous amendment and allow for progression of accreditation assessment of the Lachlan Surface Water Resource Plan (SW10)

- to update the accounting provisions to clarify their intent and assist with implementation, and

- to add a new definition to the dictionary.

- clarify how take is treated for individual access licence accounts, including take from uncontrolled flows

- clarify the intent and assist with the implementation of the rules for uncontrolled flows under regulates river (general security) access licences

- include a definition of 'take limit'

Refer to the summary of changes fact sheet for more details.

In developing these rules, the NSW Government has taken all reasonable steps to promote the water management principles set out in the WM Act and to make the water sharing plan reflect these principles. Refer to the tables below for details. Principles that are not affected by this amendment are not included below. Where amendments are purely administrative drafting errors (cross referencing) these are not addressed below.

Table 1. How the plan amendments promote the water management principle of section 5(3) (a) – Sharing of water from a water source must protect the water source and its dependent ecosystems

How we have promoted the principle in Section 5(3)(a)	Relevant plan provisions (legal conditions)
• Account management rules and the access rules for uncontrolled flows under regulated river (general security) and regulated river (high security) access licences specified in the Plan. Amendment made to these rules (including addition of a definition of 'take limit') do not result in any change in allowed take, rather they clarify the intent of and assist with the implementation and enforceability of the specific rules.	Clauses 45, 47 and 48 Dictionary
• Water allocation dealing rules. Amendment of these rules to address a drafting error in the volume specified in the sub account of regulated river (general security) access licences assists with implementation and ensures the original intent of the rules in captured.	Clause 53(c)

Table 2. How the plan amendments promote the water management principle of section 5(2)(d) – The cumulative impacts of water management licences and approvals and other activities on water sources and their dependent ecosystems, should be considered and minimised*

How we have promoted the principle in Section 5(2)(d)	Relevant plan provisions
The plan manages cumulative impacts through:	See below
• Account management rules and the access rules for uncontrolled flows under regulated river (general security) and regulated river (high security) access licences specified in the Plan. Amendment made to these rules (including addition of a definition of 'take limit') do not result in any change in allowed take, rather they clarify the intent of and assist with the implementation and enforceability of the specific rules.	Clauses 45, 47 and 48 Dictionary
• Water allocation dealing rules. Amendment of these rules to address a drafting error in the volume specified in the sub account of regulated river (general security) access licences assists with implementation and ensures the original intent of the rules in captured.	Clause 53(c)

*Note Division 2 of Part 4 of Chapter 6 of the Basin Plan 2012 specifies the requirements for complying with the SDL

Table 3. How the plan amendments promote the water management principle of section 5(2)(g) – The social and economic benefits to the community should be maximised

How we have promoted the principle in Section 5(2)(g)	Relevant plan provisions
The Plan maximises the social and economic benefits to the community by:	See below

How we have promoted the principle in Section 5(2)(g)	Relevant plan provisions
• Account management rules and the access rules for uncontrolled flows under regulated river (general security) and regulated river (high security) access licences specified in the Plan. Amendment made to these rules (including addition of a definition of 'take limit') do not result in any change in allowed take, rather they clarify the intent of and assist with the implementation and enforceability of the specific rules.	Clauses 45, 47 and 48 Dictionary
• Water allocation dealing rules. Amendment of these rules to address a drafting error in the volume specified in the sub account of regulated river (general security) access licences assists with implementation and ensures the original intent of the rules in captured.	Clause 53(c)

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 protocol for changing water sharing plans, refer to the fact sheet www.industry.nsw.gov.au/__data/assets/pdf_file/0004/509863/water-sharing-plan-amendment-protocol.pdf