

Government response to the Natural Resources Commission recommendations for the Intersecting Streams Unregulated River Water Sharing Plan

This document outlines how the department has responded to the independent review of the Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011 under S43A of the *Water Management Act 2000*.

Water sharing plans (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 plan, which is typically 10 years unless it is extended.

The *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011* (the initial plan) was due to expire 30 June 2022.

The Natural Resources Commission (NRC) has a role under Section 43A of the WM Act to review 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](#) 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. Note that the NRC's review also included recommendations for the Lower Murray Darling unregulated water sharing plan. Only recommendations relevant for the Intersecting Streams plan are listed in this document.

NRC Recommendations

Recommendation 1

The plans should be:

- a. extended for a further two years until July 2024, to allow time to complete data collection and analysis
- b. replaced by July 2024, supported by the completion of the recommendations of this review.

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 Intersecting Streams Unregulated River Water Sources 2024* made under section 50 of the *Water Management Act 2000* and commenced on 1 July 2024.

Recommendation 2

When remaking the plan, to enhance cross border management of flows, the NSW Government should:

- a. leverage existing governance arrangements between NSW, Australian and Queensland governments to establish agreed end of system flow targets to protect nationally significant and Ramsar wetlands and Darling River water sources
- b. incorporate requirements for flow targets consistent with the Plan/s environmental objectives
- c. ensure that if allowed in the future, any upstream trading, including interstate trades, does not disadvantage the environment or water users in the section between where the water is traded from and where it is traded to.

Department response to 2022 Review

- a. Partially agree. NSW will continue to work with Qld to implement all relevant Intergovernmental Agreements applicable to the Intersecting Streams Water Sharing Plan area. The Commonwealth Environmental Water Holder has recovered significant volumes

of water in Queensland to meet environmental needs in the Basin. It has delivered flows to Narran Lakes in recent years to target important environmental outcomes in the Ramsar wetland. As opportunities arise to co-develop rules to protect these shared water resources, they will be investigated.

- b. Partially agree. Access rules for the water sources in the Intersecting Streams water sharing plan will be reviewed as part of the replacement process, particularly for Narran Lake and Paroo River as they contain Ramsar wetlands. It should be noted however that management in these areas is limited by available infrastructure.
- c. Agree. Interstate dealings remain prohibited within the water sharing plan area unless administrative arrangements have been agreed to and implemented by NSW and Queensland. Currently, there are no administrative arrangements in place as there is not enough demand to justify developing such arrangements.

Action taken to address NRC recommendation

- b. In the Narran River Water Source – the following changes to Management Zones 1, 2 and 3 have been implemented.
 - o Management Zone 1 - access rule changed from 0.45 m to 170 ML/day at New Angledool #2 gauge. The existing rule couldn't be implemented as it referenced a decommissioned river gauge.
 - o Management Zone 2 - access rule changed from 1.18 m to 115 ML/day at the Wilby Wilby gauge. This change is an equivalent reading from a height at the gauge to a daily flow volume based on advice from WaterNSW.
 - o Management Zone 3 - access rule changed from no visible flow to 10 ML/day at the Narran Park gauge to improve environmental benefits to the river system and Narran Lake and provide water for BLR.

The review of access rules in the Paroo River Water Source determined that the existing rules provide adequate protection and remain appropriate. The existing active river gauge is considered inappropriate to link to access rules and risk to the environment from extraction in this water source is rated as low or tolerable, therefore no change to rules was proposed.

- c. Interstate trade remains prohibited within the water sharing plan, however the wording has been simplified because Interstate trade (71U and 71V dealings) is governed by the WM Act.

Recommendation 3

When remaking the plans, to ensure all extraction under the plans is managed to protect, preserve, and maintain the water sources and dependant ecosystems, the Department of Planning, Industry and Environment - Water (DPIE-Water¹) should:

- a. ensure interception on the floodplains for both plans is assessed and accounted for within the LTAAEL
- b. ensure the total take is sustainable at the appropriate scales within the plans and based on best available information, including current knowledge regarding ecological requirements
- c. ensure there is no growth in overall take by establishing and publishing sustainable, numeric LTAAELs, and undertaking the required compliance assessments against LTAAELs.

Department response to 2022 Review

- a. Agree. The interception of water from the floodplain is managed and accounted for within the Long Term Average Annual Extraction Limit (LTAAEL) and Sustainable Diversion Limit (SDL) in the Intersecting Streams Plan area. Interception of water from the floodplain is accounted for under unregulated river access licence share component in the Intersecting Streams. This is because unregulated entitlements originally issued under the volumetric conversion process represented all forms of water consumption without regard to how the water was physically taken. This means this form of water take is considered in the LTAAEL calculation as part of section 19 (a) an estimate of the average annual extraction under entitlements of the replacement Plan.
- b. Partially agree. The Basin Plan sets an environmentally sustainable diversion limit for each SDL resource unit. NSW water resource plans demonstrate that the SDL has been complied with and, where it has not, what action must occur to ensure extraction is reduced below the SDL. This is a requirement of the Basin Plan. The Intersecting Streams unregulated plan was amended in 2020 to include provisions to calculate the SDL, ensure compliance with the SDL and explain how the SDL is assessed and what compliance action will occur if the limit is exceeded. The Basin Plan used the best available information at the time to develop the SDLs for each valley. Any review of extraction limits would need to be undertaken

¹ Note: All references to the Department of Planning Industry and Environment – Water, DPIE-Water, the Department of Planning and Environment 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).

within the framework of the Basin Plan and would likely coincide with a review of sustainable diversion limits for the Intersecting Streams Water Resource Plan.

- c. Partially agree. As part of the development of implementation programs for the unregulated water sharing plans, the department will consider methods for assessing compliance with extraction limits, including developing procedures. This will include estimating annual take by basic landholder rights. We note the need for this estimate to be current in these water sources. The implementation of the 2018 Metering regulations will significantly improve the Department's Unregulated LTAAEL and SDL compliance regime. The Basin Plan requires NSW to undertake annual SDL reporting for all SDL resources units. The MDBA will provide transparent and timely accounts of all water take in the Basin through the establishment, maintenance, and publication of the Register of Take. Murray Darling Basin Authority will report the status of SDL compliance in its annual water take reports. The coastal sustainable extraction limit project is reviewing extraction limits in unregulated and alluvial systems along the coast. The methods and outcomes of the project will be reviewed and where appropriate applied in the inland unregulated systems, in conjunction with any Basin Plan related changes.

Action taken to address NRC recommendation

- c. Estimates of basic landholder rights have been updated in the 2024 plan. The department is also undertaking two pilot unregulated LTAAEL compliance assessments in the Lachlan and Richmond catchments. The method uses the best available information, including remote sensing data, and will be reviewed to include metering data when available. Pending the outcomes of the pilots, the method will be applied to other unregulated water sources. The department has consulted with the NRC on the project plan and intends to consult further on the pilot results, when complete.

The department has included a provision in the plan for publication of numeric LTAAELs. Based on this information the department may amend the plan to include the numeric LTAAEL. Additionally, this 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.

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.

Recommendation 4

When remaking the plans, to improve protection of the water sources and their water dependent ecosystems, DPIE-Water should:

- a. ensure that the replacement Intersecting Streams plan includes provision requiring active management, including protection of licenced environmental water from Queensland entering the Intersecting Streams and the Warrego River into and through the Barwon-Darling River.
- b. update the Intersecting Streams plan objectives to specifically refer to the maintenance of the ecological character of Ramsar listed sites (Narran Lake and Paroo River Wetlands)
- c. verify the need to raise pumping thresholds for management zones in the Narran River Water Source to adequately protect ecosystems in line with the Intersecting Streams Long Term Water Plan and revise the Intersecting Streams Plan rules as needed.
- d. include rules coordinated with Queensland in the Intersecting Streams plan for the protection of critical flows for sustaining water levels in Narran Lakes for waterbird breeding events. This should consider maximum interflow periods and the development of end of system flow targets (see Recommendation 2).

Department response to 2022 Review

- a. Not actioned. The Intersecting Streams water sharing plan currently includes an amendment provision to implement active management. It is intended to consider how best to protect environmental water (which may also include Queensland Held Environmental Water) in the Intersecting Streams unregulated water sharing plan as part of the replacement process. However, it should be noted that due to the relatively small amount of extraction and lack of active flow gauges it is unlikely 'active' management of environmental flows will be recommended.
- b. Disagree. The objectives of the plan were updated (in 2020) to be more defined and to clearly distinguish between the environmental, economic, social and Aboriginal objectives. The objectives have been made consistent across plans and do not specify local assets.
- c. Partially agree. Cease to pump thresholds in the Narran River water source will be reviewed as part of the Intersecting Streams water sharing plan remake. Review of cease to pump thresholds will consider a range of scientific information including Environmental Watering Requirements described in the Long Term Water Plan (LTWP), where appropriate. However, LTWPs aren't designed to develop water sharing rules, they are required under the Basin Plan to implement the Basin Watering strategy. They prioritise ecological assets and

include targets which inform the management of water across the Basin, particularly for watering with environmental water 'held' by NSW and Commonwealth environmental water managers. In many cases it is not appropriate to align access rules in unregulated water sources with EWRs as they are not achievable under 'baseline' conditions. There would likely be significant impacts on licence holders in unregulated systems where water has not been recovered and cannot be managed to achieve EWR targets. Often EWRs are either absent or defined in a manner that is not measurable in these areas. It is also difficult to align CtP rules with EWRs in unregulated systems as there is generally limited gauging and a lack of flow information.

- d. Disagree. Access rules for the water sources in the Intersecting Streams water sharing plan will be reviewed as part of the replacement process. This will include review of cease to pump thresholds for the Narran River water source. Review of rules in this water source may also consider other options for protection of flows into Narran Lake, if appropriate. It should be noted that the management of Qld Held Environmental Water is a matter for Commonwealth Environmental Water Holder.

Action taken to address NRC recommendation

- a. The rules to implement active management to protect Queensland Held Environmental Water (HEW) have not been included in the replacement plan for Intersecting Streams for several reasons:
 - a risk assessment conducted by the department found the risk to HEW from extraction is low, with a low-moderate risk when flows are predominately HEW
 - there are significant gauging limitations in the NSW Intersecting Streams, specifically a lack of gauges and low reliability of some existing gauges outside of the Culgoa River and Narran River Water Sources
 - detailed operational modelling is needed to support implementation of active management. Models currently in existence for this area do not have the requisite modelling capability and require further development
 - existing legislative mechanisms (S 324) could be used to protect HEW, if required.

Held Environmental Water has been accounted for since July 2021 from the Warrego, Lower Balonne (including the Nebine), Moonie and Qld Border Rivers. A method is currently being developed to calculate Held Environmental Water volumes moving through the Intersecting Streams to protect this HEW once it enters the Barwon-Darling River. Once a method has been developed the Active Management Procedures Manual

for the Barwon-Darling Unregulated Rivers Water Source will be updated to include the Queensland HEW in the definition of Active Environmental Water.

- b. Changes have been made to the Vision, Objectives and Performance Indicators in the replacement Plan. However, references to valley specific assets have not been included based on advice from Parliamentary Counsels Office.
- c. Changes to access rules have been made in the Narran River Water Source in Management Zones 1, 2 and 3. Please see the changes for Recommendation 2 for the full explanation.
- d. Access rules in management zone 3 have been changed from no visible flow to 10 ML/day at the Narran Park gauge to improve environmental benefits to the river system and Narran Lake and provide water for BLR. In addition new rules to better protect significant wetlands are included in the replacement plan to prohibit new surface water works into and 3 km upstream of internationally significant (Ramsar) wetlands and into regionally significant wetlands. This rule will not apply to replacement water supply works. Trade into these wetlands is also prohibited. Trade within these wetlands will be allowed between licences/works within the same significant wetland.

Recommendation 5

When remaking the Plan, to clarify environmental flow management for the Toorale National Park and State Conservation Area (Toorale) property, DPIE-Water should:

- a. Include flow targets that clearly state the minimum contribution of flows from the Warrego to the Darling River (at Louth) before releasing flow to the Western Floodplain. The flow target should be consistent with the Operating Strategy for Toorale water infrastructure.
- b. include environmental and cultural objectives associated with Toorale water management in the Plan
- c. recognise the difference in held environmental water from flows onto the Toorale Western Floodplain as planned environmental water, linking this environmental water provision to measurements at Boera Dam.

Department response to 2022 Review

- a. Disagree. The management of HEW purchased from Toorale is a decision for the Commonwealth Environmental Water Holder (CEWH), in collaboration with DEECCW

Biodiversity, Conservation and Science which will be guided by the LTWP. Modelling work is being undertaken to determine how much water was historically taken under the original licence and how much water naturally moves onto the western floodplain during higher flow events. This will enable the new water infrastructure project for Toorale to be licensed appropriately and ensure any changes to water sharing rules have minimal impact on downstream users. This may also require a review of flow targets on water access licences associated with Toorale.

- b. Disagree. The objectives, strategies and performance indicators have been revised to more clearly distinguish between the environmental, economic, social/cultural and Indigenous cultural objectives of the water sharing plan. It would be inappropriate to include objectives for Toorale in the water sharing plan, as entitlement is held by the CEWH who will make annual decisions about how the water is used. The objectives for the new infrastructure project would be a key component of the Environmental Watering Plan developed as part of the project.
- c. Partially agree. The water sharing plan replacement process will consider if it is appropriate to include rules in the plan to formalise water sharing and operational arrangements for Toorale. Further work to define the water (that is not Held Environmental Water) diverted on to the floodplain will be undertaken.

Action taken to address NRC recommendation

- a. and c. The Toorale Modelling Steering Committee (DCCEEW Water Group and Biodiversity, Conservation and Science) was established and completed modelling analysis to support the development of the Toorale Water Infrastructure Operating and Maintenance Plan. This modelling confirmed most water going to the Western Floodplain is naturally occurring and new infrastructure at Toorale does not detrimentally impact river flows or increase diversions beyond the licensed entitlement. No more water than allowed by the entitlement will be diverted by the modified infrastructure at Toorale and the volumes of water that could be diverted under access licences can still be delivered. Flow events are managed in accordance with the Toorale Water Infrastructure Operating and Maintenance Plan (OMP) which provides the framework for the operation and maintenance of water infrastructure on the property. It is a condition on their water supply work approval that they operate their infrastructure in line with the Toorale Water Infrastructure OMP which was developed and reviewed by BCS in consultation with CEWO and other relevant stakeholders. No additional changes were required to be made to the replacement water sharing plan in relation to Toorale.

- b. Changes have been made to the Vision, Objectives and Performance Indicators in the replacement plan however references to Toorale have not been included based on advice from Parliamentary Counsel's Office.

Recommendation 7

When remaking the plan, to ensure town water supply needs are adequately accounted for, DPIE-Water should:

- a. consult with local stakeholders regarding local water utility entitlements to determine if town water supply has been accurately provided for
- b. include all the town water supply entitlements in the Plan remake and ensure that the operating arrangements are transparent.

Department response to 2022 Review

- a. Disagree. Town Water Supply (TWS) requirements are not reviewed as part of replacement. 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, which can include new or enhanced environmental flow conditions where appropriate. 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. Partially agree. All entitlements figures including local water utility entitlements, will be updated when the water sharing plan is replaced. Consideration will be given to including operating arrangements if TWS is augmented and new access conditions are required.

Action taken to address NRC recommendation

- e. Changes have been made to Part 3, Division 2 of the replacement plan to more clearly identify domestic and stock licence subcategories. This clearly identifies share components of domestic and stock (subcategory town water supply) access licences, of which there are 312 ML/year. There are zero ML/year share components for local water utility access licences in the replacement plan.

Recommendation 8

When remaking the plans, to better achieve the Aboriginal water objectives, DPIE-Water should:

- a. ensure that consultation is undertaken to understand specific needs of the Aboriginal communities where there are Native Title determinations, applications and Indigenous Land Use Agreements (ILUAs)
- b. allow sufficient time and ongoing resourcing for meaningful engagement with a range of Aboriginal Traditional Owners, groups and knowledge holders including Aboriginal women, to better understand the water values and uses, identify the rules to protect them, and support water access and use in plan amendments
- c. use existing information to identify and protect known high value cultural sites in the replacement plans
- d. use Country-based plans and governance models as a basis for engagement and management where available and support ongoing country-based planning is supported by Government
- e. use the National Cultural Flows Methodology to identify, prioritise and support Aboriginal water values – build on any existing examples of cultural flows assessments available for the Plan areas
- f. ensure that where cancelled or surrender entitlements becomes available, that Aboriginal water needs are assessed and provided for as a priority – starting with the examples outlined in this review
- g. undertake detailed implementation planning for the State Water Strategy and Aboriginal Water Strategy that includes, at a minimum, state-wide actions identified by the Commission to better support Aboriginal values in water sharing plans.

Department response to 2022 Review

- a. Agree. The department, through the Aboriginal Water Program (AWP) intends to work more closely with NTSCORP (the Native Title representative body for NSW) and Native Title holders.
- b. Agree. The department through the AWP proposes to stand up a team of eight Aboriginal engagement officers to provide meaningful engagement with a range of Aboriginal Traditional Owners, groups and knowledge holders.
- c. Agree. The AWP is to develop an online keeping place for knowledge about Aboriginal water dependent cultural sites, where the existing and new information can be held. While

this information will not be available for consideration during the replacement of this plan, it will be an important piece of information as we replace or amend plans in the future.

- d. Agree. The AWP proposes to establish 12 regional Aboriginal water committees (RAWCs) across the state to inform and assist the department. The AWP also proposes commissioning six pilot Cultural Watering Plans (CWPs) in 2023.
- e. Agree. The AWP proposes to commission six pilot CWPs in 2023 to help identify, prioritise, and support Aboriginal water values. Four of those plans have already been completed.
- f. Agree. The department is currently developing a risk based framework for assessing how unassigned water is managed. The framework would inform how surrendered licences are managed, and if and when controlled allocations orders should be made. Aboriginal access to water rights for cultural and economic needs will be a key factor when assessing how these licences are managed in the future. The NSW Government has agreed in principle to the Inland Water target 15c in Closing the Gap which states that 'by 2031, 3% of national water access entitlement allocated to Aboriginal and Torres Strait Islander Corporations'.
- g. Agree. The Aboriginal Water Strategy engagement will commence in early 2024 and conclude late in 2024. The final strategy will include an implementation plan and state-wide actions.

Action taken to address NRC recommendation

The replacement plan can be amended to reflect the outcome of any pending and future Native Title claims, once determined.

The pilot Cultural Watering Plan program has commenced which will enable the department to gain a better understanding the Cultural (and other) watering needs of Aboriginal communities and highlight opportunities and barriers to achieving the desired outcomes. Insights from the pilot plans 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 has 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 is 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 of water access

mechanisms. This is in line with the principles of free, prior, and informed consent as outlined in the department's Indigenous Cultural and Intellectual Property Protocol.

Recommendation 9

When remaking the plans, to ensure the plans facilitate equitable sharing of water, DPIE-Water should:

- a. include objectives to provide for equitable sharing of water in both plans
- b. assess the risks associated with a reduction in water availability and potential for growth in use
- c. ensure that plan provisions clearly specify how any potential reductions will be fairly allocated consistent with the priorities of the [WM] Act
- d. include provisions to specify how any additional water that becomes available will be allocated.

Department response to 2022 Review

- a. Disagree. It is an object of the WM Act, Section 3(e) 'to provide for the orderly, efficient and equitable sharing of water from water sources'. The WM Act, its regulations and other statutory orders goes on to put a framework around the various sharing elements to achieve this. Water sharing plans are consistent with all these statutory requirements. The economic objectives and strategies in the water sharing plans have interpreted the objects by identifying the need to provide a stable and predictable framework for water sharing among water users, provide flexibility of access to water and by managing to the LTAAEL. The LTAAEL, sets sharing arrangements between the environment and the consumptive pool. Available water determinations and accounting rules set out sharing arrangements (including compliance actions when extraction exceeds plan limit) between licence categories.
- b. Agree. In the development of implementation programs for the unregulated water sharing plans, the department will consider methods for assessing compliance with extraction limits. This will include estimating annual take by basic landholder rights. We note the need for this estimate to be current in these water sources. The implementation of the 2018 Metering regulations will significantly improve the department's unregulated river LTAAEL and compliance regime. If allocations need to be reduced because of growth in use, this will be done in accordance with the rules in the plan which reflect the priorities of the WM Act.

- c. Agree. The plan clearly sets out the action to be taken if the LTAAEL is exceeded, which is consistent with the priorities of the WM Act.
- d. Disagree. Water sharing plans do not allocate additional water arising from surrendered or cancelled licences. These licences are held by the Minister for Water and managed under a separate process to determine if they should be re-allocated.

Action taken to address NRC recommendation

- b. see other action response for recommendation 3 for more detail on work undertaken to develop a method for assessing LTAAEL compliance in unregulated water sources.
- d. The department is currently developing a risk-based framework for assessing how surrendered licences are managed, including if and when controlled allocations orders should be made.

Recommendation 10

By June 2024, to improve plan based MER for both plans, DPIE Water should:

- a. expedite the finalisation and publication of DPIE Water's water sharing plan evaluation framework and methods manuals and ensure there is multi-agency support and oversight of their implementation
- b. identify feasible and appropriate resourcing to support ongoing MER activities in line with the NSW Water Strategy
- c. specify timely reporting requirements of the results of MER activities to support transparency, public awareness and adaptive management
- d. identify and address critical knowledge gaps to support adaptive management.
- e. use the recently developed prioritisation framework to prioritise MER activities based on values and risk. Clearly communicate how this framework interacts with monitoring plans and publicly report on where and why effort is being targeted.

Department response to 2022 Review

- a. Agree. The department is currently developing a NSW Water Sharing Plan Evaluation Program that includes;
 - i. Monitoring, Evaluation, Reporting and Improvements (MERI) framework
 - ii. Prioritisation tool

- iii. Evaluation Methods Manuals
- iv. Evaluation and monitoring plans

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

- b. Noted. The implementation of any Monitoring Evaluation and Reporting program is dependent on having a defined, long-term budget. While every effort to maintain a Monitoring Evaluation and Reporting program, the ability to implement aspects in a Monitoring Evaluation and Reporting plan is limited by resources.
- c. Noted. See response for a).
- d. Noted. See response for a).
- e. Noted. See response for a).

Action taken to address NRC recommendation

Implementation of the Monitoring Evaluation and Reporting 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 1

DPIE-Water should review the Macro Water Sharing Plans Approach for Unregulated Rivers Access and Trading Rules for Pools Policy to ensure that it requires that drawdown rules are assessed to

determine whether they are adequately protective of the water sources and their water dependent ecosystems to be consistent with the Act.

Department response to 2022 Review

Access rules will be reviewed as part of the replacement process. Any decisions to change water sharing plan rules will be informed by best available information, including High Ecological Value Aquatic Ecosystems assessments, and be consistent with the WM Act.

Action taken to address NRC recommendation

There are no licences with drawdown conditions in the Intersecting Streams water sharing plan area, therefore, no change was required to the plan. The existing rules that prohibit drawn down of pools were retained in the replacement plan.

Suggested action 2

The department of Planning, Industry and Environment - Environment, Energy and Science (EES)² should coordinate with the Commonwealth Environmental Water Holder (CEWO) to ensure there is a flow event-based report for:

- a. the progress of the Toorale Infrastructure Project
- b. flows through Toorale on an event basis to provide transparency regarding how these flows are being managed and associated outcomes.

Department response to 2022 Review

- a. and b. Noted. No action required by DEECCW Water Group. This suggested action can't be addressed through changes to the replacement plan and are a matter for Commonwealth Environmental Water Holder and DCCEEW - Biodiversity, Conservation and Science.

Action taken to address NRC recommendation

- a. and b. The management of flow events will be reported annually via the Department of Climate Change, Energy, the Environment and Water website as required by the licence/work approval conditions. The Toorale Water Infrastructure Operating and

² 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 DCCEEW Biodiversity, Conservation and Science Group.

Maintenance Plan is also available online. The Commonwealth Environmental Water Holder also reports annually on environmental watering (Held Environmental Water) for the Warrego Catchment (including on NSW Toorale water usage) on their website.

Suggested action 3

DPIE-Water should update the definition of active environmental water in the Water Sharing Plan for the Barwon Darling Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012 to include held environmental water from the Intersecting Streams (including from across the Queensland-NSW Border and from Toorale on the Warrego River).

Department response to 2022 Review

Disagree. Changes to the definition for active environmental water to recognise Queensland Held Environmental Water is not required in the Barwon Darling water sharing plan, as the current definition includes Held Environmental Water from upstream water sources. Implementation of active management will be considered during the replacement of the Intersecting Streams water sharing plan area and whether those changes would require changes to other water sharing plans.

Action taken to address NRC recommendation

See recommendation 4. Once this method has been developed and approved the Active Management Procedures Manual for the Barwon-Darling Unregulated River Water Source will be updated to include the Queensland Held Environmental Water in the definition of Active Environmental Water.

Suggested action 4

DPIE-Water should update the Active Management Procedures Manual for the Barwon-Darling to include held environmental water from water sources in the Intersecting Streams, including across the border from Queensland, as active environmental water.

Department response to 2022 Review

Agree. Procedures Manuals for Active Management are reviewed on an annual basis by WaterNSW. Changes to water sharing plans may require subsequent changes to the relevant procedures manual which will be undertaken in a timely manner to ensure the systems operations are consistent with the water sharing plan.

Action taken to address NRC recommendation

See response for suggested action 3 for details.