

# Changes to the Belubula regulated water sharing plan

## A summary of the changes made to the *Water Sharing Plan for the Belubula Regulated River Water Source 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 Belubula Regulated River Water Source 2012*.

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 Belubula 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 changes drafted in 2020 and 2022 and enacted in 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 *Belubula 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>26 – End of system flows</b>	We have changed the end of system flow target for the water source to provide a seasonally appropriate flow by including a ‘wet’ and ‘dry’ trigger.	No further change.	This change better reflects the Belubula system and reduces the pressure on Carcoar Dam during dry periods.

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
<b>31 – Maintenance of water supply</b>	No review provision included.	Allows for review of the specified period of lowest accumulated inflows to the water source for system operation.	<ul style="list-style-type: none"> <li>Requires a review to consider concerns about the drought sequence underpinning water sharing plan allocations and operations.</li> <li>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.</li> </ul>
<b>36 - Long-term average sustainable diversion limit</b>	Only included subclause in reference to 6.05 of the Basin Plan 2012 (the Basin Plan) in relation to 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 36 in line with Basin Plan requirements.
<b>37B - 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 – account limit for general security accounts</b>	We have reduced the account limit for general security accounts from 130% to 110%.	No further change.	This means that less unused water is held in accounts and it can be made available in subsequent available water determinations. This is expected to help address the issue of underutilisation in the Belubula and increase available water determinations for general security licences.

Clause	Plan as submitted to the MDBA in June 2020	Plan as amended in 2022	Basis for change
<b>48 – Access to and accounting rules for uncontrolled flows</b>	We have added a trigger for access to uncontrolled flows which relates to the storage level in Carcoar Dam. We have also changed accounting rules for uncontrolled flows so that take is debited from allocation accounts.	No further change.	Part of the previous trigger was based on general security allocations. We have updated this to meet the intent for uncontrolled flow access that was established during the development of the water sharing plan without impacting on environmental flows.
<b>48(2)(b) - Protection of first flow after dry period. Resumption of flow</b>	We have added a rule to protect the first flow event after a dry period. .	No further change.	This provides for environmental outcomes by ensuring that a first flow event after a dry period is protected from take.

## 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 regulated 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 Belubula Regulated River Water Source 2012* as part of the Lachlan Surface Water Resource Plan in 2019. We addressed issues raised relating to the water sharing plan and sought further feedback from the stakeholder advisory panel in March 2020. We then submitted a final draft of the amended water sharing plan 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). 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 Belubula Regulated River Water Source 2016* as submitted for accreditation, though 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 plan:

- 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).