

# Changes to the Belubula Regulated River water sharing plan

## A summary of changes made to 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* (the plan) to:

- correct drafting errors from a previous amendment and allow for progression of accreditation assessment of the Lachlan Surface Water Resource Plan (Lachlan SW WRP)
- update the accounting provisions to clarify their intent and assist with implementation, and
- add a new definition to the dictionary.

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 Belubula Regulated River Water Source 2012* from the December 2022 version of the plan

Clause	Amendments proposed	Basis for change
37B(1)(b)	Amendment to change reference from clause 45 to clause 45(5).	<ul style="list-style-type: none"> <li>• Administrative change to correct a previous drafting error.</li> </ul>
41(1)	To change reference from subclause 4 to subclause 2.	<ul style="list-style-type: none"> <li>• Administrative change to correct a previous drafting error.</li> <li>• Required to enable accreditation of the Lachlan SW WRP.</li> </ul>
45	Updates to the drafting of the individual account licence management rules. Inclusion of former subclause 48(4), reworded as subclause 45(14).	<ul style="list-style-type: none"> <li>• Amends cross referencing errors to clarify how take is treated in individual access licence accounts, including take from uncontrolled flows.</li> <li>• Administrative changes to correct previous drafting errors.</li> <li>• To clarify intent and assist with implementation.</li> </ul>
47	Updates to the specific access rules for regulated river (high security) access licences when taking from uncontrolled flows.	<ul style="list-style-type: none"> <li>• To clarify intent and assist with implementation.</li> </ul>

Clause	Amendments proposed	Basis for change
48	Updates to the specific access rules for regulated river (general security) access licences when taking from uncontrolled flows. Removal of subclause 48(4) to clause 45(14).	<ul style="list-style-type: none"> <li>To clarify intent and assist with implementation.</li> <li>Improves understanding and enforceability.</li> </ul>
53(c)	Updated drafting of the access licence dealing rules.	<ul style="list-style-type: none"> <li>To clarify intent and assist with implementation.</li> <li>Improves understanding and enforceability.</li> </ul>
Dictionary	Inclusion of definition of 'take limit.'	<ul style="list-style-type: none"> <li>To clarify intent and assist with implementation.</li> </ul>

## 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 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 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):

- Sharing water from a water source must protect the water source and its dependent ecosystems.
- Sharing water from a water source must protect basic landholder rights.
- 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.

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## 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](http://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](http://www.industry.nsw.gov.au/___data/assets/pdf_file/0004/509863/water-sharing-plan-amendment-protocol.pdf)