

# Changes to the Macquarie and Cudgegong regulated water sharing plan

## A summary of the changes made to the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*

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 Government is now completing a similar process for water sharing plans for regulated river sources within the Basin, including the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*.

The department initially submitted the Macquarie-Castlereagh Surface Water Resource Plan to the Murray-Darling Basin Authority (MDBA) in June 2020 and resubmitted a revised water resource plan in September 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 summarises the Changes made in 2020 and 2022. As well as substantive changes, we updated the plan to simplify and modernise its drafting, make the intent of its legal conditions clear, and to make it legally robust.

The NSW Government is submitting NSW’s water resource plans to the Murray–Darling Basin Authority (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 *Macquarie and Cudgegong Regulated Rivers Water Sharing Plan 2016*

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
4	No change at the time.	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

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
<b>Part 2</b>	General revision of objectives, strategies and performance indicators	No further change.	Responds to Natural Resources Commission review recommendations to ensure better alignment between objectives and strategies, and to improve measurability
<b>25</b>	No change at the time.	We added a provision to facilitate floodplain harvesting licence share components.	Licensing of floodplain harvesting take
<b>27</b>	No change at the time.	We added a provision to exclude exempt rainfall runoff or water taken under clause 55 when calculating long-term annual extraction or the long-term average annual extraction limit.	Licensing of floodplain harvesting take
<b>31 – 33</b>	No change at the time.	We inserted new clauses to recognise adjustment of the Sustainable Diversion Limit under section 6.05A of the Basin Plan	Brings clause in line with Basin Plan requirements
<b>34</b>	No change at the time.	We added that NSW Environmental Water Manager (Environment and Heritage) must be consulted before we act.	Allows input from Environment and Heritage as well as water user representatives and the operator (WaterNSW) before taking action to address users not complying with either the long-term average annual extraction limit or the long-term average sustainable diversion limit (SDL)

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
34, 35, 40	No change at the time.	We added a provision to facilitate floodplain harvesting licence water determinations.	Licensing of floodplain harvesting take
43	No change at the time.	We included a provision to facilitate floodplain harvesting water supply works.	Licensing of floodplain harvesting take
44, 45	No change at the time.	We included a provision to facilitate floodplain harvesting licence water allocation accounts.	Licensing of floodplain harvesting take
55	No change at the time.	We included a provision to allow for the taking of uncontrolled flows under a floodplain harvesting licence.	Licensing of floodplain harvesting take
56	No change at the time.	We included a provision to apply access rules to floodplain harvesting licences.	Licensing of floodplain harvesting take
57, 58	No change at the time.	We added a new provision for the protection of active environmental water.	Licensing of floodplain harvesting take
60, 62, 64	No change at the time.	We included a provision to facilitate dealings for floodplain harvesting licences.	Licensing of floodplain harvesting take

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
67, 68	No change at the time.	We included provisions to transition from the translucent flow rules for Windamere Dam to an environmental water allowance for Cudgegong River from 1 July 2023.	Improved environmental outcomes
70	We updated the volume of the Cudgegong Environmental Water Allowance to 11.4 GL.	No further change.	The updated volume is based on the best available modelling information.
83	No change at the time.	This update requires a review of the specified period of lowest accumulated inflows to the water source for system operation.	<p>We must review the specified period of lowest accumulated inflows to consider concerns about the drought sequence underpinning water sharing plan allocations and operations.</p> <p>This provision allows us to make a 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>
84	No change at the time.	We included new subclauses to provide for replenishment flows in the Macquarie River below the Oxley Station gauge.	Ensures regular flows in the Lower Macquarie river for stock and domestic purposes
92	No change at the time.	We included a provision to facilitate mandatory conditions for floodplain harvesting licences and water supply work approvals.	Licensing of floodplain harvesting take

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
98	<p>We added amendment provisions to enable:</p> <ul style="list-style-type: none"> <li>a review of the storage trigger for releases and the volume of the Cudgegong Environmental Water Allowance</li> <li>the maximum daily flow of 1,500 megalitres per day for Cudgegong environmental flows to be increased if infrastructure is upgraded</li> </ul>	No further change.	The amendment provisions allow for plan rules to be updated in the future if needed.
99	No change at the time.	We included a provision to facilitate future amendments for floodplain harvesting licences.	Licensing of floodplain harvesting take
102	We updated the plan to allow us to make a change if total extractions reach the long-term average annual extractions, or long-term average SDL, when the total extractions are significantly less than those over the long term.	No further change.	This is subject to a review and has no effects on planned environmental water. This responds to perceptions that there is ‘under-use’ in the system.
Dictionary	We added more definitions to the dictionary.	No further change.	We needed to clarify existing and added terms
Schedule 1	No change at the time.	We added a new schedule with a map with management zones.	Licensing of floodplain harvesting take

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
Appendix 1	No change at the time.	We added a new appendix with a map to facilitate floodplain harvesting licences and water supply works.	New map
Appendix 2	No change at the time.	We added a new appendix with a map to facilitate floodplain harvesting licences and water supply works.	New map

## 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. Because of this, the NSW Government is changing NSW water sharing plans submitted as part of the water resource plans.

When the then NSW Government submitted the Macquarie-Castlereagh Surface Water Resource Plan to the Murray-Darling Basin Authority in June 2020, we also updated the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*. For more information on the process and documentation, visit the NSW Department of Planning and Environment’s website at [Macquarie-Castlereagh Surface Water Resource Plan - Water in New South Wales](#).

As part of the accreditation process for water resource plans, the Murray Darling Basin Authority has written to the NSW Minister for Lands and Water to advise on the outcomes of its assessment. The authority decided that no changes are needed to the Macquarie and Cudgegong Regulated River Water Sharing Plan as submitted for accreditation.

### 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/macquarie-castlereagh-region/](http://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/status/macquarie-castlereagh-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](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0004/509863/water-sharing-plan-amendment-protocol.pdf).