

## Summary of changes

### A summary of the changes made to the Water Sharing Plan for the Peel Regulated River Water Source 2022

The *Water Sharing Plan for the Peel Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* was updated as part of the Namoi Surface Water Resource Plan submitted to the Murray Darling Basin Authority in June 2020. Information on the process and documentation can be accessed on our website at [Namoi Surface Water Resource Plan - Water in New South Wales \(nsw.gov.au\)](https://www.nsw.gov.au/namoi-surface-water-resource-plan-water-in-new-south-wales).

The *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvial and Fractured Rock Water Sources 2010* was due to expire on 30 June 2020. The plan was amended and extended for a further two-year period to 1 July 2022 to allow for the Department to respond to the NRC review and to meet the requirements of the Basin Plan.

As part of the amendments to the *Water Sharing Plan for the Peel Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* the water sources were moved to other plans to align with the Basin Plan:

- *Water Sharing Plan for the Peel Regulated River Water Source 2010*
- *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012*
- *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020, and*
- *Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources 2020.*

NSW is currently working with the Commonwealth to progress accreditation of NSW water resource plans. It is important that all state legislative instruments that form part of an accredited water resource plan are commenced prior to the accreditation of the water resource plan to avoid any potential inconstancy between the accredited water resource plan and the state legislation. As such, NSW has been progressing the replacement or amendment of NSW 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. A similar process is now being undertaken for regulated river water sharing plans within the Basin.

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 their accreditation assessment. This assessment has not identified any issues that would result in a change to the Peel regulated river water sharing plan as submitted for accreditation.

Before the Minister for Lands and Water can replace or amend a water sharing plan under the provisions of the *Water Management Act 2000*, the concurrence of the Minister for the Environment and Heritage is required. Also, consistent with sections 9(1) and (5(3) of the Act, the Ministers must 'take all reasonable steps to do so in accordance with, and so as to promote, the water management principles of this Act', and in relation to water sharing observe the following priority order:

- a) sharing of water from a water source must protect the water source and its dependent ecosystems, and

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- b) sharing of water from a water source must protect basic landholder rights, and
- c) sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b).

DPE Water worked with its colleagues at DPE Environment Energy and Science prior to its submission for concurrence and approval by the Ministers.

The table below outlines the substantive changes from the previous 2010 plan as a result of both the Basin Plan accreditation process and approval of the 2022 replacement plan under the *Water Management Act 2000*. Note also that the plan has been updated to simplify and modernise its drafting, improve clarity the intent of the provision and to provide a legally robust plan. Work is ongoing to respond to recommendation made in the NRC review of the plan and further amendments may be likely to the plan to incorporate these recommendations in the future.

**Table 1. Summary of changes to the Peel Regulated River Water Sharing Plan**

Clause	Plan as submitted for accreditation by the MDBA in June 2020	2022 Plan as made	Basis for change
Part 2	General revision of objectives, strategies and performance indicators		Responds to Natural Resources Commission review recommendations to ensure better alignment between objectives and strategies, and to improve measurability
29, 30, 31 - Long-term average sustainable diversion limit	Inclusion of new clauses	29 (1) (d) inserted to recognise adjustment of the SDL under section 6.05A of the Basin Plan	Brings clause 30 in line with Basin Plan requirements
32 - Action following non-compliance	Addition	Included NSW Environmental Water Manager (EES) to be consulted before action taken	Allows input from EHG as well as water user representatives and the operator (WaterNSW) before taking action to address non-compliance with either the long-term average annual extraction limit or the long-term average sustainable diversion limit

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Clause	Plan as submitted for accreditation by the MDBA in June 2020	2022 Plan as made	Basis for change
43 – Assignment of rights dealings (within the water source or within a water management area)	Removal of clauses	43 (2) Conversion factor removed	The conversion factors for dealings for 710 is to be specified in the Access Licence Dealing Principles Order 2004
48 – Minimal Daily release	Inclusion of new clauses	Includes provision to allow for water to be released at a later time	Ensures planned environmental water is able to be provided at a later period if operational circumstances stop its release.
52 – Maintenance of water supply	Addition	Provides for review of the specified period of lowest accumulated inflows to the water source for system operation	Requires a review to consider concerns around the drought sequence underpinning water sharing plan allocations and operations.  Provides for a possible future amendment if required to protect the critical needs of basic landholder rights, domestic and stock access licence holders and local water utility access licence holders.
67 – Amendments relating to Part 10	Addition	Includes provisions to amendments relating to Part 10	Responds to Natural Resources Commission review recommendation and stakeholder feedback to manage available water determinations, extraction and variability
Dictionary	Includes additional definitions		Need to clarify existing/additional terms

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