

Compliance with the ministers' duty under section 9 of the Water Management Act 2000 – making of the Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024

This document details how the ministers have promoted and given effect to the water management principles of the *Water Management Act 2000* in the making of the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024*

Making a water sharing plan requires the approval of the NSW Minister for Water and the agreement of the NSW Minister for Environment and Heritage. When making a plan, section 9 of the *Water Management Act 2000* (the WM Act) requires the ministers to:

- (a) take all reasonable steps to promote the water management principles and
- (b) give priority to the water management principles relating to water sharing in the order they are set out under s5(3) of the WM Act.

The water sharing management principles under s5(3) of the WM Act are (in order of priority):

- (a) Sharing water from a water source must protect the water source and its dependent ecosystems.
- (b) Sharing water from a water source must protect basic landholder rights.
- (c) Sharing or extraction of water under any other right must not prejudice the principles set out in points (a) and (b).

The Minister for Water obtained the agreement of the Minister for the Environment to make the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024* (the plan). In doing so, the ministers ensured that they promoted the water management principles of the WM Act and prioritised its water sharing principles in accordance with the WM Act.

How water sharing in the plan protects the water source and dependent ecosystems

In the plan, there are 2 key mechanisms for protecting water sources and dependent ecosystems:

- **Long-term average annual extraction limit (LTAAEL)** for the water sources. On a long-term average annual basis, all water above these limits is protected for environmental benefit.
- **Specific, operational plan rules** that aim to protect explicit ecosystem functions and /or environmental assets in the water sources. The tables below give details of these plan rules.

How water sharing in the plan protects basic landholder rights

The plan protects landholders' ability to exercise basic landholder rights by identifying the current and future requirements for water to satisfy basic landholder rights, and including rules to ensure the sharing or extraction of water under licences does not prejudice the exercise of basic landholder rights.

How climate change has been considered in replacing the plan

Water sharing plans are made for a period of 10 years, with plan review and remake providing an opportunity to apply an adaptive process to respond to climate change. Current climate change modelling does not provide a clear view on the likelihood or extent of change (which may be either wetter or drier) within the 10-year period of the plan in the area to which the plan applies. The plan provides for a number of circumstances and matters in relation to which the plan may be amended, and the Minister can amend the plan at any time with the concurrence of the Minister for the Environment, if it is in the public interest to do so, which enables the plan to respond to climate change impacts to the water sources.

There are also actions within the NSW Water Strategy and the Western Regional Water Strategy that will further integrate climate change considerations into the water sharing plan framework. Some of these include:

- Priority 4 in the NSW Water Strategy to increase resilience to changes in water availability due to climate variability and change. This includes the development of regional drought resilience plans, as well as the recognition of the need to develop a set of methodologies to incorporate climate risk into water sharing plan and water management decision making.

- Priority 3 in the Western Regional Water Strategy to improve connectivity across the northern Basin. More than 90% of flows in the Barwon-Darling come from upstream catchments. Modelling conducted for the Western Regional Water Strategy, show that under a dry climate future scenario the volume of inflows from the tributaries would reduce and there would be more times tributary flows do not connect with the Barwon-Darling. The Northern Basin Connectivity Program is progressing these connectivity improvements, including analysis to inform potential rule changes to water sharing plan flow targets. These aim to improve water flows across the connected catchments of the northern NSW Murray-Darling basin at important times to meet downstream environmental and human needs. This may result in changes to the Intersecting Streams Water Sharing Plan at some stage in the future.

The current plan has included provision to consider the outcomes of current review work for inland regulated river systems in relation to maintenance of water supply and then consider the review of rules for unregulated plans too.

As climate change work progresses, future water sharing plan reviews provide a structured and regular regulatory opportunity to assess and build in further mechanisms in response to these broader initiatives.

How the water management principles have been promoted and given effect

The NSW Government has taken all reasonable steps to act in accordance with and promote the water management principles of the WM Act in making the plan. Refer to the tables below for details.

Table 1. How the plan promotes the water management principles of section 5(2)(a) - water sources, floodplains and dependent ecosystems (including groundwater and wetlands) should be protected and restored and, where possible, land should not be degraded

How we have promoted the principle in Section 5(2)(a)	Relevant plan provisions
The plan aims to protect and restore water sources, floodplains and dependent ecosystems (including groundwater and wetlands) through the provision of water for the environment and contains rules:	n/a
<ul style="list-style-type: none"> • Specifying objectives, strategies and performance indicators that measure the effectiveness of plan rules. 	Part 2

How we have promoted the principle in Section 5(2)(a)	Relevant plan provisions
<ul style="list-style-type: none"> Establishing long-term average annual extraction limits (LTAAELs) which, on average, protect water above those limits for environmental purposes (that is, we are setting a limit on how much water users can take and setting aside the remaining water for the environment). 	Part 4, Division 2
<ul style="list-style-type: none"> Establishing cease to pump rules that limit access to unregulated flow events in the Narran River Water Source. These will protect a portion of natural flows. 	Part 6 and Schedule 1
<ul style="list-style-type: none"> Prohibiting the drawdown of pools or the taking of water when there is no visible flow to ensure pools are protected to provide refugia and habitat during dry times. 	Part 6
<ul style="list-style-type: none"> Prohibiting the construction of new surface water supply works within and 3 km upstream of a declared Ramsar wetland and within a regionally significant wetland (as determined by the Significant Wetland Map within the Plan). 	Part 7
<ul style="list-style-type: none"> Prohibiting trades into areas within or within 3 km upstream of a Ramsar listed wetland and into regionally significant wetlands to protect from the impacts of surface water extraction by restricting new development and extraction. 	Part 8
<ul style="list-style-type: none"> Prohibiting the construction of in-river dams in water sources that have been identified as having high environmental value. 	Part 7
<ul style="list-style-type: none"> Prohibiting the construction of new surface water supply works within the Paroo River and its tributaries within the Paroo River Water Source. 	Part 7
<ul style="list-style-type: none"> Prohibiting trade between water sources and management zones within the Plan area, protecting the environmental values of the water sources. 	Part 8

Table 2. How the plan promotes the management principles of section 5(2)(b) - habitats, animals and plants that benefit from water or are potentially affected by managed activities should be protected and (in the case of habitats) restored

How we have promoted the principle in Section 5(2)(b)	Relevant plan provisions
The plan protects and restores habitats, animals, and plants that benefit from water through water for the environment and the provisions set out above in Table 1.	See Table 1

Table 3. How the plan promotes the water management principles of section 5(2)(c) - the water quality of all water sources should be protected and, wherever possible, enhanced

How we have promoted the principle in Section 5(2)(c)	Relevant plan provisions
The plan aims to protect and enhance water quality by:	n/a
<ul style="list-style-type: none"> Setting limits on take from unregulated flows that can help manage water quality events in downstream connected water sources. 	Part 6, Division 4
<ul style="list-style-type: none"> Establishing the rules and arrangements for committing water as planned environmental water, which is not included in the LTAAEL. 	Part 4, Division 2

Table 4. How the plan promotes the water management principles of section 5(2)(d) - the cumulative impacts of water management licences and approvals and other activities on water sources and their dependent ecosystems, should be considered and minimised

How we have promoted the principle In Section 5(2)(d)	Relevant plan provisions
The plan manages the cumulative impact of licences through rules limiting total extraction. The LTAAEL and long-term average sustainable diversion limit (SDL) established by the plan protect water within the water sources for environmental purposes.	Part 4, Division 2
LTAAEL and SDL compliance provisions in the plan reduce water availability where the extraction limits have been exceeded.	Part 4, Division 2

How we have promoted the principle In Section 5(2)(d)	Relevant plan provisions
The plan limits the volume of water that can be taken from the water sources over a specified period by limiting the volume of water that can be debited from each account.	Part 6, Division 2
The plan prohibits the construction of in-river dams in certain water sources that have been identified as having high environmental value.	Part 7
The plan prohibits the construction of new surface water supply works within and 3 km upstream of a declared Ramsar wetland and within a regionally significant wetland.	Part 7
The plan prohibits trades into areas within or within 3 km upstream of a Ramsar listed wetland and into regionally significant wetlands to protect from the impacts of surface water extraction by restricting new development and extraction.	Part 8
Access licence dealing rules in the plan allow for a variety of dealings (trade) within specified environmental constraints.	Part 8

Table 5. How the plan promotes the water management principles of section 5(2)(e) and (f) - geographical and other features of Aboriginal significance and other features of major cultural, heritage or spiritual significance should be protected

How we have promoted the principle in Section 5(2)(e) and (f)	Relevant plan provisions
The plan specifies social, cultural and Aboriginal objectives, strategies and performance indicators, which will provide measurable evidence of whether outcomes have been achieved.	Part 2
The plan makes water available for Aboriginal cultural purposes via a specific purpose access licence category, which could be used to provide water for features of major cultural, heritage or spiritual significance.	Part 5
The plan provides for the recognition of native title determinations as they are made. It can be amended to refer to determinations of native title.	Part 3, Division 1 Part 10

How we have promoted the principle in Section 5(2)(e) and (f)	Relevant plan provisions
The plan gives priority to current and future basic landholder rights by targeting any extraction limit compliance actions to access licences. Basic landholder rights extractions can increase. Basic landholder rights include native title rights.	Part 3 and Part 4, Division 2
While planned environmental water rules may not target Aboriginal outcomes specifically, they provide flows which may also help to achieve Aboriginal cultural outcomes.	Part 4, Division 2 and Part 6

Table 6. How the plan promotes the water management principles of section 5(2)(g) - the social and economic benefits to the community should be maximised

How we have promoted the principle In Section 5(2)(g)	Relevant plan provisions
The plan maximises the social and economic benefits to the community and contains provisions:	n/a
<ul style="list-style-type: none"> Specifying economic and social strategies and performance indicators which will provide measurable evidence of whether outcomes have been achieved. 	Part 2
<ul style="list-style-type: none"> Defining an LTAAEL and a long-term average sustainable diversion limit which provides water for community and economic benefit. 	Part 4, Division 2
<ul style="list-style-type: none"> Establishing the volume of water that is credited to water allocation accounts and that can subsequently be debited under licences in a given period. 	Part 4, Division 1 Part 6, Division 2
<ul style="list-style-type: none"> Allowing a person to apply for a specific purpose access licence for Aboriginal cultural purposes. 	Part 5
<ul style="list-style-type: none"> Providing an exemption for in-river dams for town water supply purposes, where the plan otherwise prohibits their construction. 	Part 7
<ul style="list-style-type: none"> Providing rules for trade of licensed entitlement and account water to allow the market to drive improved economic outcomes and water dependent business to manage their own supply requirements and risks. 	Part 8

How we have promoted the principle In Section 5(2)(g)	Relevant plan provisions
<ul style="list-style-type: none"> Supporting social and community requirements by setting cease to pump rules which reserve water for basic landholder rights (including native title rights), domestic and stock needs and considers town water supplies. 	Part 6, Division 4

Table 7. How the plan promotes the water management principles of section 5(2)(h) - the principles of adaptive management should be applied, which should be responsive to monitoring and improvements in understanding of ecological water requirements

How we have promoted the principle in Section 5(2)(h)	Relevant plan provisions
The Natural Resources Commission audits and reviews the plan at 10-year intervals, to inform whether the plan rules are being applied and remain fit for purpose.	WM Act sections 43A and 44
The Minister may amend a plan if satisfied it is in the public interest to do so.	WM Act section 45
The plan includes a set of objectives, strategies, and performance indicators. Monitoring of these indicators could trigger an earlier review of the plan, if necessary.	Part 2
Mandatory metering and reporting requirements will inform the implementation of the plan rules and protect water for the environment.	Part 9
The plan includes amendment provisions allowing for it to be changed under particular circumstances. This could be in response to monitoring or improvements in understanding of ecological water requirements.	Part 10

Table 8. How the plan promotes the water management principles of section 5(3)(a) - sharing of water from a water source must protect the water source and its dependent ecosystems

How we have promoted the principle in Section 5(3)(a)	Relevant plan provisions
The plan protects the water source and its dependent ecosystems by the provisions set out in Table 1.	See Table 1

Table 9. How the plan promotes the water management principles of section 5(3)(b) - sharing of water from a water source must protect basic landholder rights

How we have promoted the principle in Section 5(3)(b)	Relevant plan provisions
The plan establishes rules for making reduced available water determinations to ensure compliance with the LTAAEL and SDL.	Part 4
The plan sets cease to pump rules which prevent take of water under access licences but still allow access to water for basic landholder rights (including native title rights), domestic and stock needs and considers town water supplies.	Part 6, Division 4
The plan allows for the recognition of any current and future native title determinations.	Part 3, Division 1 Part 10

Table 10. How the plan promotes the water management principles of section 5(3)(c) - sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b)

How we have promoted the principle in Section 5(3)(c)	Relevant plan provisions
The rules set out in Tables 1–9 ensure the plan promotes and gives effect to the principles for the protection of the water sources and their dependent ecosystems and basic landholder rights.	All tables above.

More information

To read the water sharing plan and supporting fact sheets, visit the department’s [water sharing plan status webpage](#).

To read the manual for making water sharing plans, refer to the [published document](#) on the department's website.