Murray Lower-Darling water sharing plan amendments

A summary of the changes planned for the *Water Sharing Plan for the NSW Murray and Lower Darling Regulated Rivers Water Sources 2016* by December 2026

The NSW Government is proposing to amend the NSW Murray and Lower Darling Regulated Rivers water sharing plan for commencement by the end of 2026. The package is made up of three proposed amendments as summarised in Table 1.

The package is required to improve legal clarity for three environmental water issues in the Murray and Lower Darling regulated water sharing plan area. Two of the issues relate to existing practices that are already codified in other instruments. The third issue relates to implementation of a Basin Official Committee (BOC) commitment. The package is not expected to result in any impacts on licence holders as is detailed further in Table 1.

Including these amendments as part of a single package is an efficient way for the NSW Department of Climate Change, Energy, the Environment and Water (the department) to progress plan improvements. The proposed changes are consistent with the principles of the *Water Management Act 2000* (WM Act) and will improve the sustainability of water management in NSW.

Plans are proposed to be amended under sections 45 (1) (a) and (b) of the WM Act, which enable the Minister for Water to make changes to plans if it is in the public interest, or if the relevant plan provides for such an amendment. The Minister for Water must obtain the concurrence of the Minister for the Environment before making an amendment (section 45 (3) of the WM Act).

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Table 1 Summary of changes to the NSW Murray and Lower Darling Regulated Rivers Water Sharing Plan 2016.

Proposed change	Basis for change
North-South connectivity trial retail product: The proposal is to create a new specific purpose access licence (SPAL) to enable transparent management of environmental inflows to Menindee under the North-South Connectivity Trial. There is further information on the trial on our website: North-South Connectivity Trial.	The change is required to implement the trial, which has been approved by the Basin Officials Committee. The trial seeks to protect held environmental water recovered in the northern basin when it arrives in the Menindee Lakes. The trial will be implemented until 30 June 2028 and there will be opportunities for feedback on the trial as it progresses. The trial arrangements and the SPAL have both been designed to have no impact to existing water users.
Three Mile Creek replenishment flows: The proposal is to formally embed the long-standing practice, that has occurred since the 1970s, to provide bi-annual replenishment flows to Three Mile Creek from Lake Wetherell.	Inclusion in the water sharing plan improves transparency and legal clarity. These flows are required to meet local stock and domestic needs, given the Lake Wetherell dam wall has blocked these flows since construction. The flows also have environmental outcomes. The lack of legal clarity has caused recent delivery issues.
Protection of held environmental water inflows into the Murray water source The proposal is to reflect existing Prerequisite Policy Measures which recognise and protect environmental water inflows from the Murrumbidgee and Lower Darling into the Murray. The proposal also includes removal of NSW discretion over protection from the Lower Darling when Menindee Lakes is in NSW control.	Inclusion in the water sharing plan improves transparency and legal clarity. The change to remove discretion in the Lower Darling has been enabled by proposed updates to the Lower Darling TLM licence which is the largest general security licence in the Lower Darling Water Source. These updates will enable clearer management arrangements during drought. A separate fact sheet with further information on the proposed changes to the TLM licence conditions can be provided on request.

The process for changing water sharing plans

Amending a plan requires the approval of the Minister for Water and agreement of the NSW Minister for Environment (this is known as 'concurrence'). Consistent with section 9 of the WM Act, when amending a 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 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 points 1 and 2.

The department's Water Group works with colleagues in Conservation Programs, Heritage and Regulation (CPHR) Group to develop the amendments before they are submitted for approval of both ministers.