

Implementing water sharing rules in New South Wales

Departmental response to ICAC recommendation 5 - that the Department of Planning and Environment publishes a list of all water sharing plan rules that have not yet been implemented and develops and publishes timelines for implementing these rules.

We are working to improve implementation of water sharing plan rules

The Department of Planning and Environment is establishing a theme-based, approach to implementing water sharing plans.

The NSW water sharing plan implementation program will:

- Provide oversight of implementation activities and progress across all water sharing plans.
- Enable strategic risk-based decision making on resourcing implementation activities.
- Inform stakeholders with clear, transparent and current implementation knowledge.

Eleven program themes will address all parts of a water sharing plan. Some program theme examples include system operations, basic landholder rights, water access licences, licence and approval conditions and environmental water. The department will report implementation theme progress annually.

Development is currently on track to commence the implementation program in July 2022. Annual reporting will commence for the 2022/23 water year and include the status of implementation, challenges and achievements and a priorities for the year ahead.

What water sharing plan rules need to be implemented?

Water sharing plans and their rules are divided into plan parts. Each part deals with a specific component of water sharing plan implementation. The implementation program groups these plan parts into 11 themes (Table 1).

Table 1. Water sharing rules grouped by Implementation program theme

Water sharing plan theme	Rules
Access licenses	Includes the allowance for access licences, rules for granting, water allocation account management rules, daily access rules and flow classes.
Basic landholder rights	Includes the allowance for basic landholder rights (domestic and stock, native title and harvestable rights). Rules that protect and provide this water are implemented within other themes (e.g. system operations, access licences).
Dealings	Includes access licence dealing rules (such as conversion, assignment, amendment and nomination).
Environmental water	Includes rules that commit, identify, establish and maintain both planned and adaptive environmental water. Rules that protect and provide this water are implemented within other themes (e.g. system operations, access licences).
Event based extraction	Includes rules on the taking of uncontrolled flows/high flow events (supplementary access).
Licence and approval conditions	Includes the mandatory conditions within water sharing plans for both licences and approvals.
Limits to the availability of water	Includes the rules on calculating the long-term average annual extraction limit, assessing the compliance with the long-term average annual extraction limit, calculation of the long-term average sustainable diversion limit (including annual permitted take and assessment of compliance), action following non-compliance and available water determinations.
Monitoring, evaluation and reporting	Monitoring, evaluation and reporting of water sharing plan objectives (including environmental, economic, Aboriginal cultural and social).
System operation rules	Includes rules on the operation of infrastructure (e.g. dams) and includes rules on environmental releases, water delivery, channel capacity constraints, supply, storage and operation during floods.
Town water supply	No specific rules. The purpose of this theme is to give oversight of critical water supply issues. Rules that provide this water are implemented within other themes (e.g., limits to the availability of water, access licences).
Water supply works approvals	Includes rules for water supply work approvals (such as distance rules which protect existing users, the water source, ecosystems and culturally significant areas).

What is the current status of water sharing plan implementation in NSW?

A preliminary list of the implementation status by program theme and by water sharing plan as at **1 January 2022** is provided in response to this ICAC recommendation (Tables 2 - 4).

Table 2. Details of assessment of implementation status

Symbol	Implementation status	Detail
✓	Implemented	<p>Processes are in place <i>most or all</i> theme provisions are implemented within this plan area.</p> <p>Roles and responsibilities of agencies involved in implementation are clear and agreed.</p> <p>We acknowledge there are still opportunities to improve our processes (for example, by improving efficiency or filling gaps in process documentation).</p>
➡	Implementation in progress	<p>Processes are in place or on track to implement <i>most or all</i> theme provisions within this plan area.</p> <p>Further development may be required to clarify one or more aspects to ensure consistency with plans.</p>
◯	Partially implemented	<p>Processes are in place to implement only <i>some</i> theme provisions within this plan area.</p> <p>Roles and responsibilities of agencies involved in implementation are at times not clear or have not been agreed.</p> <p>Priorities for further implementation development are currently being scoped.</p>
✗	Not implemented	<p><i>Very few or no</i> processes are in place to implement theme provisions within this plan area, or there are delays in commencing implementation due to an external factor (e.g. data unavailable).</p> <p>Processes are not documented, and roles and responsibilities are not agreed. For example, some implementation cannot commence until data becomes available after the non-urban metering rules are in place.</p> <p>Priorities for further implementation development are currently being scoped.</p>
-	Not applicable	The plan doesn't not include this provision.

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Table 3. Current status of theme implementation across 59 water sharing plans. See Table 2 for details of the assessment of status, including an explanation of symbols used. More information about the implementation status of each theme is provided in Table 3.

Water Sharing Plan	Access licences					System operation				Event based extraction	Limits to the availability of water	Dealings	Licence and approval conditions	Water supply work approvals	Monitoring, evaluation and reporting
	Basic landholder rights	Environmental water	Town water supply	General Rules	Account Management Rules Only	System operation rules	Basic landholder rights	Environmental water	Town water supply						
<i>Typical number of rules per plan</i>	<i>5-10</i>	<i>10</i>	<i>N/A</i>	<i>80</i>	<i>25</i>	<i>20-180</i>	<i>5-10</i>	<i>10</i>	<i>N/A</i>	<i>50</i>	<i>40</i>	<i>40</i>	<i>45</i>	<i>20</i>	<i>75</i>
Barwon-Darling Unregulated River Water Source 2012	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓	○
Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources 2011	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	⬇️	✗	✓	⬇️	✓	○
Bellinger River Area Unregulated and Alluvial Water Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✗	✓	✓	✓	○
Belubula Regulated River Water Source 2012	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	✓	⬇️	✓	⬇️	✓	○
Brunswick Unregulated and Alluvial Water Sources 2016	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	○
Castlereagh Unregulated River Water Sources 2011	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	○
Central Coast Unregulated Water Sources 2009	✓	✓	✓	✓	⬇️	⬇️	✓	✓	✓	-	✗	✓	✓	✓	○
Clarence River Unregulated and Alluvial Water Sources 2016	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	○
Clyde River Unregulated and Alluvial Water Sources 2016	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	○
Coffs Harbour Area Unregulated and Alluvial Water Sources 2009	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	⬇️	✓	○
Darling Alluvial Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✗	✓	✓	✓	○
Deua River Unregulated and Alluvial Water Sources 2016	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	○
Greater Metropolitan Region Groundwater Sources 2011	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✗	✓	⬇️	✓	○
Greater Metropolitan Region Unregulated River Water Sources 2011	✓	✓	✓	✓	⬇️	⬇️	✓	✓	✓	-	✗	✓	⬇️	✗	○
Gwydir Alluvial Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	○	✓	✓	✓	○

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Gwydir Regulated River Water Source 2016	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	✓	✓	✓	✓	✓	✓	○
Gwydir Unregulated River Water Sources 2012	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	✓	○
Hastings Unregulated and Alluvial Water Sources 2019	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	✓	○
Hunter Regulated River Water Source 2016	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	⬇️	✗	✓	✓	✓	✓	○
Hunter Unregulated and Alluvial Water Sources 2009	✓	✓	✓	✓	⬇️	⬇️	✓	✓	✓	-	✗	✓	✓	✓	✓	○
Intersecting Streams Unregulated River Water Sources 2011	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	⬇️	✓	✓	○
Lachlan Alluvial Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓	✓	○
Lachlan Regulated River Water Source 2016	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	-	⬇️	✓	✓	✓	✓	○
Lachlan Unregulated Water Sources 2012	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	✓	○
Lower Murray–Darling Unregulated River Water Source 2011	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	⬇️	✓	✓	○
Lower North Coast Unregulated and Alluvial Water Sources 2009	✓	✓	✓	✓	⬇️	⬇️	✓	✓	✓	-	✗	✓	✓	✓	✓	○
Macleay Unregulated and Alluvial Water Sources 2016	✓	✓	✓	✓	⬇️	⬇️	✓	✓	✓	-	✗	✓	✓	✓	✓	○
Macquarie and Cudgegong Regulated Rivers Water Source 2016	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	✓	✓	✓	✓	✓	✓	○
Macquarie Bogan Unregulated Rivers Water Sources 2012	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✗	✓	✓	✓	✓	○
Macquarie-Castlereagh Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓	✓	○
Murrumbidgee Area Unregulated and Alluvial Water Sources 2010	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	⬇️	✓	✓	○
Murray Alluvial Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	○	✓	✓	✓	✓	○

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	Basic landholder rights	Environmental water	Town water supply	General Rules	Account Management Rules Only	System operation rules	Basic landholder rights	Environmental water	Town water supply						
Murray Unregulated River Water Sources 2011	✓			✓	⬇️	-				-	✗	✓	⬇️	✓	⊙
Murrumbidgee Alluvial Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓	⊙
Murrumbidgee Regulated River Water Source 2016	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	✓	⬇️	✓	✓	✓	⊙
Murrumbidgee Unregulated River Water Sources 2012	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	⊙
Nambucca Unregulated and Alluvial Water Sources 2016	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	⊙
Namoi Alluvial Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓	⊙
Namoi and Peel Unregulated Rivers Water Sources 2012	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	⊙
NSW Border Rivers Alluvial Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓	⊙
NSW Border Rivers Regulated River Water Source 2021	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	✓	✓	✓	✓	✓	⊙
NSW Border Rivers Unregulated River Water Sources 2012	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	⊙
NSW Great Artesian Basin Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓	⊙
NSW Great Artesian Basin Shallow Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✗	✓	✓	✓	⊙
New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	✓	⬇️	✓	✓	✓	⊙
NSW Murray-Darling Basin Fractured Rock Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	⊙	✓	✓	✓	⊙
NSW Murray-Darling Basin Porous Rock Groundwater Sources 2020	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✗	✓	✓	✓	⊙
North Coast Coastal Sands Groundwater Sources 2016	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✗	✓	✓	✓	⊙
North Coast Fractured and Porous Rock Groundwater Sources 2016	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✗	✓	⬇️	✓	⊙

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Water Sharing Plan	Access licences					System operation				Event based extraction	Limits to the availability of water	Dealings	Licence and approval conditions	Water supply work approvals	Monitoring, evaluation and reporting
	Basic landholder rights	Environmental water	Town water supply	General Rules	Account Management Rules Only	System operation rules	Basic landholder rights	Environmental water	Town water supply						
North Western Unregulated and Fractured Rock 2011	✓	✓		✓	⬇️	-	✓	✓		-	✗	✓	⬇️	✓	⦿
Paterson Regulated River Source 2019	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	✓	✗	✓	⬇️	✓	⦿
Peel Regulated Water Source 2010	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	-	⬇️	✓	⬇️	✓	⦿
Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	-	✗	✓	✓	✓	⦿
South Coast Groundwater Sources 2016	✓	✓	✓	✓	✓	-	✓	✓	✓	-	✗	✓	✓	✓	⦿
Snowy Genoa Unregulated and Alluvial Water Sources 2016	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	✓	✓	⦿
Towamba River Unregulated and Alluvial Water Sources 2010	✓	✓	✓	✓	⬇️	-	✓	✓	✓	-	✗	✓	⬇️	✓	⦿
Tuross River Unregulated and Alluvial Water Sources 2016	✓	✓	✓	✓	⬇️	⬇️	✓	✓	✓	-	✗	✓	✓	✓	⦿
Tweed River Area Unregulated and Alluvial Water Sources 2010	✓	✓	✓	✓	⬇️	⬇️	✓	✓	✓	-	✗	✓	⬇️	✓	⦿
Upper Namoi and Lower Namoi Regulated River Water Sources 2016	✓	✓	✓	✓	✓	⬇️	✓	✓	✓	✓	⬇️	✓	✓	✓	⦿
EXPECTED COMPLETION	Complete	Complete	Complete	Complete	2023	2024	Complete	Complete	Complete	2024	2027-2029*	Complete	2025	Complete	2025

*Completion dates vary by plan and is dependent on data availability derived from meters which are being rolled out via the metering program.

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Table 4. Details of implementation status by Implementation Program theme.

Theme	Details of implementation status
Access licences (general Rules)	<p>All plans</p> <p>✓ Assessment procedures exist.</p> <p>Want to know more? Visit: WaterNSW – Water licensing</p>
Account management rules	<p>➡ System and procedures exists to apply rules to all accounts and are well developed. Analysis is occurring against unregulated plans only to demonstrate account management rules are consistent with plans.</p>
Basic landholder rights	<p>All plans</p> <p>✓ Implementation occurs via the access licence and system operation themes. Scoping continues to identify any areas of improvement.</p>
Environmental water	<p>All plans</p> <p>✓ Implementation occurs via the access licence and system operation themes. Scoping continues to identify any areas of improvement.</p>
Event-based extraction	<p>✓ Improved documentation on the decision-making process has been identified.</p> <p>➡ Further development needed to identify decision making process is consistent with plans.</p> <p>Want to know more? Visit the Water in NSW – Supplementary water</p>
Limits to the availability of water	<p>The implementation status of this theme varies between plan areas and theme provisions.</p> <p>Inland regulated and Barwon-Darling plans</p> <p>✓ ➡ Assessment of compliance with inland regulated river LTAAELs is occurring, and currently being rolled out across inland regulated river rivers. Results have been published for the Border Rivers, Gwydir, Macquarie and Barwon-Darling and further results will be published for other inland plans before 1 July 2022. The NSW Murray and Lower Darling will be published for the first time in 2022/23. This is because management to LTAAEL in the Murray relies on modelling being undertaken by the MDBA.</p> <p>Inland unregulated and coastal surface water plans</p> <p>✗ Assessing compliance with the long-term average annual extraction limit (LTAAEL) is not occurring in the coastal sources and inland unregulated sources as there is no broad scale metering data available. The non-urban water metering roll out will provide some information in future assessments.</p>

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Theme	Details of implementation status
	<p>Groundwater plans</p> <p>✓ ○ X Compliance is tracked for 38 groundwater sources that have significant metered extraction recorded in the past. Other groundwater sources are not assessed due to limited metered extraction. The non-urban water metering roll out will provide some information in future assessments.</p> <p>Want to know more? Visit: Water in NSW – Allocations and availability or Water in NSW – Non-urban metering</p>
Monitoring, evaluation and reporting	<p>All plans</p> <p>○ This theme is assessed as partially implemented as we are currently in the process of developing a new water sharing plan monitoring, evaluation and reporting (MER) system. There are many monitoring programs currently operating within NSW. Some of these are listed below:</p> <ul style="list-style-type: none"> • Groundwater level monitoring program in aquifers with high levels of water take, with management action taken where long term declines are observed • Statewide water quality monitoring network • Fish movement tracking in the Barwon Darling • Applying the High Ecological Value Aquatic Ecosystem framework to water management • The role of cease to pump rules in protecting macroinvertebrates <p>Want to know more? Visit: Water in NSW – Science, data, modelling and maps or WaterNSW – Real-time data</p>
System operation rules	<p>➡ Operational plans and procedures exist however additional development of this theme is occurring to demonstrate consistency with Plans.</p> <p>Want to know more? Visit: WaterNSW – Water operations</p>
Dealings	<p>All plans</p> <p>✓ There are clear processes in place to process dealing applications however efficiency improvements have been identified. Processing times on dealing applications are monitored and reported.</p> <p>Want to know more? Visit: Water in NSW - Trade or WaterNSW - Trading water</p>
Licence and approval conditions	<p>All plans</p> <p>➡ There are clear processes in place to develop and apply mandatory conditions on access licences and work approvals at the commencement of a new or amended water sharing plan. The roles and responsibilities of the agencies involved are agreed.</p> <p>NSW water agencies have made significant improvements in applying licence conditions within reasonable timeframes to allow effective implementation. This includes short term targets to ensure mandatory conditions are developed, and licence / approval holders are notified in a timely manner.</p>

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Theme	Details of implementation status
	Want to know more? Visit: Water in NSW – Licences or WaterNSW – Licensing

Water sharing plan rules are also audited under Section 44 of the Water Management Act 2000

Section 44 of the *Water Management Act 2000* requires water sharing plans to be audited. The purpose of an audit is to ascertain whether a plan's provisions or rules are being put into practice.

As a result of a legislative amendment made by the Government in 2018, audits are now completed by the independent Natural Resources Commission. Information on plan audits in progress or completed by the Natural Resource Committee can be found on their [website](#).

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