



MDBA AND NSW INTERAGENCY AGREEMENT

Final Report

Discussion paper

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Contents

1. Final report – July 2021	1
2. Implementation commitment.....	1
3. Reporting and assurance.....	3

1. Final report – July 2021

The MDBA and the former NSW Department of Industry (now Department of Industry, Planning & Environment) signed an agreement on 1 June 2020 (with a further amendment current pending approval) relating to specified measures in anticipation of water resource plans coming into effect (the Agreement).

Reporting against these measures is required on or before 30 June 2021. Reporting requirements are set out in the Agreement, and are attached as follows:

1. Attachment A is the NSW/ACT trade mechanism report (Action item 5). This report describes progress to date against the NSW/ACT agreed workplan to develop a process for enabling two-way inter-jurisdictional retail water trading between NSW and the ACT.
2. Attachment B is the Floodplain Harvesting Action Plan report (Action item 4). This report describes progress against the Floodplain Harvesting Action Plan.
3. Attachment C is the S71 Report. This report describes relevant S71 reporting where Water Resource Plans have been withdrawn before 30 June 2021 (Action item 2).
4. Attachment D is the Better Management of Environmental Water Report (Action item 3). This report describes the work program for the Barwon Darling, Gwydir and Macquarie Castlereagh where Water Resource Plans have been withdrawn before 30 June 2021.

The reports provide the evidence to meet the implementation commitments specified in Schedule 2 of the Agreement.

It is noted that, as of 28 June 2021, 13 of the 20 NSW Water Resource Plans (WRPs) have been withdrawn including: the surface water WRPs for the Barwon Darling, Lachlan, NSW Border Rivers, Murray Lower Darling, Gwydir, Murrumbidgee and Namoi areas, and the groundwater WRPs for the Namoi, Gwydir, NSW Border Rivers, Darling, Murray and NSW MBD Porous Rock areas.

2. Implementation commitment

Certain matters in the Agreement relate to:

- inter-jurisdictional retail water trading between NSW and the ACT
- delivery of the Floodplain Harvesting Action Plan
- S71 reporting, and
- the Better Management of Environmental Water program.

NSW must carry out the actions in Schedule 2 to the Agreement within the specified timeframes. Actions relevant for the purposes of this report are shown in Table 1.

Table 1. Schedule 2 actions

Schedule 2 Actions
<p>Action Item 2:</p> <p>2.1 For each WRP area, for each water accounting period in which there is not a proposed WRP, or a proposed WRP has been submitted but withdrawn before 30 June in that period, NSW must submit to the Authority material which addresses:</p> <ul style="list-style-type: none"> 2.1.1 all matters set out in sections 10.10, 10.11, 10.12, 10.13, 10.15 of the Basin Plan; and 2.1.2 where interception has been assessed as having a significant impact in any WRP, all matters set out in sections 10.23, 10.24 and 10.25, of the Basin Plan; and 2.1.3 any proposed amended estimates of the surface water BDL (as currently specified in Column 2 of Schedule 3 of the Basin Plan) for SDL resource units in the WRP area as at 30 June in that period, based on best available information supported by documented evidence; and 2.1.4 supporting documented evidence of the basis for the proposed amended estimates. <p><i>Note: it is expected that NSW would draw on the most up-to-date draft methods that have been prepared in consultation with the Authority (pursuant to its functions under s 67 of the Act) for this Action, or reference suitable content that is available publicly.</i></p>
<p>Action Item 3:</p> <p>3.1 For the Barwon-Darling Watercourse, Gwydir and Macquarie-Castlereagh WRP areas, for each water accounting period in which there is not a proposed WRP for all three WRP areas, or a proposed WRP for one or more areas has been submitted but withdrawn before 30 June in that period, NSW will provide to the Authority a report which includes:</p> <ul style="list-style-type: none"> 3.1.1 a progress report on delivery against the <i>Better management of environmental water work program</i>. (NSW Government, April 2019); and 3.1.2 the draft rules proposed to improve the management and protection of environmental water in the Barwon-Darling Watercourse, Gwydir and Macquarie-Castlereagh WRP areas. <p>3.2 If any part of the delivery of the <i>Better management environmental water work program</i> is not complete, or draft rules referred to in paragraph 3.1.2 are not complete, NSW will provide, in addition to the report required by paragraph 3.1, a report explaining the reasons for non-completion.</p>
<p>Action Item 4:</p> <p>4.1 NSW will provide to the Authority a report on delivery of the Floodplain Harvesting Action Plan (NSW Government, September 2019).</p> <p>4.2 If any part of the delivery of the Floodplain Harvesting Action Plan is not complete, NSW will provide, in addition to the report required by paragraph 4.1, a report explaining the reasons for non-completion.</p> <p>4.3 This reporting requirement will continue until all floodplain harvesting licences have been issued and there are WRPs for the New South Wales Border Rivers, Barwon-Darling Watercourse, Gwydir, Namoi and Macquarie-Castlereagh WRP areas incorporating floodplain harvesting management policy.</p>
<p>Action Item 5:</p> <p>5.1 For the Murrumbidgee WRP area, NSW will:</p> <ul style="list-style-type: none"> 5.1.1 work with the ACT Government to develop a process for enabling two-way interjurisdictional water trading between NSW and the ACT; and 5.1.2 provide to the Authority a report on progress against the NSW/ACT agreed workplan. <p>5.2 NSW will engage with the Authority on the possible implications of the approach on interstate trade and any amendments that would be required to either Schedule 1 of the Act or its protocols.</p>

3. Reporting and assurance

The Agreement requires reporting against these measures on or before 30 June each year. Under the agreement DPIE must ensure transparency, reporting on the implementation of the measures.

Under this Agreement, the Authority commits to providing responses to any draft reports or material in such time, and of such form and content, that the ability of NSW to meet the implementation commitment is not compromised.