

## Summary of changes

### A summary of changes made in the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024*.

The Minister for Water, with the agreement of the Minister for the Environment, made a replacement *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources* which commenced on 1 July 2024 and replaced the previous 2011 plan. The table below outlines the substantive changes from the previous 2011 plan. In drafting the replacement plan, the NSW Department of Climate Change, Energy, the Environment and Water (the department) also updated the plan to simplify and modernise its drafting, make the intent of its provisions clear, and improve its legal robustness.

Table 1. Summary of changes in the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024*

Clause in 2011 plan	Change in 2024 plan	Basis for change
<b>Part 1</b> <b>Introduction</b>	<p>The commencement date has been replaced with the new date of 1 July 2024.</p> <p>We changed the names of the management zones for the Narran River Water Source.</p>	<p>The commencement date has been changed to 2024 to reflect that the plan has been remade rather than amended.</p> <p>This means that the 2011 plan has been repealed, and in line with the <i>Water Management Act 2000</i> (WM Act), Section 43, the replacement plan will be in place for 10 years from the date of 1 July 2024, or until the end of June 2035 if the new plan commences after 1 July 2024.</p> <p>It should be noted that the plan can be amended, if necessary, within the 10-year term.</p> <p>To remove duplication of ‘zone’ from the management zone names.</p>
<b>Part 2</b> <b>Vision, objectives, strategies and performance indicators</b>	<p>We revised the vision, objectives, strategies and performance indicators.</p> <p>We made minor changes to reflect not all strategies may apply to the plan.</p>	<p>The Natural Resources Commission (NRC) recommended a review of this Part of the plan to strengthen monitoring, evaluation and reporting (MER) of the plan outcomes.</p>

Clause in 2011 plan	Change in 2024 plan	Basis for change
	<p>We added a requirement for the Minister to prepare a monitoring, evaluation and reporting (MER) plan. The MER plan is to be published by 30 June 2025 and each year the Minister is to publicly report on the implementation of the water sharing plan, including progress against the MER plan.</p> <p>Additionally evaluation reporting is to be undertaken by year nine of the water sharing plan.</p>	<p>More detail about the logical connections between plan vision, objectives, strategies, performance indicators and intended plan outcomes will be included in the monitoring, evaluation and reporting (MER) plan. The MER plan will provide details on monitoring, evaluation and reporting activities designed to meet the requirements of Part 2 of the water sharing plan within available resourcing.</p> <p>The annual reporting will provide transparency on the implementation of the MER activities, while the reporting in year 9 of the Plan will provide transparency on how the plan’s vision, objectives, strategies and performance indicators are being met. Objectives, strategies and performance indicators are consistent with other water sharing plans being remade.</p>
<p><b>Part 3</b> <b>Bulk access regime</b></p>	<p>We removed this section from the plan.</p>	<p>This provides no additional information than that already existing in the WM Act or elsewhere in the water sharing plan.</p>
<p><b>Part 4</b> <b>Planned Environmental Water provisions</b></p>	<p>We have distributed the planned environmental water provisions throughout the plan into Part 4 – Limits to the availability of water and Part 6 – Operation of water allocation accounts and managing access licences.</p> <p>The planned environmental water provisions are identified by clauses at the commencement of the relevant sections.</p>	<p>We have simplified the drafting of water sharing plans and have distributed the environmental water provisions throughout the plan rather than in a specific part for planned environmental water.</p> <p>The legal effectiveness of the provisions is unchanged.</p>
<p><b>Part 5</b> <b>Division 2</b> <b>Requirements for water under basic landholder rights</b></p>	<p>We updated licenced water requirements including, basic landholder domestic and stock rights.</p> <p>The native title determination for the Barkandji People (NCD2015/001 and NCD2017/001) is recognised.</p>	<p>The new basic landholder rights estimates are expressed in megalitres per year instead of megalitres per day and reflect updated land use since the 2011 plan commenced.</p>

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		A native title determination has been made in the plan area for the Barkandji People.
<p><b>Part 5</b> <b>Division 3</b> <b>Requirements for water for extraction under access licences</b></p>	<p>We updated licensed water requirements.</p>	<p>Reflects changes to licensed water entitlements since the 2011 plan commenced.</p> <p>The plan now more clearly identifies subcategories of domestic and stock access licences for town water supply.</p>
<p><b>Part 6</b> <b>Division 2</b> <b>Long-term average annual extraction limit (LTAAEL)</b></p>	<p>We updated drafting of the LTAAEL provisions and included a requirement to develop a numerical LTAAEL (an LTAAEL expressed as a specific volume of water).</p> <p>We added a requirement for the Minister to review the numerical LTAAEL, including seeking the advice of the NRC.</p> <p>We also added a requirement for the Minister to consider the “minimum inflow” review and enabled amendments to be made to the plan based on that review..</p>	<p>We have simplified the drafting of LTAAEL provisions and removed unnecessary detail.</p> <p>The development of a numerical LTAAEL implements a recommendation of the NRC and will enable better assessment of compliance with the LTAAEL. The review requirements will help ensure that the LTAAEL reflects a sustainable level of take.</p> <p>The requirement to consider the “minimum inflow” review will ensure that the findings of the review can be used to inform the rules in this plan.</p>
<p><b>Part 6</b> <b>Division 3</b> <b>Long-term average sustainable diversion limit</b></p>	<p>We updated drafting of the SDL provisions, but no material changes have occurred to this part.</p>	<p>We have simplified the drafting of SDL provisions, removed unnecessary detail and included references to appropriate sections of the <i>Basin Plan 2012</i> and the <i>Water Act 2007</i> (Commonwealth).</p>
<p><b>Part 6</b> <b>Division 4</b> <b>Compliance with extraction and diversion limits</b></p>	<p>We updated drafting of the LTAAEL and SDL compliance provisions, but no material changes have occurred to this part.</p>	<p>We have simplified the drafting of the compliance provisions and removed unnecessary detail.</p>
<p><b>Part 6</b></p>	<p>We made changes so that the plan requires the minister to consider making</p>	<p>A provision of a water sharing plan cannot require the minister to make certain AWDs</p>

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<p><b>Division 5</b> <b>Available water determinations</b></p>	<p>AWDs as set out in this part, rather than requiring the minister to make certain AWDs at a certain time.</p>	<p>at a certain time, as that is fettering the minister’s broad power in section 59 of the WM Act.</p>
<p><b>Part 7</b> <b>Rules for granting access licences</b></p>	<p>We removed provisions allowing granting of access licences under controlled allocations.</p> <p>We made changes to the Aboriginal cultural specific purpose access licence provision.</p>	<p>Section 65 of the WM Act provides for controlled allocations.</p> <p>The changes clarify that any secondary or incidental commercial benefit gained from take under an Aboriginal cultural access licences is permitted.</p>
<p><b>Part 8</b> <b>Division 2</b> <b>Flow classes and daily access rules</b></p>	<p>We removed total daily extraction limits (TDELs) and individual daily extraction limits (IDELs).</p> <p>We re-drafted the exceptions to access rules to include in-river and off-river pools.</p> <p>We removed A Class from the Flow Class table and moved the flow class table into a schedule.</p>	<p>TDELs and IDELs have not been established in this plan so the relevant provisions have been removed. However, an amendment provision to introduce individual daily extraction components (if required) has been retained. Cease to pump rules are the primary tool for protecting low flows and the review of these rules will be the focus when replacing plans.</p> <p>Exceptions updated to exempt licences with draw down conditions from the no draw down rule for in-river and off-river pools.</p> <p>There are no A Class licences in the plan. We have simplified the drafting of water sharing plans, so that the flow class table is now Schedule 1.</p>
<p><b>Part 8</b> <b>Division 2</b> <b>Flow classes and daily access rules</b></p>	<p>We changed the access rules for the Narran River Water Source:</p> <p>Management Zone 1 from 0.45 m to 170 ML/day at the New Angledool #2 gauge.</p> <p>Management Zone 2 from 1.18 m to 115 ML/day at the Wilby Wilby gauge.</p> <p>Management Zone 3 from no visible flow to 10 ML/day at the Narran Park gauge.</p>	<p>In Management Zone 1, the existing rule could not be implemented because it was linked to a decommissioned river gauge. The intent of the original rule was to set access at 170 ML/day. The daily flow volume of 170 ML/day is now linked to an operational river gauge – New Angledool #2. This rule also protects low flows.</p> <p>In Management Zone 2, WaterNSW provided advice that they prefer to use daily flow volume readings rather than heights at the gauge for access rules</p>

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		<p>moving forward. 115 ML/day is estimated to be equivalent to 1.18 m at the Wilby Wilby gauge.</p> <p>In Management Zone 3, the existing rule did not provide protection for low flows/end of system flows to Narran Lake (internationally significant Ramsar wetland). The proposed access rule of 10 ML/day at Narran Park gauge will improve protection for low flow while also providing water for basic landholder rights.</p>
<p><b>Part 9</b> <b>Division 1</b> <b>Rules applying to water supply works</b></p>	<p>We have included a new rule that prohibits new surface water works within or 3km upstream of a Ramsar listed wetland and within regionally significant wetlands identified in the Significant Wetlands map unless, in the minister’s opinion, there will be no more than minimal harm to the wetland.</p> <p>We have more clearly defined the term ‘replacement water supply work’.</p>	<p>Prohibiting new surface water works within or upstream of significant wetlands aims to protect these wetlands from the impacts of surface water extraction. These rules will not apply to replacement works (as defined in the plan) that are within these distances.</p>
<p><b>Part 7</b> <b>Construction and use of water supply works</b></p>	<p>We have prohibited construction of in-river dams in third or higher order streams in water sources with high instream value (Culgoa River, Mooni River, Narran River, Paroo River and Warrego River Water Sources). An exemption for applications for in-river dams for town water supply purposes only will apply to these water sources.</p>	<p>The prohibition of in-river dams construction improves environmental protection for these water sources in accordance with section 5(3)(a) of the WM Act.</p> <p>The exemption will enable towns the flexibility to improve their security and reliability if required and recognises the priority actions in the NSW Water Strategy relating to town water supply.</p>
<p><b>Part 10</b> <b>Access licence dealing rules</b></p>	<p>We have removed 71U and 71V rules that permit interstate trade where there are agreements in place with other states.</p> <p>We have prohibited trades into areas within or 3 km upstream of a Ramsar listed wetland and into regionally significant wetlands.</p>	<p>These rules are not required in the water sharing plans. Interstate trade is governed by sections 71U and 71V of the WM Act.</p> <p>This rule aims to protect significant wetlands from the impacts of surface water extraction by restricting new development and extraction.</p>

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<p><b>Part 11</b></p> <p><b>Mandatory conditions</b></p>	<p>We have updated mandatory conditions.</p>	<p>To align with the Non-Urban Water Metering Framework and to simplify drafting. The non-urban metering policy was rolled out in the inland northern region on 1 December 2021.</p>
<p><b>Part 12</b></p> <p><b>Amendments of this plan</b></p>	<p>We have simplified amendment provisions.</p>	<p>Amendment rules have been limited to those that are possible under the WM Act, where there is a policy being developed that is well advanced that will require a change to the water sharing plan, or where an administrative change is required.</p> <p>Amendment provisions reflect potential changes including those resulting from climate change.</p> <p>The WM Act provides for amendment if:</p> <ul style="list-style-type: none"> <li>• in the public interest</li> <li>• required under the <i>Commonwealth Water Act 2009</i></li> <li>• required to give effect to a NSW Land and Environment Court decision, or</li> <li>• the water sharing plan allows amendment to those rules.</li> </ul>
<p><b>Schedule 1</b></p> <p><b>(Repealed)</b></p>	<p>The flow class table is now Schedule 1.</p>	<p>For improved readability of the plan and to align with other water sharing plans being remade at the same time.</p>
<p><b>Schedule 2</b></p> <p><b>Dictionary</b></p>	<p>We have re-ordered the plan schedules. Schedule 2 is now specifying the access licences used to take surface water that are exempt from cease to pump rules.</p> <p>The dictionary is now Schedule 4.</p> <p>We have clarified existing definitions and added new ones.</p>	<p>New terms have been added and unnecessary terms removed.</p>
<p><b>Schedule 3</b></p> <p><b>Access rule for unregulated river</b></p>	<p>We have changed the name of this Schedule and updated <i>Water Act 1912</i> licence numbers with <i>Water Management</i></p>	<p>All licences have now been converted to <i>Water Management Act 2000</i> licences</p>

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(special additional high flow) access licences	Act 2000 Water Access Licence numbers.	
<b>Schedule 4</b> <b>Access licences used to take surface water exempt from cease to pump rules</b>	<p>We have re-ordered the plan schedules. Schedule 4 is now the Dictionary.</p> <p>The 2011 Schedule 4 is now Schedule 2.</p> <p>We changed the name of the schedule to ‘access licences exempt from specified access rules’ and added water source and management zone columns to the tables.</p> <p>We updated <i>Water Act 1912</i> licence numbers with <i>Water Management Act 2000</i> Water Access Licence numbers.</p> <p>We included an additional Domestic and Stock (Town Water Supply) Access Licence.</p>	<p>To improve readability of the plan and align with the current plan template.</p> <p>All licences have now been converted to WM Act licences.</p> <p>The Domestic and Stock (Town Water Supply) Access Licence was not previously listed despite their exemption to the access rules.</p>
<b>Plan map</b>	We simplified the names of the Narran River Water Source Management Zones 1 – 3.	The changes to management zone names in the Plan Map legend is linked to changes made in Part 1 of the Plan.
<b>New wetland map</b>	A new map of internationally, nationally and regionally significant wetlands.	All wetlands identified in the Significant Wetlands Map will be protected by the rules in the plan. These aim to protect Ramsar, nationally and regionally significant wetlands from the impacts of surface water extraction by restricting new development and extraction in or upstream of these key assets. The map includes internationally, nationally and regionally significant wetlands.

## Why we have made these changes

The *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011* was due to expire on 30 June 2022. The plan was extended for a period of up to 2 years to give the department time to replace it. This was in line with the recommendation of the Natural Resources Commission’s review of the 2011 plan.



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## The process for changing water sharing plans

As well as the approval of the Minister for Water, replacing a plan requires the agreement of the NSW Minister for Environment (this is known as ‘concurrence’). Consistent with section 9 of the *Water Management Act 2000* (the WM Act), when replacing 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 their order of priority):

1. Sharing water from a water source must protect the water source and its dependent ecosystems.
2. Sharing 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.

A draft replacement plan was placed on public exhibition from 4 September 2023 to 13 October 2023. During public exhibition one face-to-face public information session and a webinar were held. Nine submissions on the draft plan were received.

The department’s Water group worked with colleagues in the department’s Biodiversity, Conservation and Science group (previously the Environment and Heritage group) to finalise the replacement plan before submitting the plan for the agreement and approval of the ministers.

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## More information

To read the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024* and supporting information, visit the department’s [water sharing plan status](#) webpage.