

## Office of the Chief Executive

Ref: EC21-0000179

The Hon Melinda Pavey MP  
Minister for Water, Property and Housing  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister

I am writing to give New South Wales ('NSW') notice of the grounds on which the Authority considers that it should recommend that the Commonwealth Minister for Resources, Water and Northern Australia ('the Minister') not accredit the content in the proposed Murrumbidgee (Surface water) Water Resource Plan ('the proposed WRP').

As you are aware NSW formally gave the proposed WRP to the Authority on 24 June 2020 and asked the Authority to provide it to the Minister for accreditation in accordance with s 63(1) of the *Water Act 2007* (Cth) ('the Act').

Consistent with the requirements of s 63(3) of the Act, Murray-Darling Basin Authority officers have been assessing the proposed WRP.

The Authority has found a number of matters which may support a recommendation that the proposed WRP should not be accredited.

In accordance with s 63(4) of the Act, the Authority must not recommend that the Minister not accredit the proposed WRP until the process required by that section has been completed. This requires that the Authority:

- (a) gives a Basin State written notice of the grounds on which the Authority considers that it should recommend that the Minister not accredit the proposed WRP;
- (b) gives the Basin State the opportunity to make submissions to the Authority, within the period of 14 days after the notice referred to in paragraph (a) is given, in relation to the grounds set out in the notice; and
- (c) has regard to the submissions made by the Basin State within that period in deciding what recommendations to make to the Minister in relation to a proposed water resource plan.

The Authority may, in writing, extend or further extend the period referred to in paragraph (b).

The details of the grounds on which the Authority considers that it should recommend that the Minister not accredit the proposed WRP are set out at **Attachment A**.

## Office of the Chief Executive

I therefore ask that NSW take the opportunity to provide submissions, within 14 days of the date of this notice, in relation to these grounds. I am particularly interested in submissions which would assist the Authority in considering whether the treatment of these matters is consistent with the relevant version of the Basin Plan and/or whether, notwithstanding these matters, the proposed WRP is consistent with the relevant version of the Basin Plan.

I would like to take this opportunity to acknowledge the collaborative efforts of your Departmental staff in progressing the proposed WRP to this stage and assure you that the Authority remains committed to working with you to finalise this plan for accreditation.

Key contact for the proposed WRP are \_\_\_\_\_, A/g General Manager Water Resource Planning Policy and Assessment \_\_\_\_\_), and \_\_\_\_\_, Executive Director Basin Plan Regulation ( \_\_\_\_\_ or \_\_\_\_\_).

Please feel free to contact them should you have any enquiries in relation to the assessment and accreditation of the proposed WRP. I look forward to receiving any submissions from you on or before 8 April 2021.

Yours sincerely

Andrew Reynolds

A/g Chief Executive

25 March 2021

**Attachment A:** The grounds on which the Authority considers it should recommend that the Minister not accredit the proposed WRP

### **Attachment A – The grounds on which the Authority considers it should recommend that the Minister not accredit the proposed WRP**

In exercising powers and performing functions under the Act in relation to a water resource plan the Authority must have regard to the Basin Plan and the extent to which a proposed water resource plan is consistent with the relevant Basin Plan (s 56(1) of the Act).

The proposed WRP must be consistent with the relevant Basin Plan including the requirements for water resource plans and any long-term annual diversion limit for the water resources of the water resource plan area (or for a particular part of those water resources (s 55(2) of the Act)). The relevant Basin Plan is version F2018C00451, registered on 11 July 2018 and ending on 31 December 2019.

In determining whether the proposed WRP is consistent with the relevant Basin Plan, and having regard to the legislative framework in which the proposed WRP operates, the Authority has identified the following issues as the grounds on which the Authority considers it should recommend that the Minister not accredit the proposed WRP:

# WRP issues identified as potential inconsistencies with Basin Plan provisions

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
<b>Part 2</b>			
2.1	10.04(4)	<p>(4) A water resource plan must include a list that specifies:</p> <ul style="list-style-type: none"> <li>(a) each requirement set out in this Chapter (individually or by reference to a group of requirements); and</li> <li>(b) the part of the plan that addresses each requirement (or group of requirements); and</li> <li>(c) the parts of the plan that will cease to have effect or are to be reviewed, and the times at which those parts will cease to have effect or are to be reviewed.</li> </ul> <p>Note: For paragraphs (a) and (b), the list may, for example, group multiple requirements in Chapter 10 together and specify that those requirements are addressed in a single document that deals with those requirements.</p>	<p>The WRP Index (Schedule B) refers to WRP s 5.4 as the section of the WRP that addresses the requirement for s 10.25 of the Basin Plan. However, text for accreditation to address this requirement is instead addressed at WRP s 5.7. Therefore, the requirement has not been met.</p>
2.2	10.05	<p>A water resource plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared having regard to the management and use of any water resources which have a significant hydrological connection to the water resources of the water resource plan area; and</li> <li>(b) describe the way in which paragraph</li> </ul>	<p>Text for accreditation at WRP s 2.2 refers to the following material for information about how the proposed WRP was prepared having regard to the management and use of hydrologically connected water: WRP ss 4, 4.7, 5.6, 5.7, Table 2-1, Schedule D (Risk Assessment) s 3.3, Schedule A (Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012) Parts 4 and 8, and Schedule A (Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020) Part 4 and cls 50 and 77.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		(a) was complied with.	<p>Examination of this material has found several gaps and inconsistencies including:</p> <ul style="list-style-type: none"> <li>• Not incorporating and providing referenced documents as part of the submitted proposed WRP (Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016, Snowy Water Inquiry Outcomes Implementation Deed (SWIOD) and the Snowy Water Licence).</li> <li>• Not demonstrating regard for the management of the connected water resources of the Australian Capital Territory (groundwater) WRP area (GW1).</li> <li>• Consequential inconsistencies resulting from assessment against s 10.10(3) regarding requirements of 10.12(1)(e) Specifically: There is no material describing how the method for determining the annual permitted take accounts for significant hydrological connections with surface and groundwater resources as required under s 10.12(1)(e) of the Basin Plan.)</li> <li>• Consequential inconsistencies resulting from assessment against ss 10.23 - 10.25. Specifically: the listing and monitoring of interception activities required under ss10.23 and 10.24 of the Basin Plan does not have appropriate regard to the medium risks as identified in Schedule D, and impacts on connected resources has not been considered.</li> </ul> <p>As such, the content of WRP s 2.2 is not supported and consequently the requirements of s 10.05 have not been met.</p>
2.3	10.07(1)	<p>(1) A water resource plan prepared by a Basin State must contain a description of the consultation in relation to the plan (including in relation to any part of the plan), if any, that was undertaken before the State gave the plan to the Authority under subsection 63(1) of the Act.</p> <p>Note: A water resource plan prepared by the Authority and adopted under section 69 of the Act is a legislative instrument. The Legislative Instruments</p>	<p>The Murrumbidgee WRP area is adjacent to the Australian Capital Territory (surface water) WRP area (SW1) and Australian Capital Territory (groundwater) WRP area (GW1). As such, the proposed WRP must be prepared in consultation with the Australian Capital Territory in accordance with s 63(2) of the <i>Water Act 2007</i>(Cth). Neither the proposed WRP or Schedule C (Murrumbidgee Surface Water Resource Plan Consultation Report) provide any demonstration of consultation with the Australian Capital Territory. Consequently, the requirement has not been met.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		Act 2003 requires that the explanatory statements for such plans describe the consultation undertaken in relation to the plans.	
<b>Part 3</b>			
3.1	10.08(1)(a)	(1) A water resource plan must identify: (a) each form of take from each SDL resource unit in the water resource plan area	<u>Take by floodplain harvesting</u> is listed in Table 5-1 of the proposed WRP and is not a form of take for this SDL resource unit as noted in Schedule 3 of the Basin Plan. While Table 5-1 shows that this form of take does not have any impact on consumptive take in this SDL resource unit, its inclusion is inconsistent with the Basin Plan.
3.2	10.08(1)(b)	(1) A water resource plan must identify: (b) any classes of water access right that apply to the forms of take identified under paragraph (a)	Table 5-1 of the proposed WRP does not identify all relevant classes of water access rights for <u>take from a watercourse</u> . It does not separately identify unregulated river (high flow) access licences, which are given 0 unit shares in clause 25 of Schedule A (Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012). Therefore, the requirement has not been met.
3.3	10.08(1)(c)	(1) A water resource plan must identify: (c) the characteristic of each class of right including, where appropriate, the number of rights and any conditions on the exercise of the rights.	<p>Text for accreditation at WRP s 5.1.2 incorporates WRP Table 5-1 to describe the characteristics and number of each class of access right in the WRP area. With respect to the details provided in Table 5-1:</p> <p>For <u>take by floodplain harvesting</u> - this is not a form of take recognised under the description of the BDL in Schedule 3 of the Basin Plan. Therefore, the characteristics of classes of water access right given in Table 5-1 against these forms of take are inconsistent with the Basin Plan</p> <p>For <u>take under basic rights</u> - (row 22, column 6) - the class of water access right 'Domestic and Stock' (row 23) refers to s 55 of the WMA 2000. However, this appears to be a drafting error as s 55 refers to conditions on Native Title rights holders. Conditions on Domestic and Stock rights holders are set out at s 52 of the WMA 2000. As such, conditions for this component of take under basic rights have not been incorporated into the proposed WRP.</p> <p>For <u>take by runoff dams</u>, the Harvestable Rights Order are described under NSW Government Gazette 40 dated 31 March 2006, sections 53 and 54 of WMA 2000 and Part 5 of Schedule A (Water Sharing Plan for the Murrumbidgee Unregulated River Water Source 2012). Although the Harvestable Rights Order has been incorporated into the proposed WRP through reference in text for accreditation at WRP s 5.4 and Table 5-1, it was not submitted to MDBA as part of the formal WRP package as described in the letter of transmission to the MDBA. The conditions of the dams</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>listed as exempt in Schedule 2 of the Harvestable Rights Order are not further characterised in the proposed WRP. This means the proposed WRP is incomplete and as the exempt runoff dams are not clearly identified, it is unclear if further details are required to meet s 10.08.</p> <p>Therefore, this requirement is not met.</p>
3.4	10.08(2)	A water resource plan must require a holder of water access right to comply with the conditions of that right.	<p>Text for accreditation at WRP s 5.1.2 states WRP Table 5-1 identifies the provisions that oblige water access right holders to comply with the conditions of a right. As identified in the assessment for s 10.08(1)(c):</p> <ul style="list-style-type: none"> <li>- Inclusion in Table 5-1 of <u>take by floodplain harvesting</u> is inconsistent with Schedule 3 of the Basin Plan</li> <li>- For <u>take by run off dams</u> the conditions of the dams listed as exempt in Schedule 2 of the Harvestable Rights Order has not been described in the proposed WRP.</li> <li>- For <u>take under basic rights</u>, s 52 of the WMA 2000 is relevant but has not been incorporated into the proposed WRP.</li> </ul> <p>This means that the proposed WRP does not oblige water access right holders to comply with the conditions of those rights. Therefore, the requirement has not been met.</p>
3.5	10.09(1)	A water resource plan must identify the planned environmental water in the water resource plan and associated rules and arrangements relating to that water.	<p>Examination of Part 4 of the three water sharing plans that make up Schedule A confirms that the identification of PEW is consistent with the description of PEW in s 6 of the Water Act 2007. However, there are rules not identified for accreditation in the proposed WRP that appear to operate to commit or preserve water for an environmental purpose.</p> <p>In Schedule A (Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020):</p> <ul style="list-style-type: none"> <li>- Clause 8(3), which identifies strategies for reaching targeted environmental objectives, including by reference to relevant provisions of the water sharing plan that commit or preserve water that contribute to achieving those objectives, and is therefore considered a rule or arrangement relating to PEW.</li> <li>- Clause 73 in Part 10 Division 5, which establishes the priority of delivery for water in circumstances when supply capability is limited due to channel capacity. The Authority considers that this rule directly relates to the</li> </ul>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>protection of PEW by guaranteeing some level of access to water orders from the environmental water allowance established by the Part 10 division 2 (EWA) rules during periods of reduced delivery capacity.</p> <p>In Schedule A (Water Sharing Plan for the Murrumbidgee Unregulated River Water Source 2012):</p> <ul style="list-style-type: none"> <li>- Clause 10(3), which identifies strategies for reaching targeted environmental objectives, including by reference to relevant provisions of the water sharing plan that commit or preserve water that contribute to achieving those objectives, and is therefore considered a rule or arrangement relating to PEW.</li> <li>- Clause 62 prevents authorisation (subject to exemptions at cl 62(3) of any further in-river dams on third order or higher streams in the water sources listed in cls 62(1A) and 62(2) of Schedule A). The Authority considers that this serves to protect PEW from any further growth in development of in-river dams on these types of streams in these water sources, and therefore improves the legal protection of PEW. This clause is identified in the water sharing plan as relevant to environmental objectives, and is also identified as protecting PEW in WRP Appendix C and as a current critical mechanism relating to risks in WRP Schedule D. The Authority therefore considers that this clause should be identified as a PEW rule.</li> </ul> <p>In addition, text for accreditation at s 4.1.1 states:</p> <p>Key aspects of some of the rules are to provide for calculation or apportionment of available water for sharing between consumptive users, technical mechanisms and details for the purpose of managing consumptive user allocations, storage, release and delivery operations, accounting etc. The aspects of the below rules that are not for the purpose of committing or preserving planned environmental water are excluded from the requirements in section 10.09(1).</p> <p>There is no information provided to set out which aspects of the cited rules are 'excluded from the requirements of section 10.09(1)'. As such, the Authority is not able to differentiate between aspects that are included and those that are not.</p>



Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Consequently, due to the failure to include omitted rules as a rule or arrangement that operates to protect PEW as assessed above, and the inability to be able to differentiate between aspect of the cited rules that are included and excluded for meeting s 10.09(1), this requirement is not met.</p>
3.6	10.10(1)	(1) For each SDL resource unit in a water resource plan area, and for each form of take, the water resource plan must set out the method for determining the maximum quantity of water that the plan permits to be taken for consumptive use during a water accounting period.	<p>Text for accreditation at s 5.6 provides a formula as the method for determining the annual permitted take for the Murrumbidgee SDL resource unit (SS15). However, the formula does not provide enough information about the how the annual permitted take method is determined for each parameter in the formula. The necessary detail about the parameters and operation of the APT method are set out at WRP Table F-2, titled 'Parameters for the method for determining Annual Permitted Take'. Table F-2 is not incorporated into the proposed WRP to meet s 10.10 requirements.</p> <p>Table F-2 is incorporated to provide the best estimate of long-term annual average take required to meet requirements of s 10.44 of the Basin Plan, but this is not sufficient to meet the requirements of s 10.10. As such, the detail on the annual permitted take method for each parameter in the formula in text for accreditation at s 5.6 is not incorporated to meet the requirements of s10.10(1) of the Basin Plan. The Authority is therefore not satisfied this requirement is met.</p> <p>Furthermore, there are several inconsistencies between accredited text, Table F-2 and supporting information relevant to this requirement. These inconsistencies result in material uncertainty about the application of the annual permitted take method as set out in the proposed WRP. Further detail about these matters is provided as <b>Appendix A</b> below.</p> <p><u>Take from regulated rivers (excluding basic rights)</u> The annual permitted take formula for the SDL resource unit set out in the text for accreditation at s 5.6 includes parameters for:</p> <ul style="list-style-type: none"> <li>+/- trade in and out of the SDL resource unit</li> <li>- local reduction amount</li> <li>- shared reduction amount</li> </ul>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>+ net SDL adjustment amount that is equal to supply contributions less efficiency contributions</p> <p>Supporting information at WRP Schedule F (Water for consumptive use information) Attachment B (Murrumbidgee Surface WRP – Modelling – Annual Permitted Take Scenario Report) s 3.1.2 (pp 5-6) and s 3.1.4 (pp 6-7), identifies that the above four parameters are also included within the method for <u>take from regulated rivers</u>. The effect of this, is that these parameters are double counted. This compromises the ability of the formula to correctly determine annual permitted take and does not meet requirements.</p> <p>Table F-2 row 1, column 3 defines the annual permitted take method as ‘The volume determined by the Murrumbidgee SDL Model and adjusted for Net Murrumbidgee Trade in the relevant water year as for the method described in section 5.6’.</p> <p>Examination of the material in Table F-2 that provides for the operation of the Murrumbidgee SDL Model’, the determination of ‘Net Murrumbidgee Trade’ has established that the relevant material does not satisfy requirements for s 10.10. This is due to:</p> <ol style="list-style-type: none"> <li>1. Incorrect model versions submitted with the WRP package</li> <li>2. Inconsistent naming of model in Table F-2 and s 5.6</li> <li>3. Inconsistency between Table F-2 and Attachment B to Schedule F regarding the treatment of HEW entitlement trade</li> <li>4. Inconsistency in BDL values that impact the scaling factor determination</li> <li>5. Additional unmodelled form of take given in Tables 3 and 4 of Attachment B to Schedule F for regulated river (under domestic and stock) that is not described in Table F-2</li> <li>6. Issues in the annual permitted take model for the Murrumbidgee SDL resource unit submitted to the MDBA</li> <li>7. Water for Rivers and The Living Murray representation in Attachment A and B to Schedule F of the BDL scenario</li> <li>8. Representation of entitlement (permanent tagged) trade</li> </ol> <p>Further details about the items above are provided in <b>Appendix A</b> below.</p> <p><u>Take by floodplain harvesting</u></p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Table F-2, row 5, column 3 states the method is: 'There have been no floodplain harvesting entitlements issued in the Murrumbidgee SDL resource unit (SS15) and hence there is no take.' Column 5 further states 'The volume for floodplain harvesting will be zero'. The Authority notes that this form of take is not recognised under Schedule 3 of the Basin Plan for this SDL resource unit. This means, despite that the water sharing plans that make up Schedule A can be amended to include floodplain harvesting, this form of take is not part of the baseline diversion limit (BDL) and thus the sustainable diversion limit (SDL) for this SDL resource unit. Its inclusion in text for accreditation is not consistent with the Basin Plan and does not meet requirements.</p> <p><u>Take by runoff dams (excluding and under basic rights)</u>  The method given in Table F-2, row 7, column 3 is that annual permitted take is equal to: the long-term average as specified in Schedule 3 column 2 of the Basin Plan for the Murrumbidgee SDL resource unit (SS15). The Authority notes that 'Harvestable rights' is the only class of water access right identified in the annual permitted take method description in column three of Table F-2. As such, it is unclear if exempt runoff dams, referred to in column 6 of row 19 of WRP Table 5-1, are also covered in this method. Consequently, there is insufficient information to determine if this annual permitted take method captures all take from runoff dams. This does not meet requirements.</p> <p><u>Take under basic rights – domestic and stock rights</u>  Table F-2, row eight, column five states the domestic and stock basic rights are estimated based on a method relating to identification of using riparian properties and Departmental farm water supplies data. No reference is given to provide any further detail on this method. It is not clear in the text if this method and volume represents the long-term annual average estimate. However, as it remains the same each relevant water year it is taken to be as such. The method cannot be verified without further detail, and therefore does not meet requirements.</p> <p>Further, column 5 states 'Annual basic rights permitted take will equal the long term average as specified for SDL resource unit (SS15) under Schedule 3 column 2 of the</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			Basin Plan.' There is no volumetric estimate for this form of take in Schedule 3 of the Basin Plan so this statement is incorrect.
3.7	10.10(1)	(1) For each SDL resource unit in a water resource plan area, and for each form of take, the water resource plan must set out the method for determining the maximum quantity of water that the plan permits to be taken for consumptive use during a water accounting period.	<p>The BDL estimates for the Murrumbidgee SDL resource unit (SS15) have been revised</p> <p>Supporting information at WRP s 5.6.1 states:</p> <p>The updated BDL model scenario report is yet to be accepted by the MDBA as the best available estimate of the BDL on 1 July 2009.</p> <p>Further, supporting information at WRP Schedule F (Water for consumptive use information) Attachment A (Murrumbidgee Surface WRP – Modelling – Baseline Diversion Limit Scenario Report) states at s 1 that the modelled BDL estimates have been revised based on improved modelling.</p> <p>Examination of Attachment A to Schedule F confirm that revisions to BDL estimate for take from regulated rivers are set out. However, the assessment notes that multiple updated BDL re-estimates are described (Attachment A, Table 3 page 9, Table 4 page 10 and Attachment B, Table 1 pages 7-8) without clear indication which change is the one being proposed for approval by the Authority. As a result, the BDL re-estimate for take from regulated rivers is not defined here as it is unclear which of the three volumes presented is the proposed BDL revision. Furthermore, the BDL model version 129 referred to in Schedule F Attachment A was not submitted with the WRP package before 30 June 2020.</p> <p>The BDL re-estimate in the unmodelled forms of take relates to take under basic rights. and results in an overall BDL re-estimate in unmodelled take (i.e. take from a watercourse, take by runoff dams, net take by commercial plantations, and take under basic rights) from 543 GL/yr to 549 GL/yr (estimates provided in Schedule 3 to the Basin Plan, items 13(b) – (f) verse Attachment B – Table 4, page 12, Column two. However, the assessment is unable to verify the take under basic rights BDL re-estimate.</p> <p>Given the issues cited above about inconsistencies between the BDL modelling information and preliminary analysis of the BDL model that finds the incorrect</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			model was submitted for <u>take from regulated rivers</u> BDL re-estimate, and the inability to verify the <u>take under basic rights</u> BDL re-estimate, the assessment cannot identify which BDL re-estimate is relevant, whether it is changed due to better information and thus cannot approve the proposed BDL re-estimates.
3.8	10.10(1)	(1) For each SDL resource unit in a water resource plan area, and for each form of take, the water resource plan must set out the method for determining the maximum quantity of water that the plan permits to be taken for consumptive use during a water accounting period.,	<p>Text for accreditation at s 5.6 sets out a formula for determining annual permitted take at the end of each water accounting period that includes ‘– local reduction amount’. The assessment notes that that supporting information at WRP Schedule F (Water for consumptive use information) states in relation to Table F-3 ‘Demonstration of APT method with the SDL’ that:</p> <p>For this demonstration of the SDL as at 1 July 2019, the <u>regulated rivers</u> APT method includes adjustments that accounts for the local reduction volume of 320.0 GL/y, the shared reduction volume of 277.9 GL/y, and the SDL adjustment amount volume of 145.7 GL/y. For the purpose of this SDL demonstration, the SDL as at 30 July 2019 is given, assuming 62 GL/y of efficiency measures are complete in other SDL resource units so full apportioned supply contribution is applied.</p> <p>As such, the assessment notes that the local reduction amount is part of the annual permitted take method for take from regulated rivers and is double counted in the proposed WRP. This conclusion is not affected by the fact that it is not possible to confirm proposed BDL changes, which in turn means the SDL cannot be confirmed. The operation of the scaling factor in s 4.4.1 of Attachment C of Schedule F is also unclear due to the ‘Required SDL reduction’ parameter in the scaling factor formula not being defined but assumed to include the local reduction amount. The assessment also notes that the operation of the scaling factor in s 4.4.1 of Attachment C of Schedule F is also unclear due to the ‘Required SDL reduction’ parameter in the scaling factor formula not being defined but assumed to include the local reduction amount.</p>
3.9	10.10(1)	(1) For each SDL resource unit in a water resource plan area, and for each form of take, the water resource plan must set out the method for determining the maximum quantity of water that the plan permits to be taken for	Text for accreditation at s 5.6 sets out a formula for determining annual permitted take at the end of each water accounting period that includes ‘– shared reduction amount’. The assessment also notes that supporting information at WRP Schedule F (Water for consumptive use information) states in relation to Table F-3 ‘Demonstration of APT method with the SDL’ that:

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		consumptive use during a water accounting period.	<p>For this demonstration of the SDL as at 1 July 2019, the <u>regulated rivers</u> APT method includes adjustments that accounts for the local reduction volume of 320.0 GL/y, the shared reduction volume of 277.9 GL/y, and the SDL adjustment amount volume of 145.7 GL/y. For the purpose of this SDL demonstration, the SDL as at 30 July 2019 is given, assuming 62 GL/y of efficiency measures are complete in other SDL resource units so full apportioned supply contribution is applied.</p> <p>As such, the assessment notes that the shared reduction amount is part of the annual permitted take method for <u>take from regulated rivers</u> and is double counted in the proposed WRP. Therefore the requirement is not met.</p> <p>This conclusion is not affected by the fact that the assessment has not been able to confirm proposed BDL changes, which in turn means the SDL cannot be confirmed.</p>
3.10	10.10(1)	(1) For each SDL resource unit in a water resource plan area, and for each form of take, the water resource plan must set out the method for determining the maximum quantity of water that the plan permits to be taken for consumptive use during a water accounting period.	As noted in items 3.8 and 3.9, the SDL adjustment amount is part of the annual permitted take method for take from regulated rivers. This is defined in more detail in supporting information at ss 4.4.1 of Attachment C to Schedule F, which refers to a scaling factor to adjust for the 'Required SDL reduction'. However, it is not clear if the 'Required SDL Reduction' variable in the formula to determine the scaling factor formula includes the SDL adjustment amount as this parameter is not defined. Consequently, the annual permitted take method formula, while appearing to be a formula that changes over time, is over-accounting for the effect of any SDL adjustment amounts. This means the annual permitted take method will not operate as intended. As such, this requirement is not met.
3.11	10.10(1)	(1) For each SDL resource unit in a water resource plan area, and for each form of take, the water resource plan must set out the method for determining the maximum quantity of water that the plan permits to be taken for consumptive use during a water accounting period.	Noting the issues identified in the annual permitted take method and the inability to confirm BDL changes, the Authority is not satisfied that the annual permitted take method for the Murrumbidgee SDL resource unit (SS15) in the Murrumbidgee WRP area, represents and operates as 'best available information'.
3.12	10.10(2)	(2) The method for subsection (1) may include	Text for accreditation at WRP s 5.6 states:

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>modelling, and must be designed to be applied after the end of the relevant water accounting period, having regard to the water resources available during the period.</p>	<p>annual permitted take for the Murrumbidgee SDL resource unit (SS15) will be determined for each water accounting period at the end of each water accounting period, according to the following formula</p> <p>While some components of the method for determining annual permitted take have regard to the water resources available during the water accounting period this cannot be confirmed for the method as a whole. In addition, assessment against s 10.10(1) has found the requirement is not met as the annual permitted take method described at WRP Schedule F (Water for consumptive use information) Table F-2 is not incorporated into the proposed WRP. Consequently, this requirement is not met.</p>
3.13	10.10(3)(a) 10.12(1)(a)	<p>10.10(3) The method must:</p> <p>(a) account for the matters in subsection 10.12(1)</p> <p>10.12(1): For paragraph 10.10(3)(a), the following matters must be accounted for:</p> <p>(a) all forms of take from the SDL resource unit and all classes of water access right;</p>	<p>Text for accreditation at WRP s 5.6 states:</p> <p>A detailed explanation for how the annual permitted take methods account for the matters listed in section 10.12 of the Basin Plan is provided in Schedule F, Table F-4.</p> <p>Table F-4 refers to Table F2 for a description of how the APT method account for all forms of take and all class of water access rights.</p> <p>For <u>take by floodplain harvesting</u>, the inclusion in text for accreditation to meet s 10.10(1) requirements is incorrect as this form of take is not recognised under Schedule 3. Its inclusion is thus inconsistent with the Basin Plan and does not meet requirements.</p> <p>For <u>take from regulated rivers</u>, Table F-2 outlines the water access rights in the annual permitted take method that are consistent with WRP Schedule A (Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020 and Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012) and Table 5-1. The exception is domestic and stock access licenses, which are explicitly excluded from this form of take via a note in column 3 of Table F-2. However, this class of access right is not then incorporated elsewhere in Table F-2.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>The assessment notes that Table F-3 and Tables 3 and 4 of Attachment B to Schedule F represent this class of water access right as a separate unmodelled form of take, when it is part of <u>take from regulated rivers</u>. The assessment has therefore determined that the annual permitted take method does not accounts for all relevant classes of water access right for <u>take from regulated rivers</u>.</p> <p>For <u>take under runoff dams</u>, the Authority notes that column six of Table 5-1 refers to a class of ‘exempt dams’ listed in Schedule 2 of the Harvestable Rights Orders and it is not clear if these exempt dams are incorporated into the method described at Table F-2. Further, confirmation of the treatment of exempt dams in the SDL accounts is required as the 2012 Basin Plan BDL method for this form of take may have included the exempt dams but this is not clear from the information available in the proposed WRP. The assessment has therefore determined that the method does not account for all relevant classes of water access right for this form of take.</p> <p>Further, assessment under s10.10(1) has found the way matters are addressed are inconsistent with the Basin Plan. Therefore the requirement is not met</p>
3.14	10.10(3)(a) 10.12(1)(b)	<p>10.10(3) The method must: (a) account for the matters in subsection 10.12(1)</p> <p>10.12(1): For paragraph 10.10(3)(a), the following matters must be accounted for: (b) water allocations that are determined in one water accounting period and used in another, including water allocations that are carried over from one water accounting period to the next;</p>	<p>For <u>take from regulated rivers</u>, column 3 of Table F-4 states:</p> <p>Annual permitted take scenario Model (refer to Table F3) incorporates all applicable continuous accounting rules and provisions as specified in the WSPs.</p> <p>Supporting information at WRP Schedule F (Water for consumptive use information), Attachment B (Murrumbidgee Surface WRP – Modelling – Annual Permitted Take Scenario Report) does not contain any further detail about the continuous accounting rules and provisions. As such, there is insufficient information to determine how s 10.12(1)(b) has been accounted for. Therefore, this requirement is not met.</p>
3.15	10.10(3)(a) 10.12(1)(d)	<p>10.10(3) The method must: (a) account for the matters in subsection 10.12(1)</p>	<p>Table F-4 states in column 3 that:</p> <p>The annual permitted take is adjusted by the net volume of consumptive water traded into and out of the Murrumbidgee SDL resource unit (SS15) during the</p>



Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>10.12(1): For paragraph 10.10(3)(a), the following matters must be accounted for:</p> <p>(d) subject to subsection (3) – trade of water access rights</p>	<p>relevant water year.</p> <p>Supporting information in column 5 states:</p> <p><i>Under clause 54 of the Water Sharing Plan for the Murrumbidgee Regulated River Water Sources 2020 there is no trade between it and the Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012.</i></p> <p>Supporting information at Attachment B to Schedule F s 3.1.4 describes the adjustment for consumptive trade that is not modelled where:</p> <p><u>Inter-valley consumptive allocation (temporary) trade</u>  APT is increased by the volume of <u>unmodelled consumptive allocation</u> traded into the Murrumbidgee and likewise decreased by the volume traded out of the Murrumbidgee. The annual permitted takes for the SDL resource units at the other end of the trades are adjusted in the same way. This results in no change in the sum of permitted takes across all of the SDL resource units.</p> <p><u>Inter-valley consumptive entitlement (permanent tagged) trade</u>  APT is reduced by the volume of unmodelled actual consumptive take in other SDL resource units that uses a Murrumbidgee entitlement. Correspondingly, APT is increased by the volume of <u>unmodelled actual consumptive take</u> in the Murrumbidgee that uses an entitlement from another SDL resource unit.</p> <p>While accounting for trade, as assessed under s 10.10(1), this is typically not how permanent trade is accounted for and is usually accounted for as given for the temporary trade i.e. by the volume of consumptive allocation traded in/out of the Murrumbidgee. The Authority is therefore not satisfied that this matter is accounted for in the annual permitted take methods.</p>
3.16	10.10(3)(a) 10.12(1)(e)	<p>10.10(3) The method must:</p> <p>(a) account for the matters in subsection 10.12(1)</p> <p>10.12(1): For paragraph 10.10(3)(a), the</p>	<p>Assessment of material incorporated into the proposed WRP to meet s 10.05 requirements has found that proper regard to connected water resources has not been demonstrated. This causes a consequential inconsistency for the requirement to account for water resources with a significant hydrological connection. Therefore, this requirement is not met.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>following matters must be accounted for:            (e) water resources which have a significant hydrological connection to the water resources of the SDL resource unit;</p>	<p>Text for accreditation at s 5.6 states ‘for the purpose of section 10.10(3)(a) of the Basin Plan see 10.12 accredited text’. The text for accreditation further states:</p> <p style="padding-left: 40px;">A detailed explanation for how the annual permitted take methods account for the matters listed in section 10.12 of the Basin Plan is provided in Schedule F, Table F-4.</p> <p>Table F-4 column 3 refers to Part 4 of the water sharing plans that make up Schedule A and clauses 50 and 77 of the regulated WSP as concerned with ensuring flows through the Murrumbidgee to connected systems. There is no other material in Table F-4 that addresses how the annual permitted take method accounts for the significant hydrological connections with the relevant surface water and groundwater SDL resource units. Supporting information at Attachment B to Schedule F notes for 10.12(1)(e) that processes or inputs to be considered in the model include ‘(e) Connections between the Murrumbidgee and Murray systems’. It further states at s 3.1.1.1 that:</p> <p style="padding-left: 40px;">The model simulates all forms of take, return flows, and flows to and from the Murray system and has an explicit representation of the allocation accounting system. As such, it is possible to address items (a), (b), (c), and (e) in section 10.12(1).</p> <p>However, due to insufficient detail about these hydrological connections, the Authority is not satisfied that this requirement is met.</p>
3.17	10.10(3)(a) 10.12(1)(g)	<p>10.10(3) The method must:            (a) account for the matters in subsection 10.12(1)</p> <p>10.12(1): For paragraph 10.10(3)(a), the following matters must be accounted for:            (g) changes over time in the extent to which water</p>	<p>Column 3 of Table F-4 states that ‘Growth in use provisions in the WSPs are how the plan responds to changes in utilisation’. The assessment notes that supporting information at s 4.3.2 of Schedule F (Water for consumptive use information) Attachment B (Murrumbidgee Surface WRP – Modelling – Annual Permitted Take Scenario Report) states:</p> <p style="padding-left: 40px;">Scaling makes the annual permitted take independent of the current level of utilisation and ensures that the method meets the requirements of 10.12(1)(g) as far as the permitted take method is part of the growth-in-use</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>allocations in the unit are utilised;</p> <p><i>Note: Paragraph (g) includes what is commonly known as a growth-in-use strategy.</i></p>	<p>strategy. A permitted take method will only work as a growth-in-use strategy when used in conjunction with an SDL compliance mechanism and the necessary water sharing plan rules to give effect to the compliance outcomes.</p> <p>However, the scaling factor does not give effect to the annual permitted take method consistent with any growth in use responses implemented. The assessment has therefore determined that this matter is accounted for in the annual permitted take methods. Further, assessment of material to meet s 10.10(1) has found that the formulation of the scaling factor referred to at s 4.4.1 of Attachment C is not clear. Consequently, the assessment has determined that this requirement is not met.</p>
3.18	10.10(3)(b)	(3) The method must: (b) be consistent with the other provisions of the water resource plan.	Assessment of material incorporated to meet s10.12(1)(e) has found the annual permitted take method is not consistent with material incorporated to meet s 10.05 (regard to other water resources). It is also the case that the assessment for s 10.10(1) has found that an inconsistency with the volume nominated for take under basic rights and Table F-2. Therefore, this requirement is not met.
3.19	10.10(4)	<p>(4) The plan must also set out a demonstration that the method relates to the SDL of each resource unit in such a way that, if applied over a repeat of the historical climate conditions, it would result in meeting the SDL for the resource unit, including as amended under section 23B of the Act.</p> <p><i>Note 1: Under the Basin Plan, the SDL is the same as the long-term annual diversion limit because the temporary diversion provision for each SDL resource unit is zero. Section 6.04 and Schedules 2 and 4 set out the SDLs for each SDL resource unit.</i></p> <p><i>Note 2: Amendments under section 23B of the Act are made following proposals for adjustment under Chapter 7.</i></p>	<p>Text for accreditation at WRP s 5.6 states:</p> <p>the demonstration that the annual permitted take method is capable of meeting the SDL over a repeat of the historical climate conditions (1895 – 2009) is provided in Schedule F, Table F-3.</p> <p>WRP Schedule F (Water for consumptive use information) Table F-3 presents the forms of take that align with Basin Plan Schedule 3 for the Murrumbidgee SDL resource unit with the exception of <u>take by floodplain harvesting</u> that has zero volume. The inclusion of this form of take is inconsistent with the Basin Plan and does not meet requirements.</p> <p>Column four of Table F-3 is titled ‘Annual average permitted take, applied over a repeat of the historical climate conditions – 1895 – 2009 (GL/year)’.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>For <u>take from watercourses</u>, <u>take by runoff dams</u> and <u>net take by commercial plantations</u>, the BDL estimates given in Table F-3 reflect the BDL estimate given in the Basin Plan Schedule 3.</p> <p>Table F-3 incorrectly includes ‘regulated river (under domestic and stock)’ as an unmodelled form of take. This class of water access right appears to be part of take from regulated river as described in Attachment B to Schedule F, and so is incorrectly presented in Table F-3.</p> <p>The BDL given in column 3 for take from regulated river of 2029.7 GL/yr reflects Schedule F Attachment B (Murrumbidgee Surface WRP – Modelling – Annual Permitted Take Scenario Report) Table 1. However, this BDL is inconsistent with that described in Schedule F Attachment A (Murrumbidgee Surface WRP – Modelling – Baseline Diversion Limit Scenario Report).</p> <p>The total for column 4 that demonstrates the method achieves the SDL is incorrect – it gives 2,155.7 GL/yr while the sum of the rows in this column give 2,155.9 GL/yr. This is greater than the SDL presented in column 3 which is 2,155.8 GL/yr and thus does not meet requirements.</p> <p>Further, there are also issues with the scaling factor that allows for the SDL to change with any amendments to SDL adjustment amounts under s 23B of the <i>Water Act 2007</i>. There is a requirement that the method reflect any amendments to the SDLs that occur through a s 23B amendment, including as a result of any reconciliation adjustment in 2024. Currently the scaling factor does not include the SDL adjustment amount, that is the supply contribution amounts and efficiency contribution amounts, as those recorded on the MDBA’s register of SDL adjustment measures (available at <a href="https://www.mdba.gov.au/basin-plan-roll-out/sustainable-diversion-limits/sdl-adjustment-proposals-state-projects">https://www.mdba.gov.au/basin-plan-roll-out/sustainable-diversion-limits/sdl-adjustment-proposals-state-projects</a>; as at 30 June 2019 available at <a href="https://www.mdba.gov.au/sites/default/files/Register-of-measures-30-June-2019.pdf">https://www.mdba.gov.au/sites/default/files/Register-of-measures-30-June-2019.pdf</a>).</p> <p>Consequently this requirement is not met.</p>
3.20	10.10(5)	(5) If, as a result of an amendment under	Assessment of material incorporated to meet s 10.10(1) has found the

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>section 23B of the Act, the SDL for a surface water SDL resource unit is expressed as a formula that changes with time, the SDL for subsection (4) is taken to be:</p> <p>(a) for a water accounting period beginning on or after 1 July 2019 – the SDL as it stood on 30 June 2019; and</p> <p>(b) for a water accounting period beginning on or after 1 July 2022 – the SDL as it stood on 30 June 2022; and</p> <p>(c) for a water accounting period beginning on or after 1 July 2024 – the SDL as it stood on 30 June 2024.</p>	<p>requirements are not met. The material that defines the SDL as a formula that changes with time is in WRP Schedule F (Water for consumptive use information) Table F-2 and its supporting information, which has not been incorporated into the proposed WRP. Notwithstanding this, the SDL adjustment amount is double counted within text for accreditation at s 5.6 and in the <u>take from regulated rivers</u> method defined in Table F-2 and supporting information at Schedule F Attachment B (Murrumbidgee Surface WRP – Modelling – Annual Permitted Take Scenario Report). Therefore, the formula cannot operate as intended.</p> <p>Further, there are also issues with the scaling factor that allows for the SDL to change with any amendments to SDL adjustment amounts under s 23B of the <i>Water Act 2007</i>. There is a requirement that the method reflect any amendments to the SDLs that occur through a s 23B amendment, including as a result of any reconciliation adjustment in 2024. Currently the scaling factor does not include the SDL adjustment amount, that is the supply contribution amounts and efficiency contribution amounts, as those recorded on the MDBA’s register of SDL adjustment measures (available at <a href="https://www.mdba.gov.au/basin-plan-roll-out/sustainable-diversion-limits/sdl-adjustment-proposals-state-projects">https://www.mdba.gov.au/basin-plan-roll-out/sustainable-diversion-limits/sdl-adjustment-proposals-state-projects</a>; as at 30 June 2019 available at <a href="https://www.mdba.gov.au/sites/default/files/Register-of-measures-30-June-2019.pdf">https://www.mdba.gov.au/sites/default/files/Register-of-measures-30-June-2019.pdf</a>).</p>
3.21	10.11(1)	<p>(1) A water resource plan must set out rules (including, if applicable, rules for water allocations) that ensure, as far as practicable, that the quantity of water actually taken from each SDL resource unit for consumptive use in a water accounting period that beginning on or after 1 July 2019 does not (after making any adjustments for the disposal or acquisition of held environmental water) exceed the unit’s annual permitted take for the period</p>	<p>Text for accreditation at s 5.4 states:</p> <p>floodplain harvesting is not currently licensed under the NSW water management framework in the Murrumbidgee WRPA. In the Murrumbidgee SDL resource unit, the risk to water availability from a net growth in floodplain harvesting is nil as there is no floodplain harvesting permitted in the Murrumbidgee WRPA (Risk Assessment - Schedule D, sections 4.5.4 and 8.2.4).</p> <p>The assessment notes that the water sharing plans that make up Schedule A allow for the amendment of Part 12 in the water sharing plans to enable floodplain harvesting. The assessment further notes that in October 2020, the NSW Government released a document titled <i>Floodplain harvesting: Frequently asked questions</i>, which states:</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Floodplain harvesting occurs in all designated floodplains across NSW without regulation. There are five designated floodplains in the north of the state and ten in the south. We have prioritised implementation of the NSW Floodplain Harvesting Policy in the Northern Basin because floodplain harvesting in this area has grown above legal limits and this growth is taking water away from other water users and the environment.</p> <p>This statement suggests that unregulated take from floodplains in the southern NSW portion of the Murray–Darling Basin is occurring. While it is not clear, whether this form of take is actually occurring in the Murrumbidgee WRP area, further details need to be set out in the risk assessment (Part 9) to support the conclusion that there is ‘nil’ risk rating and to justify why rules and/or monitoring actions are not required for floodplain harvesting in this WRP area. Notwithstanding the above, examination of the water sharing plans in Schedule A and Schedule D ss 4.5.4 and 8.2.4 confirm that rules governing this form of take have not been considered necessary for inclusion in the proposed WRP.</p> <p>However, as also noted in the assessment of material incorporated into the proposed WRP to meet ss 10.08 and 10.10 of the Basin Plan, this form of take is not recognised in Schedule 3 of the Basin Plan for this SDL resource unit. As a result, the inclusion of this form of take to meet s 10.11 requirements is inconsistent with the Basin Plan and does not meet requirements.</p>
3.22	10.12(1)(a)-(i)	<p>(1) For paragraph 10.10(3)(a), the following matters must be accounted for:</p> <p>(a) all forms of take from the SDL resource unit and all classes of water access right;</p> <p>(b) water allocations that are determined in one water accounting period and used in another, including water allocations that are carried over from one water accounting period to the next;</p> <p>(c) for a surface water SDL resource unit—return flows, in a way that is consistent with</p>	<p>An assessment of the responses for s 10.12(1)(a)-(i) is provided under s 10.10(3)(a) of this notice of grounds, which finds that while each matter is addressed, inconsistencies in the material incorporated into the proposed WRP mean the requirements have not been met.</p> <p>Specifically, the matters in s 10.12(1)(a), (b), (d), (e) and (g) have not been met.</p> <p>Consequently, the text provided does not address each matter in letter (a) to (i) and thus the requirement is not met.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>arrangements under the Agreement immediately before the commencement of the Basin Plan;</p> <p>(d) subject to subsection (3)—trade of water access rights;</p> <p>(e) water resources which have a significant hydrological connection to the water resources of the SDL resource unit;</p> <p>(f) circumstances in which there is a change in the way water is taken or held under a water access right;</p> <p>(g) changes over time in the extent to which water allocations in the unit are utilised;</p> <p>Note: Paragraph (g) includes what is commonly known as a growth-in-use strategy.</p> <p>(h) water sourced from the Great Artesian Basin and released into a Basin water resource, by excluding that water;</p> <p>(i) water resources which are used for the purpose of managed aquifer recharge.</p>	
3.23	10.13(1)	<p>(1) Subject to this section, a water resource plan must require that the long-term annual average quantity of water that can be taken from a surface water SDL resource unit for consumptive use by:</p> <p>(a) take under basic rights; or</p> <p>(b) take by runoff dams; or</p> <p>(c) net take by commercial plantations;</p> <p>does not exceed the level specified in column 2 of Schedule 3 for that form of take.</p>	<p>Text for accreditation at s 5.4 states:</p> <p>The long-term average annual quantity of water that can be taken under basic rights, by runoff dams and by commercial plantations is limited to the volume specified in column 2 of Schedule 3 of the Basin Plan for the Murrumbidgee SDL resource unit (SS15).</p> <p>Under Schedule 3 of the Basin Plan, estimated volumes are only given for <u>take by runoff dams</u> and <u>net take by commercial plantations</u>. For <u>take under basic rights</u>, no estimate is given in the Basin Plan so no volume is specified for this form of take. Consequently, no long-term average annual quantity is provided and the requirement is not met.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
3.24	10.13(2)	<p>(2) The quantity specified in subsection (1) for a form of take may be increased above the level specified in column 2 of Schedule 3 for that form of take if:</p> <p>(a) the long-term annual average quantity of water that can be taken by another form of take from the same SDL resource unit is changed at the same time so that there is no overall change in the total long-term annual average quantity of water that can be taken; and</p> <p>(b) take by the forms of take affected by the changes are capable of:</p> <p>(i) being accurately measured (for example, through the use of a meter); or</p> <p>(ii) in the case of a form of take that is not capable of being accurately measured at the time the water resource plan is submitted for accreditation or adoption—being reasonably estimated using the best available method immediately before the water resource plan is submitted; and</p> <p>(c) the changes are not expected to result in the take from the SDL resource unit ceasing to be an environmentally sustainable level of take.</p>	<p>Text for accreditation at WRP s 5.4 states that:</p> <p style="padding-left: 40px;">the long-term average annual quantity of water that can be taken under basic rights, by runoff dams and by commercial plantations is limited to the volume specified in column 2 of Schedule 3 of the Basin Plan (2012) for the Murrumbidgee SDL resource unit (SS21).</p> <p>As such, the limits considered for s 10.13(1) do not indicate that the long-term annual average quantity of take by these forms of take has increased or is likely to increase. However, the assessment against s 10.13(1) finds that the volumetric limit for <u>take under basic rights</u> is not correctly identified, and</p> <p>Therefore, the Authority cannot confirm whether this quantity has or is likely to increase. Consequently, the assessment cannot confirm if the requirements of s 10.13(2)(a)- (c) have been met.</p>
3.25	10.15(1)	<p>(1) A water resource plan must set out how the quantity of water actually taken for consumptive use by each form of take from each SDL resource unit will be determined after the end of a water accounting period using the best information available at the time.</p> <p><i>Note: The annual actual take for the SDL</i></p>	<p>Text for accreditation at s 5.5 refers to WRP Schedule F, Table F-1 as providing methods for the determination of annual actual take for each form of take. The annual actual take method for each form of take is given in Table F-1, however, the assessment has found that the relevant method does not apply the best information available at the time for each form of take as detailed below:</p> <p><u>Take from floodplain harvesting</u></p> <p>The formula in s 5.5 text for accreditation refers to '+ <u>take from floodplain</u></p>



Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p><i>resource unit is the sum of the quantity of water actually taken by each form of take for consumptive use: see subsection 6.10(2) and 6.12B(2). Paragraph 71(1)(c) of the Act requires the annual actual take to be set out in a report to the Authority within 4 months after the end of the water accounting period.</i></p>	<p><u>harvesting</u>, which is not a form of take recognised in this SDL resource unit. Table F-1 states in column 3 that the method description of this form of take is:</p> <p>There have been no floodplain harvesting entitlements issued in the Murrumbidgee SDL resource unit (SS15) and hence there is no take.</p> <p>Thus, the inclusion of floodplain harvesting in the annual actual take formula does not have any impact on the annual actual take for this SDL resource unit. However, it is inconsistent with the Basin Plan as it is not a form of take in this SDL resource unit and therefore does not meet requirements.</p> <p><u>Take under basic rights</u> Table F-1 states the method for this form of take is equal to the annual permitted take method in Table F-2. Table F-2 describes this method in column three as:</p> <p>The sum of water estimated as required to be taken under domestic and stock basic rights (regulated), domestic and stock basic rights (unregulated) and native title basic rights from the Murrumbidgee SDL resource unit (SS15) in the relevant water year. At the start of the WRP this volume was estimated to be 6.075 GL/yr in the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020 and the Water Sharing Plan for Murrumbidgee Unregulated River Water Sources 2012.</p> <p>This is a new estimate of the BDL as no BDL estimate was given for take from watercourses (under basic rights) in Schedule 3 of the 2012 Basin Plan. Column 5 of Table F-1 states that this method:</p> <p>To NSW knowledge when WRP is accredited the BDL represents the best available information in regards to this form of take.</p> <p>While the volume of 6.075 GL/yr aligns with WRP Schedule A (Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020 and the Water Sharing Plan for Murrumbidgee Unregulated River Water Sources 2012), the Authority is unable to determine from the material incorporated into the proposed WRP whether this is the</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>best method available for this form of take for the purposes of determining the annual actual take. Further, WRP Table 7-1, which is incorporated into the proposed WRP to meet requirements for s 10.44 (measuring take) states 27.8% of <u>take under basic rights</u> is measured.</p> <p><u>Take by runoff dams</u> Table F-1 states the method for this form of take is equal to the annual permitted take method in Table F-2. The method description at column three of Table F-2 is:</p> <p>The estimated annual runoff dams (under basic rights and excluding basic rights) permitted take will equal the long term average as specified for the Murrumbidgee SDL resource unit (SS15) under Schedule 3 column 2 of the Basin Plan This covers the water access right 'Harvestable rights (runoff dam)'.</p> <p>The assessment notes that the reference to the water access right 'Harvestable rights (runoff dam)' is a class of water access right set out in WRP Table 5-1 for the purpose of meeting requirements of s 10.08 (classes of access right) of the Basin Plan. Column six of Table 5-1 states at row 21:</p> <p>The Dams listed as exempt in schedule 2 of the Harvestable Rights Orders are either designed to hold small volumes of water, have no catchment, fill/empty intermittently, are required under other legislation, are already accounted under other take, primarily provide an environmental benefit such as containing contaminated water on a mine site.</p> <p>The assessment is unable to determine from the material incorporated into the proposed WRP whether annual actual take by these 'exempt dams' is incorporated into the estimate of take by runoff dams. Consequently, this requirement is not met.</p>
3.26	10.15(2)	For a particular form of take, and subject to the requirement that a determination use the best information available at the time, a determination may be made be:	For <u>Take under basic rights</u> annual actual take method is equal to the annual permitted take method described in Table F-2, where it is described as estimated. However, this method does not align with the method at out at WRP Table 7-1 to

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		(a) Measuring the quantity of water actually taken; or (b) Estimating the quantity of water actually taken; or (c) A combination of the above.	<p>meet requirements of s 10.44(c) which indicates at column four that 27.8% of take is measured. This inconsistency means this requirement is not met.</p> <p>For <u>Take by floodplain harvesting</u> is not defined as measured or estimated, but states there is no take. However, its inclusion in Table F-1 is not consistent with the Basin Plan as it is not a form of take recognised in Schedule 3 of the Basin Plan for this SDL resource unit. This does not meet requirements.</p>
3.27	10.15(3)	Where a determination for a form of take is made by estimating the quantity of water actually taken, the water resource plan must provide for the estimate to be done consistently with the method under subsection 10.10(1) that relates to that form of take.	Not met due to the outcomes described above at item 3.26.
<b>Part 4</b>			
4.1	10.17(1), (2) and (3)	(1) A water resource plan must be prepared having regard to whether it is necessary for it to include rules which ensure that the operation of the plan does not compromise the meeting of environmental watering requirements of priority environmental assets and priority ecosystem functions.  (2) Without limiting subsection (1), regard must be had to whether it is necessary for the rules to prescribe: (a) the times, places and rates at which water is permitted to be taken from a surface water SDL resource unit; and (b) how water resources in the water resource plan area must be managed and used.  (3) If the outcome of the requirement in	<p>For the purposes of s 10.17(1) and (2) of the Basin Plan the proposed WRP has considered whether it is necessary to include rules to ensure that the operation of the proposed WRP does not compromise the meeting of the environmental watering requirements for priority environmental assets (PEA) and priority ecosystem functions (PEF). Text for accreditation at s 4.2 states that:</p> <p style="padding-left: 40px;">regard was had to whether it is necessary for this Plan to include rules which ensure that the operation of the plan does not compromise the meeting of environmental watering requirements (EWRs) of priority environmental assets and priority ecosystem functions.</p> <p>And</p> <p style="padding-left: 40px;">section 4 of the Risk Assessment for the Murrumbidgee WRPA Area at Schedule D considers the risks of insufficient water being available for the environment, including risks to the capacity to meet environmental watering requirements. Risks to environmental watering requirements were assessed against existing water sharing plan rules</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>subsection (1) is that such rules are necessary, the water resource plan must include those rules.</p>	<p>The proposed WRP concludes that rules are needed and includes rules. However, the assessment notes that consequential inconsistencies arise through assessment of material incorporated into the proposed WRP to meet requirements of ss 10.05 (regard for connected water resources) and 10.09 (identification of PEW). Items 2.2 and 3.5 refer. The inconsistencies relate to:</p> <ol style="list-style-type: none"> <li>1. Insufficient demonstration of regard to the adjacent water resources of the Australian Capital Territory (groundwater) WRP area (GW1), and not incorporating and providing referenced documents as part of the submitted proposed WRP, which means proper consideration of risks to EWRs and the need for rules cannot be confirmed (s 10.05)</li> <li>2. Missing PEW rules or arrangements means the WRP cannot ensure meeting EWRs is not compromised as EWRs rely on the availability of PEW (s 10.09)</li> </ol> <p>The consequential inconsistencies arising for assessment against ss 10.05 and 10.09 means that the requirements of s 10.17(3) have also not been met. Further, as the proposed WRP relies on the risk assessment and inclusion of rules under s 10.17 to also address the requirements of subsections 1 and 3 of each of ss 10.18-10.20, the consequential inconsistencies from ss 10.05, 10.09 and 10.41 means the requirements 10.18(1) and (3), 10.19(1) and (3) and 10.20(1) and (3) and 10.22(b) are also not met.</p> <p>The assessment also finds that for 10.17(1) - regarding consideration of risks related to take by floodplain harvesting - proper consideration and regard has not been demonstrated. This is because s 4 of the Schedule D (Risk Assessment for the Murrumbidgee WRP area) indicates that there is no material floodplain harvesting occurring in this WRP area. Yet, there is some risk of future growth and that it is intended that 'any new floodplain harvesting activity will be treated as illegal take and subject to compliance actions where appropriate'. It is noted that Part 12 of the two water sharing plans that comprise WRP Schedule A (<i>Water Sharing Plan for the Murrumbidgee Regulated Rivers Water Sources 2020</i> and <i>Water Sharing Plan for Murrumbidgee Unregulated River Water Sources 2012</i>), provide for future amendments (in part 12) to enable floodplain harvesting.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Further, in October 2020 the NSW government released a frequently asked questions document about floodplain harvesting that suggests unregulated floodplain harvesting is occurring in the southern NSW portion of the Basin. As such, whilst the proposed WRP sets out material to demonstrate regard has been given to the need for rules, it is not clear that sufficient consideration has been given to the need for rules to ensure that take by floodplain harvesting does not compromise the EWRs of PEAs and PEFs.</p> <p>Due to the finding at 10.17(1) that proper regard has not been demonstrated, the requirement of 10.17(2) cannot be met.</p> <p>The consequential inconsistencies arising from assessment against ss 10.05 and 10.09 means that the requirements of s 10.17(3) have also not been met. Further, as the proposed WRP relies on the risk assessment and inclusion of rules under s 10.17 to also address the requirements of subsections 1 and 3 of each of ss 10.18-10.20, the consequential inconsistencies from ss 10.05 and 10.09 means the requirements 10.18(1) and (3), 10.19(1) and (3) and 10.20(1) and (3) and 10.22(b) are also not met.</p>
4.2	10.18(1) and (3)	<p>(1) A water resource plan must be prepared having regard to whether it is necessary for it to include rules which ensure that, for priority environmental assets and priority ecosystem functions that depend on groundwater, the operation of the plan does not compromise the meeting of environmental watering requirements.</p> <p>(3) If the outcome of the requirement in subsection (1) is that such rules are necessary, the water resource plan must include those rules.</p>	<p>The assessment against s 10.17 of the Basin Plan concluded that all relevant rules have not been included, that connected resources have not been given full consideration and that it is not clear that sufficient consideration has been given to the need for rules to ensure that take by floodplain harvesting does not compromise the EWRs of PEAs and PEFs.</p> <p>As a result (and as noted in the assessment against s 10.17), the assessment has determined that requirements of s 10.17 of the Basin Plan have not been met.</p> <p>Although the WRP demonstrates some regard to risks between surface water connections with groundwater, the reliance on the approach to meeting the s 10.17 requirement as also meeting the s 10.18 requirements and the failure to consider connections with the adjacent Australian Capital Territory (groundwater) WRP area, means the proposed WRP does not demonstrate regard for the need for rules to ensure the environmental watering requirements of surface water PEAs and PEFs that depend on groundwater are not compromised and does not</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>include all relevant rules. As such the requirements of ss 10.18(1) and (3) are not met.</p> <p>Note: There is a typographical error regarding ‘section 0 of this Plan.’</p> <p>Text for accreditation at WRP s 4.7 states that:</p> <p style="padding-left: 40px;">Rules to ensure the WRP does not compromise environmental water requirements dependent on surface water, or a combination of surface water and groundwater have been included in the WRP to meet section 10.17 (section 0 of this Plan).</p> <p>There is no ‘section 0’ in the proposed WRP. The correct reference appears to be WRP s 4.2.</p>
4.3	10.19(1) and (3)	<p>(1) A water resource plan must be prepared having regard to whether it is necessary for it to include rules which ensure that, for groundwater that has a significant hydrological connection to surface water, the operation of the plan does not compromise the meeting of environmental watering requirements (for example, base flows).</p> <p>(3) If the outcome of the requirement in subsection (1) is that such rules are necessary, the water resource plan must include those rules.</p>	<p>The assessment against s 10.17 of the Basin Plan concluded that all relevant rules have not been included, that connected resources have not been given full consideration and that it is not clear that sufficient consideration has been given to the need for rules to ensure that take by floodplain harvesting does not compromise the EWRs of PEAs and PEFs.</p> <p>As a result (and as noted in the assessment against s 10.17), the assessment has determined that requirements of s 10.17 of the Basin Plan have not been met.</p> <p>Although the WRP demonstrates some regard to risks between surface water connections with groundwater, the reliance on the approach to meeting the s 10.17 requirement as also meeting the s 10.19 requirements and the failure to consider connections with the adjacent Australian Capital Territory (groundwater) WRP area, means the proposed WRP does not demonstrate regard for the need for rules to ensure that for groundwater that has a significant hydrological connection to surface water, the operation of the proposed WRP does not compromise the meeting of environmental watering requirements. As such the requirements of ss 10.19(1) and (3) are not met.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
4.4	10.20(1) and (3)	<p>(1) A water resource plan must be prepared having regard to whether it is necessary for it to include rules which ensure that the operation of the plan does not compromise:</p> <p>(a) the overall structural integrity of the aquifer (whether within or outside the water resource plan area) arising from take within the long-term annual diversion limit for an SDL resource unit; or</p> <p>(b) the overall hydraulic relationships and properties between groundwater and surface water systems, between groundwater systems, and within groundwater systems</p> <p>(3) If the outcome of the requirement in subsection (1) is that such rules are necessary, the water resource plan must include those rules.</p>	<p>The assessment against s 10.17 of the Basin Plan concluded that all relevant rules have not been included, that connected resources have not been given full consideration and that it is not clear that sufficient consideration has been given to the need for rules to ensure that take by floodplain harvesting does not compromise the EWRs of PEAs and PEFs.</p> <p>As a result (and as noted in the assessment against s 10.17), the assessment has determined that requirements of s 10.17 of the Basin Plan have not been met.</p> <p>Although the proposed WRP demonstrates some regard to risks between surface water connections with groundwater, the reliance on the approach to meeting the s 10.17 requirement as also meeting the s 10.20 requirements and the failure to consider connections with the adjacent Australian Capital Territory (groundwater) WRP area, means the proposed WRP does not demonstrate regard to the need for rules to ensure that operation of the proposed WRP does not compromise the overall structural integrity of connected aquifers or the overall hydraulic relationships and properties between connected systems.</p> <p>Therefore the requirements of ss 10.20(1) and (3) have not been met.</p>
4.5	10.22(a) and (b)	<p>A water resource plan must:</p> <p>(a) describe what was done to comply with the requirements in this Part; and</p> <p>(b) if a risk of a kind referred to in subsection 10.41(1) has been identified in relation to the water resources of the water resource plan area—explain why rules addressing the risk have or have not been included in the plan.</p>	<p>Text for accreditation at WRP s 4.2 and s 4.7 set out how regard for the need for rules was given and provides rules for accreditation.</p> <p>Text for accreditation at WRP s 4.2 states that:</p> <p>the consolidated risk tables in the Risk Assessment identify the level of risk at the water source or river reach scale for a range of flow components. Rules that help manage these risks are identified in the columns labelled ‘Current Critical Mechanisms’ (existing rules) and ‘New Critical Mechanisms’ (new rules). This includes rules about the times, places and rates at which water can be taken, and how water must be managed and used.</p> <p>Text for accreditation at these two WRP sections also states that the consolidated risk tables of Schedule D explain why a risk is tolerable or cannot be addressed by</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>the water resource plan in a manner commensurate with the level of risk.</p> <p>Examination of the cited tables confirms that appropriate explanation has been included on why a risk is tolerable or why rules have not been included to address risks identified in s 10.41(1). Further, the consolidated risk table refer to Schedule D Table 9-3 for additional explanation about the rationale behind tolerable risk results, which has also been confirmed through examination of that table.</p> <p>However, the assessment of material provided for the purposes of ss 10.17-10.20 has found that there is insufficient rationale for the exclusion of certain rules as identified in those assessments. Therefore, this requirement has not been met.</p>
<b>Part 5</b>			
5.1	10.23(1)	<p>(1) A water resource plan must, having regard to the risk identification and assessment conducted for section 10.41, specify whether there are any types of interception activity in the water resource plan area which have the potential to have a significant impact on:</p> <ul style="list-style-type: none"> <li>(a) the water resources of the water resource plan area; or</li> <li>(b) water resources which are hydrologically connected to the water resources of the water resource plan area;</li> </ul> <p>whether on an activity-by-activity basis, or cumulatively.</p> <ul style="list-style-type: none"> <li>•</li> </ul>	<p>Text for accreditation at s 5.7 refers to ss 4.5.1 and 8.2.1 of WRP Schedule D (Risk Assessment) for consideration of risks associated with interception activities and states that:</p> <p style="padding-left: 40px;">no types of interception activity were found to have the potential to have a significant impact on the water resources of the Murrumbidgee WRP area, or hydrologically connected water resources</p> <p>and</p> <p style="padding-left: 40px;">all interception activities have a low risk rating.</p> <p>However, the assessment has found that Tables 4-29 and 8-8 of Schedule D identifying 'Medium' risks associated with interception by runoff dams for a number of locations. Consistent with MDBA Position Statement 5A, any medium or higher risk is taken to have the potential to have a significant impact and must be identified as such for the purposes of s 10.23.</p> <p>Therefore, this requirement has not been met, and appropriate regard for the risk assessment has not been demonstrated.</p>



Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>In addition, as set out in the assessment for s 10.05, the proposed WRP has not identified all adjacent water resources. Therefore, regard has not been demonstrated for the potential for interception activities to have an impact on connected resources and thus the requirement has not been met.</p> <p>Finally, there are also a number of internal inconsistencies in the consequence scores set out in Schedule D for interception activities, however, as these issues do not change the overall risk outcome, they are not considered to be material to the assessment against the requirements of s 10.23, including:</p> <ul style="list-style-type: none"> <li>• Table 4-33 sets out the risks of insufficient water available for the environment in unregulated water sources as a result of growth in interception by farm dams. This table assigns a consequence of 'Low' to Jindallee Creek at Jindalee. Table 4-20 of Schedule D, which Table 4-33 draws on for the consequence scores, assigns a consequence of 'Very Low' to this resource.</li> <li>• Tables 4-35 and 4-38 set out the risks of insufficient water available for the environment as a result of growth in interception by plantation forests and floodplain harvesting respectively. These tables identify that the consequence scores range from 'Low – Very High'. These consequence scores are drawn from Tables 4-2 and 4-3 of Schedule D, which also contain consequences rated as 'Very Low'. As such Tables 4-35 and 4-38 do not accurately reflect the full range of consequence scores identified.</li> <li>• Table 4-38 also lists consequences of 'L-VH'. This is inferred to be 'Low- Very High' based on the information in s 4.5.4.1 but is not consistent with the terminology used in Tables 4-2 and 4-3.</li> </ul>
5.2	10.23(2)	(2) If there are any such types of interception activity, the water resource plan must list those types.	WRP s 5.7 provides a list of interception activities, which includes interception by runoff dams. This list is identified as a list of interception activities with a low risk ranking, which is inconsistent with the findings of Schedule D as detailed above. This statement, and preceding text in WRP s 5.7 which clearly states that no interception activities have been found to have the potential to have a significant impact, means

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>that the list of interception activities provided in WRP s 5.7 does not meet the requirements of s 10.23(2), as interception by runoff dams has not been listed as a significant interception activity.</p> <p>In addition, as set out in the assessment for s 10.05, the proposed WRP has not identified all adjacent water resources. As not all adjacent water resources have been identified, the assessment has determined that regard cannot be demonstrated for the potential for interception activities to have an impact on connected resources and for such activities to be listed as required.</p>
5.3	10.23(3)	<p>(3) For the purpose of determining whether a type of interception activity is of the kind referred to in subsection (1), regard must be had to the following factors:</p> <p>(a) the location of particular activities of that type in the water resource plan area;</p> <p>(b) the impact of the type of activity on the availability of:</p> <p>(i) the water resources of the water resource plan area; and</p> <p>(ii) any water resources which are hydrologically connected to the water resources of the water resource plan area;</p> <p>(c) the projected growth of the type of activity over the period for which the water resource plan will have effect.</p>	<p>The matters in s 10.23(3) are considered in ss 4.5 and 8.2 of WRP Schedule D (Risk Assessment).</p> <p>Examination of these sections of Schedule D confirms that they consider the location, impact and projected growth of interception activities in the Murrumbidgee WRP area. However, as set out in the assessment for s 10.23(1), appropriate regard for these matters has not been had in regard to interception by runoff dams, as the evidence that this form of interception has the potential to have a significant impact has not been acknowledged. Therefore, the requirements of this section have not been met.</p> <p>Additionally, as set out in the assessment for s 10.23(1), it is not possible for the proposed WRP to demonstrate appropriate regard for the matters in 10.23(3)(ii), as not all adjacent water resources have been identified in the proposed WRP, and therefore regard cannot be demonstrated for impacts on those connected resources due to interception activities.</p>
5.4	10.24	<p>If a water resource plan includes a list of the kind referred to in subsection 10.23(2), the plan must set out, in respect of each type of interception activity listed, a process for monitoring the impact of that type of activity on:</p> <p>(a) the water resources of the water resource plan area; and</p>	<p>Text for accreditation at s 5.7 states that:</p> <p>section 10.24 is not applicable to the proposed WRP for interception by runoff dams, commercial plantations, mining or floodplain harvesting.'</p> <p>However, as set out in the assessment for s 10.23, interception by runoff dams is a significant interception activity which has not been identified.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		water resources which are hydrologically connected to the water resources of the water resource plan area.	<p>As a significant interception activity, a process for monitoring the impacts of this activity needs to be identified.</p> <p>Further, as identified in the assessment for ss 10.05 and 10.23(1), not all adjacent water resources have been identified, and so it is not clear how any monitoring would capture impacts on those water resources which have not been identified.</p> <p>Therefore, the requirements of this section have not been met.</p>
5.5	10.25(1)	<p>(1) A water resource plan must identify actions that will be taken in the event that monitoring under section 10.24 shows that:</p> <p>(a) an impact of a type of interception activity compromises the meeting of an environmental watering requirement; or</p> <p>(b) an impact of several types of activity together compromises the meeting of an environmental watering requirement; or</p> <p>(c) there is an increase in the quantity of water being intercepted by a type of activity;</p> <p>after the commencement of the water resource plan.</p>	<p>Text for accreditation at s 5.7 states that s 10.25 is not applicable to the proposed WRP for interception by runoff dams.</p> <p>However, as set out in the assessment for s 10.23, examination of ss 4.5 and 8.2 of WRP Schedule D (Risk Assessment) indicates that interception by runoff dams has the potential to have a significant impact but has not been identified as such in the proposed WRP for the purposes of s 10.23.</p> <p>Further, as set out in the assessment for s 10.24, no processes for monitoring the impacts of this activity have been identified.</p> <p>Therefore, there is no trigger for actions to be taken under s 10.25.</p> <p>Further, no actions have been identified in the proposed WRP to manage the impacts of interception by runoff dams.</p> <p>As no actions have been identified, the requirements of this section have not been met.</p> <p>Schedule B (the WRP Index) refers to WRP s 5.4. WRP s 5.4 addresses s 10.11, and therefore does not directly address interception activities, nor does it make any reference to being applicable to 10.25. WRP s 5.4 does not contain any actions to be taken to address the impacts of interception by runoff dams.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Further, due to the issues with 10.24 (Issue 5.4) there is no trigger for actions to be taken, even if actions were identified.</p> <p>Finally, blue box text for WRP s 5.7 contains a clear statement that it addresses 10.25, and that 10.25 is not applicable to interception by runoff dams. This in turn creates an internal inconsistency as to what material is intended to be applicable.</p>
<b>Part 6</b>			
6.1	10.26(1)	<p>A water resource plan must provide for environmental watering to occur in a way that:</p> <p>(a) is consistent with:</p> <p>(i) the environmental watering plan; and</p> <p>(ii) the Basin-wide environmental watering strategy</p> <p>(b) contributes to the achievement of the objectives in Part 2 of Chapter 8.</p>	<p>(a)</p> <p>Text for accreditation under s 4.3 identifies that WRP Schedule E (Planning for Environmental Watering) Table E-1 sets out how the objectives and outcomes in the Regulated and Unregulated water sharing plans (WSPs) align with the Murrumbidgee Long-Term Water Plan (LTWP), Chapter 8 of the Basin Plan</p> <p>The text for accreditation at s 4.3 states that Table E-2 in Schedule E identifies the water management actions and mechanisms that provide for environmental watering consistently with the objectives of the proposed water sharing plans and the LTWP. Examination of Table E-2 confirms the water management actions and mechanisms are set out in Column four and include rules which manage planned environmental water (PEW) and protect held environmental water (HEW) from extraction.</p> <p>However, the assessment of the material provided for the purposes of s 10.09(1) of the Basin Plan has identified that the proposed WRP does not include all the rules that provide for the management and protection of PEW (refer to item 3.5 above).</p> <p>Therefore, while there are some rules and arrangements in place that provide for some components of environmental watering to occur consistently with the EWP and the BWS, the omissions noted above mean that this requirement has not been met.</p> <p>(b)</p> <p>The text for accreditation at s 4.3 also identifies Table E-2 in Schedule E, which sets out the water sharing plan management actions and mechanisms which contribute to the objectives of the proposed WRP and LTWP. Assessment against s 10.09</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>(identification of PEW) has found not all the relevant rules are incorporated into the proposed WRP.</p> <p>Examination of the identified rules confirms that these contribute to the objectives in Part 2 of Chapter 8 of the Basin Plan as indicated. However, due to the exclusion of relevant PEW rules, the requirement has not been met.</p>
6.2	10.26(2)	<p>(2) For the purposes of subsection (1), the water resource plan must be prepared having regard to:</p> <p>(a) the most recent version of the long-term watering plan prepared in accordance with the requirements of Division 3 of Part 4 of Chapter 8;</p>	<p>Text for accreditation at s 4.3 identifies that:</p> <ul style="list-style-type: none"> <li>• The Risk assessment conducted in the development of the WRP had regard to the EWRs in the LTWP. Sections 4.2-4.4 of WRP Schedule D (Risk Assessment) describe the way flow requirements were considered in the risk assessment method, and the assessment results for risks to water available for the environment and capacity to meet EWRs.</li> <li>• Rules incorporated into the proposed WRP at s 4.1.1 recognise and contribute to meeting the environmental watering requirements (EWRs) set out in the LTWP. These rules and how they contribute to the LTWP objectives are set out in Schedule E Table E-1.</li> <li>• The provisions in the LTWP are given effect by the proposed WRP.</li> <li>• The rules provide flexibility to respond to the LTWP and any annual environmental watering plan through the management of the EWA.</li> </ul> <p>Examination of the rules and arrangements noted above confirm that the proposed WRP was prepared having regard to the most recent version of the LTWP to some extent.</p> <p>However, the assessment of the material provided for the purposes of s 10.09(1) of the Basin Plan has identified that the proposed WRP does not include all the rules that provide for the management and protection of PEW (item 3.5 refers). Therefore, while there are some rules and arrangements in place that demonstrate that regard was had to the most recent version of the LTWP, the omissions noted above mean that this requirement has not been met.</p>
6.3	10.27(2)	The water resource plan for each of the areas must provide for the coordination of	The text for accreditation in WRP section 2.2 identifies that connected water resources are described in Schedule D (Risk Assessment) Section 3.3. However, the

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		environmental watering between the 2 areas.	<p>assessment has found that the proposed WRP has not included a description of the arrangements that provide for coordinated environmental watering between the Murrumbidgee WRP area and the significantly hydrologically connected Australian Capital Territory (surface water) WRP area (SW1).</p> <p>While the proposed WRP establishes a role for cease to pump rules in the upstream unregulated NSW Murrumbidgee water source to protect PEW so that it can contribute to environmental watering in the Australian Capital Territory, the rule does not actively coordinate environmental watering, and there are no further arrangements in the proposed WRP to describe coordinated environmental watering between these two WRP areas. Therefore the requirement is not met.</p>
6.4	10.28	<p>A water resource plan must ensure that there is no net reduction in the protection of planned environmental water from the protection provided under State water management law immediately before the commencement of the Basin Plan.</p> <p><i>PEW not comprehensively identified.</i></p>	<p>The text for accreditation in s 4.5 sets out changes to PEW rules identified by NSW.</p> <p>The assessment has reviewed the WSPs that were in effect on 23 November 2012 and carried out an assessment against the relevant rules identified in the proposed WRP and has found that the proposed WRP has not comprehensively identified the rules and arrangements that protect PEW under existing WSPs for the purposes of accreditation in the WRP for s.10.09(1). Item 3.5 above sets out the details of rules and arrangements relating to PEW that have not been identified for the purposes of s 10.09(1).</p> <p>On the basis of the MDBA's assessment of the rule changes and the assessment of s 10.09(1), the proposed WRP does not ensure there is no net reduction in the protection of PEW. Further details supporting this conclusion are set out in the item 6.5 below.</p>
6.5	10.28	<p>A water resource plan must ensure that there is no net reduction in the protection of planned environmental water from the protection provided under State water management law immediately before the commencement of the Basin Plan.</p>	<p>Appendix C (No net reduction of PEW report) has been provided by NSW to support their assessment that the proposed WRP ensures there is no net reduction of PEW. However, the material in Appendix C (Table 1) incorrectly compares the information in the proposed <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020</i> to that in the <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</i>. This water sharing plan was not in place immediately before the commencement of the Basin Plan.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Further, Appendix C identifies that the very low flow class in the Umbango Management Zone has changed from 18ML/day in the baseline Tarcutta Creek WSP, to 4ML/day in the Water Sharing Plan for the Murrumbidgee Unregulated Water Sources 2012. However, the proposed Water Sharing Plan for the Murrumbidgee Unregulated Water Sources 2012 (Table B) states that the very low class is 18 ML/day and the baseline Tarcutta Creek WSP (clause 17(a)) states that it is 4 ML/day. As there is ambiguity in the actual change to the very low flow class in the Umbango management zone, the Authority cannot conclude whether the proposed WRP ensures that there is no net reduction in the long-term average volumes of PEW provided for under the baseline Tarcutta Creek WSP.</p> <p>Finally, the proposed WRP indicates that the Provisional Storage Volume 1 (PSV 1) forfeiture rules were ‘mistakenly’ removed when the water sharing plan was revised in 2003, however the rules have been operated in line with the original intention of the rule (e.g. that PSV 1 forfeits at the end of each water year) since that time. There is not enough evidence to clearly establish the nature of this ‘mistakenly removed’ clause, and whether the PSV1 has been operated consistently throughout the period since 2003 as though the rule were in place, to determine whether there has been a net reduction on the protection of PEW.</p>
<b>Part 7</b>			
7.1	10.31	If a risk of a kind mentioned in paragraph 10.41(2)(d) has been identified in relation to water resources of the water resource plan area, the WQM Plan must explain why measures addressing the risk have or have not been included in the water resource plan.	<p>Text for accreditation at s 6 states:</p> <p>For the purpose of s 10.31 of the Basin Plan:</p> <ul style="list-style-type: none"> <li>• Table 4-3 in Schedule H identifies strategies that address medium and high risks arising from water quality degradation identified in the <i>Risk Assessment for the Murrumbidgee Water Resource Plan area</i> (Schedule D to this Plan).</li> </ul> <p>and</p> <p>the “strategies” referred to in Table 4-3 of Schedule H constitute measures for the purposes of [ss] 10.31 and 10.33 of the Basin Plan.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Strategies provided to address medium or high risks are identified in Table 4-3 as 'A' (for accreditation) or 'N' (for information only and not for accreditation).</p> <p>The assessment notes that management action <i>Reduce the impact of algal blooms on recreational users by monitoring algae concentrations, communicating the risks of harmful algal blooms to users and implementing incident response monitoring</i> (column three in Table 4-3 of Schedule H (Water quality management plan for the Murrumbidgee WRP area)) is provided for WQ7 Strategy 2. The accompanying management plan (column four) is listed as 'Guidelines to management response to harmful algal blooms; for application in the Murrumbidgee Region' and is list as an 'A' management plan.</p> <p>It is noted in Table 4-2 of Schedule H that it lists strategies for achieving the Basin Plan objectives and that the <i>NSW Algal risk management sub plan: Guidelines to management response to harmful algal blooms in the Murrumbidgee region</i> is included at row 9 (against the objective of maintaining surface water quality for recreational use). It is assumed that it is this document to which Table 4-3 refers, but as it has not been provided as part of the package of material submitted for assessment purposes for the proposed WRP, it therefore cannot be considered for accreditation.</p> <p>Based on the information provided section 6 of the proposed WRP, this requirement has not been met because the relevant management plan has not be submitted as part of the proposed WRP.</p>
7.2	10.33(1)(d)	(1) The WQM Plan must specify measures to be undertaken in or in relation to the water resources of the water resource plan area that contribute to the achievement of the objectives set out in: (d) section 9.07 (Objective for recreational water quality); and	<p>Text for accreditation at s 6 (blue box on pp 86-88) states:</p> <p>Table 4-3 in Schedule H identifies strategies that contribute to achieving water quality objectives set out in section 9.04 to 9.08 of the Basin Plan.</p> <p>Management plans identified as an 'A' in Table 4-3 are for accreditation under the Water Act; whereas those identified as an 'N' are not for accreditation under the Water Act. Examination of the management plans in the rows cited above confirms they do support the strategies and actions and mechanisms described in columns 2 and 3, with one exception.</p>



Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Management action <i>Reduce the impact of algal blooms on recreational users by monitoring algae concentrations, communicating the risks of harmful algal blooms to users and implementing incident response monitoring</i> is provided for WQ7 Strategy 2. The accompanying management plan is listed as 'Guidelines to management response to harmful algal blooms; for application in the Murrumbidgee Region' and is list as an 'A' management plan.</p> <p>The assessment notes that Table 4-2 lists strategies for achieving the Basin Plan objectives and that the <i>NSW Algal risk management sub plan: Guidelines to management response to harmful algal blooms in the Murrumbidgee region</i> is included at row 9 (against the objective of maintaining surface water quality for recreational use). The Authority assumes it is this document to which Table 4-3 refers, but as it has not been provided as part of the package of material submitted for assessment purposes for the proposed WRP and therefore cannot be considered for accreditation.</p> <p>As such, Schedule H (Water Quality Management Plan for the Murrumbidgee WRP area) does not accurately specify measures that will contribute to the achievement of objectives for recreational water quality in s 9.07 of the Basin Plan. Therefore, this requirement has not been met.</p>
7.3	10.33(2)	<p>The measures must be prepared having regard to:</p> <ul style="list-style-type: none"> <li>(a) the causes, or likely causes, of water quality degradation identified in accordance with section 10.30; and</li> <li>(b) target values identified in accordance with section 10.32; and</li> <li>(c) the targets in Division 4 of Part 4 of Chapter 9.</li> </ul>	<p>As a result of the missing management plan set out in the assessment of s 10.33(1) above at items 7.2, the proposed WRP is unable to demonstrate that the measures specified for the purposes of s 10.33(1) had complete and fulsome regard to the causes or likely causes of water quality degradation identified in section 10.30. Therefore, this requirement has not been met.</p>
7.4	10.35	<p>The measures specified in the WQM Plan must be developed having regard to:</p>	<p>Text for accreditation as s 6 (blue box on pp 86-88) of the proposed WRP states that:</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>(a) The impact those measures (including the absence of adequate measures) may have on the ability of another Basin State to meet water quality targets; and</p> <p>(b) any adverse impacts those measures may have on Bains water resources in the other Basin State.</p> <p>Note: See also the consultation requirement in subsection 63(2) of the Act.</p>	<p>the potential for water quality measures to impact another Basin State is most relevant where there is a direct hydrological connection to water resource plan areas within another Basin State. The Murrumbidgee WRPA (SW9) has direct hydrological connection to Victoria and South Australia. NSW has requested but is yet to receive feedback from South Australia and Victoria on the water quality measures that may impact on the ability of another Basin State to meet water quality targets.</p> <p>It is noted that Schedule H (Water quality management plan for the Murrumbidgee WRP area) does not provide any information about the potential of the measures set out in Schedule to impact on the ability of another Basin State to meet water quality targets.</p> <p>Based on the above information, it cannot be confirmed whether the measures listed in Table 4-3 of Schedule H will affect South Australia and Victoria in meeting their water quality targets or result in adverse impacts to water resources. Therefore, the requirement has not been met.</p>
<b>Part 9</b>			
9.1	10.41(1)	A water resource plan must be prepared having regard to current and future risks to the condition and continued availability of the water resources of the water resource plan area.	As outlined in ss 10.41(2)(a) and (b), 10.41(3)(a) and s 10.41(4) of the assessment, not all risks to which the risk assessment has had regard to have been listed in the proposed WRP.
9.2	10.41(2)(a), (b) and (c)	<p>(2) Without limiting subsection (1), the risks include (where applicable):</p> <p>(a) risks to the capacity to meet environmental watering requirements; and</p> <p>(b) risks arising from the matters referred to in subsection 10.20(1);</p> <p>(c) risks arising from potential interception activities</p>	<p>WRP s 3 identifies all the blue boxed text in s 3 as demonstration that the proposed WRP was prepared having regard to risks listed in s 10.41(2).</p> <p>(a) Text for accreditation at WRP s 3.1 refers to s 4.3.1 of WRP Schedule D (risk assessment) for how the risk assessment has regard to there being sufficient water available to meet environmental watering requirements.</p> <p>However, the assessment for s 10.05 and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Murrumbidgee WRP area from those in the adjacent Australian Capital Territory (groundwater) WRP</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>10.20(1) A water resource plan must be prepared having regard to whether it is necessary for it to include rules which ensure that the operation of the plan does not compromise:</p> <ul style="list-style-type: none"> <li>(a) the overall structural integrity of the aquifer (whether within or outside the water resource plan area) arising from take within the long-term annual diversion limit for an SDL resource unit; or</li> <li>(b) the overall hydraulic relationships and properties between groundwater and surface water systems, between groundwater systems, and within groundwater systems.</li> </ul>	<p>areas. As such, the assessment cannot confirm whether all the risks to the capacity to meet environmental watering requirements have been considered in the proposed WRP</p> <p>(b) Text for accreditation at s 3.2 refers to s 3.3.2 of Schedule D to demonstrate that the risk assessment process had regard to the risks described in 10.41(2)(b) and 10.20(1)(a).</p> <p>Whilst the risk assessment has had regard to the risks described under 10.20(1), the specific risks relating to structural damage to an aquifer (within or outside of the WRP area) have not been listed in the proposed WRP to meet s 10.41(4) requirements.</p> <p>The assessment can also find no evidence to the confirm whether risks that may cause structural damage to an aquifer arising from take within the long-term annual diversion limit for an SDL resource unit, outside the WRP area in the adjacent Australian Capital Territory (groundwater) WRP area have been considered in the proposed WRP.</p> <p>Additionally, the assessment for s 10.05 and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Murrumbidgee WRP area from those in the adjacent Australian Capital Territory (groundwater) WRP area.</p> <p>(c) Text for accreditation at s 3.2 refers to the Consolidates Risk Tables and ss 4.5.1.4, 4.5.2.4, 4.5.3.2, 4.5.4.4, 8.2.1.4, 8.2.2.1, 8.2.3.2 and 8.2.4.2 of Schedule D to demonstrate that the risk assessment process had regard to the risks from potential interception activities.</p> <p>The assessment notes that accreditation text refers to s 8.2.4.2 of Schedule D to demonstrate the Risk outcomes. However, this appears to be a drafting error as s 8.2.4.2 is about assigning a consequence score. While, risk outcomes of increased</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>floodplain harvesting to other water users are set out at s 8.2.4.3 of Schedule D. This drafting error is not material to the requirement.</p> <p>As set out in the assessment for s 10.23, Schedule D has identified medium risks associated with interception by runoff dams in Tables 4-29 and 8-8. Any medium risks associated with interception activities signify a significant interception activity and require monitoring and actions to be specified as per s 10.24 and 10.25. As no monitoring or actions have been identified, the proposed WRP has not been prepared having regard to the risks set out in s 10.41(2)(c).</p> <p>Also, the assessment for s 10.05 and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Murrumbidgee WRP area from those in the adjacent Australian Capital Territory (groundwater) WRP area. As such, the assessment cannot confirm whether all the risks arising from potential interception activities have been considered in the proposed WRP.</p>
9.3	10.41(3)(a)	<p>In identifying risks for the purpose of subsection (1), regard must be had to:</p> <p>(a) risks identified in section 4.02</p> <p>4.02(1) the risks to the condition, or continued availability, of Basin water resources, including the risks to the availability of Basin water resources that arise from the matter specified in item 3 of the table in subsection 22(1) of the Act are:</p> <p>(a) insufficient water available for the environment; and</p> <p>(b) water being of a quality unsuitable for use; and</p> <p>(c) poor health of water-dependent ecosystems.</p> <p>(2) The consequences of the materialisation of the risks identified in subsection (1) include:</p>	<p><i>4.02(1)(a)</i></p> <p>Text for accreditation at WRP s 3.2 refers to the risks and risk outcomes in sections 4.3.3, 4.4.3, 4.5.1.4, 4.5.2.4, 4.5.3.2, 4.5.4.4 and 4.6.4 Schedule D to demonstrate that the risk assessment process had regard to the risks of insufficient water available for the environment.</p> <p>As noted in the assessment for s 10.23 and s 10.41(2)(c), appropriate regard has not been demonstrated for the risks of interception by runoff dams, as appropriate monitoring, and actions commensurate with the identified risk outcomes are not identified for the purposes of Part 5.</p> <p>Also, the assessment for s 10.05 and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Murrumbidgee WRP area from those in the adjacent Australian Capital Territory (groundwater) WRP area. As such, the Authority cannot confirm whether all the risks arising from potential interception activities have been considered in the proposed WRP. Therefore the requirement is not met.</p> <p><i>4.02(1)(b)</i></p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
		<p>(a) that insufficient water is available, or water is not suitable for consumptive and other economic uses of Basin water resources; and</p> <p>(b) that insufficient water is available, or water is not suitable to maintain social, cultural, Indigenous and other public benefit values.</p>	<p>Section 3.2 refers to the risk outcomes in ss 7.3, 7.4.4, 7.5 and 7.6 of Schedule D as providing the list of risk assessment outcomes relevant to risk to other water uses due to unsuitable water quality.</p> <p>Section 7.5 of Schedule D states that:</p> <p style="padding-left: 40px;">Risks to raw water and their management strategies are identified in the Drinking Water Management Systems for the following water suppliers in the Murrumbidgee WRPA and will not be addressed further in this document..</p> <p>Section 7.5 then lists 26 local government water suppliers responsible for identifying and managing water quality risks in their supply areas. However, the proposed WRP does not list these risks for the purposes of s 10.41(4).</p> <p>Section 7.6 of Schedule D states that:</p> <p style="padding-left: 40px;">As there is a related requirement in 10.53(f), refer to sections 1.3.2, 1.7 and 4.6 of the WRP for further information relevant to risks to Indigenous values and uses of surface waters.</p> <p>Examination of the cited sections of the WRP relevant to risks to Indigenous values and uses of surface waters confirms that WRP s 1.7 details matters relevant to the risks identified in s 7.6 of Schedule D. However, the assessment notes that there is no material relevant to s 10.41 in text for accreditation at s 4.6, and the reference to WRP s 1.3.2 is incorrect and does not exist in the proposed WRP. Therefore, the requirement is not met.</p> <p><i>4.02(1)(c)</i> Text for accreditation at s 3.2 refers to the risk outcomes in ss 5, 6.3.3, 6.4.3 and 6.5.3 of Schedule D as providing the list of risk assessment outcomes relevant to this risk.</p> <p>The assessment for s 10.05 and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Murrumbidgee WRP area</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>from those in the adjacent Australian Capital Territory (groundwater) WRP area. As such, the assessment cannot confirm whether all the risks relating to poor health of water-dependent ecosystems have been considered in the proposed WRP. Therefore this requirement is not met.</p> <p><i>4.02(2)(a)</i> Text for accreditation at s 3.2 refers to sections 7.3.3, 7.4.4, 7.5, 7.6, 8.2.1.6, 8.2.2.1, 8.2.3.2, 8.2.4.3, 8.3.4 and 8.4.4 of Schedule D as providing the list of risk assessment outcomes relevant to this risk.</p> <p>Refer to the outcomes for s 4.02(1)(b) above.</p> <p><i>4.02(2)(b)</i> There is no material incorporated into the proposed WRP that refers to material demonstrating regard for the risk of insufficient water being available to maintain social, cultural, Indigenous and other public benefit values.</p> <p>The assessment also notes that assessment against s 10.53(1)(f) has found (item 14.9 below) that while risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area have been identified, there is insufficient evidence that genuine, proper and realistic consideration of these risks has been given. Therefore, this requirement is not met.</p>
9.4	10.41(4)	The water resource plan must list the risks identified for the purposes of subsection (1).	<p>Section 3.2 of the proposed WRP incorporates the Consolidated Risk Tables and risk outcomes outlined in Schedule D. However, as outlined against s 10.41(2) and (3) in this notice (item 9.2, 9.3 and 9.4), not all risks to which the risk assessment has had regard to have been listed in the proposed WRP.</p> <p>Additionally, the assessment for s 10.05 and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Murrumbidgee WRP area from those in the adjacent Australian Capital Territory WRP area. As such, the Authority cannot confirm whether the list of risks provided for s 10.41(4) includes all current and future risks as described in ss 10.41(1) – (3).</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			Therefore, this requirement is not met.
9.5	10.41(5)	The water resource plan must assess each risk.	<p>Text for accreditation at s 3.2 states that</p> <p style="padding-left: 40px;">The consolidated risk tables in Schedule D also include a ‘risk rating’ column that defines the level of each risk as low, medium or high.</p> <p>However, as outlined in against s 10.41(2) - (4) in this notice, not all of the risks have been listed, which means that not all risks have been assessed according to NSW’s chosen risk assessment method. Therefore, this requirement is not met.</p>
9.6	10.41(6)	<p>The water resource plan must define the level of risk of each risk, using the following categories:</p> <ul style="list-style-type: none"> <li>(a) low;</li> <li>(b) medium;</li> <li>(c) high;</li> <li>(d) if it is considered appropriate, any additional category.</li> </ul>	<p>Text for accreditation at WRP s 3.1 sets out the methods used to assess current and future risks. Text for accreditation at WRP s 3.2 refers to the risks and risk outcomes described in multiple sections of Schedule D.</p> <p>A comparison of the risk outcomes of Schedule D that are cited in s 3.2, against the risks and risk outcomes detailed in the consolidated risk tables of Schedule D has been undertaken. However, as outlined against ss 10.41(4) and (5) (items 9.4 and 9.5) of this notice, not all risks have been listed or assessed according to NSW’s chosen risk assessment method. This means the proposed WRP has not listed all of the required risks as either low, medium or high and the requirement is not met.</p>
9.7	10.43(2)	If the water resource plan identifies a risk which relates to a matter dealt with by a requirement in another Part of this Chapter, the strategy must take account of that requirement.	<p>Text for accreditation at WRP s 3.3 states that for the purpose of s 10.43 of the Basin Plan:</p> <p style="padding-left: 40px;">Columns 1 and 5 of Table 9-7 and Table 9-8 of the Risk Assessment detail the strategies to manage the current and future risks to the condition and continued availability of surface water resources of the Gwydir Surface WRPA.</p> <p>While column one of Table 9-7 identifies all the strategies relating to the risks identified in the risk assessment, column five and Table 9-8 do not contain any material to link the strategies in column one with the other part under Chapter 10 that have provisions to deal with risks to satisfy the requirement of s 10.43(2). Examination of column six of Table 9-7 confirms it identifies how strategies address each of the risk requirements in Chapter 10 of the Basin Plan. However, as column six of Table 9-7 does not form part of the accredited text of the proposed WRP, it cannot be relied upon to demonstrate that this requirement has been met. Further,</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			it is not possible to find any other information in the proposed WRP that maps other provisions to each risk. Therefore, this requirement is not met.
9.8	10.43(3)	A water resource plan must be prepared having regard to: (a) the strategies listed in subsection 4.03(3)	<p>Text for accreditation at WRP s 3.3 states that for the purpose of s 10.43 of the Basin Plan and states:</p> <p>Columns 1 and 5 of Table 9-7, and Table 9-8 of the Risk Assessment detail the strategies to manage the current and future risks to the condition and continued availability of surface water resources of the Gwydir Surface WRPA.</p> <p>The assessment against s 10.43(2) has confirmed that columns one and five of Table 9-7 do not provide material that meet the requirement to link the strategies with the other risk requirements of Chapter 10 and that this material is provided in column six of Table 9-7. However, as column six of Table 9-7 is not incorporated into the proposed WRP, it cannot be relied upon to demonstrate that this requirement has been met (refer to item 9.8).</p>
9.9	10.43(3)	A water resource plan must be prepared having regard to: (a) the strategies listed in subsection 4.03(3)	<p>In addressing the strategies listed in s 4.03(3), column six of Table 9-7 of Schedule D does not refer to any strategies listed under s 4.03(3)(h)(iii), 'to improve knowledge of the impact on Basin water resources'... on 'climate change'.</p> <p>The assessment has undertaken a systematic review of the strategies in Table 9-7 and has identified that Strategy 14 is the only strategy which relates to climate change. However, a note in column four of Table 9-7 relating to this strategy states that:</p> <p>No further climate change strategy has been identified beyond the SDL in this document.</p> <p>Given this statement, and the lack of identification of s 4.03(3)(h)(iii) as being relevant to any identified strategy, the assessment has determined that the proposed WRP was not prepared having regard to the strategies listed in s 4.03(3)(h)(iii). As such this requirement is not met.</p>



Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
10.1	10.44(a) and (b)	<p>A water resource plan must include the following information in relation to each class of water access right relating to the water resources of the water resource plan area:</p> <ul style="list-style-type: none"> <li>(a) the best estimate of the total long-term annual average quantity of water taken that is measured;</li> <li>(b) the best estimate of the total long-term annual average quantity of water taken that is not measured;</li> <li>(c) how the quantities under paragraphs (a) and (b) are calculated.</li> </ul>	<p>Text for accreditation at s 7.1 refers to WRP Table 7-1, in relation to each class of water access right relating to the water sources of the Murrumbidgee Surface WRP area, as containing the best estimate of the total long-term annual average quantity of water take that is measured.</p> <p>The assessment against s 10.44(a) has compared the listed classes of water access rights at column two of WRP Table 7-1 against those listed at WRP Table 5-1 'Forms of take and their related access rights and characteristics in the Murrumbidgee WRPA'. Table 5-1 is incorporated into the proposed WRP to meet the requirements of s 10.08 (identification of water access rights) of the Basin Plan. This comparison has found that Table 7-1 does not include the following classes of access right as listed in Table 5-1:</p> <ul style="list-style-type: none"> <li>• Take by flood plain harvesting <ul style="list-style-type: none"> <li>○ Floodplain Harvesting (regulated) access licence</li> <li>○ Floodplain Harvesting (unregulated) access licence</li> </ul> </li> <li>• Take from a watercourse <ul style="list-style-type: none"> <li>○ Domestic and stock licensed Local water utility)</li> </ul> </li> <li>• Take by runoff dams <ul style="list-style-type: none"> <li>○ Harvestable Rights</li> </ul> </li> <li>• Take under basic rights <ul style="list-style-type: none"> <li>○ Domestic and stock</li> <li>○ Native title</li> </ul> </li> </ul> <p>Table 7-1 does include take under basic rights as a form of take, however, two classes of water access right listed in Table 5-1 (domestic and stock, and native title) are not identified.</p> <p>Table 7-1 includes 'Take by runoff dams' as a form of take consistent with Table 5-1 but does not include the class of water rights 'harvestable rights.'</p> <p>There is no text at Table 7-1 explaining why some classes of water access rights have been omitted or conflated with forms of take.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Text for accreditation at s 7.1 states:</p> <p>Table F-1 and F-3 of this WRP detail the current best estimate of the total long-term annual average quantity of water taken for each class of water take that is measured and not measured, including interception activities.</p> <p>Schedule F (Water for consumptive use information) Table F-1 (Parameters for the method for determining Annual Actual Take (AAT)) does not directly contain any numerical values for measured or estimated annual actual take, nor does it present any numerical values for long-term annual average take. Table F-1 instead refers to the annual summing of all diversions under regulated river access licences listed in Table 5-1 or to volumes described in WRP Table F-2. As such, the claim in text for accreditation at s 7.1 of the proposed WRP that Table F-1 in Schedule F contains ‘current best estimate of the total long-term annual average quantity of water for each class of water take that is measured and not measured’, is not supported.</p> <p>Schedule F Table F-3 (‘Demonstration of APT Scenario Model with the SDL’) sets out a demonstration that the annual permitted take method will achieve the sustainable diversion limit over a repeat of Basin Plan historical climate conditions. However, none of the volumes in columns two or three of Table F-3 against the classes right where take is measured correspond with the volumes <u>for take from a regulated river</u> in Table 7.1. This is because the volumes in Table F-3 set out the SDLs for each form of take and the annual permitted take for those classes run over a repeat of the historical climate period. In the case of <u>take from a regulated river</u>, these volumes are not the same as long term annual average estimates of take that is measured, which are based on observed actual take. The material in Table F-3 is therefore not relevant to s 10.44(a) requirements with respect to <u>take from a regulated river</u>.</p> <p>Some of the annual permitted take volumes listed in column four correspond with the quantities described in Table 7-1 for the same classes of access right where take is not measured. This corresponds with the information in column five of WRP Table F-2 for these classes of access right that describe that annual permitted take will equal the estimates in column two of Schedule 3 of the Basin Plan (baseline diversion limits).</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>As set out in the assessment of material incorporated into the proposed WRP to meet requirements of s 10.08 of the Basin Plan, <u>take by floodplain harvesting</u> is not a recognised form of take for this WRP area under Schedule 3 of the Basin Plan.</p> <p>Therefore, the claims at WRP s 7.1 that Tables F-1 and F-3 of Schedule F detail the current best estimate of the total long-term annual average quantity of water taken for each class of water take that is measured and not measured, including interception activities are not supported and consequently the requirement has not been met.</p>
10.2	10.44(b)	<p>A water resource plan must include the following information in relation to each class of water access right relating to the water resources of the water resource plan area:</p> <ul style="list-style-type: none"> <li>(a) the best estimate of the total long-term annual average quantity of water taken that is measured;</li> <li>(b) the best estimate of the total long-term annual average quantity of water taken that is not measured;</li> <li>(c) how the quantities under paragraphs (a) and (b) were calculated.</li> </ul>	<p>Consistent with the assessment of material to meet s 10.44(a) of the Basin Plan, WRP Table 7-1 does not identify all classes of water access right that have been incorporated into the proposed WRP to meet the requirements of s 10.08 (identification of water access rights) of the Basin Plan.</p> <p>As a result of the omission of certain classes of water access rights and the inconsistencies relating to take by floodplain harvesting, this requirement has not been met.</p>
10.3	10.44(c)	<p>A water resource plan must include the following information in relation to each class of water access right relating to the water resources of the water resource plan area:</p> <ul style="list-style-type: none"> <li>(a) the best estimate of the total long-term annual average quantity of water taken that is measured;</li> <li>(b) the best estimate of the total long-term annual average quantity of water taken that is not measured;</li> <li>(c) how the quantities under paragraphs (a) and (b) were calculated.</li> </ul>	<p>Table F-2 is titled 'Parameters for the method for determining Annual Permitted Take'. Under the class of take row 'basic rights permitted take', it provides a row for each of 'basic landholder rights regulated' and 'unregulated', with an accompanying estimated quantity. However, it also presents a separate row apparently under the same class, titled 'domestic and stock basic rights' in which it provides a quantity that sums the separate two rows (and also sums a quantity of 0ml for 'Native Title'). As they are all listed as 'Annual Permitted Take sub-parameters', this causes ambiguity about whether these are separate classes of access or multiple expressions of the same class.</p> <p>Consistent with the assessment of material to meet s 10.44(a) and (b) of the Basin Plan, WRP Table 7-1 does not identify all classes of water access right that have been incorporated into the proposed WRP to meet the requirements of s 10.08</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>(identification of water access rights) of the Basin Plan.</p> <p>Further, the assessment against ss 10.44(a) and (b) has confirmed that column three of Table 7-1 lists a measured average volume of 1,690 ML/yr for take under basic rights and that column four lists an unmeasured average volume of 4,385 ML/yr. Neither Tables F-2 or F-3 provide any detail as to the method for calculating the measured average volume of 1, 690 ML/yr listed in column three.</p> <p>Therefore, due to the exclusion of some classes of access rights from WRP Table 7-1 as described in the assessment against s 10.44(a), and the unclear display of domestic and stock basic rights categories quantities within Table F-2 of Schedule F, and the lack of any method for calculating the measured average volume of take under basic rights, the requirement has been met.</p>
<b>Part 12</b>			
12.1	10.49(1) and 10.49(2)	<p>(1) A water resource plan must be based on the best available information.</p> <p>(2) The water resource plan must identify and describe the significant sources of information on which the water resource plan is based.</p>	<p>The assessment has established gaps and errors in various sections of the WRP (as detailed in individual assessments of the Chapter 10 Parts). Examples of the inconsistencies that indicate the best available information has not been used are set out in this notice against ss 10.10, 10.13, 10.15, 10.23, 10.24, 10.25, 10.41(4) and 10.44.</p> <p>Due to these gaps and errors in the information provided in the proposed WRP, this requirement has not been met.</p>
<b>Part 13</b>			
13.1	10.51(1)(c)	<p>(1) A water resource plan must describe how the water resources of the water resource plan area will be managed during the following types of events:</p> <p>(c) any type of event that has resulted in the suspension of a statutory regional water plan in the past 50 years (including a transitional water resource plan or interim water resource plan).</p>	<p>Text for accreditation at s 5.8 (blue box on pp 80-81) states:</p> <p>For the purposes of section 10.51(1)(c) of the Basin Plan, the predecessor of the <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020</i> was suspended on 10 November 2006 during the Millennium drought and recommenced in September 2011.</p> <p>The assessment notes that the reference in the above text for accreditation that refers to the 'predecessor of the <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020</i> was suspended on 10 November 2006 during the</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Millennium drought and recommenced in September 2011' causes an inconsistency with the requirements of s 10.51(c) of the Basin Plan.</p> <p>This is because the predecessor of the <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020</i> (WRP Schedule A) is the current <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</i>. This water sharing plan came into effect on 1 July 2016 and so could not have been in effect in 2006 at the time of the suspension nominated in the text for accreditation. The relevant water sharing plan appears to be the <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003</i>.</p> <p>Note: The assessment has found that the place holder in the proposed WRP for Schedule A includes hyperlinks labelled <i>Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012</i> and <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020</i>. The hyperlinks incorrectly direct to the <i>Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012</i> and the <i>Water Sharing Plan for the Gwydir Regulated River Water Source 2020</i> respectively. The Authority further notes that the proposed WRP package submitted to the MDBA includes the Schedule A (<i>Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012</i> and <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020</i> . As such, the hyperlink error is not material to meeting the requirements of s 10.51.</p>
13.2	10.51(2)	(2) If an event of a type listed in subsection (1) would compromise a Basin State's ability to meet critical human water needs in the water resource plan area, the water resource plan must set out measures to meet critical human water needs during such an event.	<p>Text for accreditation at s 5.8 (blue box on pp 80-81) states:</p> <p>For the purposes of section 10.51(2) of the Basin Plan, the arrangements set out above demonstrate that critical human water needs during extreme events will not be compromised. Town water supplies either rely on groundwater or are supplied using private irrigation infrastructure. These management arrangements are sufficient to ensure critical human water needs will not be compromised during an extreme event.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>The Authority takes the reference in this text for accreditation to ‘the arrangements set out above’ to refer to the text for accreditation in the s 5.8 blue box incorporated to meet s 10.51(1)(a) and (b) as noted in the assessment against those requirements.</p> <p>However, the Authority also notes that the above text for accreditation at s 5.8 to meet s 10.51(2) is unclear with respect to how the reference to ‘town water supplies either rely on groundwater or are supplied using private irrigation infrastructure’ operates in conjunction with the measures incorporated to meet ss 10.51(1)(a) and (b) to meet critical human water needs during a type of event listed under s 10.51(1).</p> <p>While the Authority is satisfied that the proposed WRP contains measures which would operate to meet critical human water needs during a type of event listed under s 10.51(1), there is uncertainty in how the text proposed for accreditation to address s 10.51(2) of the Basin Plan would operate in practice and therefore this requirement is not met.</p>
<b>Part 14</b>			
14.1	10.52(1)	<p>A water resource plan must identify:</p> <ul style="list-style-type: none"> <li>(a) the objectives of Indigenous people in relation to managing the water resources of the water resource plan area; and</li> <li>(b) the outcomes for the management of the water resources of the water resource plan area that are desired by Indigenous people.</li> </ul>	<p><u>Referencing errors</u></p> <p>Text for accreditation at WRP s 1.3.1 contains referencing errors in relation to the Wadi Wadi and Wemba Wemba and Wolgalu Nations:</p> <ul style="list-style-type: none"> <li>- Section 7.3.1 and 7.3.2 of Attachment D. Wadi Wadi First Nation Consultation Report identifies the objectives (feedback) yielded from the consultation process and this section is not cited in text for accreditation.</li> <li>- Section 5.3 of Attachment E. Wemba Wemba First Nation Consultation Report identifies the objectives and outcomes and there is no Table 6 as cited in the text for accreditation.</li> <li>- Table 6 of Attachment F. Wolgalu First Nation Consultation Report identifies the objectives and outcomes, not section 5–3 as cited in the text for accreditation.</li> </ul> <p>The MLDRIN advice has found that several Nation representatives expressed dissatisfaction with the objectives (and outcomes) included in their Nation’s Consultation reports, which were characterised as limited in scope, incomplete and brief.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Due to the issues raised in the MLDRIN report, and the inability to confirm material because of the referencing errors in relation to the Wadi Wadi, Wemba Wemba and Wolgalu Nations, the Authority cannot confirm that the proposed WRP has identified the objectives and outcomes for the management of the water resources of the WRP area for all Indigenous people that have been identified as associated with the WRP area.</p> <p>Therefore, this requirement has not been met.</p>
14.2	10.52(2)	<p>In identifying the matters set out in subsection (1), regard must be had to:</p> <p>(a) the social, spiritual and cultural values of Indigenous people that relate to the water resources of the water resource plan area (<b><i>Indigenous values</i></b>); and</p> <p>(b) the social, spiritual and cultural use of the water resources of the water resource plan area by Indigenous people (<b><i>Indigenous uses</i></b>);</p> <p>as determined through consultation with relevant Indigenous organisations, including (where appropriate) the Murray Lower Darling Rivers Indigenous Nations and the Northern Murray-Darling Basin Aboriginal Nations.</p>	<p>Text for accreditation at s 1.3.1 refers to the attachments to WRP Schedule C (Murrumbidgee Surface Water Resource Plan Consultation Report) to demonstrate that objectives and outcomes were developed with regard to Indigenous values and uses.</p> <p>Examination of Attachment E. Wemba Wemba First Nations Consultation Report confirms Table 2 lists the social, spiritual and cultural values and uses for this Nation, and that there is no Table 4 as cited in the text for accreditation at s 1.3.1. As occurred in s 10.52 above, it appears the relevant references in Attachments E and F were inadvertently swapped by NSW when drafting the WRP accreditation text.</p> <p>Examination of Attachment F. Wolgalu First Nations Consultation Report confirms Table 4 lists the social, spiritual and cultural values and uses for this Nation, and not Table 2, as cited in the text for accreditation at s 1.3.1. As occurred in s 10.52 above, it appears the relevant references in Attachments E and F were inadvertently swapped by NSW when drafting the WRP accreditation text.</p> <p>The text for accreditation further states that:</p> <p>regard to Aboriginal values and uses, including the risks to these, is demonstrated through consultation with First Nations. That consultation identified the objectives and outcomes listed in the Attachments to Schedule C.</p> <p>The MLDRIN advice states:</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Participants questioned this claim (concerning ‘regard to Aboriginal values and uses, including the risks to these, is demonstrated through consultation with First Nations’) given that consultation was problematic and often inappropriate for a range of reasons .... In particular, they cited the extremely late timing of the consultation in the overall development of the WRP as a key reason why the consultation could not “demonstrate” regard for First Nations’ values and uses</p> <p>and</p> <p>The NSW Government needed to demonstrate how it had proper, genuine, and realistic consideration for these values (and uses) in identifying First Nations’ objectives and outcomes.</p> <p>Although the assessment finds that the proposed WRP has identified social, spiritual and cultural values and uses, due to the inability to confirm material because of the referencing errors in relation to the Wemba Wemba and Wolgalu Nations, and the concerns raised in the MLDRIN advice, the Authority is not satisfied the proposed WRP has demonstrated regard to the social, spiritual and cultural values and uses of the water resources of the WRP area in relation to these nations when identifying the matters set out in 10.52(1).</p> <p>Therefore, this requirement is not met.</p>
14.3	10.53(1)	A water resource plan must be prepared having regard to the views of relevant Indigenous organisations with respect to the matters identified under section 10.52 and the following matters:	<p>The MLDRIN advice has noted:</p> <p>simply stating that the NSW Government engaged with these groups does not offer any evidence or “demonstration” about the quality of that consultation, or that it actually “had regard for” the matters listed.</p> <p>Even if the matters in 10.53(1) did come up during consultation (as in the case of risks, or 10.53(1)(f)), it is unclear how the NSW Government could have meaningfully considered the views of Aboriginal organisations and Traditional Owners given consultation occurred so late in preparing the WRP.</p>



Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Noting the referencing errors set out at items 14.1 and 14.2 and the MLDRIN concerns regarding failure to seek the views of Traditional Owners on relevant matters and failure to have genuine and meaningful regard to risks to the availability and suitability of water for First Nations' values and uses in the preparation of the WRP, the Authority is not able to confirm that regard was had to the views of all relevant Indigenous organisations with respect to all matters identified in section 10.53.</p> <p>Therefore the requirement is not met.</p>
14.4	10.53(1)(a)	<p>native title rights, native title claims and Indigenous Land Use Agreements provided for by the Native Title Act 1993 in relation to the water resources of the water resource plan area;</p>	<p>The MLDRIN advice has noted:</p> <p>In contrast to these expectations (concerning regard to the views of participants), the accredited text of the Murrumbidgee SW WRP only includes (i) that one Aboriginal organisation was "contacted" about native title, (ii) a statement about relevant native title determinations in Part 5 of the WSPs in Schedule A (of which there are none in the Murrumbidgee WRPA), and (iii) a statement that a full list of all native title claimant applications and ILUAs can be found online. This response suggests that only one organisation was directly asked about native title, with the rest of the information based on results from desktop native title searches</p> <p>While the views of certain relevant Indigenous organisations has been sought in relation to some native title rights, native title claims and Aboriginal Land Use Agreements with respect to the matters in 10.52, the shortcomings raised by MLDRIN about the adequacy of consultation with Traditional Owners about their views relating to 10.53(1)(a), the Authority is not able to confirm that proper regard was had to the views of all relevant Indigenous organisations with respect to the requirements of s 10.53(1)(a).</p> <p>Therefore the requirement is not met.</p>
14.5	10.53(1)(b)	<p>registered Aboriginal heritage relating to the water resources of the water resource plan area;</p>	<p>The accredited text refers to NSW's existing cultural heritage management system to respond to this requirement (ie. the Aboriginal Heritage Information Management</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>System (AHIMS)). However, it is unclear whether this covers all <i>registered Aboriginal Heritage</i> (under Commonwealth or State law), relevant to the WRP area.</p> <p>The MLDRIN advice states:</p> <p>of greatest concern to workshop participants, the WRP accredited text does not record if or how First Nations' views about Aboriginal heritage relating to water resources were collected or considered in preparing the Plan.</p> <p>most participants reported that no Aboriginal Heritage Information Management System (AHIMS) data were presented or discussed at consultation workshops</p> <p>Noting the issues raised in the MLDRIN report and the inability to confirm that the proposed WRP covers all <i>registered Aboriginal Heritage</i> (under Commonwealth or State law), the assessment cannot confirm that regard was had to the views of all relevant organisations with respect to the matters identified in s 10.53(1)(b) of the Basin Plan.</p> <p>Therefore the requirement is not met.</p>
14.6	10.53(1)(c)	inclusion of Indigenous representation in the preparation and implementation of the plan;	<p>The MLDRIN advice states:</p> <p>This failure of (the) NSW Government to involve First Nations in all stages of the water planning process goes beyond the local Nation scale. Stakeholder Advisory Panels (SAPs) were governance models developed by the NSW Government to allow "for earlier and broader engagement for the development of Water Resource Plans"... it is extremely problematic that Traditional Owners were not originally afforded roles or positions on these Panels. MLDRIN had to write to the NSW Water Minister (the Hon. Niall Blair) requesting that such roles be created.</p> <p>And</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>The Murrumbidgee SAP (like others across NSW) included a role for only one Aboriginal community representative, regardless of how many First Nations' territories each SAP traverses. Deficiencies in such models are well-established and known.</p> <p>The assessment is satisfied that material demonstrates that the views of some relevant Indigenous organisations have been sought in relation the inclusion of Indigenous representation in the preparation and implementation of the plan. However, in light of the concerns raised by the MLDRIN advice regarding the limited nature of the consultation process it is not clear that the views of all relevant organisations have been sought. Further, it is not clear that the views identified have been given genuine, proper and realistic consideration in the preparation of the proposed WRP.</p> <p>Therefore, the requirement is not met.</p>
14.7	10.53(1)(d)	Indigenous social, cultural, spiritual and customary objectives, and strategies for achieving these objectives;	<p>The MLDRIN advice states:</p> <p>the NSW Government needed to have regard for Aboriginal peoples' views on social, cultural, spiritual, and customary objectives as well as strategies for achieving these. The Murrumbidgee SW WRP does not provide any evidence or explanation of how these views were considered during development, let alone in a proper genuine and realistic manner.</p> <p>specific references to the particular section/s of the First Nations Consultation Reports that contain details about these strategies (and First Nations peoples' views on them) are absent.</p> <p>Noting the referencing errors set out against assessment for s 10.52 and the MLDRIN advice, the Authority is not satisfied the development of the proposed WRP has had adequate regard to the views of relevant Indigenous organisations with respect to certain Indigenous social, cultural, spiritual and customary objectives. Further, it is not clear that all views of relevant Indigenous organisations have been considered with respect to such objectives, and particularly in relation to the strategies for achieving</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>these objectives. Nor is it clear they have been given genuine, proper and realistic consideration for this requirement.</p> <p>Therefore, this requirement is not met.</p>
14.8	10.53(1)(e)	encouragement of active and informed participation of Indigenous people;	<p>MLDRIN advice states:</p> <p>Most Nation organisers did not feel that the NSW Government encouraged active and informed participation, nor did most feel that the NSW Government was open to or considerate of their (or others') views about ways to encourage this kind of participation among First Nations people. Additionally, the WRP materials do not adequately demonstrate how the NSW Government had regard for First Nations' views on such matters</p> <p>and</p> <p>Moreover, most (but not all) workshops participants felt that the provided water planning information resources were lacking</p> <p>and</p> <p>Workshop participants agreed that the consultation process did provide some information to Nations about water resource planning processes, but that information was generally insufficient and/or unclear.</p> <p>Noting the issues raised in the MLDRIN report, the assessment finds that while there is some evidence of active and informed participation of Indigenous people, the assessment is not able to confirm that the proposed WRP was prepared having regard to the views of all relevant Indigenous organisations regarding the encouragement of informed participation of Indigenous people.</p>
14.9	10.53(1)(f)	risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area.	<p>Risks to Aboriginal values and Aboriginal uses arising from the use and management of the water resources of the WRP area of the Wemba Wemba Nation are identified in Table 3 of Attachment E, however, text for accreditation identifies irrelevant material for this requirement by citing Table 5. Similarly, the</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>risks to Aboriginal values and Aboriginal uses arising from the use and management of the water resources of the WRP area of the Wolgalu Nation are identified in Table 5 of Attachment F, text for accreditation identifies irrelevant material for this requirement by citing Table 3. Therefore, these are both errors in text for accreditation.</p> <p>In addition MLDRIN advice states:</p> <p>...evidence of how NSW had proper, genuine, and realistic regard for these views in the preparation of the WRP was deemed poor by workshop participants. That is, participants asserted that identifying risks in the First Nations Consultation Reports does not equate to having regard to them, or to Traditional Owners' views about them.</p> <p>Noting the referencing error and the issues raised in the MLDRIN advice, the assessment cannot confirm that risks have been identified for all relevant Nations or that there is evidence that genuine, proper and realistic consideration of these risks has been given.</p> <p>Therefore, this requirement is not met.</p>
14.10	10.54	A water resource plan must be prepared having regard to the views of Indigenous people with respect to cultural flows.	<p>Assessment of text for accreditation to meet s 10.52 of the Basin Plan (as set out in WRP s 1.3.1) has confirmed that each Part 2 of WRP Schedule A (<i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source Order 2020</i>) and (<i>Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012</i>) sets out a clear set objectives, strategies and performance indicators 'to maintain the spiritual, social, customary and economic values and uses of groundwater by Aboriginal people'. However, the assessment considers that it is not clear that this provision, in itself, demonstrates a consideration of the views of Indigenous people regarding 'cultural flows' identified in text for accreditation and the Nation Consultation Reports.</p> <p>The MLDRIN advice states:</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Participants agreed that “having regard” to First Nations’ views on Cultural Flows in preparing a WRP requires more than simply recording matters raised in consultation and attaching that information to the WRP.</p> <p>and</p> <p>participants also raised concerns about the two explanatory paragraphs that occur immediately before the accredited text for 10.54 (Murrumbidgee SW WRP, pages 55-56) which describe the connection between environmental and cultural water. Participants were extremely wary that, as written, this information could imply – or be interpreted as implying – that the NSW Government has had regard for Indigenous views about cultural flows by maintaining existing environmental water management arrangements. Participants strongly rejected the suggestion that maintaining existing environmental water (planned or held) provisions “ensures the ongoing replenishment of cultural water flows”</p> <p>Noting the issues raised in the MLDRIN report, the assessment cannot confirm that regard to the views of Indigenous people with respect to cultural flows has been adequately demonstrated.</p> <p>Therefore, this requirement is not met.</p>
14.11	10.55	<p>A water resource plan must provide at least the same level of protection of Indigenous values and Indigenous uses as provided in:</p> <p>(a) a transitional water resource plan for the water resource plan area; or</p> <p>an interim water resource plan for the water resource plan area.</p>	<p>Text for accreditation at s 4.6 (first blue box on page 55) states that:</p> <p>A transitional WRP operated for the Murrumbidgee Regulated River Water Source (2003 Water Sharing Plan) and for Upper Billabong Water Source (2003 Water Sharing Plan) and it expired on 1 June 2014. No interim plan operated in the Murrumbidgee WRPA.</p> <p>The transitional plan included some of the arrangements identified in Table 4-2. This Plan retains or improves the protection of Indigenous values and uses.</p>

Issue Ref.	Relevant Basin Plan provisions	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
			<p>Examination of Schedule 4 and Schedule 5 of the <i>Water Act 2007</i> (Cth) and <i>Water Regulations 2008</i> (Cth) respectively indicates that the <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003</i>, listed as a transitional WRP in the text for accreditation, is not the most recent version of the transitional plan that applied in the Murrumbidgee WRP area. The most recent version, as listed in Schedule 5 of the <i>Water Regulations 2008</i>, is the <i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</i>.</p> <p>As the transitional <i>Water Sharing Plan for the Murrumbidgee Regulated Water sources 2003</i> listed in text for accreditation is not the most recent transitional WRP, it is not possible to undertake a formal assessment of this section using them and therefore the requirement is not met.</p> <p>The MLDRIN Assessment Matrix Report (p 61) states:</p> <p style="padding-left: 40px;">in relation to 10.55 specifically, Nation organisers did not recall the provisions in Table 4- 2 (or others) being explained or discussed during Nation consultation. For such measures to offer protection, community must be informed about them, and support offered to help take them up</p> <p>NOTE: Based on an informal assessment between the most recent transitional <i>Water Sharing Plan for the Murrumbidgee Regulated Water Source 2016</i> and WRP Schedule A (<i>Water sharing Plan for the Murrumbidgee Regulated Water Source Order 2020</i>), the assessment notes that while the upper ‘valley scale’ volumetric limit of 2,150 ML/yr for specific purpose access licences has not changed, the upper limit on individual access licences has changed from ‘the minimum required to meet the circumstances’ to a maximum of 10 ML.</p> <p>The assessment further notes that the proposed WRP provides no information about the rationale for the change or about any impact it may have on the level of protection of Indigenous values and Indigenous uses.</p>

## Appendix A. Inconsistency in the annual permitted take method (s 10.10(1) of the Basin Plan) for take from regulated rivers

#	Issue name	Issue description
1	Incorrect model versions submitted with the WRP package	Table F-2 column 3 refers to APT model version 114, which does not incorporate updates made in the BDL model version 129 given in Attachment B to Schedule F. Furthermore, BDL model revision 129 was not received before 30 June 2020 and was therefore not incorporated in the water resource plan package.
2	Inconsistent naming of model in Table F-2 and s 5.6	Table F-2, row 2, column 3 gives the following model names: 'Murrumbidgee IQQM Current Conditions Model (BIDGPBPA.iqq revision 114)', 'APT Scenario model', Murrumbidgee APT Scenario model, and the 'SDL model'. Similarly, in s 5.6 blue box text, the model is named 'APT model', 'Murrumbidgee APT model' and 'SDL model'. These are all taken to be the same model as described in supporting information at column 5 – Attachment B to Schedule F.
3	Inconsistency between Table F-2 and Attachment B to Schedule F regarding the treatment of HEW entitlement trade	Table F-2 row 3, column 3 describes the method for ' <i>Murrumbidgee regulated HEW</i> ' which states the HEW entitlement trade is part of the method. Table F-2, row 3, column 5 refers to 'Annual Permitted Take (APT) Scenario Report for the Murrumbidgee WRPA', which is taken to mean of Attachment B to Schedule F. <i>Murrumbidgee Regulated HEW</i> is not identified in Table F-2 row 1, so it is unclear how the annual permitted take method incorporates this sub-parameter. Further, the <i>Murrumbidgee Regulated HEW</i> row in Table F-2 does not align with the environmental water adjustment method given in Attachment B to Schedule F, that is defined as a scaling factor and does not incorporate HEW entitlement trade as described in Table F-2 for <i>Murrumbidgee regulated HEW</i> .
4	Inconsistency in BDL values that impacts the scaling factor determination	Multiple updated BDL changes are described (Attachment A, Table 3 page 9, Table 4 page 10 and Attachment B, Table 1 pages 7-8) without clear indication which change is the one being proposed for approval by the Authority. Noting these three variations it is unclear how the BDL used in the scaling factor at s 4.1.3.1 was chosen.
5	Additional unmodelled form of take given in Tables 3 and 4 of Attachment B to Schedule	Attachment B to Schedule F Tables 3 and 4 define 28.9 GL/y of regulated river (under domestic and stock). This is in addition to 'watercourses (under basic rights)', which has a method for it given in Table F-2 and is the volumes given in the water sharing plans that make up Schedule A. Footnote 10 on page 11 states the method regulated river (under domestic and stock) is "Based on the mean annual usage 2004 to 2017 with 1,000 ML/a



#	Issue name	Issue description
	F for regulated river (under domestic and stock) that is not described in Table F-2	deducted for Water for Rivers as per DoI (2018).” This class of water access right therefore appears to be part of <u>take from regulated rivers</u> . Based on this, it is therefore inconsistent with Table F-2 which does not describe this method for this class of water access right in row 2 column 3 against ‘regulated river permitted take’.
6	Issues in the annual permitted take model for the Murrumbidgee SDL resource unit submitted to the MDBA	<p>Murrumbidgee model advice concludes that <u>take from regulated rivers</u> APT method does not meet 10.10, 10.12 and 10.49 because of the following issues:</p> <ol style="list-style-type: none"> <li>1. APT model submitted in the water resource plan package is version 114. However, this version is not based on BDL model version 129, but BDL model version 112. This misses model improvements and does not represent the best available information. In addition, BDL model version in Attachment B to Schedule F is given as version 129. However, this was not received before 30 June 2020 and was therefore not incorporated in the water resource plan package (as per issue 1 in this table).</li> <li>2. BDL model version given in Attachment A to Schedule F is version 112, which is inconsistent with the version given in Attachment B to Schedule F, version 129</li> <li>3. Incorrect labelling in model reports that MIA diversion figures are not given as ‘net’.</li> <li>4. Based on documentation, it is not clear how Redbank North and Redbank South are represented in the model and does not appear to not match understanding</li> <li>5. ACT inflow scaling factor differs from the scaling factor that the MDBA recommended during the assist phase and there is no supporting documentation to justify the ACT inflow scaling factor given</li> <li>6. Recalibrated Finley Escape inflows are not incorporated in the model</li> <li>7. Recalibration report to support understanding of model improvements has not been provided</li> <li>8. No revised inflows from Snowy into Blowering Dam in models</li> <li>9. Inclusion of extractions for Water for Rivers to address effects of not adjusting the Snowy inflows does not represent Water for Rivers effectively</li> <li>10. Modelling of Burrinjuck and Blowering translucency flows in the models do not reflect the water sharing plan requirements</li> <li>11. Documentation of changes in inflow at Billabong Creek and Kyeamba Creek has not been provided</li> <li>12. Documentation of change in modelling approach for Hillas Creek residual inflow has not been provided</li> <li>13. Maximum irrigable crop areas have changed and no documentation has been provided justifying the change</li> <li>14. The Living Murray represented in the updated BDL model does not include MIA purchases (52 GL/y) and CIA purchases are higher than the agreed value by 20 GL/y and are a total of 32 GL/y</li> </ol>

#	Issue name	Issue description
7	Water for Rivers and The Living Murray representation in Attachment A and B to Schedule F of the BDL scenario	<p>Basin Plan Schedule 3 column 2 gives the long-term average limit for take from regulated rivers as 1958 GL/yr, excluding held environmental water recovered by the Living Murray Initiative and by Water for Rivers. However, this is not consistently described in Attachments A and B to Schedule F. Attachment A to Schedule F Table 3 explicitly excludes Water for Rivers (-44.0 GL/y). However, there is no exclusion of The Living Murray. Attachment B to Schedule F Table 1 excludes the volume of -54.2 GL/y from the BDL scenario for The Living Murray, but here Water for Rivers has not been listed. The Living Murray and Water for Rivers both need to be treated the same in both reports, that is excluded from the BDL.</p>
8	Representation of entitlement (permanent tagged) trade	<p>Table F-2 row 3, column 3 describes the method for '<i>Net Murrumbidgee Trade</i>', where 'The volume of consumptive water traded into the Murrumbidgee SDL resource unit (SS15) during the relevant water year will be added to the permitted annual take. The volume of consumptive water traded out of the Murrumbidgee SDL resource unit (SS15) during the relevant water year will be subtracted from the annual permitted take.'</p> <p>On pages 6-7 of Attachment B to Schedule F, entitlement (permanent tagged) trade is "reduced by the volume of unmodelled actual consumptive take in other SDL resource units that uses a Murrumbidgee entitlement. Correspondingly, APT is increased by the volume of unmodelled actual consumptive take in the Murrumbidgee that uses an entitlement from another SDL resource unit". This is typically not how permanent trade is accounted for and is usually accounted for as given for the temporary trade i.e. by the volume of consumptive allocation traded in/out of the Murrumbidgee.</p>