

New South Wales Toolkit projects – streamlined delivery

FEDERATION FUNDING AGREEMENT – ENVIRONMENT

Table 1: Formalities and operation of schedule	
Parties	Commonwealth New South Wales
Duration	This Schedule is expected to expire on or before 30 June 2024, including final reporting and processing of payments.
Purpose	<p>This Schedule is made under the <i>Federation Funding Agreement – Environment</i> (FFA-Environment) which was agreed by the Council of Federal Financial Relations in 2020 as the model for Commonwealth-State funding.</p> <p>The Schedule will support the delivery of three (3) New South Wales projects (the Projects) that have been approved streamlined delivery, as part of the Murray-Darling Basin Plan Northern Basin Toolkit Measures (the Toolkit).</p> <ul style="list-style-type: none"> – Fish for the Future; Reconnecting the Northern Basin Project – Macquarie Marshes Enhanced Watering Project – Fish for the Future; Fish-friendly Water Extraction Project - Barwon-Darling and Gwydir Rivers <p>Further context for the Toolkit, and the Projects covered by this Schedule is provided at Attachment A.</p> <p>The Projects will be delivered under a staged approach, with project development activities occurring in parallel with some early on-ground works. This approach will facilitate streamlined assessment and delivery, expedite Toolkit funding reaching relevant northern Basin communities, and provide budgetary certainty for the New South Wales government, by setting out the funding envelope approved for the entire life of each of the Projects.</p> <p>Further detail on various activities to be completed during each stage of these Projects is outlined in Table 2.</p>

Estimated financial contributions	<p>The Commonwealth will provide an estimated total financial contribution to New South Wales of up to a maximum amount of \$79,920,000 (GST exclusive) in respect of this Schedule.</p> <table border="1" data-bbox="438 398 1337 801"> <thead> <tr> <th data-bbox="443 405 742 472">Table 1 (\$ million)</th> <th data-bbox="754 421 890 450">2021-22</th> <th data-bbox="914 421 1050 450">2022-23</th> <th data-bbox="1074 421 1209 450">2023-24</th> <th data-bbox="1265 421 1332 450">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 483 742 551">Estimated total budget</td> <td data-bbox="754 483 890 512">\$11.006</td> <td data-bbox="914 483 1050 512">\$51.365</td> <td data-bbox="1074 483 1209 512">\$17.549</td> <td data-bbox="1265 483 1332 512">\$79.920</td> </tr> <tr> <td data-bbox="443 562 742 685">Less estimated National Partnership Payments</td> <td data-bbox="754 591 890 620">\$11.006</td> <td data-bbox="914 591 1050 620">\$51.365</td> <td data-bbox="1074 591 1209 620">\$17.549</td> <td data-bbox="1265 591 1332 620">\$79.920</td> </tr> <tr> <td data-bbox="443 696 742 795">Balance of non-Commonwealth contributions</td> <td data-bbox="826 703 847 732">0</td> <td data-bbox="986 703 1007 732">0</td> <td data-bbox="1145 703 1166 732">0</td> <td data-bbox="1305 703 1326 732">0</td> </tr> </tbody> </table>	Table 1 (\$ million)	2021-22	2022-23	2023-24	Total	Estimated total budget	\$11.006	\$51.365	\$17.549	\$79.920	Less estimated National Partnership Payments	\$11.006	\$51.365	\$17.549	\$79.920	Balance of non-Commonwealth contributions	0	0	0	0
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Additional terms	<ol style="list-style-type: none"> 1. Project funds must not, unless agreed by the Commonwealth in writing, be used by New South Wales to: <ol style="list-style-type: none"> a. duplicate any business case or project development activities already undertaken and funded by the Commonwealth; or b. cover the cost of any project activities commenced but not yet completed prior to the execution of this Schedule. 2. New South Wales will provide relevant evidence that demonstrates achievement of performance milestones to meet the needs of the Commonwealth. Evidence will be provided in the form of a Project Execution Plan for each Project, that will evolve as New South Wales refines project information (Stage 1). 3. Evidence will include, but is not limited to: <ol style="list-style-type: none"> a. Project Execution Plans (including for Early On-Ground Works) inclusive of: <ol style="list-style-type: none"> i. Key deliverables ii. Project performance and resourcing including delivery schedule iii. Project costings estimates and forecasts including brief commentary on the derivation of costings data iv. Quality management and assurance v. Risks and issues register vi. Communication and stakeholder engagement planning for the life of the Project 																				

	<ul style="list-style-type: none">vii. Governance arrangements.b. Commentary against project expenditure to date, delivery schedule status (including for Early On-Ground Works) and engagement activities undertaken.c. Final report for each Project, including lessons learned. <p>4. Project development activities are to:</p> <ul style="list-style-type: none">a. be delivered consistent with the agreed <i>Northern Basin Toolkit Project Business Case Assessment Guidelines</i>;b. include finalised costings for each Project need to be robust and defensible; andc. include a detailed and scientifically robust monitoring, evaluation and reporting (MER) plan for each of the Projects (see MER plan requirements at Attachment B). <p>5. Once all project development activities have been refined during Stage 1, a fully-developed Project Execution Plan will be provided by New South Wales to inform the Gateway Review, or full implementation (Stage 2), for each of these Projects (see also Attachment A).</p> <ul style="list-style-type: none">a. A high-level version of this Plan (for Stage 2) will be agreed by the Commonwealth Minister and will outline delivery of all remaining Works (see Attachment A for further information). <p>6. To reflect the funding arrangements for the Projects, a governance structure, comprising Commonwealth and New South Wales government officials, will monitor and provide strategic direction on the implementation of Toolkit measures in New South Wales, and oversee the delivery of specified activities and requirements, including endorsement of milestone reports, for each of the Projects under this Schedule.</p> <p>7. New South Wales will notify the Commonwealth where they intend to make significant variations to the timeframe for delivering milestones agreed in the Project Execution Plan.</p> <p>8. To ensure there is consistency in the approach for the two Fish-friendly Water Extraction projects funded under the Toolkit, New South Wales will ensure regular engagement with Queensland on both screening projects, including sharing lessons learned, and will report back to the Commonwealth on these discussions at each milestone.</p>
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| | <ol style="list-style-type: none">9. All approved Toolkit projects are designed where possible to employ local and indigenous people, source local goods and improve environmental outcomes in the northern Basin.10. Any assets being constructed or modified by New South Wales as part of these Projects already have existing asset ownership arrangements in place. The Commonwealth will not acquire any assets nor any liability for any operations, maintenance or recurrent costs from works undertaken or associated with these Projects. |
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Table 2: Performance requirements, reporting and payment summary

A. Fish for the Future; Reconnecting the Northern Basin Project

This Project will reinstate fish passage at priority sites in the Northern Basin, focusing on the Barwon-Darling and Border Rivers areas.

Project Output	Performance milestones	Due Date	Payment
1. Project Establishment	Project Execution Plan inclusive of: <ul style="list-style-type: none"> – Deliverables and costs for Early On-Ground Works – Project governance arrangements – Communications and stakeholder engagement planning 	Within ten business days of executing this Schedule	\$2,810,000
2. Early On-Ground Works	Evidence that demonstrates progress as per the Project Execution Plan.	31 March 2022	\$4,410,000
3. Proposal for Transition to Full Implementation	Evidence that demonstrates progress as per Project Execution Plan. Submission of a fully-developed Project Execution Plan for Stage 2 inclusive of: <ul style="list-style-type: none"> – Final project costs. – Monitoring, Evaluation and Reporting Plan for the Project (as per requirements at Attachment B to this Schedule). 	30 September 2022	\$6,670,000
GATEWAY REVIEW	Subject to delivery of Stage 1 to the satisfaction of the Commonwealth, and the Commonwealth Minister's agreement to a high-level Project Execution Plan for Stage 2, the remaining project activities and milestones will be negotiated through a Variation to this Schedule.		\$42,860,000
			Up to \$56,750,000

Table 2: Performance requirements, reporting and payment summary.

B. Macquarie Marshes Enhanced Watering Project

This project will improve the effectiveness of environmental water delivery to the Macquarie Marshes by reducing the volume of water bypassing key assets.

Project Output	Performance milestones	Due date	Payment
1. Project Establishment	Project Execution Plan inclusive of: <ul style="list-style-type: none"> – Deliverables and costs for Early On-Ground Works – Project governance arrangements – Communications and stakeholder engagement planning 	Within ten business days of executing this Schedule	\$357,000
2. Early On-Ground Works	Evidence that demonstrates progress as per the Project Execution Plan.	31 March 2022	\$357,000
3. Proposal for Transition to Full Implementation	Evidence that demonstrates progress as per the Project Execution Plan. Submission of a fully-developed Project Execution Plan for Stage 2 inclusive of; <ul style="list-style-type: none"> – Final project costs. – Monitoring, Evaluation and Reporting Plan for the Project (as per requirements at Attachment B to this Schedule). 	30 September 2022	\$1,666,000
GATEWAY REVIEW	Subject to delivery of Stage 1 to the satisfaction of the Commonwealth, and the Commonwealth Minister's agreement to a high-level Project Execution Plan, the remaining project activities and milestones will be negotiated through a Variation to this Schedule		\$310,000
			Up to \$2,690,000

Table 2: Performance requirements, reporting and payment summary

C. Fish for the Future; Fish-friendly Water Extraction Project - Barwon-Darling and Gwydir Rivers

This Project will screen offtake pumps to ensure fish are not removed from targeted areas and thereby improving the resilience of native fish populations in relevant catchments.

Project Output	Performance milestones	Due date	Payment
1. Project Establishment	Project Execution Plan inclusive of: <ul style="list-style-type: none"> – Outline for Expressions of Interest Program delivery – Project governance arrangements – Communications and stakeholder engagement planning – Plan for collaboration and complementarity between this Project and the Queensland Fish-friendly Water Extraction project. 	Within ten business days of executing this Schedule	\$1,024,000
2. Early On-Ground Works	Evidence that demonstrates progress as per the Project Execution Plan, including: <ul style="list-style-type: none"> – public announcement of the Expression of Interest Program opening. – Diversion Screening Guidelines. 	31 March 2022	\$2,048,000
3. Proposal for Transition to Full Implementation	Evidence that demonstrates progress as per the Project Execution Plan. Submission of a fully-developed Project Execution Plan for Stage 2 inclusive of: <ul style="list-style-type: none"> – Delivery work plan for remaining project activities. – Financial year profile for all project activities through to full implementation. – Monitoring, Evaluation and Reporting Plan for the Project (as per requirements at Attachment B to this Schedule). – Final project costs. 	30 September 2022	\$2,048,000
GATEWAY REVIEW	Subject to delivery of Stage 1 to the satisfaction of the Commonwealth, and the Commonwealth Minister's agreement to a high-level Project Execution Plan, the remaining project activities and milestones will be negotiated through a Variation to this Schedule		\$15,360,000
			Up to \$20,480,000

The Parties have confirmed their commitment to this schedule as follows:

*Signed for and on behalf of the Commonwealth of
Australia by*



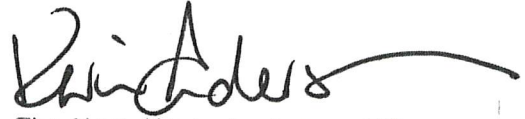
The Honourable Keith Pitt MP
Minister for Resources and Water

9/12/2021

*Signed for and on behalf of the
State of New South Wales by*

~~The Honourable Melinda Pavey MP~~
~~Minister Water, Property and Housing~~

~~1 / 2021~~



The Hon. Kevin Anderson MP
Minister for Lands and Water
Minister for Hospitality and Racing

7/3/2022

ATTACHMENT A.

Funding context and Commonwealth gateway assessment for the Toolkit projects covered by this Schedule.

1. On 9 August 2019, Basin First Ministers agreed to implement Toolkit measures through Schedule 3 to the 2013 *Intergovernmental Agreement on Implementing Water Reform in the Murray-Darling Basin* (the IGA). This includes:
 - a. Up to \$180 million in Commonwealth funding is available until 30 June 2024 for Queensland and New South Wales governments to implement environmental works and measures projects that will deliver improved environmental outcomes the northern Basin, in particular to promote fish or broader ecological health.
 - b. Any ongoing costs related to the approved projects (such as monitoring and evaluation and operation and maintenance costs) will be the responsibility of the relevant State, unless otherwise agreed in relation to individual environmental measures.
2. To date, a total of \$5,011,427 has been provided to the Queensland and New South Wales governments for the preparation of Toolkit feasibility proposals.
3. In March 2021, following the Commonwealth assessment of the feasibility proposals, the Australian Government announced ten environmental projects that would receive further Toolkit funding, either to commence immediate implementation or to progress to the business case development phase. These ten approved projects were identified by a panel of independent experts to deliver the best environmental outcomes for the northern Basin.
4. These Projects have been approved to follow a streamlined gateway model, where the following project activities will happen in parallel as outlined in Table 2:
 - a. on-ground delivery will commence in 2021 to ensure the benefits are rapidly reaching regional communities.
 - b. further project development activities will be undertaken overtime and submitted in packages to the Commonwealth for rolling assessment as outlined under Purpose of this Schedule.

Gateway Review:

5. Once all performance milestones for Stage 1 (as set out in Table 2 for each Project) have been met, the suite of project development deliverables will effectively comprise the State's proposal to transition to full implementation (Stage 2) of the Project.
6. At this point, the Commonwealth will undertake a "gateway review" to affirm the viability and expected outcomes of each of the Projects, and ensure all information provided by New South Wales meets the Commonwealth's requirements for assessing whether the Project will achieve an outcome which is technically viable, value for money and a proper use of the public resources for which it was originally approved.
7. Once this review is complete, and subject to a decision by the Commonwealth Minister, the remainder of the Commonwealth's financial commitment to the Project will be reaffirmed. To enact this decision, a Variation to this Schedule will be agreed by Commonwealth and New South Wales ministers, including agreement of appropriate performance milestones and commensurate milestone payments for the remaining project funding.

ATTACHMENT B.

Requirement for the Monitoring, Evaluation and Reporting (MER) plan that is to be provided as part of each Toolkit project.

The plan will provide information on how each of the Projects, if implemented, will be assessed to determine its effectiveness in delivering its anticipated environmental outcomes and monitor any key risks and potential ecological dis-benefits. The MER plan must:

1. be underpinned by a program logic, and be consistent with long-term watering plans and water resource plans MER, including being informed by risks these plans have identified;
2. be a standalone document that addresses relevant MER recommendations identified by the Independent Expert Ecological Panel for Ecological Merit and Prioritisation in their assessment of the project feasibility proposal;
3. be capable of evaluating and reporting on the effectiveness of the works, and also whether or not the intended environmental outcomes have been achieved by these works. This includes being capable of evaluating and reporting on key ecological risks and dis-benefits as part of a risk mitigation strategy developed during project development;
4. be able to evaluate and report at the project level, but also be geographically and thematically integrated with other relevant MER programs and activities, particularly for other Toolkit projects;
5. describe how MER activities leverage off and doesn't duplicate the MER activities undertaken through existing programs;
6. describe cost sharing and governance arrangements for longer term MER activities;
7. be designed to support broader Basin Plan MER including the Basin-wide monitoring strategy being led by MDBA; and
8. describe data sharing arrangements with the expectation being that any data and information arising from the MER plan is available to, and shared with, other Basin governments and also made publicly available where appropriate.