

# Government response to the Natural Resources Commission recommendations for the North Western Unregulated and Fractured Rock Water Sharing Plan

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This document outlines how the department has responded to the independent review of the Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2011 under S43A of the *Water Management Act 2000*.

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Water sharing plans are statutory instruments under the *Water Management Act 2000* (the WM Act). They prescribe how water is managed to support sustainable environmental, social, cultural and economic outcomes. They intend to provide certainty regarding rules for water sharing for water users over the life of the water sharing plan, which is typically 10 years, unless it is extended.

The Water Sharing Plan for the North Western Unregulated and Fractured Rock water Sources 2011 (the 2011 plan) commenced on 1 July 2011 and was due to expire in July 2021.

The Natural Resources Commission (NRC) has a role under Section 43A of the WM Act to review water sharing plans within five years of expiry and report to the minister on:

- the extent that the plan's water sharing provisions have materially contributed to the achievement of, or failure to achieve, environmental, social and economic outcomes
- if changes to plan provisions are warranted.

The [final review report \(PDF 2,214 KB\)](#) is available on the NRCs website.

The NRC may recommend extending or replacing the plans depending on its review findings. In this instance the NRC recommended replacing the 2011 plan by no later than 30 June 2024.

The recommendations and suggested actions arising from the NRC review and the status of the response to these actions by the Department of Climate Change, Energy, the Environment and Water – Water (the department) are listed below.

# NRC Recommendations

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## Recommendation 1

The Plan should be:

- a) extended for up to two years until 30 June 2024, to allow time to complete data collection and analysis
- b) replaced by 1 July 2024, supported by the completion of these recommendations.

### Department response to 2022 review

The replacement plan is scheduled to commence on 1 July 2024.

### Action taken to address NRC recommendation

Replacement plan, *the Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024*, made under section 50 of the *Water Management Act 2000* and commenced on 1 July 2024.

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## Recommendation 2

To adequately protect surface and groundwater sources and their dependent ecosystems, DPE-Water should:

- a) revise the North Western Water Source into four surface water sources in the remade Plan, aligned with the four drainage basins and calculate individual LTAAELs [long term average annual extraction limits] for each water source (including a minimal LTAAEL for the Cooper Creek Water Source)
- b) in the next five years, assess existing available information and collaborate with DPE - Environment & Heritage (DPE-E&H)<sup>1</sup> and the National Parks and Wildlife Service (NPWS) to complete targeted research (including gauging) into the Plan area's hydrology, environmental water requirements, hydrogeology, recharge rates and connectivity
- c) update groundwater source boundaries (including the definition of the Bancannia Trough) in the remade Plan based on contemporary evidence, and distinguish the Plan area from the GAB and GAB Shallow Plan areas
- d) identify and describe connectivity between water sources (including surface and groundwater, and interstate) and include common objectives for maintaining connectivity within the Plan, and between the Plan and the GAB and GAB Shallow plans.

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<sup>1</sup> Note: All references to the Department of Planning, Industry and Environment - Environment, Energy and Science, DPIE EES, the Department of Planning and Environment - Environment and Heritage Group or DPE EHG are referring to the NSW government Environment Group, which is currently known as the department's Biodiversity, Conservation and Science Group (BCS).

## Department response to 2022 review

- a) Disagree. The driver for reviewing water source boundaries or establishing separate LTAAELs is to enable management of different risks to ecological values or Basic Landholder Rights (BLR). The total volume of surface water rights in the North Western Water Source is estimated to be 787 ML/year, and well below the LTAAEL of 2859 ML/year. Of these rights, 680 ML/year are for domestic and stock BLR and there are three licences, one of which is for town water supply. There is no evidence to suggest the limited extraction occurring within the water source poses a risk to the waterways and their dependent ecosystems. The department's view is that changes to the surface water source boundaries would not improve water management in the water source at this time.
- b) Partially agree. Monitoring and analysis of the plan area's hydrology, environmental water requirements, hydrogeology, recharge rates and connectivity to evaluate plan performance is not currently planned for this Plan. The department is currently developing and testing an improved Water Sharing Plan Evaluation Framework to improve MER implementation. Any future monitoring in the plan area will be identified through this work.
- c) Partially agree. The department reviewed the groundwater source boundaries. The review considered the Bancannia Trough and connectivity between the North Western water source and those of the GAB and GAB Shallow Plans. The plan combines the three fractured rock groundwater sources into one - the North Western Fractured Rock Groundwater Source. The Bancannia trough lies within the groundwater source and is not specifically distinguished as recharge is shared between this and the surrounding rocks. Combining the groundwater sources recognises the common source of recharge and hydrogeological characteristics of the current groundwater sources, reduces administrative barriers and burdens, and enables coordinated management of the Bancannia Trough. Risks at a local scale are more appropriately managed through application of distance restrictions and new bore and trade assessments under the *Access Licence Dealings Principles Order 2004*.
- d) Partially agree. The department has considered surface water/groundwater connectivity as it relates to water sharing rules and arrangements. The groundwater sources are not highly connected to surface water generally. Where alluvial systems occur and are connected to surface water, rules apply that prevent the construction of works adjacent to streams and approval to construct any groundwater work considers potential impacts on surface water sources.

## Action taken to address NRC recommendation

The plan includes a revised boundary for the North Western Water Source to correct an error where the southern tip of the water source was omitted from the original water source boundary.

The plan combines the three fractured rock groundwater sources into one - the North Western Fractured Rock Groundwater Source. The Bancannia trough forms part of the groundwater source and is not specifically distinguished. Combining the groundwater sources recognises the common rainfall and hydrogeological characteristics of the current groundwater sources, reduces administrative barriers and burdens, and enables coordinated management of the Bancannia Trough. Risks at a local scale are more

appropriately managed through application of distance restrictions and new bore and trade assessments under the *Access Licence Dealings Principles Order 2004*.

Groundwater source definitions were also revised to provide clarity on the water covered by the plan. Supporting documents provide further details.

The background document for the plan describes groundwater layers and connectivity. Hydraulic connectivity between the fractured rock fold belts of the North Western Water Sharing Plan area and the sedimentary rocks of the Great Artesian Basin (GAB) is expected to be negligible. This is due to the physical properties of each formation including:

- a much tighter and compressed fracture system within the fold belts resulting in a much lower permeability which acts as a barrier to flow of groundwater from the GAB; and
- groundwater moves through horizontal layers with primary porosity of the GAB sedimentary rocks as opposed to the dipping (mainly non-horizontal) fracture systems aligned with the fold belt layers.

There is likely to be only minor movement of groundwater to the fold belts from alluvium associated with surface water systems within the plan area due to the relatively low permeability of the fold belt fractured rocks.

## Recommendation 3

To improve LTAAEL assessment and compliance, DPE-Water<sup>2</sup> should:

- a) estimate all forms of extraction and interception (including harvestable rights) in the Plan area in the next five years using best available techniques
- b) include amendment provisions in the remade Plan stating that the surface water and groundwater LTAAELs should be revised at Year 5 (using evidence from R 3(a))
- c) use the estimates from R 3(a) to assess LTAAEL compliance on a defined schedule from Year 5
- d) include a provision in the remade Plan requiring the Minister to consider using the precautionary approach and excluding the Plan's surface and groundwater sources from controlled allocation orders until further research has been completed (under R 2) and used to refine LTAAELs (in R 3(c)), and water has been provided for Aboriginal rights and access (in R 5).

## Department response to 2022 review

- a) Partially agree. The department acknowledges the importance of accurately estimating all forms of take for LTAAEL compliance assessment. A better understanding of harvestable rights would improve the overall estimate for BLR. However, any additional work in this area would need to be considered as part of the department's work priorities and broader work program. The department is working towards undertaking LTAAEL compliance assessments for unregulated water sources by developing a

<sup>2</sup> Note: All references to the Department of Planning Industry and Environment – Water, DPIE-Water, the Department of Planning and Environment – Water or DPE - Water refer to the NSW government Water Group, which is currently known as the Department of Climate Change, Energy, the Environment and Water – Water Group (DCCEEW - Water).

method to estimate extraction using remote sensing and other available data. The department aims to incorporate metering data as Non-Urban Metering Framework implementation progresses.

- b) Disagree. The department does not support the inclusion of a broad amendment provision to revise the LTAAEL. One objective of water sharing plans is to provide some certainty for 10 years. Given the very small amount of entitlement this plan area is unlikely to be a priority for future work in the next 5 years. It should also be noted that new drafting protocols require amendment provisions be specific and not open ended to provide certainty for water users.
- c) Agree. See above which outlines current work being undertaken by the department.
- d) Disagree. It is not appropriate to include provisions that fetter the Minister's decision-making powers under Section 65 of the WM Act. A plan may not place any restriction on that power unless the Act specifically provides that it may. In providing advice to the Minister on any controlled allocation order, the department would consider current levels of extraction and the environmental, social, economic and cultural water needs of the water source. The revised plan recognises the water assigned for Native Title rights and includes provisions for Aboriginal Community Development licences.

## Action taken to address NRC recommendation

The surface water Long term average annual extraction limit (LTAAEL) was revised based on runoff in the additional area added to the surface water source. This results in a 52 ML increase to the LTAAEL which changes from 2807 ML to 2859 ML.

The LTAAEL for groundwater was revised using the latest rainfall data. The extraction limit (60,000 ML/year) for the combined North Western Fractured Rock Groundwater Source is 1,689 ML/year more than the 2011 combined limits (58,311 ML/year) due to the extended mean annual rainfall data (up to 2019) and rounding of results.

The numeric LTAAEL must be further considered to determine a sustainable level of take (required considerations set out in the plan). Input from the NRC will be sought in relation to review of adequacy of calculations and method application for this work.

The department considered the effects of climate change on average annual rainfall. The NSW and ACT Regional Climate Modelling (NARClIM) indicates a potential change of between -5% to +5% in the average annual rainfall from the 1990- 2009 period to the 2020-2039 period, with variation across the region. Projected rainfall over the longer term shows increasing rainfall as monsoonal rains move further south. Given the small and variable anticipated annual change predicted over the 10-year period of the plan, we used the average annual rainfall up to 2019.

Additionally, the department will consider the outcomes of a current work program informing maintenance of water supply in inland regulated river systems. This is a key piece of work in relation to climate considerations within plans.

The revised plan includes provisions for Aboriginal Community Development licences.

## Recommendation 4

To support socioeconomic outcomes while ensuring the priorities of the Act are maintained, DPE-Water should:

- a) work with volunteer village committees during the Plan remake to define town water supply needs
- b) licence all villages' town water requirements identified in R 4(a) in the next two years and include these entitlements in the remade Plan
- c) consider all water-dependent activities when assessing economic benefits in the Plan area during the Plan remake, including tourism and amenity value
- d) retain trade rules in the remade Plan to protect high value water sources and ecosystems and support socioeconomic outcomes.

### Department response to 2022 review

- a) Disagree. Town water supply entitlement was not reviewed as part of plan replacement. However, the Safe and Secure Water Program is the government's key infrastructure program targeted at addressing priority town water security, water quality and environment (sewerage) risks in regional NSW. Where augmentations are required to address water security issues, that program is available to assist with funding to meet community and regulator requirements.  
  
The department's regional water utilities teams work closely with local water utilities and other organisations to assist with these discussions and negotiations. The outcomes may include ensuring work is undertaken to upgrade infrastructure or reviewing conditions on a licence.
- b) Noted. The plan identifies entitlements at the time of plan replacement. Town water supply entitlement was not predicted as part of plan replacement. If any entitlements are issued and the timing aligns with the remake of the plan these will be included in the plan, otherwise the plan may be updated when it is next remade or amended. Compliance with extraction limits considers all entitlements at the time of assessment.
- c) Agree. The department considered the best available social and economic information where changes to rules are proposed. Future plan replacements will be informed by the water sharing plan Evaluation Program currently in development.
- d) Agree. Trade rules were reviewed and retained unchanged. The groundwater source boundaries in the 2011 plan were a barrier to trade between areas of the same aquifers. Amalgamation of groundwater sources allows for trade between areas. Trades are assessed for potential local impacts prior to approval.

### Action taken to address NRC recommendation

Surface water trade rules in the plan have largely been retained however, we have prohibited trade into and upstream of significant wetlands to increase the level of environmental protection. Trade rules for groundwater have been modified to prohibit trade into waterfront land to protect these areas. We have broadened the opportunities to trade groundwater across the North Western Fractured Rock Groundwater

Source, opening economic opportunity. Environmental risks are considered when trade applications are assessed.

The Umberumberka Creek Reservoir is in the North Western Unregulated and Fractured Rock Groundwater Sources 2011 plan area, but the approval and WAL specify the Water Sharing Plan for the Lower Murray-Darling Unregulated River Water Source 2011. The department is correcting the licensing of Umberumberka Reservoir to ensure it is licensed under the North Western plan.

Limited social and economic data was available in this area. The available information was considered where relevant when assessing options to rule changes.

Local Government regulates private community water supplies and sewerage systems. The department's Regional Water Utilities Team provides technical support to councils. The Safe and Secure Water Program provides funding to local water utilities.

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## Recommendation 5

To better achieve the Plan's Aboriginal water objectives, DPE-Water should continue its current related work and:

- a) recognise in the remade Plan the native title rights of the Barkandji Traditional Owners in the Plan area, consistent with their native title determination
- b) consult with Traditional Owners, native title claimants, and other Aboriginal groups and knowledge holders to quarantine water allocations for future native title determinations or other cultural water access rights before releasing additional controlled allocations
- c) protect high value water dependent cultural assets in the remade Plan, by:
  - i. undertaking detailed engagement with Traditional Owners, native title claimants and other Aboriginal groups and knowledge holders to identify high value water dependent cultural assets in the Plan area and provisions to protect and support these assets
  - ii. reviewing existing provisions such as setback distances to consider if they provide appropriate protection, and revise if appropriate
- d) include provisions in the remade Plan to protect assets identified in R 5(c)(i), consistent with the existing amendment provision.

## Department response to 2022 review

### Agree.

- a) The Barkandji Native Title determination has been recognised in the draft plan. The revised plan reflects current Native Title determinations and can be amended to reflect the outcome of pending claims.
- b) Traditional Owners were contacted by the department in relation to the plan remake. The proposed replacement plan allows for application for specific purpose aquifer access licences of the category Aboriginal Community Development in the North Western Fractured Rock groundwater source. More broadly, the department understands the systems that enable water access to Aboriginal



stakeholders is, in many cases, prohibitively complex. As such, reviews of policy and licensing frameworks are currently underway.

- c) Aboriginal groups were consulted on protection of Aboriginal cultural assets. Plan provisions protect these with distance restrictions and the water supply work and trade approval process may impose conditions where they are required to protect these assets under the *Access licence Dealings Principles Order 2004*. A Regional Aboriginal Engagement team has been established with staff located across NSW. The focus of this team is ensuring comprehensive consultation with Aboriginal stakeholders, including in all water sharing plan processes.
- d) The plan retains provisions to amend and include additional Aboriginal cultural assets.

Overall. An Aboriginal Water Strategy is currently under development. The Strategy will commit the department to strategic directions and actions that ensure Aboriginal objectives and perspectives are recognised and incorporated into water management practices.

## Action taken to address NRC recommendation

The Barkandji Native Title determination in the plan area has been recognised in the replacement plan. The plan now reflects current Native Title determinations and can be amended to reflect the outcome of pending claims.

The replacement plan includes provisions for Aboriginal Cultural Development Licences in the North Western Fractured Rock Groundwater Source. The volume is limited to the requirement for the purpose of any licence applications.

To inform the reviews of policy and licencing frameworks for Aboriginal involvement in water management, a pilot Cultural Watering Plan program is underway. The program enables the department to gain better understanding the Cultural (and other) water needs of Aboriginal communities and highlights opportunities and barriers to achieving the desired outcomes. Insights from this program will be used to better inform policy and planning decisions to make water more accessible for Aboriginal people.

The Regional Aboriginal Engagement team is dedicated to improving consultation with Aboriginal stakeholders on water management and planning. The team have established 12 Regional Aboriginal Water Committees across NSW. The purpose of the committees is to give greater recognition to Aboriginal water rights and interests, ensuring Aboriginal people can contribute to water management. There are two committees in the far west of the state.

The department has committed to improving information provided to First Nations people about water management and access. Improved information and communication materials fosters informed participation in engagement processes and builds greater awareness for water access mechanisms. This is in line with the principles of free, prior and informed consent (FPIC) as outlined in the dept's Indigenous Cultural and Intellectual Property (ICIP) Protocol.

The Aboriginal Water Strategy is set to provide the strategic direction to the commitments made by the department. It is proposed to be guided by 4 key priorities:

- strengthen the role of Aboriginal people in water planning and management



- provide Aboriginal ownership of and access to water for cultural and economic purposes
- work with Aboriginal people to maintain and preserve water-related cultural sites and landscapes
- work with Aboriginal people to improve shared water knowledge and build capacity.

The co-design of the strategy will commence in early 2024 with Regional Aboriginal Water Committees and Peak Aboriginal Organisations. There will be an opportunity for the public to provide input mid-year, and the strategy is intended to be finalised by the end of 2024.

## Recommendation 6

To protect GDEs and associated values, DPE-Water should revise the list of high value water-dependent ecosystems and GDEs in the remade Plan using best available information, including:

- a) including internationally (Ramsar) and nationally listed wetlands
- b) reviewing the categorisation of the two listed karst environments and if required, amending access rules to align with other high value GDEs
- c) ensuring the Plan, GAB Plan and GAB Shallow Plan list all high value GDEs and high value water dependent ecosystems in the appropriate plan, and that definitions are consistent across plans
- d) investigating the groundwater dependency of significant wetlands in the Plan area to determine if setback distances in the Plan and GAB Shallow Plan are adequate to maintain and support their environmental values.

### Department response to 2022 review

High priority groundwater-dependent vegetation ecosystems have been identified and mapped based on the latest available information and method. This takes account of the probability of groundwater dependence and the ecological value of the groundwater-dependent ecosystems (GDE)s. See <https://water.dpie.nsw.gov.au/our-work/science-data-and-modelling/groundwater-management-and-science/groundwater-and-the-environment> for more information on how the department identifies high priority GDEs.

- a) Partially agree. The plan includes a new rule to prohibit new surface water works within and 3 km upstream of a RAMSAR wetland and within and 1 km upstream of a wetland listed on the Directory of Important Wetlands in Australia (DIWA) or scheduled in the plan. This rule improves protection for nationally and internationally significant wetlands in the plan area. Additional restrictions included in the new plan also prohibit new groundwater works on ‘waterfront land’ which, as defined under the WM Act, includes wetlands and all the waterfront land upstream of the wetlands.

There are both Ramsar and DIWA wetlands located in the northern section of the plan area within the buried portions of the fractured rock groundwater source. It is not appropriate to include these wetlands as high priority GDEs in the North Western plan as it is highly unlikely that they are dependent on groundwater within the North Western Fractured Rock Groundwater Source. These wetlands may however be dependent on water from the Great Artesian Basin (GAB) Shallow Groundwater Sources. GDEs in the *Water Sharing Plan for the NSW Great Artesian Basin Shallow*

*Groundwater Sources 2020* (GAB Shallow plan) have been identified and mapped based on the latest available information and methods, as discussed above.

Some of the Ramsar and DIWA wetlands and scheduled wetlands identified for the northern section of the North West plan area will also be the high priority groundwater-dependent vegetation ecosystems that have been identified and mapped in the GAB Shallow plan area. The GAB Shallow plan includes rules that limit new or amended works within restricted distances of high priority groundwater-dependent vegetation ecosystems. These rules apply subject to the department confirming the probability of groundwater dependence. This assessment is undertaken as part of the approval process to construct water supply works.

As such, wetlands that are also identified GDEs have appropriate distance rules applied under the GAB Shallow plan. Where identified wetlands in the North West plan are not also identified as a GDE in the GAB Shallow plan, the rule of no new groundwater works within waterfront land will apply, so a groundwater work could not be constructed in the middle of the wetland or within waterfront land upstream of it.

- b) Noted. The Mutawintji and Torrowangee karsts have been removed from the list of high priority GDEs in the plan area. While these areas are limestone deposits they are not confirmed as cavernous and therefore do not meet the department's high priority groundwater dependent criteria.
- c) Agree. Newly identified high priority GDEs have been listed in the plan consistent with the method used to identify these GDEs for the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2020* and the GAB Shallow plan.
- d) Partially agree. Setback distances are considered adequate to exclude take from areas which have a high probability of impacting on GDEs. The *Access Licence Dealings Principles Order 2004* ensures that any application for water supply works or bores are assessed and any potential local impacts are mitigated with conditions on licences and/or approvals.

## Action taken to address NRC recommendation

High priority groundwater-dependent vegetation ecosystems have been identified and mapped based on the latest available information and method. This takes account of the probability of groundwater dependence and the ecological value of the GDE. See <https://water.dpie.nsw.gov.au/our-work/science-data-and-modelling/groundwater-management-and-science/groundwater-and-the-environment> for more information on how the department identifies high-priority GDEs.

The plan includes a new rule to prohibit new surface water works within and 3 km upstream of a RAMSAR wetland and within and 1 km upstream of a wetland listed on the Directory of Important Wetlands in Australia or scheduled in the plan. The plan also prohibits new groundwater works on 'waterfront land' which, as defined under the WM Act, includes wetlands and the waterfront land upstream of these areas. These rules improve protection for nationally and internationally significant wetlands in the plan area.

The Mutawintji and Torrowangee karsts have been removed from the list of high priority GDEs in the plan area. While these areas are limestone deposits they are not confirmed as cavernous and therefore do not meet the department's high priority groundwater dependent criteria.

## Fact sheet

Ramsar wetlands and wetlands listed on the Directory of Important Wetlands in Australia located in the northern section of the plan area are more likely dependent on the Great Artesian Basin Shallow Groundwater Sources rather than the buried North Western Fractured Rock Groundwater Source. *The Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2020* includes rules that limit new or amended works within restricted distances of high priority groundwater-dependent vegetation ecosystems that are confirmed as having a high probability of groundwater dependence.

## Recommendation 7

DPE-Water should develop the Plan-specific MER plan by June 2024, publish it in conjunction with the remade Plan, and include a provision in the Plan requiring the MER plan to be implemented. The MER plan should identify feasible and appropriate resourcing to support ongoing MER activities in line with the NSW Water Strategy and should clearly articulate areas of priority for further research.

### Department response to 2022 review

Agree. The department is currently developing a Water Sharing Plan Evaluation Program that includes:

- Monitoring, Evaluation, Reporting and Improvement (MERI) framework
- A prioritisation tool
- Evaluation Methods Manuals, and
- Evaluation and Monitoring Plans.

The department is working with NSW agencies including the NRC to ensure an agreed approach to water sharing plan MER. Implementation of the framework will commence in 2024 beginning with evaluations for water sharing plans due to reach plan term in 2026/27.

### Action taken to address NRC recommendation

Implementation of the MER program will commence in 2024. This will clarify the roles and responsibilities, reporting requirements, governance arrangements and timeframes associated with the program. Social, economic and environmental outcome evaluation methods have been developed and applied to pilot surface water water sharing plans and reviewed by the NRC. Work has now commenced on expanding method statements to include groundwater specific components. NSW also undertook the first benchmarking survey to collect primary data that informs evaluation of social outcomes of water sharing plans. Data was collected from communities and water users across all water sharing plan areas.

The department, as part of plan provisions, has 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. Additionally, evaluation reporting is to be undertaken by year nine of the water sharing plan.

## Suggested Action A

DPE-Water should prioritise engagement with stakeholders to determine if the harvestable rights provisions in the Western Division are serving their intended purpose without compromising downstream stakeholders' basic landholder rights and water dependent values.

### Department response to 2022 review

Disagree. While a review of Harvestable Rights in coastal-draining catchments has recently been undertaken, there is no review for inland areas scheduled at this stage. Given the low average rainfall, flatter topography and unreliable river flows in the plan area any review and potential reduction of harvestable rights limits in the Western Division would seem unjustified as providing water for Basic Landholder Rights (BLR) is a priority under the WM Act.

The NSW Water Strategy includes an action to review the settings for domestic and stock rights. The department is currently undertaking consultation on domestic and stock use to gather further information which will inform how these rights are managed in the future. This may or may not include developing Mandatory Guidelines as provided for in Section 336B of the WM Act.

### Action taken to address NRC recommendation

No action taken.

## Suggested Action B

DPE-Water should support Local Land Services to seek funding for monitoring impacts of rangeland rehabilitation on catchment scale water movement. Results should be used to assess changes in water availability assumed under the Plan in R 2(b).

### Department response to 2022 review

Disagree. The department receives limited allocated funding to undertake MER through IPART. The department does not currently fund Local Land Services (LLS) to undertake monitoring programs. However, any information collected by LLS relevant to water sharing plans may be considered during future plan evaluations.

### Action taken to address NRC recommendation

No action taken.

## Suggested Action C

DPE-Water should work with road authorities in the Plan area to ensure that water extraction exempt from licensing under the Plan is consistent with Plan objectives.

## Department response to 2022 review

Disagree. Road authorities are exempt from holding an access licence under section 21 (1) and Schedule 4 Part 1 of the *Water Management (General) Regulation 2018*. This means change to the water sharing plan would not be effective in addressing concerns raised.

## Action taken to address NRC recommendation

The department has further investigated this matter as part of the review of the *Water Management (General) Regulation 2018* and are considering options.

## Suggested Action D

DPE-Water should liaise with Essential Water and Silverton Village Community Committee regarding Umberumberka Reservoir's licence requirements in the next two years. The appropriate water supply works approval and licence should then be assigned and included in the remade plan (see R 4(b)).

## Department response to 2022 review

Partially agree. Essential Water is responsible for Silverton's water services. Any changes to how Umberumberka Reservoir or licensed entitlement is used would be informed by Essential Water's strategic service planning. Any changes to entitlement amounts would be updated as the timing aligns with this or future plan remakes.

## Action taken to address NRC recommendation

Licensing of Umberumberka Reservoir is being reviewed by the department as a result of the changes to the surface water boundary.

## Suggested Action E

DPE-Water should clearly describe town water arrangements in the remade Plan's supporting documents, recognising village committees' local water management responsibilities, all town water sources and entitlements to improve transparency for all parties.

## Department response to 2022 review

Partially agree. The replacement plan was updated with current entitlement figures. Additional background information has been prepared to explain the changes to water sharing arrangements made a part of the replacement process. Relevant information which was considered as part of the decision-making process was outlined.

## Action taken to address NRC recommendation

Figures in the plan have been updated where appropriate.

## Suggested Action F

The NSW Government should provide adequate funding and technical support through DPE Water (Utilities) to resource the management of town water in remote villages and achieve the Plan's social objectives.

### Department response to 2022 review

Agree. In October 2018 the safe and secure water program was relaunched with new program criteria designed to:

- prioritise projects that address the highest risks and issues for regional NSW water
- ensure a minimum level of service in smaller towns where the cost of critical infrastructure outweighs the economic benefits provided, and
- provide more flexibility by including non-infrastructure options, where this is cost-effective.

The department's Local Water Utilities Team provides technical support to local councils.

## Action taken to address NRC recommendation

No further action required.

## Suggested Action H

DPE-Water should engage with native title holders, village committees, pastoral representatives, Aboriginal groups, NPWS, Local Land Services, Regional Development Australia, Lake Eyre Basin Community Advisory Committee, South Australia and Queensland governments, and other relevant local stakeholders to inform the Plan remake and facilitate ongoing communication. This should be tailored to the engagement needs of the remote area.

### Department response to 2022 review

The draft water sharing plan and proposed changes were publicly exhibited between 30 June and 10 August 2023. The public exhibition was advertised online and WaterNSW customers as well as other stakeholders were contacted by mail. One webinar was held on 18 July, and this was considered the best option to ensure stakeholders over the large area would have an opportunity to hear about the plan and discuss any issues. The webinar was then available to view online, and stakeholders could contact the department to discuss or ask questions. Department staff met with the Barkandji Native Title Group Aboriginal Corporation in Broken Hill and Barkandji Traditional Owners in Menindee. The Tibooburra Local Aboriginal Land Council and Barkandji community at Wilcannia were not available to meet during the public exhibition period.

## Action taken to address NRC recommendation

The water sharing plan and proposed changes were publicly exhibited between 30 June and 10 August 2023. The public exhibition was advertised online and WaterNSW customers as well as other stakeholders were contacted by mail. One webinar was held on 18 July 2023. Department staff met with the Barkandji Native Title Group Aboriginal Corporation in Broken Hill and Barkandji Traditional Owners in Menindee. The Tibooburra Local Aboriginal Land Council and Barkandji community at Wilcannia were not available to meet during the public exhibition period.