

Changes to the Gwydir regulated water sharing plan

A summary of the changes made to the *Water Sharing Plan for the Gwydir Regulated River 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 Gwydir Regulated River Water Source 2016*.

The department initially submitted the Gwydir 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. Along with the substantive changes, we also updated the Gwydir water sharing 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 *Water Sharing Plan for the Gwydir Regulated River Water Source 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 added 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
Part 2	General revision of objectives, strategies and performance indicators	No further change.	Responds to Natural Resources Commission's review recommendations to better align objectives and strategies, and to improve the ability to measure outcomes
25	No change at the time.	We added a provision (legal condition) to facilitate floodplain harvesting licence share components.	Licensing of floodplain harvesting take
27, 28	No change at the time.	We added a provision to exclude exempt rainfall run-off or water taken under clause 50 when calculating long-term annual extraction or the long-term average annual extraction limit.	Licensing of floodplain harvesting take
31 Long-term average sustainable diversion limit (SDL)	Only included subclause in reference to 6.05 of the Basin Plan in relation to shared reduction.	We inserted a new subclause to also recognise adjustment of the sustainable diversion limits under section 6.05A of the Basin Plan.	Brings clause 30 in line with Basin Plan requirements.
34, 35, 40	No change at the time.	We added a provision to facilitate floodplain harvesting licence water determinations.	Licensing of floodplain harvesting take

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
34 – Action following non-compliance	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 SDL
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
48	We updated supplementary water rules to account for water allocations traded both into and out of an account when making an announcement.	No further changes.	This change helps to make supplementary water announcement more accurate.
49	We updated the rule that manages water during very wet periods (300,000 megalitres flow over six months at the Yarram Bridge gauge).	No further change.	The update gives the option to direct supplementary water event volume not required for extraction, as well as the environment’s share of supplementary water event volume, away from the Gwydir wetlands for a specified time period.

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
50	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
51	No change at the time.	We included a provision to apply access rules to floodplain harvesting licences.	Licensing of floodplain harvesting take
52	No change at the time.	Protection of active environmental water	Licensing of floodplain harvesting take
55, 57, 59	No change at the time.	We included a provision to facilitate dealings for floodplain harvesting licences.	Licensing of floodplain harvesting take
68	We added a note to the clause relating to water delivery and channel capacity constraints.	No further change.	The note helps to provide clarity on operational processes.
65 – Maintenance of water supply	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 need to 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>

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
66	No change at the time.	We removed this clause.	We have set aside enough volumes of water for replenishment flow.
74, 75	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
80	No change at the time.	We included a provision to allow us to make changes in the future for floodplain harvesting licences.	Licensing of floodplain harvesting take
83	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
Appendix 2	No change at the time.	We added a new appendix including a map to facilitate floodplain harvesting licences and water supply works.	New map

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
Appendix 3	No change at the time.	We added a new appendix including 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 mechanisms 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 NSW Government submitted the Gwydir Surface Water Resource Plan to the Murray–Darling Basin Authority in June 2020, we also updated the *Water Sharing Plan for the Gwydir Regulated River Water Source 2016*. For information on the process and documentation, visit the NSW Department of Planning and Environment’s website at [Gwydir 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 Gwydir Regulated River Water Sharing Plan 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/gwydir-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.