

Department of Climate Change, Energy, the Environment and Water

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What We Heard

Draft Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources
2024

January 2024





Acknowledgement of Country

The Department of Climate Change, Energy, the Environment and Water acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and waters and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Executive summary

Engagement at a glance



2

phone consultation



271

unique website visits



9

formal submissions



3

public information session attendees



1

live webinar attendees

About this document

The *Water Sharing Plan for Intersecting Streams Unregulated River Water Sources 2011* will expire in June 2024.

The Department of Climate Change, Energy, the Environment and Water (the department) publicly exhibited a draft replacement water sharing plan, providing an opportunity for water users, broader stakeholders and other interested parties to learn more about proposed changes, to make submissions and comment on the draft plan.

This report summarises how we engaged with communities, the key issues we heard and the next steps in finalising the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024*.

Background

The department is responsible for surface and groundwater management, including ensuring water security for NSW. We also ensure equitable sharing of surface and groundwater resources, and that water entitlements and allocations are secure and tradeable.

Water sharing plans are the primary legal framework for managing and sharing water in NSW. They are made under the NSW *Water Management Act 2000* and are valid for 10 years. The rules in the plans allow equitable sharing of water for all water users, including the environment.

They do this by:

- providing water for the environment by protecting a proportion of the water available for fundamental ecosystem health

- setting limits on the total volume water extracted to ensure security for the environment and water users
- protecting the water needed to meet basic landholder rights
- providing water users with a clear picture of when and how water will be available for extraction
- providing flexibility for licence holders in the way they can manage their water accounts
- specifying rules for the construction and use of water supply works to minimise impacts on in-stream ecosystems, basic landholder rights and town water supply
- specifying the rules for water trading, that is buying and selling water licences and water allocations
- setting the mandatory conditions that apply to licence holders.

Under the *Water Management Act 2000* water sharing plans are subject to review every 10 years and may be replaced to deliver better outcomes for all water users, including the environment.

Consultation

Consultation is an essential part of developing the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024*.

From 4 September 2023 to 13 October 2023 the draft replacement *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024* (the plan) was exhibited publicly.

We encouraged stakeholders to give feedback directly and through written submissions. Our website included a 'Have your say' section that gave people different ways to make a submission, including by email, direct mail and a downloadable feedback form.

The department received feedback from those who attended the one-on-one sessions, the public meeting held in Lightning Ridge, as well as 9 written submissions. The valuable feedback we received during the public exhibition period and through submissions has helped us finalise the draft replacement water sharing plan.

How did we consult?

Between 4 September 2023 to 13 October 2023, the department consulted with stakeholders and sought their views on the proposed changes to the plan. We identified stakeholders with a potential interest in the Plan. These included WaterNSW customers (water access licence holders and water supply work approval holders), environmental interest groups, Local Aboriginal Land Councils, community groups, farming groups and local councils/water utilities.

WaterNSW customers were contacted by mail (17 letters) and the department contacted other groups and individuals by email (190 recipients). Both these communications informed recipients of the plan replacement, ways to access information and inviting them to attend one of the public information sessions.

Two public information sessions were planned during the 40-day public exhibition period and included a webinar and a face-to-face information session with a plan specific presentation and communication material available. Department staff were in attendance to speak with stakeholders and answer questions.

Table 1 shows the location chosen for the face-to-face community information event.

Face-to-face meeting

We held one face-to-face stakeholder meeting during the 40-day public exhibition period where we presented the proposed changes to the plan. We used a presentation and discussion approach for the meeting where staff were available for 2 hours at the meeting location to discuss the plan changes and answer questions. Stakeholders could watch the presentation, gather printed information, inspect maps and discuss concerns one-on-one with staff or ask questions.

Table 1. Attendance at face-to-face meeting

Location	Date	Registered to Attend	Attended
Lightning Ridge	19 September 2023, 10am – 12pm	1	3

Webinar session

The department held a live webinar session using a virtual meeting platform. We presented the proposed changes to the plan and attendees could post questions in the live chat. We allocated time at the end of the presentation for clarification, questions and discussion.

Table 2 summarises the attendance at the webinar.

Table 2. Attendance at webinar

Location	Date	Registered to Attend	Attended
Webinar – Microsoft Teams	14 September 2023, 5pm – 6:30pm	2	1

Phone consultation

We held two phone consultations with stakeholders during the public exhibition period.

What we asked

The online submission form focused on the following key proposed changes between the 2011 plan and the 2024 plan:

- changes to the access rules in the Narran River Water Source in management zones 1, 2 & 3
- protection of significant wetlands.

Although these were the key issues, comments, and discussion on all aspects of the plan were welcome and encouraged.

What we heard

Stakeholders raised issues in consultation sessions, formal submissions and via correspondence. When reviewing whether or not issues raised were in or out of the scope of this consultation the department considered the following:

- Is the issue within the scope of the water sharing plan?
- Is the suggestion consistent with the *Water Management Act 2000*?
- Are existing programs/processes or other departments addressing the issue?
- Does it relate to water charges, costs, operational activities or licensing matters outside of the scope of the water sharing plan?
- Is it likely to affect water availability for basic landholder right users and licence holders, and if so, how?
- Can current legal mechanisms enable the change, or is legislative change required?
- Is it consistent with current policy settings, and if not, can we develop robust, alternative policies within the timeframe for developing the water sharing plan?
- Are there additional costs for the NSW Government?
- Can we investigate the issues within the timeframe for developing the water sharing plan?

Issues raised from public consultation that were out of scope of the water sharing plan, are summarised in Appendix 1. These issues will not be explored further as part of the replacement plan.

Key issues

We received feedback on the proposed changes during the consultation sessions and through submissions about the proposed rule changes. The feedback is summarised in Table 3 and is being considered to finalise the plan.

Table 3. Summary of submissions about the proposed rule changes

Issue	Comments
<p>Access rules in the Narran River Water Source: Management Zone 1</p>	<p>“... is supportive of adopting a daily flow volume to support implementation of the management zone 1 (Qld Border to New Angledool) access rule in the Narran River Water Source”.</p> <p>“The zone 1 significant pulse of flow should be protected before extraction or diversion from any zone may commence... The zone 1 pumping level should be raised above 170ML/day on the out-dated licences”.</p>
<p>Access rules in the Narran River Water Source: Management Zone 2</p>	<p>“... supports the Natural Resource Commission's recommended commence to pump rate of 126ML/day for Management Zone 2 (New Angledool to Wilby Wilby) in the Narran River Water Source, to ensure alignment with the Long Term Water Plan”.</p> <p>“The zone 2 rule should be lifted above 126ML/day to ensure significantly more water can reach and pass zone 3”.</p>
<p>Access rules in the Narran River Water Source: Management Zone 3</p>	<p>“The proposed change from visible flow to 10ML/day flow cease to pump rule in the Narran River Management Zone 3 is strongly opposed as it changes key access to water in a non-artesian bore area. This is considered a compensatory change”.</p> <p>“The proposed protection of only up to 10ML/day from use by licences in Management Zone 3 is quite inadequate. The zone 3 rule should be closer to 50ML/day”.</p> <p>“... is supportive of a change in access rules to protect low flows into Narran Lake. However, the CEWH supports the NRC's recommendation for the commence to pump rate be similar to zone 2 taking losses into account”.</p>
<p>Protection of significant wetlands</p>	<p>“... commend the list of significant wetlands included in schedule 4 and the inclusion of new rules to prevent trade and new works within or 3km upstream of Ramsar wetlands or within these significant wetlands”.</p> <p>“... supports the amendments to improve protection for significant wetlands within the Intersecting Streams WSP area, as previously recommended by the NRC”.</p> <p>“The draft plan should not include a "one size fits all" assumption relating to the huge diversity of "wetlands". The proposed changes appear to be an excessive change without case-by-case assessment and consultation. This change could make some licences totally unusable”.</p> <p>“This is a classical example of taking away long held rights which presumably have incurred annual fees without any consideration of compensation. This is unacceptable”.</p>

Issue	Comments
<p>Prohibiting in-river dams in 3rd order streams and above, with an exemption for town water supply</p>	<p>“... supports the proposed extension of the ban on new dams across 3rd order and larger streams to apply in the Moonie, Narran and Culgoa Water Source areas as well as the Paroo Water Source. We believe it should also apply to Yanda Creek”.</p> <p>“The proposed ban of new in-river dams in all water sources within the Plan area is strongly opposed as it reduces the ability to activate existing licences”.</p> <p>“We do not support the exemption for town water supply purposes. A policy for off-stream storages for town water supply is necessary to protect flow connectivity and important habitat values”.</p>

Other issues

During the consultation period many additional issues were raised. Some of the other issues raised that are within scope of the water sharing plan are:

- The implementation of active management within the Intersecting Streams plan area.
- The long term average annual extraction limit for the plan area needs to account for all forms of extraction including harvestable rights and diversion of overland flow.
- Consideration of a “first flush” rule or end of system flow rule to reconnect the Intersecting Streams water sources with the Darling/Baaka.
- The definition of planned environmental water needs to include the physical presence of water.
- The plan vision, objectives and performance indicators have been simplified compared to the former water sharing plan.
- Provisions for cultural flows are not included in the plan.
- Use the National Cultural Flows Methodology to identify, prioritise and support Aboriginal water values.
- The department needs to undertake meaningful engagement with a range of Traditional Owners and be ongoing to increase understanding of water uses and values.

Some of the issues raised during public exhibition are already addressed within the replacement plan and consideration will be given to how these can be better communicated.

Active management

The most commonly raised concern in submissions to the plan were about implementing active management in the Intersecting Streams plan area to protect held environmental water (HEW). We received multiple comments about this. They included:

- The replacement plan fails to include rules to protect HEW entering the plan area from Qld. We note that protection of HEW was a key recommendation of the NRC.
- Lack of protection and recognition of (Qld) gifted water is inconsistent with the Intergovernmental Agreement on Water Reform in the Murray–Darling Basin commitment to protect environmental water. The gifted should be protected under active management to help ensure that the Basin Plan environmental objectives are met.
- It is important that Commonwealth environmental water sourced from the Toorale licences is protected when it reaches the Darling River. This water needs to be protected to ensure that the Darling environmental demands are met.
- Requests to update the Active Management Procedures Manual for the Barwon-Darling and the water sharing plan to recognise this water.

Basic landholder rights

Another commonly raised concern in submissions to the plan was the updated estimate for basic landholder rights. Comments received about this included:

- The estimate of basic landholder rights has increased significantly from 6.73ML to 3,804.24ML
- how are the stock and domestic rights calculated and is that consistent with the existing plan?

The department has changed the time period used to estimate basic landholder rights in the plan. Previously it was a per day estimate, the (replacement) plan provides an annual estimate. The increase in the estimate is from 6.73ML/day (2,456ML/year) to 10.42ML/day (3,804ML/year) and is based on the latest methodology and most up-to-date information available.

The values for basic landowner rights have been estimated using both spatial and other data held by the department and the Australian Bureau of Statistics. The new estimates may differ from estimates in the current water sharing plans due to changes in land use, changes in population and the availability of more accurate spatial data. The methodology is described in Appendix 5 of the [Replacement Water Sharing Plan Manual](#).

Next steps

Feedback and issues raised within scope of the water sharing plan are considered by the department before recommending a replacement water sharing plan to the Minister of Water.

Before deciding to replace the plan, the Minister for Water must seek agreement from the Minister for the Environment. The department expects the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024* will be in force by 1 July 2024.

The department will publish a background document that will include a summary of the changes made because of public consultation.

More information

The draft *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024* and supporting factsheets, is available on the [department's website](#) until the new plan commences on 1 July 2024. After that date, the new plan and supporting information will be available [here](#).

Appendix 1: Out-of-scope issues

Managing water resources in New South Wales relies on a range of legislation, initiatives and cooperative arrangements with other agencies. Many issues that are out of scope of a water sharing plan are managed by other agencies, including some issues relating to:

- complying to plan rules
- assessing development applications
- the costs and process of obtaining water licenses and works approvals
- pollution and contamination of water sources.

Table 4 outlines the criteria for and examples of out-of-scope issues.

Table 4. Assessment criteria for identify whether an issue is out of scope

Assessment criteria	Comment/Example
Does the issue relate to water charges, costs, infrastructure proposals, operational activities or a licensing matter?	These are issues with the implementation and operation of water management that a water sharing plan cannot address
Is the issue about including descriptions or explanations within the Plan?	The water sharing plan is a legal document and states the rules relevant to water sharing. Other documents provide supporting information that describe how water is managed and how decisions have been made.
Is another program or process addressing the issue, or is it the responsibility of another department?	Proposed or current land development activities such as mine approvals, road tunnel developments or water pollution are managed under other legislation by other departments. The Access Licence Dealing Principle Order 2004 is the basis for assessing the local impacts of water extraction, when an applicant seeks approval to trade water or construct a new water supply work.
Does the issue require time and resources beyond the time frame to review the water sharing plan?	For example, a study on the effects of climate change in a particular water source.

Assessment criteria	Comment/Example
Is the issue consistent with the current legislative and policy framework?	A water licence is required for any activities that intercept or extract groundwater unless a valid exemption applies.

Table 5 summarises issues raised during public consultation that are outside of scope of the water sharing plan.

Table 5. Summary of submissions on out-of-scope issues

Issue	Comments
Infrastructure proposal (weirs)	<ul style="list-style-type: none"> In order for everyone to benefit from the precious resource that is water (water is life) the Darling has to have fitted at the best possible places "floodgate weirs", so in periods of high flow they can be operated and flushed and closed before the "rain event" is finished.
Other legislation impacting on dam and water supply work application processes	<ul style="list-style-type: none"> The potential impacts of any new in-river dams or other infrastructure on the environment including matters of National Environmental significance such as threatened and migratory species and the ecological character of the listed Wetlands of International Importance (eg. Narran and Paroo) would need to be assessed in accordance with the Environmental Protection and Biodiversity Conservation Act 1999 in addition to any requirements under relevant NSW environmental legislation. The CEWH supports the amendments to improve protection for significant wetlands within the Intersecting Streams WSP area. However, the CEWH notes that works beyond 3km upstream of a Ramsar site may have the potential to impact the environment and potential impacts of any works on any matter of National Environmental Significance need to be assessed under the EPBC Act.
Purchase or relinquishment of licences	<ul style="list-style-type: none"> No new restrictions should be imposed that may negatively impact the progress of a community driven initiative for the voluntary relinquishment of licences. NRC recommendations should not be considered until a community driven initiative for voluntary relinquishment of water access licences is finalised. If this initiative is adopted the water sharing plan should be reviewed again. The draft/final plan should be able to be reviewed in the event that the community driven initiative is adopted.