

Response to the Natural Resources Commission recommendations for the Brunswick Water Sharing Plan

This document outlines how the department is responding to the independent review of *Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016* completed by the Natural Resources Commission under Section 43A of the *Water Management Act 2000*.

Background

Water sharing plans (WSPs) 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 Brunswick Water Sources 2016* (Brunswick plan) is due to expire on the 30 June 2028, following a 2-year extension to allow for the plan to be replaced.

The Natural Resources Commission (NRC) has a role under Section 43A of the WM Act to review WSPs within 5 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 report of the NRC review was published in April 2025 and is available on the NRC website at <https://www.nrc.nsw.gov.au/water/wsp-reviews/completed-2024-2025>. This report provided recommendations applicable across the Brunswick, Clarence, Macleay and Nambucca WSPs with exception of recommendation 19 which was Macleay specific.

The NRC may recommend either extending or replacing a plan subject to the findings of the review. The NRC recommended the Brunswick plan be replaced. The Minister agreed to the recommendation and the plan is to be replaced.

Recommendations and suggested actions arising from the NRC review of the Brunswick plan, and how the Department of Climate Change, Energy, the Environment and Water (the department or Water Group) have responded are outlined below.

NRC Recommendations

Recommendation 1

The Water Group should:

- a) Finalise estimates of harvestable rights interception in each water source and publish revised volumes and documentation outlining the methods used to determine these volumes, including the assumptions and parameters applied.
- b) Undertake a risk assessment to evaluate where interception via harvestable rights may exceed 10% of rainfall-runoff and/or pose a risk to water sources and water-dependent ecosystem needs and change Plan provisions accordingly.
- c) Develop both short- and long-term strategies to manage harvestable rights interception using Section 331 of the WM Act and include provisions in the Plans to ensure water sources and ecosystems are protected.

Department response

- a) As part of the remake of the 4 plans, updated estimates of the amount of water required to satisfy maximum allowable volume under harvestable rights will be specified for each water source. The method used for these estimates will be documented in communications material prepared to support public exhibition of the plans.

The department accepts this recommendation.

- b) The Sustainable Water Sharing project is expected to look at multiple forms of take from a water source and determine a suitable suite of rules aimed at ensuring water take is sustainable.

The department notes this recommendation and agrees it will be considered through the Sustainable Water Sharing project.

- c) This is outside the scope of the WSP. Prioritising work to determine sustainable extraction in coastal catchments will provide an improved holistic understanding of water availability in coastal regions and guide how to improve management of water access. Following this work, changes to harvestable rights may be considered alongside other water management options.

The department notes this recommendation.

Action taken to address NRC recommendation

Status: In progress – on track

Actions during plan replacement process:

Harvestable rights figures have been calculated and included in the plan.

Other Actions:

The Sustainable Water Sharing project will further consider sustainable extraction in coastal catchments.

Recommendation 2

The Water Group should:

- a) Use the Water Group's new climate datasets and improved understanding of the North Coast's climate to review and revise all relevant Plan provisions, including long-term average annual extraction limit (LTAAEL) provisions, water allocation account management provisions (including carryover provisions and available water determinations (AWDs)), flow classes and access rules to protect water sources and their dependent ecosystems, and high priority needs under climate change.
- b) Ensure the Plans includes a robust adaptive management framework that uses regular review and other provisions to allow responses to new information, climate risks that arise during a planning period, and other changes. This should include an amendment provision that allows rules to be adjusted by Year 5 of the Plans in response to new information about risks to the water sources and their ecosystems.

Department response

- a) Since 2017, the department has prepared state of the art datasets to provide a better understanding of natural climate variability and allowing a range of potential climate change outcomes to be investigated. The analysis undertaken for regional water strategies provides initial advice on the range of expected climate impacts which may be experienced, both as a result of our improved understanding of climatic variability (which in the short term will continue to be the key climate driver) as well as the potential impacts of climate change.

The need to identify and assess risks from climate change on plan provisions is recognised and the department will consider the need to amend rules within plans considering the degree of impact and risk of climate change.

The department accepts this recommendation in principle.

b) The WM Act establishes a 10-year review cycle for WSPs, and the Minister for Water, with the concurrence of the Minister for the Environment, is able to amend the plans at any time if this is considered to be in the public interest.

The department notes this recommendation.

Action taken to address NRC recommendation

Status: In Progress – on track.

Actions during plan replacement process:

An amendment provision has been included in the plan as part of the concurrence omnibus amendment to facilitate changes that come out of the Sustainable Water Sharing project.

An amendment provision has also been included to add or modify flow classes, flow reference points, surface water access rules and groundwater access rules in response to changes in water availability resulting from climate change or improved or alternate gauging.

Other Actions

Guidance documents on how to incorporate Climate Change information into water sharing plans is being developed. This will not be ready in time for this water sharing plan but will be considered through the Sustainable Water Sharing Project.

Recommendation 3

The Water Group should:

a) Review and amend Plan provisions to protect fundamental ecosystem health and environmental water requirement flows from water extraction, starting with water sources identified as being at high risk. This review must include but not be limited to access rules, flow rules, dam release rules and water source boundaries.

b) Work with the department's Conservation Programs, Heritage and Regulation (CPHR) to revise and publish criteria to assess the adequacy of gauges to support flow-based cease to pump rules. Instead of forgoing cease to pump rules when gauging is inadequate, rules should be developed based on alternative methods, including the use of less reliable gauges until the gauging network is improved.

Department response

a) All plan provisions are being reviewed as part of the remake of the 4 plans. A key objective is the protection of water sources and their dependent ecosystems. Medium and high-risk water sources are being prioritised. Management rules proposed will be tailored to specifically address the driver of the risk. Water source and management zone boundaries will be reviewed and changed where appropriate.

The department accepts this recommendation

b) The department will continue to work with CHPR through the Interagency Gauging Working Group to reach agreement on a suitable criteria for the use of gauges to support flow-based access rules. In the interim, the department will continue to apply the current approach which excludes the use of highly unreliable gauges as flow reference points in order to maintain community confidence in government making robust, evidence based decisions. Alternative options for access rules are fully explored in such cases.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress - on track.

Actions during the plan replacement process:

The department has relaxed its requirements for using gauges for setting access rules. Use of more gauges or alternative flow reference points was considered for the replacement plan. There is only one gauge within the Brunswick plan area and it has been used to set access rules for 3 water sources and more restrictive access rules are proposed at the only gauge in the water sharing plan to reduce risks to low and zero flows, provide better protection of freshes and promote the migration of Australian bass and other fish in medium or high risk water sources.

An amendment provision has also been included to add or modify flow classes, flow reference points, surface water access rules and groundwater access rules in response to changes in water availability resulting from climate change or improved or alternate gauging.

Other Actions:

Continue to work with the Interagency Gauging Working Group to consider alternative access rules where no gauges exist.

Recommendation 4

The Water Group should:

- a) Improve gauging networks in consultation with WaterNSW and update knowledge of priority environmental assets, including GDEs in the Plan areas.
- b) Develop and implement a long-term, Plan-specific monitoring, evaluation and reporting (MER) program for each Plan.
- c) Identify and address critical knowledge gaps, support adaptive management and prioritise MER activities based on values and risks.
- d) Publicly report on the Plan-specific MER program annually and publish an MER report no later than Year 8 of each Plan.

Department response

- a) The NSW government periodically reviews the requirements for gauges across the state and has a management process in place to expand the gauge network. Any expansion is dependent on availability of resourcing.

The department notes this recommendation.

b)-d) The department is proposing an omnibus amendment that will clarify WSP MER plan requirements and reporting prior to plan replacement. Any future planning of WSP MER activities will be guided by the NSW Water Sharing Plan Evaluation Framework and available resourcing. Noting the department also undertakes additional reporting on plan implementation and environmental and water quality monitoring and research activities through,

- NSW Water Sharing Plan Annual Implementation Report
- Bi-annual Environmental Outcome Monitoring and Research Program reports
- Annual water quality reports

All reports are published and made available on the department's website.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress - on track

Actions during the plan replacement process:

The most up to date GDE information has been included in the plan map.

The MER reporting requirements will be updated in the current plan via the proposed omnibus amendment and these provisions will be carried forward into the replacement plan.

The interagency gauging working group will prioritise areas for additional gauging or look at alternatives for setting access rules where appropriate.

Recommendation 5

Surface Water Science team in collaboration with CPHR should finalise environmental water requirements and work with the Water Group to revise the Plan provisions within the first 5 years of the replacement plans.

Department response

There is a possibility to use coastal environmental watering requirements (EWR) within the Coastal Sustainable Water Sharing project. This will provide a mechanism to design and road-test a coastal EWR method.

The requirement to develop EWRs for the Long Term Water Plans came directly from the Basin Plan and was resourced under agreements between the Australian Government and the Basin States. The NRC review implies BCS (now CPHR) and Surface Water Science are collaborating to deliver EWRs for coastal catchments, however, we have no resourcing or plans to implement their EWR method beyond the inland planning areas (mostly in the regulated water sources).

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress - on track

Actions during the plan replacement process:

There are limitations to resourcing for developing EWRs for the coastal context but there are some that have been progressed in recent years. Where they are available, they are considered in the plan remakes. As such EWRs have been considered, and rules are proposed to protect the Australian bass.

Other Actions:

Use of EWRs will be further considered during the Sustainable Water Sharing project if it forms part of the methodology for setting sustainable extraction, this is yet to be determined.

Recommendation 6

The Water Group should review all estuaries downstream of the Plan areas, starting with those identified at high risk, and consult with CPHR to implement any changes to Plan provisions where necessary to protect estuarine, marine environments and dependent ecosystem.

Department response

The risk of insufficient inflows for downstream estuarine and marine environments is a key consideration for review of rules relating to access, flow, dealings and works. Consultation with CHPR and other interagency partners occurs as part of the development of draft rules to be taken out for public exhibition through the Interagency Regional Working Group.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress – on track

Actions during plan replacement process:

Risks to downstream estuaries were considered when setting rules in the plan. Changes to access rules, trade rules, location of new works (including in-river dams) have been made to better protect estuaries.

Recommendation 7

Within the first 3 years of the replacement plans, the Water Group should implement salinity-based daily access rules, including cease to pump rules, total daily extraction limits (TDELs) and individual daily extraction limits (IDELs) where appropriate in tidal zones for high-risk estuaries.

Department response

Available mitigation options will be considered to manage estuaries at risk of insufficient water.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress – on track.

Actions during plan replacement process:

Salinity based access rules are being considered for the replacement Macleay water sharing plan but have not been included in the draft Brunswick replacement plan due to the smaller size of the tidal pool and lack of gauging and demand for water.

The suitability of current rules in upstream water sources was reviewed and changes made to access rules, in river dams and trade to assist in protecting inflows to estuaries.

Recommendation 8

Beginning with water sources at risk of acidification, the Water Group should:

- a) Ensure work approvals require impact assessments and include mandatory work approval conditions for monitoring, restrictions on disturbance activities, reporting and treatment of acidified water in line with the National Acid Sulfate Soils Guidance.
- b) Include provisions to encourage active management of tidal gates and similar floodplain infrastructure to provide tidal flushing flows.
- c) Develop drainage management plans and incorporate amendment provisions requiring Plan provisions to be amended within 2 years of the drainage management plans taking effect.

Department response

- a) Drainage work approval requirements have not been commenced under the WM Act. For extraction from groundwater bores, the risk is managed by avoiding acidification rather than

allowing and treating. Distance restrictions from potential acid sulfate soils (high probability areas as per Acid Sulfate Soil Risk Map) are included in plans and broader drawdown impact are managed with discretionary conditions following impact assessment for any new bores and dealings. Impacts of acid sulfate dewatering through other activities (for example, dewatering for construction) are managed through other agencies.

b) The drainage management provisions under the WM Act have not commenced, and management of tidal gates and other floodplain structures is not in the scope of water sharing plan provisions.

c) We note this recommendation however the drainage management provisions haven't commenced, and the department's focus on the remade water sharing plan will be on the relevant provisions for a WSP.

The department notes this recommendation.

Action taken to address NRC recommendation

Status: No action required.

Other Actions:

New water supply works are assessed for their impacts when applications for new or amended water supply works are made.

Broader drawdown impacts are managed with discretionary conditions following impact assessment for any new bores and dealings.

The plan includes restrictions that prohibit new bores being constructed on land within an area classed as having a high probability of occurrence of acid sulfate soils.

Recommendation 9

The Water Group should:

a) Beginning with high-risk water sources and where appropriate, implement cease to pump-, TDEL- and IDEL-based access rules on groundwater access licences.

b) Include requirements in Plans that conditions are applied to works approvals to ensure that the health of GDEs is prioritised above water extraction.

Department response

a) The plan replacement process will consider where it is appropriate and feasible to apply access rules to groundwater access licences in highly connected systems. The department agree in principle that risks to the groundwater dependent ecosystems from cumulative take from connected water sources and options to manage high risks should be considered when replacing water sharing plans. The department does not support a broad approach of applying CTPs, TDEL and IDEL as these may not be the most effective mechanism to control the risks. Where there are known or potential risks to groundwater-dependant ecosystems from groundwater take and the gauging and monitoring systems to support it, the department will consider options to establish access rules and associated mandatory conditions on approvals to protect the health of these ecosystems.

The NSW Groundwater Strategy Implementation Plan includes a sub-action under 1.5.1 to 'review current approaches and identify opportunities to improve how we manage groundwater-surface water connectivity and access in water sharing plans'. This work is not currently funded. Once able to be progressed outcomes will inform the department's approach on how we manage connectivity moving forward.

b) Requirements are already included in plans to protect GDEs including the minimum distance restrictions for new or amended water supply work approvals to protect groundwater dependant ecosystems from groundwater take.

Local hydrogeological information is taken into account for any new or amended groundwater work approvals for bores not used solely for basic landholder rights and permanent water transfers. These are assessed for impact and may be refused or conditions applied to control impact of groundwater extraction on groundwater-dependent ecosystems.

New production bores and permanent water transfers are assessed on a site basis taking into account local hydrological conditions for impact on high priority groundwater-dependent ecosystems. This process considers the cumulative impacts of any new or amended groundwater works on top of approved take and remains the most effective management approach for this issue. The assessment may recommend refusal or conditions applied to control impact of groundwater extraction on groundwater-dependent ecosystems.

The department notes this recommendation.

Action taken to address NRC recommendation

Status: In progress – on track

Actions during plan replacement process:

Access rules in highly connected surface water groundwater systems have been included to manage highly connected groundwater extraction.

The plan includes restrictions that prohibit new bores being constructed on waterfront land or for production bores within 200m of a wetland or a high priority vegetation groundwater-dependent ecosystem and for basic landholder rights bores within 100m of a wetland or a high priority vegetation groundwater-dependent ecosystem.

Recommendation 10

The Water Group should update relevant Plan schedules to include sites notified by the NSW Environment Protection Authority (EPA) and sites listed in the NSW Government's Per- and polyfluoroalkyl substances (PFAS) Investigation Program.

Department response

Schedules in each plan list what comprises a contamination source. More contemporary water sharing plans include sites that have been notified to the EPA under the *Contaminated Land Management Act 1997* section 60. The department will consider if it is possible to include those under investigation by the NSW Government's PFAS Investigation Program but may not be legally possible.

There is no legal ability for a WSP to require ongoing assessments of new sites notified to the EPA other than as part of an approval application assessment process. It is also not clear what the purpose of including these notifications in WSPs is as it would duplicate and lag behind the EPA notifications and PFAS listings.

The department notes this recommendation.

Action taken to address NRC recommendation

Status: No action required

The plan includes rules that new groundwater water supply works cannot be constructed on land within the following areas—

- 500m of a contamination source

- 250m of the edge of a plume associated with a contamination source

- between 250m and 500m from the edge of a plume associated with a contamination source unless no change in groundwater level will occur within 250m of the edge of the plume.

Recommendation 11

The Water Group should implement flow shepherding provisions to protect flows and connectivity.

Department response

Active Management (a similar environmental water protection mechanism to 'shepherding provisions') applies to held environmental water primarily but can also apply to planned environmental water if the water sharing plan specifies that it requires protection.

There are no held environmental water (HEW) licence entitlements in any of the water sources that require protection. If HEW entitlements are purchased in the future, the department can apply their HEW extraction risk assessment process to determine whether protection is required and how the protection could be applied.

The department can consider whether any planned environmental water requires further protection in any of the water sources.

The department notes this recommendation.

Action taken to address NRC recommendation

Status: No further action required

Action undertaken during plan replacement process:

The department has not identified any planned environmental water that requires shepherding in this water sharing plan area.

Recommendation 12

The Water Group should:

- a) As part of Recommendation 4, include long-term monitoring to evaluate impacts of legacy mining operations on water quality.
- b) Ensure Plan provisions appropriately manage the impacts of legacy mining operations to limit impacts on ecosystems and human health.

Department response

- a) Surface water quality data is collected on a monthly basis across NSW for the State Water Quality Assessment and Monitoring Program. This program does not include monitoring for heavy metals resulting from mining operations. Future MER programs will be designed to meet priority WSP evaluation requirements and depend on available funding.
- b) Where evidence of impacts from legacy mining exists and if there are mechanisms that can be included in a WSP available to manage these impacts (such as a water quality allowance) then water sharing plans could include relevant provisions. There are no environmental water allowances in any of the North Coast plans under review.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: No action required

Recommendation 13

The Water Group should:

- a) Ensure the Plans' objectives, corresponding provisions and performance indicators are co-designed with Aboriginal stakeholders in the Plan areas, reflect Priority 2 of the NSW Water Strategy and continue to align with the WM Act.
- b) To improve MER of water sharing plan outcomes for Aboriginal people, develop and implement an outcomes method statement for Aboriginal cultural values and uses of water, co-designed with Aboriginal stakeholders.

Department response

Work is being done to identify opportunities to improve Aboriginal peoples' ownership and access to water, including through developing a cultural watering plan. This work needs to be done in conjunction with Aboriginal people and will be implemented through the most effective mechanism, which may include changes to the water sharing plan.

The department is considering options for codesigning plan objectives with Aboriginal stakeholders.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress – on track

Actions during plan replacement process:

Aboriginal People have been invited to participate in water sharing plan replacement process and discussions have been held with the Far North Coast and North Coast Regional Aboriginal Water Committees and specific Aboriginal organisations.

Discussions will continue and comments on the draft plan will be sought through the public exhibition process.

Recommendation 14

As part of the co-design approach in Recommendation 13, the Water Group should work with Aboriginal stakeholders to identify the full range of Aboriginal values and uses of water, and ensure the Plans contain provisions to protect them. This should include consideration of historical flow distribution and impacts to cultural values.

Department response

Work is being done to identify opportunities to improve Aboriginal peoples' ownership and access to water, to improve cultural and economic outcomes for Aboriginal people. This work needs to be done in conjunction with Aboriginal people, particularly with Regional Aboriginal Water Committees, and will be implemented through the most effective mechanisms which may include changes to water sharing plans.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress – on track

See Recommendation 13 actions.

Recommendation 15

The Water Group should ensure adequate engagement of native title holders (and any future native title or Indigenous Land Use Agreement (ILUA) holders) in the Plan areas to determine water requirements for the practice of native title rights in the Plan areas.

Department response

Consultation with Aboriginal peoples in the plan area will be undertaken as part of public exhibition of the draft plan.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress – on track

See Recommendation 13 actions

The plan has been updated to include the native title determination for the Bundjalung People of Byron Bay (National Native Title Tribunal reference NCD2019/001),

Recommendation 16

To improve Aboriginal access licence uptake and use, the Water Group should work with the Aboriginal peoples of the Plan areas to better understand their water needs and ensure Aboriginal Cultural licence types, use and conditions are reflecting these needs.

Design of Aboriginal access licences should align with the priorities of the NSW Water Strategy, NSW Groundwater Strategy and associated actions.

Department response

Consultation with Aboriginal peoples in the plan area will be undertaken as part of public exhibition of the draft plan.

More broadly, work is being done to identify opportunities to improve Aboriginal peoples' ownership and access to water. This work needs to be done in conjunction with Aboriginal people and will be implemented through the most effective mechanism.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress – on track

See recommendation 13 actions.

Recommendation 17

To support improved economic outcomes from the Plans, the Water Group should work with Aboriginal communities to:

- a) Better understand cultural obligations and amend the purposes for which Aboriginal access licences may be granted by recognising traditional trade practice, such as sale, exchange, gifting, and bartering of goods made from water provided under all categories of Aboriginal access licences.
- b) Explore further opportunities to enact all sub-categories of Aboriginal access licence to support the Plans' Aboriginal cultural objectives.

Department response

Work is being done to identify opportunities to improve Aboriginal peoples' ownership and access to water, to improve cultural and economic outcomes for Aboriginal peoples. This work needs to be done in conjunction with Aboriginal peoples and will be implemented through the most effective mechanisms which may include changes to water sharing plans.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress – on track

See recommendation 13 actions.

Recommendation 18

In water sources where local water utility licences are present, the Water Group should review and amend flow classes and access rules, where required, to ensure town water needs can be adequately met while protecting water sources and water-dependent ecosystems. The review should ensure that the access rules for local water utilities are evidence-based and easily enforceable.

Department response

Issues relating to local water utilities supply and impacts are reviewed when water sharing plans are replaced.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: No further action required. There are no local water utility licences in the Brunswick plan area.

Recommendation 19

This recommendation does not apply to the Brunswick plan but is relevant to the Macleay plan only.

Recommendation 20

The Water Group should:

- a) Review future town water demands from industry and population and review and revise existing Plan provisions to ensure town water supplies are secured.
- b) Provide a mechanism in the Plans for towns to increase their water security within sustainable limits and review whether there is a need to split industrial usage from domestic water supply to ensure appropriate prioritisation.

Department response

- a) Town water supply is considered outside the WSP process. Any changes required as a result would then be considered in the WSP.

The department notes this recommendation.

b) The department will engage with local water utilities in the remake of the WSP to consider any specific provisions required.

The department notes this recommendation.

Action taken to address NRC recommendation

Status: No action required – there are no town water supplies in the Brunswick plan area.

Recommendation 21

For unregulated surface water and upriver alluvial water sources, the Water Group should:

- a) Establish and include numeric LTAAEL values for each replacement Plan based on up-to-date information on all forms of extraction and considering climate change and any new or emerging developments in the North Coast.
- b) Prioritise LTAAEL compliance assessments against numeric LTAAELs using best available estimates of extraction, making assessments publicly available.
- c) Ensure the replacement Plans support adaptive management, including a provision in each Plan requiring the Water Group to determine the sustainable level of extraction by Year 5 and use this to define the LTAAEL for each extraction management unit (EMU). This should be based on best available ecological requirements, hydrological and climate information.

For coastal floodplain alluvial water sources, the Water Group should:

- d) Update the LTAAELs in the replacement Plans to ensure they are sustainable. This should include consideration of climate change, updated estimates of groundwater recharge, all forms of extraction in the water sources, and contemporary estimates of basic landholder rights take.
- e) Change Plan amendment provisions to require the Water Group to provide evidence of how changes to the Plans' floodplain alluvial LTAAELs will protect water sources and their dependent ecosystems.
- f) Prioritise LTAAEL compliance assessments against the coastal floodplain alluvial LTAAEL using best available estimates of extraction, making assessments publicly available.

Department response

- a) The department will calculate numeric LTAAELs and include them in the replacement plans for extraction authorised via licence or exercising of basic landholder right.

- b) The department will undertake prioritised compliance assessments against a numeric LTAAEL in water sharing plans where a numeric LTAAEL is required. The assessments will be made publicly available.
- c) Plans will include amendment provisions, including provisions to review the coastal plans numeric LTAAELs as part of the work to determine a sustainable level of take. The provisions are to publish a sustainable level of take within 2 years of the determination. Then to consider plan rules to achieve that level of take and amend the plan if required. The department is working on the Sustainable water sharing project and will consider ecological requirements, hydrological and climate information in its investigations.
- d) & e) For coastal floodplain alluvial water sources the replacement plans will maintain the current LTAAELs, which is based on current entitlement plus BLR and estimated future water requirements. This is a conservative approach and results in a smaller LTAAEL than using the recharge method. Amendment provision to enable these LTAAELs to be updated when the results of any new groundwater risk assessment method is finalised will be included in the plans and will provide an agreed method on how to incorporate climate change into these volume.
- f) Compliance with LTAAEL for coastal floodplain alluvial water sources at this point in time is a low priority activity as current take is well below LTAAEL in these water sources

The department accepts this recommendation in principle except for recommendation (f) which is noted.

Action taken to address NRC recommendation

Status: In progress – on track

Actions during plan replacement process:

Numeric LTAAELs have been calculated and included in the draft Brunswick replacement plan and a specific amendment clause has been included to facilitate an amendment to the plan when outcomes from the Sustainable Water Sharing project become available.

Other Work:

Progression of the Sustainable Water Sharing project

Recommendation 22

The Water Group should review and amend the account management rules in each Plan, including carryover provisions and the approach to AWDs where necessary to ensure water sources and ecosystems are protected.

Department response

Account management rules in high risk water sources are reviewed when water sharing plans are replaced.

The department accepts this recommendation.

Action taken to address NRC recommendation

Status: In progress – on track

Actions during plan replacement process:

Review of account management rules has occurred and no changes are proposed.

Recommendation 23

The Water Group should:

- a) Review, amend and simplify access licence dealings provisions to protect water sources and dependent ecosystems as well as improve social and economic outcomes. The review should start with water sources where the Water Group's risk assessments indicate risks to water sources or river health from changes in flows and those that have experienced changes in the licenced entitlement share and/or a significant growth in basic landholder rights take.
- b) Provide additional public guidance material to explain the purpose and intent of the access licence dealings provisions.

Department response

- a) The approach to trade seeks to encourage trading in unregulated rivers in NSW but only up to levels of entitlement that could be traded into a water source without unreasonably risking riverine ecology and effects on water users.

The department is also undertaking a new risk assessment based on HEVAE mapping. The assessment includes updating variables with the latest data to inform any update to plan rules

including trade as part of Plan replacement. Where the risk assessment identifies opportunity for trade these will be considered in line with the principles of the WM Act.

b) The department has published a fact sheet on water trading and the background document for the replacement plans will include information on how dealings decisions were made.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress – on track

Actions during plan replacement process:

Trade rules have been reviewed and more restrictive rules proposed in some water sources recognising the high ecological values and low demand for water.

Recommendation 24

The Water Group should review the appropriateness of high flow conversion provisions and, where required to protect water sources and dependent ecosystems, amend or remove these provisions and any reference to high flow licences.

Department response

As part of the remake of the 4 plans, the ability to provide for high flow conversions in a water source will be re-assessed, based on updated risk assessments and flow data. High flow conversion provisions will be revised accordingly.

The department accepts this recommendation.

Action taken to address NRC recommendation

Status: In progress – on track

Actions during plan replacement process:

High flow conversion rules have been reviewed and no high flow conversions are proposed for the draft Brunswick replacement plan due to the lack of gauging and low volumes of high flows where there are gauges.

Recommendation 25

The Water Group should amend all Plan provisions that do not reflect Section 5(3) of the WM Act, including removing any reference to ‘will not have significant adverse impact on the access to water of licence holders in the affected water source or management zone.’

Department response

Section 5(4)(c) of the WM Act requires that the impacts of water use on other water users should be avoided or minimised. Therefore, it is appropriate to consider this principal.

The department notes this recommendation.

Action taken to address NRC recommendation

Status: No action required

Recommendation 26

The Water Group should review, and revise Plan objectives, strategies and performance indicators based on a clear program logic.

Department response

The department is considering options to review plan objectives and performance indicators. The WM Act provides a structure for objectives, strategies and indicators to be included in water sharing plans. However, it lacks detail on the planning intent and outcomes to be achieved through water sharing plans. This was identified as a key gap through a 2024 Water Planning project on improving the efficiency of plan replacements.

The department is examining this through a broader piece of work aimed to agree and document statewide water management policies as they relate to water planning and several key projects currently underway.

The draft WSP Evaluation Framework uses a program logic approach to map current plan objectives strategies and performance indicators to plan water sharing, social, economic, environmental and water quality outcomes. It also includes external influences that may impact achievement of plan outcomes.

The department accepts this recommendation.

Action taken to address NRC recommendation

Status: No action required

Recommendation 27

The Water Group should include amendment provisions to allow changes to Plan provisions based on the Water Group's current work program (including but not limited to those listed in Section 10.3). The timelines for the amendment provisions should be linked to the completion of the work program and not exceed 5 years from the commencement of the replacement Plans.

Department response

The department agrees with this recommendation in principle however we disagree with the approach suggested. Under the WM Act, the Minister can make amendments to water sharing plans at any time if in the public interest to do so. The department will be regularly reviewing the outcomes of key work program activities and updating plan provisions if needed.

For example, we are currently progressing an amendment order to add provisions to these plans to capture our commitments under the MER Framework and Sustainable Water Sharing.

The department accepts this recommendation in principle.

Action taken to address NRC recommendation

Status: In progress – on track

Actions during plan replacement process:

Inclusion of amendment provisions in relation to the Sustainable Water Sharing project, climate change, native title, recharge studies, identification of Aboriginal cultural assets of groundwater-dependent culturally significant sites and improved gauging