

Summary of changes

A summary of the changes made to the Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2021

The *Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2019* was updated as part of the NSW Border Rivers 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 [NSW Border Rivers Surface Water Resource Plan - Water in New South Wales](#).

NSW is currently working with the Commonwealth to progress accreditation of NSW water resources plans. It is a requirement 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. 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 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 Border River regulated river water sharing plan as submitted for accreditation.

Before the Minister for 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 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
- 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).

DPIE Water worked with its colleagues at DPIE Biodiversity, Conservation & Science prior to its submission for concurrence and approval by the Ministers.

The table below outlines the substantive changes from the previous 2009 plan as a result of both the Basin Plan accreditation process and approval of the 2021 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.

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Fact sheet

Table 1. Summary of changes to the Border Rivers Regulated River Water Sharing Plan

Clause	Plan as submitted for accreditation by the MDBA in June 2020	2021 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
30, 31, 32 - Long-term average sustainable diversion limit	Inclusion of new clauses	30 (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
33 - Action following non-compliance		Included NSW Environmental Water Manager (EES) to be consulted before action taken	Allows input from EES 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
55 – Stimulus flow	Permits release of the stimulus flow outside of August – December window on advice to the Minister has considered advice from the NSW Environmental Water Manager on the need for such Extends the protection of the stimulus from the confluence of the Severn River and Frazers Creek downstream to confluence of Macintyre River and Dumaresq River		Optimises benefits of planned environmental water use

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Clause	Plan as submitted for accreditation by the MDBA in June 2020	2021 Plan as made	Basis for change
57 – Maintenance of water supply		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.
60		Reference to stimulus flow removed	Stimulus flow has its delivery priority set by clause 55 and therefore is not subject to cl 60
66 - General condition subclause (9)		New subclause (9) included to impose a mandatory condition on WaterNSW works approval to ensure the water supply system is operated in accordance with Part 10	Creates a legal requirement that WaterNSW complies with the system operational rules in Part 10
73		Specifies a process to be followed before amendments can be made to the Barwon-Darling flow targets	Government commitments to consider improvements to flow connectivity between the Barwon Darling and its tributaries

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Clause	Plan as submitted for accreditation by the MDBA in June 2020	2021 Plan as made	Basis for change
74	Provides for an amendment to facilitate total extractions reaching the long-term average annual extractions, or long-term average sustainable diversion limit, when the total extractions are significantly less than those over the long term		Subject to a review, and no impacts on planned environmental water, responds to perceptions around 'under-use' in the system
Dictionary	Includes additional definitions		Need to clarify existing/additional terms

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