

Office of the Chief Executive

Ref: EC21-000097

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) written notice of the grounds on which the Authority considers that it should recommend the Commonwealth water Minister (the Minister) not accredit the content in the proposed Namoi (Surface Water) Water Resource Plan ('the proposed WRP') relevant to the management of the Namoi (Surface Water) water resource plan area.

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

In July 2019 the Minister granted NSW an extension for submission of all NSW water resource plans ('WRPs') to 31 December 2019.

As no NSW WRPs were received by 31 December 2019, the Minister commenced the process under s 73 of the Act for each of the 20 NSW WRP areas, by issuing a preliminary notice to you, as the NSW Minister for Water, setting out the process for NSW to submit WRPs for assessment and accreditation. In response to this notice, NSW submitted all 20 WRPs by 30 June 2020.

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

Pursuant to s 55 of the Act, in determining whether a proposed WRP is consistent with the relevant version of the Basin Plan, the Authority is required to have regard to the legislative framework within which the water resource plan operates. At this stage, the Authority has found a number of matters which may support a decision that the proposed WRP is not consistent with the relevant version of the Basin Plan.

As contemplated by 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;

Office of the Chief Executive

- (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**.

I therefore ask that you 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 MDBA remains committed to working with you to finalise this plan for accreditation.

The MDBA's key contact for the proposed WRP is _____, A/g General Manager
Water Resource Planning Policy and Assessment (_____
, and myself, as Executive Director Basin Plan Regulation
(_____
).

Please feel free to make contact 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 17 March 2021.

Yours sincerely

Tim Goodes
A/g Chief Executive
3 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:

Attachment A—The grounds on which there are considered to be potential inconsistencies with the Basin Plan

Issue Ref.	Relevant Basin Plan provision	Requirement of Basin Plan provision	Description of the potential inconsistency (including references to relevant WRP material)
Part 2			
2.1	10.05	<p>A water resource plan must:</p> <p>(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</p> <p>(b) describe the way in which paragraph (a) was complied with.</p>	<p>Text for accreditation at s WRP 2.2 refers to WRP Schedule D (Risk Assessment) Part 3.3 for information about how regard was had to connected water resources.</p> <p>Schedule D refers to the numbered headings used to separate the different components of the Schedule D as 'sections' and not as 'parts'. Further, text for accreditation at WRP s 4.3 incorporated to meet s 10.26 of the Basin Plan refers to sections 4.2, 4.3 and 4.4 of Schedule D. As such, references to 'Part 3.3' in text for accreditation at s 2.2 are taken to be references to section 3.3 (pp 13-18).</p> <p>The cited material demonstrates and describes how regard was had to the management and use of connected water resources in the preparation of the proposed WRP. However, s 3.3 of Schedule D does not describe the nature of any connections with the adjacent surface water WRP areas of the Macquarie-Castlereagh (SW11) or the Gwydir (SW15). There is also no discussion about the connections between the Namoi WRP area and the Macquarie-Castlereagh WRP area, for example as described in the NSW DPIE report <i>Rural floodplain management plans: Water Management Act 2000: Background document to the Floodplain Management Plan for the Barwon-Darling Valley Floodplain 2017</i>.</p> <p>Further, the assessment of text for accreditation has determined that proper, genuine and realistic regard to relevant matters has not been demonstrated. This includes:</p> <ul style="list-style-type: none"> Documents are referenced in Schedule D s 3.3 but were not provided to the MDBA as part of the proposed WRP (<i>Interim Unregulated Flow Management Plan for the North-West (DWR 1992)</i>) No consideration of the Floodplain Management Plan for the Barwon–Darling Valley Floodplain 2017 (plan) which establishes rules and arrangements for the approval of flood works. No consideration of Schedule 3 of the Inter-governmental Agreement on implementing water reform in the Murray–Darling Basin, which commits NSW to work with Queensland to improve management and accounting of held environmental water that crosses the border and flows to the Barwon–Darling. 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.) Consequential inconsistencies resulting from assessment against ss 10.23 and 10.24. 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 management and use of connected resources in the listing, monitoring and actions associated with interception activities that may have a significant impact on connected water resources <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>
Part 3			
3.1	10.08(1)(c)	<p>(1) A water resource plan must identify:</p> <p>(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>	<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.</p> <p>For the class of 'Native Title' (row 22) under take under basic rights (row 24), the number of water access rights is not given.</p> <p>The volumes for the classes of water access right under the other forms of take set out in Table 5-1 do not correspond to the volumes set out in the relevant water sharing plans where these volumes are quantified or are</p>

			<p>subject to the water sharing plans for the following classes of take from regulated rivers and take from watercourses:</p> <ul style="list-style-type: none"> • Domestic and stock access licences in cl 20 of Schedule A (Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020) sum to 2.088 GL/y, but is given as 2.096 GL/y in Table 5-1. • Local water utility in cl 21 of Schedule A (Water Sharing Plan for the Peel Regulated River Water Source 2020) is 16,400 ML/y, but is given as 16,400 GL in Table 5-1. • Domestic and stock licensed in cl 22 of Schedule A (Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012) is 993 ML/y, but is given as 0.926 GL/y in Table 5-1. • Local water utility in cl 23 of Schedule A (Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012) is 8,333 ML/y, but is given as 7.484 GL in Table 5-1. • Unregulated river access licence in cl 24 of Schedule A (Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012) is 153,386 unit shares, but is given as 166,870 shares in Table 5-1. <p>In the WRP Table 5-1, under take under basic rights (row 22), ss 52 and 55 of the WMA 2000 that refers to conditions on domestic and stock and native title rights are not referenced. As such, conditions for this component of take under basic rights have not been incorporated into the proposed WRP.</p> <p>For take by runoff dams (row 20), characteristics given are the Harvestable Rights Order as described under NSW Government Gazette 40 dated 31 March 2006, ss 53 and 54 of Water Management Act 2000 (WMA 2000) and Part 5 of the Water sharing Plan for the Namoi and Peel Unregulated Water Source 2012 (Schedule A). However, the conditions of the dams listed as exempt in Schedule 2 of the Harvestable Rights Order are not further characterised. The Harvestable Rights Order was also not submitted as part of the formal WRP package as described in the letter of transmission to the MDBA, making the proposed WRP incomplete.</p> <p>Due to the inclusion of incorrect characteristics and the omission of relevant characteristics, and conditions referenced above, the requirement has not been met.</p>
3.2	10.08(2)	2) A water resource plan must require a holder of water access right to comply with the conditions of that right.	<p>Examination of the cited provisions in Table 5-1 and the text for accreditation confirms they oblige water access rights holders to comply with the condition of a right. Therefore, the proposed WRP obliges water access right holders to comply with the conditions of a right.</p> <p>However, as per the assessment above relating to s 10.08(1)(c), there are omissions under take by runoff dams for the conditions of the dams listed as exempt in Schedule 2 of the Harvestable Rights Order as well as ss 52 and 55 of the WMA 2000 under take under basic rights from Table 5-1. This means that the proposed WRP does not oblige water access right holders to comply with the conditions of those rights and therefore, this requirement is not met.</p>
3.3	10.09(1)	<p>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> <p><i>PEW is identified in the WRP area</i></p>	<p>Text for accreditation identifies cl 47(3)(b) of the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020 (Part 8 Division 3 – Supplementary water events) as a rule for the purpose of 10.09(1), as this rule restricts access to supplementary water, reserving 50% of the volume of a supplementary water event for environmental health. However, this appears to be an incorrect reference, as there is no clause 47(3)(b) in the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020 submitted for accreditation. The correct reference appears to be cl 47(4)(b). As such, the proposed WRP does not incorporate the rule described in the text for accreditation.</p> <p>PEW has been identified in the Namoi WRP area. However, due to the incorrect clause reference (cl 47(3)(b)) and as detailed below, not all rules and arrangements to protect PEW have been included in the proposed WRP. Therefore, this requirement has not been met</p>
3.4	10.09(1)	<p>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> <p><i>The identified PEW is PEW as defined in the Water Act 2007 (exhaustive - all PEW is identified)</i></p>	<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 Upper Namoi and Lower Namoi Regulated River Water Sources 2020) omitted rules from text for accreditation include:</p>

			<ul style="list-style-type: none"> • Clause 8(3) identifies the strategies for reaching the targeted environmental objectives set out in the plan. The Note at cl 8(3)(c) states that the provisions in Division 3 Part 8 (Supplementary water events) of the plan maintain the hydrological connectivity within and between water sources by protecting a portion of flows. Specifically: • Clause 47(2) restricts the announcement of a supplementary water event if the event is required to ensure outflows from the WRP area to meet the requirements of the Barwon-Darling Flow Targets identified in Schedule 1 of the WSP. These targets include environmental purposes such as to allow fish passage and to suppress blue-green algae. This rule is therefore operating to preserve water in an uncontrolled flow for an environmental purpose, until these environmental flow requirements are met, after which a supplementary water event can be announced and take under supplementary access licences is permitted under cl. 46. • Clause 47(4)(b) requires that the volume of the announced supplementary event does not result in extraction of more than 50% of the supplementary water event volume. This rule therefore preserves 50% of the announced supplementary event, to achieve the environmental objectives of the plan, as noted in cl.8(3)(c). • Clauses 47(6) to (11) specify limits to total extractions by supplementary water access licence holders during periods when flows are above specified thresholds. The Note at clause 47(11) identifies that these rules contribute to a number of environmental objectives specified in Part 2 of the WSP. These rules are therefore operating to preserve water in an announced supplementary water event for an environmental purpose. <p>In Schedule A (Water Sharing Plan for the Peel Regulated River Water Source 2020) omitted rules from text for accreditation include:</p> <ul style="list-style-type: none"> • Clause 8(3) identifies the strategies for reached the targeted environmental objectives set out in the plan. The Note at cl 8(3)(c) states that the provisions in Division 1 of Part 10 (environmental flow rules) of the plan maintain the hydrological connectivity within and between water sources by protecting a portion of flows. • Clauses 36(3)(a) and 37(2)(a) which limit the amount of water that can be allocated to regulated river (high security) access licences and regulated river (general security) access licences, unless water is available to meet environmental water provisions in Part 10 Division 1, which has been identified as PEW. Note equivalent provisions have been incorporated into the proposed WRP from the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020, so it is not clear why these clauses from the Peel Regulated Rivers water sharing plan have not been incorporated. • Clause 54 establishes the priority of delivery for water in circumstances when supply capability is limited due to channel capacity. While this rule does not commit or preserve water, it is a rule or arrangement that directly relates to the PEW established by the Part 10 Division 1 (EWA) rules, as it defines an equal delivery priority for the EWA and General Security entitlements. <p>In Schedule A (Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012) omitted rules from text for accreditation include:</p> <ul style="list-style-type: none"> • Clause 10(3) identifies the strategies for reaching the targeted environmental objectives of the plan includes restricting the take of water from in-river and off-river pools when the volume of that water is less than full capacity, and the Note at this clause identifies clauses 47 and 48 as the relevant rule in the plan. • Clauses of cls 47 and 48 restrict take according to the flow classes identified in cl 46, when there is no visible flow in the water source, and from in-river and off-river pools not subject to the flow class rules, and licences with legacy cease-to-take conditions. These access rules operate to protect the PEW identified in Part 4 of the plan (the physical presence of water resulting from the access rules specified in Part 8 Division 2 of the plan). Clause 46 (flow classes) is identified for accreditation, however cl 47 and cl 48 contain the provisions that operate to restrict take. • Clauses 52(1A) and (2) prevent the approval of an in-river dam water supply work within specified water sources and lagoons in line with the NSW weirs policy and NSW <i>Fisheries Management Act 1994</i>. These clauses operate to ensure that flows, including PEW, are not captured and used for consumptive take. The rules also serve to protect environmental assets and ecosystem functions and are identified in Clause 10(3)(d) as contributing to environmental objectives.
--	--	--	---

			<p>The rules outlined above operate to preserve water for an environmental purpose at specific times, or under specific circumstances, as identified in the water sharing plans that make up WRP Schedule A, and therefore fall within the definition of PEW as set out in s .6 of the Water Act 2007.</p> <p>It is further noted that 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, it is not possible to differentiate between aspects that are included and those that are not.</p> <p>Consequently, due to the failure to include relevant PEW rules referred to above, and the inability to be able to differentiate between aspects of the cited rules that are included and excluded for meeting s 10.09(1), this requirement is not met.</p>
3.5	10.10(1)	<p>(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> <p><i>A method is set out that determines maximum quantity of water permitted to be taken for consumptive use for each form of take during a water accounting period for each SDL resource unit in the WRP area</i></p>	<p>Text for accreditation at s 5.6 provides a formula as the method for determining the annual permitted take for the Namoi SDL resource unit (SS21).</p> <p><u>Take from regulated rivers (excluding basic rights)</u></p> <p>The formula at WRP s 5.6 states that APT calculation includes the following parameters:</p> <ul style="list-style-type: none"> • +/- trade in and out of the SDL resource unit • - local reduction amount • - shared reduction amount • + net SDL adjustment amount that is equal to supply contributions less efficiency contributions <p>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 states that the APT method relevant to take from a regulated river is determined by the application of the Namoi APT model.</p> <p>Supporting information at WRP Schedule F (Water for consumptive use information) Attachment C (Namoi SW WRP – Modelling – Annual Permitted Take Scenario Report) ss 4.4.1 and 4.4.3 identifies that the above four parameters are also included within the method for take from regulated rivers. The effect of this, is that these parameters are double counted. This compromises the ability of the formula to correctly determine annual permitted take.</p> <p>Further examination of the material in Table F-2 that provides for the operation of the ‘Namoi APT Model’ (given as the ‘Namoi SDL model’ in column two, row two of Table F-2) and the determination of ‘Net Namoi Trade’, as well as the determination of ‘Namoi Peel Regulated HEW’ defined in column two, row three, 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"> 1. Inconsistent model number referenced 2. Inconsistent naming of model reports ad model names 3. Inconsistency between Table F-2 and Attachment C to Schedule F regarding the treatment of HEW entitlement trade 4. Ambiguity in how the scaling factor given in Attachment C to Schedule F accounts for HEW, including the sustainable diversion limit (SDL) adjustment amount 5. Inclusion of floodplain harvesting in the scaling factor that adjusts for environmental water recovery 6. Inconsistency between Table F-2 and Attachment C to Schedule F regarding the adjustment for trade 7. Model issues identified in MDBA’s preliminary advice that do not affect accreditation (D20/41582) <p>Further details about the items listed above are provided in Attachment A to this table of grounds.</p>

			<p><u>Take from floodplain harvesting</u></p> <p>WRP Schedule F (Water for consumptive use information) Attachment A (Namoi Surface WRP – Modelling – Baseline Diversion Limit Scenario Report for the Namoi Regulated River Water Source – October 2019 update) Table 3-1 gives a revised BDL estimate consistent with the use of the BDL model. However, this is not consistent with the BDL estimate in Attachment C to Schedule F Table 3, which instead reflects the Basin Plan estimate. The use of the Basin Plan BDL for floodplain harvesting is also described in the notes to Schedule F Table F-3 that states:</p> <p style="padding-left: 40px;">the previous estimate of FPH take prepared by MDBA will continue to be used until the Healthy Floodplains Project is complete.</p> <p>This internal inconsistency leads to lack of clarity on what is the annual permitted take method for this form of take.</p> <p>Further, Attachment C to Schedule F s 4.4.5 outlines the ‘process of APT calculation’, which adds the factored modelled component with unmodelled components and adjustment for trade. However, the floodplain harvesting method given in Table F-2 as the annual expression of the BDL model if an event occurs or zero if no event occurs is not provided for in s 4.4.5 and is therefore inconsistent with Table F-2.</p> <p>This does not meet requirements. Further, the scaling factor that is applied to the model output incorporates floodplain harvesting, which should be excluded from this calculation. Scaling for environmental water recovery is only to be applied to the form of take where the water recovery has occurred, that is mostly take from regulated rivers.</p> <p>MDBA’s preliminary model review confirms that the updated model would be considered to be best available information, and the reported value may be updated with the Healthy Floodplains project. However, as identified above, the proposed WRP is inconsistent on what is the annual permitted take for this form of take. Therefore this requirement is not met.</p> <p><u>Take by runoff dams (excluding and under basic rights)</u></p> <p>The method given in Table F-2, row 7, column 3 is equal to:</p> <p style="padding-left: 40px;">the long term average as specified for the Namoi SDL resource unit (SS21) under Schedule 3 column 2 of the Basin Plan. This covers the water access right ‘Harvestable rights (runoff dam)’.</p> <p>Column five of Table F-2 indicates that this information is based on the methods described in National Water Commission report Surface and/or groundwater interception activities: initial estimates (SKM, CSIRO & BRS, 2010), p165 and Murray-Darling Basin Sustainable Yields Project: Projections of effect of future Farm Dam Development to the year 2030 on runoff, SKM 2007.</p> <p>‘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 six of row 21 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. Further, column 5 of Table F-2 states: ‘The Basin Plan notes this to be 160GL’. This represents the volume stated in column 2 of Schedule 3 of the Basin Plan for this form of take. However, the Basin Plan identifies this figure as an estimate.</p> <p><u>Take under basic rights</u></p> <p>Attachment C to Schedule F Table 3 excludes take under basic rights as a component of the ‘unmodelled’ forms of take in the WRP area. Table 3 of ‘the Annual Permitted Take Scenario Model’ is part of text for accreditation in row 2 column 3 of Table F-2 and taken to be Attachment C to Schedule F. This exclusion is inconsistent with the volume given in Table F-2 for this form of take.</p> <p>This is not an appropriate annual permitted take method for domestic and stock rights under take under basic rights as there is insufficient information provided to verify the method used to estimate the volume applied by the annual permitted take method.</p>
--	--	--	--

			<p>In summary, the proposed WRP has set out the various components of a method to determine annual permitted take which relates to each of the forms of take and classes of water access right that apply in the Namoi WRP area. However, as a result of the inconsistencies and discrepancies described above, the method is insufficient to determine the annual permitted take. As such the requirement is not met.</p>
3.6	10.10(1)	<p>(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> <p><i>The BDL estimate has changed due to better methods</i></p>	<p>The BDL estimates for the Namoi SDL resource unit (SS21) have changed.</p> <p>Supporting information at WRP s 5.6.1 states: The updated BDL model scenario report is yet to be accepted by the MDBA as the best available estimate of the BDL as of 1 July 2009.</p> <p>Further, supporting information at Schedule F Attachment A (Namoi Surface WRP – Modelling – Baseline Diversion Limit Scenario Report for the Namoi Regulated River Water Source – October 2019 update) identifies at s 1 that the BDL estimate for modelled take, that is take from regulated rivers and take from floodplain harvesting, has been revised based on improved modelling.</p> <p>Examination of Attachments A and B to Schedule F confirm that changes to BDL estimates for take from regulated rivers and take from floodplain harvesting are set out. However, the updated BDL is inconsistently described (Attachment A, Table 3-1 and Attachment C, Table 3) without clear indication which change is the one being proposed for approval by the Authority. There is also uncertainty on whether the changed BDL estimate for take from floodplain harvesting is to be applied given the statement in section 4.1 of Attachment C that:</p> <p style="padding-left: 40px;">the previous estimate of FPH take prepared by MDBA will continue to be used until the Healthy Floodplains Project is complete.</p> <p>The BDL change in take from regulated rivers results in an increase in the BDL from 251.2 GL/yr to 253.2 GL/yr (Attachment A - Table 3-1). Note, this table does not provide the correct Basin Plan BDL estimate for this form of take. Further, Schedule F Attachment B (Namoi Surface WRP – Modelling – Peel Baseline Diversion Limit Scenario Report - Peel Regulated River System) Table 3 also does not provide the correct Basin Plan BDL, but in this instance appears to be a drafting error.</p> <p>The BDL change in take from floodplain harvesting results in an increase in the BDL from 14.0 GL/y (Table 3 of Attachment C to Schedule F – incorrectly given as 13.1 GL/yr in Table 3-1 of Attachment A to Schedule F) to 18.6 GL/yr (Attachment A - Table 3-1, excluding on-farm harvesting). Note, this table does not provide the Basin Plan BDL estimate for this form of take, which is presented in Attachment C Table 3.</p> <p>The BDL change in the unmodelled forms of take relates to take under basic rights and results in overall change in unmodelled take (i.e. take from a watercourse, take by runoff dams, take by commercial plantations, and take under basic rights) in the BDL from 243 GL/yr to 247.7 GL/yr (estimates provided in Schedule 3 to the Basin Plan, items 13(b)-(f) verse Attachment C – Table 3, page 9, column two plus take under basic rights estimate given in Table F-2 row 8, column 3) (Attachment C Table 3 erroneously excludes take under basic rights).</p> <p>Given the issues cited above about inconsistencies between the BDL modelling information, it is not possible to identify which BDL change is relevant and thus cannot approve the agreed proposed BDL changes.</p>
3.7	10.10(1)	<p>(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> <p><i>The SDL volume is based on the applicable local reduction amount,</i></p>	<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 Authority 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:</p> <p style="padding-left: 40px;">For this demonstration of the SDL as at 30 June 2019, the <u>regulated rivers</u> APT method includes adjustments that accounts for the local reduction volume of 20 GL/y, the shared reduction volume of 0.0 GL/y, and the SDL adjustment amount volume of 0 GL/y. For the purpose of this SDL demonstration, the SDL as at 1 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 Authority 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.</p>

			<p>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>
3.8	10.10(1)	<p>(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> <p><i>The SDL volume is based on the SDL resource unit shared reduction amount,</i></p>	<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 '– shared reduction amount'. The Authority 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:</p> <p>For this demonstration of the SDL as at 30 June 2019, the <u>regulated rivers</u> APT method includes adjustments that accounts for the local reduction volume of 20 GL/y, the shared reduction volume of 0.0 GL/y, and the SDL adjustment amount volume of 0 GL/y. For the purpose of this SDL demonstration, the SDL as at 1 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 Authority notes that the shared reduction amount is part of the annual permitted take method for take from <u>regulated rivers</u> and, though it is zero volume, 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 is also unclear where the 'Required SDL reduction' parameter in the scaling factor formula is not defined but is taken to include the shared reduction amount.</p>
3.9	10.10(1)	<p>(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> <p><i>The SDL volume is based on the SDL adjustment amount written as a formula that changes over time to 2024</i></p>	<p>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 (page 15), 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.</p> <p>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 test is not met.</p>
3.10	10.10(1)	<p>(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> <p><i>The method represents and operates as 'best available information'</i></p>	<p>Noting the issues identified in the annual permitted take method and the inability to confirm BDL changes, the assessment has determined that the annual permitted take method for the Namoi SDL resource unit (SS21) in the Namoi WRP area, does not represent and operate as 'best available information'.</p>
3.11	10.10(2)	<p>(2) The method for subsection (1) may include 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><i>The method (which may be modelling) calculates max quantity of water available for consumptive take at the end of the water accounting period</i></p>	<p>Text for accreditation at WRP s 5.6 states:</p> <p>annual permitted take for the Namoi SDL resource unit (SS21) will be determined for each water accounting period at the end of each water accounting period, according to the following formula (and methods described in Table F-2 in Schedule F to this Plan)</p> <p>However, while it is clear that the annual permitted take method is intended to calculate the annual permitted take at the end of the water accounting period, assessment against s 10.10(1) has found the requirement is not met as the annual permitted take methods described at WRP Schedule F (Water for consumptive use information) Table F-2 contain inconsistencies that mean the annual permitted take methods do not operate as the best available information.</p> <p>Consequently, this requirement is not met.</p>
3.12	10.10(2)	<p>(2) The method for subsection (1) may include 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>The method (or modelling) has regard to availability of water resources during the accounting period</p>	<p>As it is not possible to verify the BDL estimates for take under basic rights (item 3.9 above), it is not possible to confirm that the method has regard to water availability during the accounting period with respect to take under basic rights.</p> <p>Assessment against the annual permitted take method for take from regulated rivers at s 10.10(1) has found inconsistencies in the method which means this requirement is also not met.</p>

			<p>Assessment against the annual permitted take method for take from floodplain harvesting at s 10.10(1) has found inconsistencies in the method which means the requirement is also not met.</p> <p>In summary, 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 methods for some forms of take are not operating as the best available information and so this requirement is not met.</p>
3.13	10.10(3)	<p>(3) The method must:</p> <p>(a) account for the matters in subsection 10.12(1); and</p> <p>(b) be consistent with the other provisions of the water resource plan.</p> <p><i>All matters listed under s10.12 are identified as either relevant or not relevant, and relevant matters are accounted for in the method (exhaustive)</i></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 under basic rights</u> the method accounts for this form of take through reference to the BDL estimate in the Basin Plan and through reference to the NSW Harvestable Rights Order. However, it is noted that WRP Table 5-1, which identifies all the classes of access rights in the WRP area and their characteristics, refers to a class of ‘exempt dams’ listed in Schedule 2 of the Harvestable Rights Orders. It is not clear if these exempt dams are incorporated into the method described at Table F-2.</p> <p>For <u>take from watercourses</u>, Table F-2 outlines the water access rights in the annual permitted take method that is not consistent with Table 5-1 and Schedule A (Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012) as ‘unregulated river (special additional high flow) access licences’ are not listed in Table F-2. The annual permitted take method is to apply the BDL estimate for that form of take and there is no change from 2012 Basin Plan estimate. The assessment has determined that this means that the method does not accounts for all relevant classes of water access right for this form of take.</p> <p>Therefore, this requirement is not met.</p>
3.14	10.10(3)	<p>(3) The method must:</p> <p>(a) account for the matters in subsection 10.12(1); and</p> <p>(b) be consistent with the other provisions of the water resource plan.</p> <p><i>s10.12(1) letter (a) is relevant and accounted for</i></p>	<p>Refer to item 3.14 above.</p>
3.15	10.10(3)	<p>(3) The method must:</p> <p>(a) account for the matters in subsection 10.12(1); and</p> <p>(b) be consistent with the other provisions of the water resource plan.</p> <p><i>s10.12(1) letter (b) is relevant and accounted for</i></p>	<p>For <u>take from regulated rivers</u>, column 3 of WRP Table F-4 states:</p> <p>Permitted take Model (ref Table 3) incorporates all applicable continuous accounting rules and provisions as specified in WSP.</p> <p>It is not clear which instrument Table 3 is. If ‘Table 3’ is taken to be a reference to Table 3 (page 9) in the ‘non-accreditable Namoi Water Resource Plan Annual Permitted Take Scenario Model report for the Namoi Surface WRP’ that is taken to be Attachment C to Schedule F, then there is insufficient information to determine how s 10.12(1)(b) has been accounted for. Therefore, this requirement is not met.</p>
3.16	10.10(3)	<p>(3) The method must:</p> <p>(a) account for the matters in subsection 10.12(1); and</p> <p>(b) be consistent with the other provisions of the water resource plan.</p> <p><i>s10.12(1) letter (e) is relevant and accounted for</i></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> <p>Further, 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>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>Column 3 of Table F-4 refers to Clauses 47 and 54 of Schedule A (Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020) which:</p> <p>is concerned with ensuring flows through the Namoi to connected systems through limiting supplementary take and allowing end of system flow.</p> <p>However, there is no material in Table F-4 that addresses how the annual permitted take method accounts for the significant hydrological connections with surface water and groundwater resources. As a result, this requirement is not met.</p>
3.17	10.10(3)	<p>(3) The method must:</p> <p>(a) account for the matters in subsection 10.12(1); and</p> <p>(b) be consistent with the other provisions of the water resource plan.</p> <p><i>s10.12(1) letter (g) is relevant and accounted for</i></p>	<p>The Authority notes that supporting information at s 4.4.1 of WRP Schedule F (Water for consumptive use information), Attachment C (Namoi SW WRP – Modelling – Annual Permitted Take Scenario Report) states:</p> <p>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 strategy. A permitted take method will only work as a growth-in-use strategy when used in conjunction with a 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 Authority is therefore not satisfied 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)	<p>(3) The method must:</p> <p>(a) account for the matters in subsection 10.12(1); and</p> <p>(b) be consistent with the other provisions of the water resource plan.</p> <p><i>The method is consistent with other provisions of the water resource plan</i></p>	<p>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) of the Basin Plan.</p> <p>It is also the case that the assessment of the material provided for s 10.13 of the Basin Plan has found an inconsistency with the volume nominated for take under basic rights and Table F-2.</p> <p>Therefore, this requirement is not met.</p>
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>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.</p> <p>Note 2: Amendments under section 23B of the Act are made following proposals for adjustment under Chapter 7.</p> <p><i>The method has been applied over the historical climate conditions in the demonstration</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>The assessment has found that Table F-3 presents the forms of take that align with Basin Plan Schedule 3 for the Namoi SDL resource unit, except for <u>take from floodplain harvesting</u> which is presented as a class of water access right under <u>take from regulated rivers</u>. In addition, the <u>take from floodplain harvesting</u> volumetric estimate is not given in Table F-3.</p> <p>It is also the case that the sum total for Table F-3 SDL and annual permitted take columns, that is columns three and four, does not equal the volumes given in those columns. Totals given are 490.3 GL/y but both sum to 476.3 GL/y.</p> <p>There are inconsistencies in Attachment C to Schedule F including:</p> <ul style="list-style-type: none"> Table 3 calculations in column 2 for modelled total do not match volumes provided, where the total is given as 253.2, but the sum of volumes is actually 253.3; Table 3 gives the Basin Plan 2012 BDL estimate of 14 GL/y. This does not reflect the annual permitted take method given in Table F-2. Table 6 Attachment C to Schedule F comments that basic rights are ‘yet to be estimated’, which is inconsistent with Table F-2. <p>Table F-3 columns 3 and 4 presents <u>take under basic rights</u> as <u>take from watercourse</u> (under basic rights). The volume given here of 21 GL/y appears to be the volume of <u>take by runoff dams</u> (under basic rights) and means that</p>

			<p>the <u>take under basic rights</u> volume is not given in Table F-3. This does not reflect Table F-2 and the annual permitted take method for take under basic rights.</p> <p>As noted above, it appears that the <u>take by runoff dams</u> (under basic rights) estimate is given instead under <u>take from watercourse</u> (under basic rights) in Table F-3 which is incorrect. Table F-3 therefore does not present an estimate of <u>take by runoff dams</u> (under basic rights).</p> <p>As the demonstration does not represent take by floodplain harvesting, take under basic rights and take by runoff dams consistently with the annual permitted take method, this requirement has not been met.</p>
3.20	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>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.</p> <p>Note 2: Amendments under section 23B of the Act are made following proposals for adjustment under Chapter 7.</p> <p><i>The results show that the method will result in the SDL for the unit, (including as amended under s23B of the Water Act 2007) is met</i></p>	<p>Due to the errors noted at item 3.20 above regarding in for <u>take from floodplain harvesting</u>, <u>take under basic rights</u>, and <u>take by runoff dams</u> as set out in Table F-3, the results do not show that the method will result in the SDL for the unit is met.</p> <p>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 https://www.mdba.gov.au/basin-plan-roll-out/sustainable-diversion-limits/sdl-adjustment-proposals-state-projects; as at 30 June 2019 available at https://www.mdba.gov.au/sites/default/files/Register-of-measures-30-June-2019.pdf). The register of measures is established under s 7.13 of the Basin Plan, where s 7.13(2) states the register will also include any adjustment to amounts that result from reconciliation adjustments in 2024 as required under s 10.10(5)(c) and any further amendments to the Basin Plan under s23B of the Commonwealth Water Act (s 7.11(1)). This does not meet requirements.</p>
3.21	10.10(5)	<p>(5) If, as a result of an amendment under 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>The SDL adjustment amount appears to be double counted within text for accreditation at s 5.6 and in the <u>take from regulated rivers</u> annual permitted take method defined in WRP Schedule F (Water for consumptive use information) and WRP Schedule F (Water for consumptive use information) Attachment C (Namoi SW WRP – Modelling – Annual permitted take Scenario Report). Therefore, the formula cannot operate as intended. As assessed under s10.10(1) there are also issues with the scaling factor that allows for the SDL to be changes with SDL adjustment amounts.</p> <p>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 https://www.mdba.gov.au/basin-plan-roll-out/sustainable-diversion-limits/sdl-adjustment-proposals-state-projects; as at 30 June 2019 available at https://www.mdba.gov.au/sites/default/files/Register-of-measures-30-June-2019.pdf). The register of measures is established under s 7.13 of the Basin Plan, where s 7.13(2) states the register will also include any adjustment to amounts that result from reconciliation adjustments in 2024 as required under s 10.10(5)(c) and any further amendments to the Basin Plan under s23B of the Commonwealth Water Act (s 7.11(1)).</p>
3.22	10.12(1)	<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 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>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), (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>

		<p>(g) changes over time in the extent to which water allocations in the unit are utilised; Note: Paragraph (g) includes what is commonly known as a growth-in-use strategy. (h) water sourced from the Great Artesian Basin and released into a Basin water resource, by excluding that water; (i) water resources which are used for the purpose of managed aquifer recharge.</p> <p><i>The WRP states which of the matters in letter (a) to (i) are and are not applicable</i></p>	
3.23	10.12(1)	<p>(1) For paragraph 10.10(3)(a), the following matters must be accounted for: (a) all forms of take from the SDL resource unit and all classes of water access right; (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; (c) for a surface water SDL resource unit—return flows, in a way that is consistent with arrangements under the Agreement immediately before the commencement of the Basin Plan; (d) subject to subsection (3)—trade of water access rights; (e) water resources which have a significant hydrological connection to the water resources of the SDL resource unit; (f) circumstances in which there is a change in the way water is taken or held under a water access right; (g) changes over time in the extent to which water allocations in the unit are utilised; Note: Paragraph (g) includes what is commonly known as a growth-in-use strategy. (h) water sourced from the Great Artesian Basin and released into a Basin water resource, by excluding that water; (i) water resources which are used for the purpose of managed aquifer recharge</p> <p><i>Each of the relevant matters in letters (a) to (i) is accounted for in s10.10(3)(a)</i></p>	Each of the relevant matters in letters (a) to (i) is not accounted for in the annual permitted take method in s 10.10(3)(a), as assessed under s 10.10(3)(a) of this notice of grounds.
3.24	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: (a) take under basic rights; or (b) take by runoff dams; or (c) net take by commercial plantations; does not exceed the level specified in column 2 of Schedule 3 for that form of take.</p>	<p>Text for accreditation at WRP 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 (2012) for the Namoi SDL resource unit (SS21).</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>
3.25	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: (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 (b) take by the forms of take affected by the changes are capable of: (i) being accurately measured (for example, through the use of a meter); or (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>Text for accreditation at WRP s 5.4 states that:</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 (2012) for the Namoi 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.</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(a)- (c) have been met.</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.	
3.26	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>Note: The annual actual take for the SDL 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.</p> <p><i>The method applies best available information</i></p>	<p>Text for accreditation at s 5.5 refers to Table F-1 as providing methods for the determination of annual actual take. The annual actual take method for each form of take 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> Table F-1 column 3 states the method for this form of take is:</p> <p>The modelled sum of water taken by all actual floodplain harvesting (regulated) and actual floodplain harvesting (unregulated) in the Namoi SDL resource unit (SS21) for the relevant water year.</p> <p>Supporting information in column five of Table F-1 notes this method is:</p> <p>The annual actual take will be determined at the end of each water year as:</p> <ul style="list-style-type: none"> - If a floodplain harvesting event has not occurred the annual actual take will be zero - If a floodplain harvesting event has occurred the annual actual take will be equal to the annual average volume determined by the annual permitted take model (Table F-3). <p>Table F-3 does not present the annual average actual take volume using the annual permitted take model for <u>take from floodplain harvesting</u>. As assessed against s 10.10(4), in Table F-3 floodplain harvesting is incorrectly listed as a class of water access right against <u>take from regulated rivers</u> and is not given a separate volume that aligns with WRP Schedule F Attachment A (Namoi Surface WRP – Modelling – Baseline Diversion Limit Scenario Report for the Namoi Regulated River Water Source – October 2019 update) to demonstrate the annual permitted take method for this form of take, which is the BDL model.</p> <p>Further, Table F-3 presents the BDL model rather than the annual permitted take model, which is the annual actual method for this form of take. The reference to Table F-3 therefore does not support assessment of the annual actual take method for floodplain harvesting.</p> <p>The annual actual take method for <u>take from floodplain harvesting</u> is given in Table F-1 as the annual average of the annual permitted take model. The annual permitted take model is described in WRP Schedule F Attachment C (Namoi SW WRP -Modelling – Annual Permitted Take Scenario Report (update)). However, in Attachment C to Schedule F it is not clear how the application of the scaling factor, which includes <u>take from floodplain harvesting</u>, is applied or not to the annual average take from the annual permitted take model to give the annual actual take estimate for this form of take (refer to item 3.6 above).</p> <p><u>Take under basic rights</u> Table F-1 row three column three states the annual actual take method for this form of take is equal to the annual permitted take method in Table F-2. Table F-2 describes the method 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 Namoi SDL resource unit (SS21) in the relevant water year.</p> <p>At the start of the WRP this volume was estimated to be 4.716 GL from the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020, Water Sharing Plan for Peel Regulated River Water Source 2020 and the Water Sharing Plan for Namoi and Peel Unregulated Rivers 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>The assessment cannot be determined from the material incorporated into the proposed WRP whether this is the best method available for this form of take.</p> <p><u>Take by runoff dams</u> 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 Namoi SDL resource unit (SS21) 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:</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 <u>take by runoff dams</u> and therefore the determination of whether it represents best available information. Consequently, this requirement is not met.</p>
3.27	10.15(3)	(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.	<p>Text for accreditation at WRP s 5.5 states that:</p> <p>where the method for the determination of annual actual take is estimated, it is consistent with the method in this WRP for the determination of annual permitted take under s10.10(1) of the Basin Plan.</p> <p>For <u>take from floodplain harvesting</u>, WRP Table F-1 column 5 states the method is equal to the 'annual average volume determined by the annual permitted take model (Table F-3)'. This reflects a long-term average estimate. However, the assessment notes that the WRP Table F-2 annual permitted take method for this form of take is equal to the 'annual expression of the Baseline Diversion Limit model for that water year'. This means the annual permitted take method reflects the climate for the relevant water year, while the annual actual take method reflects the long-term average over the historical climate conditions. This means the annual actual take method is not consistent with the annual permitted take method. Therefore, this requirement is not met.</p>
Part 4			
4.1	10.17(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 the meeting of environmental watering requirements of priority environmental assets and priority ecosystem functions.</p> <p>Note: The environmental watering requirements of priority environmental assets and priority ecosystem functions will be set out in long-term watering plans and may also be set out in the Basin wide environmental watering strategy. Long term watering plans are required to use the methods in Part 5 of Chapter 8 to identify those requirements.</p> <p>(2) Without limiting subsection (1), regard must be had to whether it is necessary for the rules to prescribe:</p> <p>(a) the times, places and rates at which water is permitted to be taken from a surface water SDL resource unit; and</p> <p>(b) how water resources in the water resource plan area must be managed and used.</p>	<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).</p> <p>Text for accreditation at WRP s 4.2 refers to WRP Schedule D (Risk assessment) s 4 as giving consideration to risks and risk treatments and whether risk treatments (rules) are necessary to ensure the operation of the proposed WRP does not compromise the meeting of environmental watering requirements (EWRs) of PEAs and PEFs. The text states that consideration included existing rules and (as a result of conducting the risk assessment) whether additional rules are needed to manage the risk to EWRs at a tolerable level. The proposed WRP concludes that rules are needed and includes several rules which the assessment concludes are appropriate.</p> <p>However, the risk assessment has determined that there is a high risk to water available for the environment and capacity to meet EWRs for base and fresh flows in the Cockburn River. The Risk Assessment also found that despite the application of existing rules (current critical mechanism) the risk outcome of high is not tolerable. One of the existing rules described in the risk assessment is 'E15 – Restrict construction of in-river dams on 3rd order streams'. The relevant rules in WRP Schedule A (Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012) are clauses 52(1A) and (2).</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>These clauses operate to protect priority environmental assets and ecosystem functions but have not been incorporated into the proposed WRP for the purpose of 10.17(3).</p> <p>Further, 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), 10.09 (identification of PEW) and 10.41 (regard to current and future risks). Items 2.1, 3.4 and 9.2 refer. The inconsistencies relate to:</p> <ol style="list-style-type: none"> 1. Insufficient demonstration of regard to connected water resources which means proper consideration of risks to EWRs and the need for rules cannot be confirmed (s 10.05) 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) 3. Risk assessment based on current rules, that are not actually current rules under NSW water sharing plans, means that the basis of the risk assessment and determination of risk outcomes that informs the need for rules to meet EWRs is compromised (s 10.41). <p>The consequential inconsistency arising for assessment against ss 10.05, 10.09 and 10.41 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>
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. Note: The environmental watering requirements of priority environmental assets and priority ecosystem functions will be set out in long-term watering plans and may also be set out in the Basin wide environmental watering strategy. Long term watering plans are required to use the methods in Part 5 of Chapter 8 to identify those requirements.</p> <p>(2) Without limiting subsection (1), regard must be had to whether it is necessary for the water resource plan to include rules that specify:</p> <p>(a) the times, places and rates at which water is permitted to be taken from a groundwater SDL resource unit; and</p> <p>(b) resource condition limits, being limits beyond which the taking of groundwater will, for a priority environmental asset that depends on groundwater, compromise an environmental watering requirement; and</p> <p>(c) restrictions on the water permitted to be taken (including the times, places and rates at which water may be taken) in order to prevent a resource condition limit from being exceeded.</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 above of 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 the risk assessment that informs consideration of the need for rules is flawed. As a result (and as noted above in the assessment of 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 adequately demonstrates 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 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 include all relevant rules.</p> <p>As such the requirements of ss 10.18(1) and (3) are not met.</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>(2) Without limiting subsection (1), regard must be had to whether it is necessary for the water resource plan to include rules that specify:</p> <p>(a) the times, places and rates at which water is permitted to be taken from a groundwater SDL resource unit; and</p>	<p>The assessment above of 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 the risk assessment that informs consideration of the need for rules is flawed. As a result (and as noted above in the assessment of 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 adequately demonstrates 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 means the proposed WRP does not have regard to 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.</p>

		<p>(b) resource condition limits, being limits beyond which the taking of groundwater will compromise the discharge of water into any surface water resource; and</p> <p>(c) restrictions on the water permitted to be taken (including the times, places and rates at which water may be taken) in order to prevent a resource condition limit from being exceeded.</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>	Therefore, the requirements of s 10.19(1) and (3) have not been met.
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>(2) Without limiting subsection (1), regard must be had to whether it is necessary for the water resource plan to include rules that specify:</p> <p>(a) the times, places and rates at which water is permitted to be taken from a groundwater SDL resource unit; and</p> <p>(b) any zones in the water resource plan area where continued groundwater extraction will result in a long-term decline in groundwater levels; and</p> <p>(c) measures to prevent any long-term decline in groundwater levels in that zone, except where the groundwater is a non-renewable groundwater resource; and</p> <p>(d) for a non-renewable groundwater resource—the planned rate of decline in groundwater levels and the anticipated groundwater levels after 50 years from the commencement of the water resource plan; and</p> <p>(e) resource condition limits, being limits beyond which the taking of groundwater from the SDL resource unit will compromise the objectives in paragraphs (1)(a) and (b); and</p> <p>(f) restrictions on the water permitted to be taken (including the times, places and rates at which water may be taken) in order to prevent a resource condition limit from being exceeded.</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 above of 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 the risk assessment that informs consideration of the need for rules is flawed. As a result (and as noted above in the assessment of 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 adequately demonstrates 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 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(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 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 10.18-10.20 has found that there is insufficient rationale for the exclusion of certain rules as identified in those assessments.</p> <p>Therefore, this requirement has not been met.</p>
Part 5			
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> <p>(a) the water resources of the water resource plan area; or</p> <p>(b) water resources which are hydrologically connected to the water resources of the water resource plan area;</p> <p>whether on an activity-by-activity basis, or cumulatively.</p>	<p>Text for accreditation at WRP s 5.7 states that, with the exception of floodplain harvesting, no types of interception activity were found to have the potential to have a significant impact on the water resources of the Namoi WRP area, or hydrologically connected water resources. It states that all interception activities (with the exception of floodplain harvesting) have a low risk rating.</p> <p>WRP s 3 and s 3.1 set out the risk assessment process, including consideration of the risks due to interception in ss 4.5 and 8.2 of WRP Schedule D (Risk Assessment). Interception by floodplain harvesting is also separately addressed in WRP s 5.7.4.</p> <p>Examination of ss 4.5 and 8.2 of Schedule D identifies a number of inconsistencies with the statement in WRP s 5.7 that all interception activities (with the exception of floodplain harvesting) are a 'Low' risk, and therefore do not have the potential to have a significant impact.</p> <p>Table 4-29 of Schedule D sets out the risks of insufficient water available for the environment in the Namoi River billabongs and wetlands and Lake Goran as a result of growth in interception by farm dams. This table assigns a 'Medium' risk for Namoi River billabongs and wetlands.</p> <p>Table 8-8 of Schedule D sets out the risks to water available for other users in unregulated water sources in the Namoi WRP area due to growth in interception from farm dams, and identifies a 'Medium' risk for the Namoi River at North Cuerindi.</p> <p>Consistent with MDBA Position Statement 5A, where a risk associated with an interception activity is identified as Medium or higher, that interception activity is considered to have the potential to have a significant impact and must be identified as such for the purposes of s 10.23. As this has not been done for interception by runoff dams, this requirement has not been met, and appropriate regard for the risk assessment has not been demonstrated.</p>
5.2	10.23(2)	<ul style="list-style-type: none"> (2) If there are any such types of interception activity, the water resource plan must list those types. 	<p>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 other than floodplain harvesting have been found to have the potential to have a significant impact, means 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>
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>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 Namoi 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.</p> <p>Therefore, the requirements of this section have not been met.</p>

		(c) the projected growth of the type of activity over the period for which the water resource plan will have effect.	
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> <ul style="list-style-type: none"> (a) the water resources of the water resource plan area; and (b) water resources which are hydrologically connected to the water resources of the water resource plan area. 	<p>Text for accreditation at s 5.7 states that s 10.24 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, interception by runoff dams is a significant interception activity which has not been identified.</p> <p>As a significant interception activity, a process for monitoring the impacts of this activity needs to be identified.</p> <p>No such process has been identified, and therefore the requirements of this section have not been met.</p> <p><u>Floodplain harvesting</u></p> <p>As set out in the assessment for Part 3, there are accreditation issues associated with the APT and AAT methods. As the monitoring put forward for s 10.24 relies on these methods, it is not possible for effective monitoring to be based on methods containing material inconsistencies. The requirements of this section in regards to floodplain harvesting have therefore not been met.</p> <p>In addition, as set out in the assessment for s 10.10(3) regarding s 10.12(1)(e), the APT method does not account for hydrological connectivity. As the APT method does not consider hydrological connectivity, it is not capable of capturing the impacts of floodplain harvesting on hydrologically connected water resources.</p> <p>As the monitoring specified for interception by Floodplain Harvesting is not able to capture the impacts of this form of interception, 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> <ul style="list-style-type: none"> (a) an impact of a type of interception activity compromises the meeting of an environmental watering requirement; or (b) an impact of several types of activity together compromises the meeting of an environmental watering requirement; or (c) there is an increase in the quantity of water being intercepted by a type of activity; <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>Actions have been identified for interception by floodplain harvesting, however due to the lack of an appropriate trigger (as a result of incorrect referencing), and the issues identified above for interception by runoff dams, the requirements of this section have not been met.</p>
Part 6			
6.1	10.26(1)	<p>A water resource plan must provide for environmental watering to occur in a way that:</p> <ul style="list-style-type: none"> (a) is consistent with: <ul style="list-style-type: none"> (i) the environmental watering plan; and (ii) the Basin-wide environmental watering strategy (b) contributes to the achievement of the objectives in Part 2 of Chapter 8. 	<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 Namoi 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</p>

			<p>the proposed WRP does not include all the rules that provide for the management and protection of PEW (refer to item 3.4 above). In addition, the supplementary access rules for the Lower Namoi water source considered in the risk assessment as ‘current critical mechanisms’ – i.e. rules that are in place and assist in mitigating risks - do not align with the rules that are actually currently in place under the relevant water sharing plan (refer to item 9.2).</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 and inconsistencies noted above mean that this requirement has not been met.</p> <p><i>(b)</i> WRP s 4.3 identifies Table E-1 in Schedule E as setting out how the objectives and outcomes in the proposed WRP align with Chapter 8 of the Basin Plan (EWP), including the objectives in Part 2.</p> <p>Column 1 of Table E-1 lists the relevant Basin Plan objectives and targets, and Columns 3 and 4 set out corresponding objectives in the LTWP and WSPs. This demonstrates consistency between the objectives in Part 2 of Chapter 8 of the Basin Plan and NSW statutory water management instruments.</p> <p>The Authority notes that the objective in relation to water quality (s 8.06(2)) is not referenced in Table E-1, Column 1. However, the Authority notes that WSP objectives in cl 8(2)(c) of the Namoi Regulated WSP, cl 8(2)(a)(iii) of the Peel Regulated WSP and cl 10(2)(c) of the Unregulated WSPs, as listed in Column 4, contribute to this objective. Further, this requirement relates to water quality and salinity management, and the Authority is satisfied that, provided the requirements in Part 7 of Chapter 10 are met, the proposed WRP will be consistent with this requirement. However, assessment against the requirements of Part 7 has found the proposed WRP is inconsistent with the Basin Plan due to drafting errors that exclude key information from the proposed WRP.</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 (identification of planned environmental water) 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 planned environmental water 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; and</p>	<p>Text for accreditation at s 4.3 identifies that:</p> <ul style="list-style-type: none"> • 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. • 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. • The provisions in the LTWP are given effect by the proposed WRP. • The rules provide flexibility to respond to the LTWP and any annual environmental watering plan through the management of the EWA. <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 3.4 refers). In addition, the supplementary access rules for the Lower Namoi water source considered in the risk assessment as ‘current critical mechanisms’ – i.e. rules that are in place and assist in mitigating risks - do not align with the rules that are actually currently in place under the relevant water sharing plan..</p>

			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 and inconsistencies noted above mean that this requirement has not been met.
6.3	10.27(1)	(1) This section applies if: (a) there are 2 water resource plan areas that contain surface water; and (b) there is a surface water connection between the 2 areas.	Assessment of material incorporated into the proposed WRP to meet s 10.05 (regard to connected water resources) has found proper consideration of connected water resources has not been demonstrated (refer to item 2.1). Consequently, the proposed WRP has not properly identified connections to other surface water WRP areas for the purpose of s 10.27(1) and the requirement is not met.
6.4	10.27(2)	(2) The water resource plan for each of the areas must provide for the co-ordination of environmental watering between the 2 areas.	The text for accreditation in WRP s 4.4 (pp 45-46) sets out the rules included in the Regulated and Unregulated WSPs that provide for environmental watering to the Barwon-Darling WRP area to occur. Text for accreditation in s 4.4 also describes the arrangements used to coordinate environmental watering in the WRP area, including through the Environmental Water Advisory Group (EWAG) and regular communication between environmental water holders (responsible for environmental water planning across WRP areas) and WaterNSW (responsible for water delivery). However, as the proposed WRP has not identified all surface water connections to other WRP areas (refer to item 2.1 and 6.3), it is not clear that appropriate co-ordination arrangements are included with respect to connected surface water resources. Therefore this requirement is not met.
6.5	10.28	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. <i>PEW not comprehensively identified</i>	The text for accreditation in s 4.5 sets out changes to PEW rules identified by NSW. 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 3.4 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) 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 items below.
6.6	10.28	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. <i>Water allocation account changes (carryover)</i>	Text for accreditation in WRP section 4.5 notes that clause 42(1)(c) of the proposed <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i> (the proposed Namoi Regulated WSP) allows allocations in a water allocation account in the Upper Namoi Regulated River water source up to 1.5ML per unit share. Appendix C Table 1 describes how under the baseline Namoi Regulated WSP this limit was 1 ML per unit share. Further, cl 45(2)(b) of the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003 (the baseline Namoi Regulated WSP) provided that the maximum volume that could be held in the water allocation account of a regulated river (general security) access licence in the Upper Namoi Regulated River Water Source was one megalitre. The supporting information in Appendix C Table 1 Column 3 states that: Clause 42(1)(c) of the Water Sharing Plan for the Upper and Lower Namoi Regulated River Water Sources 2020 allows allocations in a water allocation account in the Upper Namoi Regulated River water source up to 1.5ML per unit share. and Available water determination remains capped at 100% per unit share and therefore the long term annual average extraction limit and sustainable diversion limit are maintained, and protection of PEW is maintained. The above statements imply, that the increase in carry-over would result in a reduction in the level protection of PEW, if carry-over is not capped at 100%.

			<p>Examination of the available water determination clauses in the proposed Namoi Regulated WSP do not confirm that the General Security AWDs are capped at 100%. Clause 34 (2) of the proposed Namoi Regulated WSP states that:</p> <p>(2) The sum of available water determinations made for any access licence, other than for regulated river (general security) access licences in the Lower Namoi Regulated River Water Source, must not exceed the following in any water year:</p> <p>(a) for any access licence where share components are specified as ML/year— 100% of the share component,</p> <p>(b) for any access licence specifying the share component as a number of unit shares— 1 ML per unit share of the share component.</p> <p>As such it appears cl 34(2) excludes regulated river (general security) licences from the 100% cap. The Authority notes that other provisions in the proposed Namoi Regulated WSP may operate to limit carryover of regulated river (general security) access licences to 100%, however the proposed WRP does not identify the provisions which confirm this.</p> <p>Furthermore, the annual permitted take modelling report at WRP Schedule F Attachment C is inconsistent in describing how carry-over of regulated river (general security) licences are capped. Section 2.2.2 states that ‘The maximum annual usage limit is kept the same at 100%’, whereas Table 7 states that the ‘Maximum use of entitlement’ is ‘125% subjected to a max of 300% in 3 consecutive years.’</p> <p>Given these internal inconsistencies, the Authority is unable to confirm whether the changes in carry-over maintain equivalent legal protection for PEW compared with the baseline Namoi Regulated WSP.</p>
6.7	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>Changes to supplementary access rule</i></p>	<p>Text for accreditation in WRP section 4.5 describes a suite of changes that have been made to supplementary access rules in the Namoi regulated water source. These changes include:</p> <ul style="list-style-type: none"> • Modified start and finish access thresholds (flow rates) for supplementary flow events during July and August • Clarity provided in flow tables which designate when supplementary flow events can be announced <p>The accredited text does not describe changes to the sharing of supplementary flows in the Namoi regulated water source and does not incorporate the rule as PEW for the purpose of s 10.09(1). Under the baseline Namoi Regulated WSP, the sharing of supplementary flows was set to a ratio of 90:10 environment and consumptive users during 1 July to 31 October. Under the proposed Namoi Regulated WSP this ratio has changed to a 50:50 share.</p> <p>Supporting information in WRP s 4.5.1 states that at the time the WSP was first gazetted, the supplementary water that was not available for consumptive use was not planned environmental water. While the baseline Namoi Regulated WSP did not explicitly commit water in excess of supplementary access as PEW, the assessment is of the view that volumes in excess of take allowed under supplementary access rules do fall within the <i>Water Act 2007 (Cwth)</i> definition of PEW for the following reasons:</p> <ul style="list-style-type: none"> • The baseline Namoi Regulated WSP (which is the relevant WSP in place immediately before the commencement of the Basin Plan for the purposes of 10.28) identifies PEW as the water volume in excess of the LTAEEL established in cl. 30 of the plan and restricts the taking of this water for any purpose (cl. 14a). • Clause 30 of the baseline Namoi Regulated WSP specifies that the calculation of the LTAEEL includes the application of the water management rules defined in the plan, which includes the supplementary access rules, including the sharing of flows in the 90:10 ratio. The LTAEEL was also determined by Cap baseline conditions, which included take under supplementary access licences when determining the long-term average annual extraction from the water source. • Clause 32(2)(c) specifies that any exceedance of the LTAEEL should be managed in the first instance through a reduction of the available water determination for supplementary access licences. As a result, water in supplementary events is being protected as PEW under the plan (as committed under cl. 14) in circumstances where take is exceeding the LTAEEL. <p>The assessment has found that these rules are operating to preserve water in excess of supplementary access over the long-term as PEW.</p> <p>With regard to the change to the sharing of supplementary event volumes, the change in the ratio during July to October allows a greater proportion of these events to be taken for consumptive use, and so results in a reduction in the protection of this PEW. The assessment notes that the supporting information provided in Appendix C section 3.2</p>

			<p>described the process for developing the rule change. This information also states that the changes were made based on the outcomes of a trial period for the rule and further analytical modelling, and modifications of the flow access thresholds were made along with the change in the access ratio. However, the supporting material does not give an indication of how the modification of access thresholds may offset the reductions in legal protection of water that arise due to change in the access ratio (as the proposed WRP does not identify the ratio rule as a PEW rule).</p> <p>A note at cl. 15 of the baseline Namoi Regulated WSP states that:</p> <p>Note. Clause 49 of this Plan specifies limits to total extractions by all Lower Namoi supplementary water access licence holders during periods when flows are above specified threshold flow levels. These rules contribute to a number of interim river flow objectives:</p> <ul style="list-style-type: none"> • protecting important rises in water levels, • maintaining wetland and floodplain inundation and, • maintaining natural flow variability. <p>The assessment notes that the corresponding note in the proposed Namoi Regulated WSP is at Cl 47(11) and states that:</p> <p>Note. Clause 47 specifies limits to total extractions by all Lower Namoi supplementary water access licence holders during periods when flows are above specified threshold flow thresholds. These rules contribute to a number of the environmental objectives specified in Part 2.</p> <p>The relevant objectives in Part 2 of the proposed Namoi Regulated WSP correspond with the flow objectives that are set out in detail in cl 10 of the baseline Namoi Regulated WSP. The baseline Namoi Regulated WSP includes detailed performance indicators at cl 12 and Appendix 4 that are to be used to determine if the strategies set out at cl 11 to achieve the objectives at cl 10 are being met. Assessment against the performance indicators in Appendix 4 of the baseline Namoi Regulated WSP is underpinned by detailed eco-hydrology metrics that align with the achievement of particular ‘River Flow Objectives’ agreed by the NSW Government. The proposed Namoi Regulated WSP does not include performance indicators to an equivalent level of detail or rigour, and does not appear to adopt any of the assessment metrics set out in Appendix 4 of the baseline Namoi Regulated WSP. Consequently, the assessment has concluded that the absence of equivalent arrangements to assess whether the environmental objectives are being achieved means the proposed Namoi Regulated WSP would result in a reduction in the protection of PEW.</p> <p>The assessment finds that the access threshold modifications in the proposed Namoi Regulated WSP apply during July and August, whereas the supplementary access rule in the baseline Namoi Regulated WSP provided additional flows for the environment from July to October. There is no potential compensatory protection offered by these new thresholds during September or October. However, the changes also mean that the PEW objectives in the baseline Namoi Regulation WSP to maintain natural flows (as far as practicable) cannot be offset by this change. While the excess volumes of water above the LTAAEL are still legally protected under the WSP (see assessment above) in the absence of other evidence, the assessment concludes that the protection of PEW during the specific times it was protected under the baseline Namoi Regulated WSP (i.e. 90% of announced flows in July to October) has been reduced under the proposed Namoi Regulated WSP.</p> <p>In summary in relation to items 6.5-6.7, the assessment has considered the changes in arrangements for PEW protection, quantities and effectiveness in the Namoi SW WRP area, supported by information provided by New South Wales on the operation of these rules. The assessment finds that overall, the changes made between the WSPs in place immediately before the commencement of the Basin Plan and the WSPs included in the proposed WRPs result in a net reduction to the protection of PEW from the protection provided for under New South Wales water management law immediately before the commencement of the Basin Plan. This is primarily because:</p> <ol style="list-style-type: none"> 1. certain rules relating to the protection of PEW have not been identified in the proposed WRP for the purpose of s 10.09 (refer to item 3.4). 2. the proposed WRP does not provide sufficient evidence relating to whether changes to the rules discussed in item 6.6 and 6.7, and the omission from the proposed WRP of the rule discussed in item 6.7 impact on the protection on PEW.
--	--	--	--

			As such the requirements of s 10.28 are not met.
Part 7			
7.1	10.33(1)	<p>(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:</p> <p>(a) section 9.04 (Objectives of water-dependent ecosystems); and</p> <p>(b) section 9.05 (Objectives for raw water for treatment for human consumption); and</p> <p>(c) section 9.06 (Objective for irrigation water); and</p> <p>(d) section 9.07 (Objective for recreational water quality); and</p> <p>(e) section 9.08 (Objective to maintain good levels of water quality);</p> <p>unless there are no such measures that can be undertaken cost-effectively.</p>	<p>Text for accreditation at s 6 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>and</p> <p>the “strategies” referred to in Table 4-3 of Schedule H constitute measures for the purpose of [sections] 10.31 and 10.33 of the Basin Plan.</p> <p>Examination of Table 4-3 finds instances of material inconsistency between the strategies (column 2) and the water management actions and mechanisms (column 3), and the identified management plan (column 4). Details of each inconsistency is provided below, where applicable. As a result of the inconsistencies in Table 4-3 (noted below against ss 10.33(1)(a), (b), (c), and (e), full consideration has not been given to rules and measures that are desirable to address this requirement. Therefore, this requirement has not been met.</p>
7.2	10.33(1)(a)	<p>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:</p> <p>(a) section 9.04 (Objectives of water-dependent ecosystems)</p>	<p>Schedule H (Water Quality Management Plan) does not accurately specify measures that contribute to the achievement of objectives for water-dependent ecosystems in s 9.04 of the Basin Plan. Management plans identified as an ‘A’ are for accreditation under the Water Act; whereas those identified as an ‘N’ plans are not for accreditation under the Water Act. Examination of the management plans in Table 4-3 confirms they do support the strategies and actions and mechanisms described in columns 2 and 3, with the following exceptions:</p> <ul style="list-style-type: none"> • Management action <i>maintain a minimum daily flow at Walgett equivalent to 75% of the natural 95th percentile daily flow between June and August</i> is provided for WQ2 Strategy 2, WQ3 Strategy 4, WQ4 Strategy 2 and WQ9 Strategy 1. The accompanying management plan is listed as cl 55 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i>. This clause is not a rule for maintaining minimum daily flows at Walgett. • Management action <i>WaterNSW works approval governing rates of rise and fall for water deliveries and bulk water transfers</i> is provided for WQ3 Strategy 2, WQ4 Strategy 3 and WQ5 Strategy 2. The accompanying management plan is listed as <ul style="list-style-type: none"> - cl 34 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> and cl 60 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i> for WQ3 - cl 55 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> and cl 60 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i> for WQ4 - cl 55 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> and cl 60 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i> for WQ5 <p>Clause 55 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> concerns rates of change to storage releases. However, neither cl 34 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> nor cl 60 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i> are rules relating to the rise and fall for water deliveries or bulk water transfers.</p> <p>Therefore, this requirement has not been met.</p>
7.3	10.33(1)(b)	<p>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:</p> <p>(b) section 9.05 (Objectives for raw water for treatment for human consumption)</p>	<p>Schedule H does not accurately specify measures that will contribute to the achievement of objectives for raw water for human consumption in s 9.05 of the Basin Plan.</p> <p>Management plans identified as an ‘A’ are for accreditation under the Water Act; whereas those identified as an ‘N’ plans are not for accreditation under the <i>Water Act 2007 (Cwth)</i>. Examination of the management plans in Table 4-3 confirms they do support the strategies and actions and mechanisms described in columns 2 and 3, with one exception. Management action <i>maintain a minimum daily flow at Walgett equivalent to 75% of the natural 95th percentile daily flow between June and August</i> is provided for WQ2 Strategy 2. The accompanying management plan is listed as cl 55 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i>. This clause is not a rule for maintaining minimum daily flows at Walgett.</p> <p>Therefore, this requirement has not been met.</p>

7.4	10.33(1)(c)	<p>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:</p> <p>(c) section 9.06 (Objective for irrigation water);</p>	<p>Schedule H does not accurately specify measures that will contribute to the achievement of objectives for irrigation waters in s 9.06 of the Basin Plan.</p> <p>Management plans identified as an ‘A’ are for accreditation under the Water Act; whereas those identified as an ‘N’ plans are not for accreditation under the <i>Water Act 2007 (Cwth)</i>. Examination of the management plans in Table 4-3 confirms they do support the strategies and actions and mechanisms described in columns 2 and 3, with one exception. Management action <i>maintain a minimum daily flow at Walgett equivalent to 75% of the natural 95th percentile daily flow between June and August</i> is provided for WQ2 Strategy 2. The accompanying management plan is listed as cl 55 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i>. This clause is not a rule for maintaining minimum daily flows at Walgett.</p> <p>Therefore, this requirement has not been met.</p>
7.5	10.33(1)(d)	<p>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:</p> <p>(d) section 9.07 (Objective for recreational water quality);</p>	<p>Schedule H 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.</p> <p>Management plans identified as an ‘A’ are for accreditation under the <i>Water Act 2007 (Cwth)</i>; whereas those identified as an ‘N’ plans are not for accreditation under the Water Act. Examination of the management plans in Table 4-3 confirms they do support the strategies and actions and mechanisms described in columns 2 and 3, with one exception.</p> <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 WQ6 Strategy 2. The accompanying management plan is listed as ‘Guidelines to management response to harmful algal blooms; for application in the Barwon 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 Barwon 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 WRP package of material submitted for assessment purposes for the proposed WRP and therefore cannot be considered for accreditation.</p> <p>Therefore, this requirement has not been met.</p>
7.6	10.33(1)(e)	<p>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:</p> <p>(e) section 9.08 (Objective to maintain good levels of water quality);</p>	<p>Schedule H (Water Quality Management Plan) does not specify measures that will contribute to the achievement of objectives for maintaining good levels of water quality as detailed in s 9.08 of the Basin Plan.</p> <p>Management plans identified as an ‘A’ are for accreditation under the Water Act; whereas those identified as an ‘N’ plans are not for accreditation under the Water Act. Examination of the management plans in Table 4-3 confirms they do support the strategies and actions and mechanisms described in columns 2 and 3, with the following exceptions:</p> <ul style="list-style-type: none"> Management action <i>maintain a minimum daily flow at Walgett equivalent to 75% of the natural 95th percentile daily flow between June and August</i> is provided for WQ2 Strategy 2, WQ3 Strategy 4, WQ4 Strategy 2 and WQ9 Strategy 1. The accompanying management plan is listed as cl 55 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i>. This clause is not a rule for maintaining minimum daily flows at Walgett. Management action <i>WaterNSW works approval governing rates of rise and fall for water deliveries and bulk water transfers</i> is provided for WQ3 Strategy 2, WQ4 Strategy 3 and WQ5 Strategy 2. The accompanying management plan is listed as <ul style="list-style-type: none"> cl 34 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> and cl 60 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i> for WQ3 cl 55 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> and cl 60 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i> for WQ4 cl 55 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> and cl 60 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i> for WQ5 <p>Clause 55 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> concerns rates of change to storage releases. However, neither cl 34 of the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i> nor cl 60 of the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i> are rules relating to the rise and fall for water deliveries or bulk water transfers.</p>

			Therefore, this requirement has not been met.
7.7	10.33(2)	<p>(2) The measures must be prepared having regard to:</p> <p>(a) the causes, or likely causes, of water quality degradation identified in accordance with section 10.30; and</p> <p>(b) target values identified in accordance with section 10.32; and</p> <p>(c) the targets in Division 4 of Part 4 of Chapter 9.</p>	<p>As a result of the internal inconsistencies identified in the assessment of s 10.33(1) above at items 7.2 – 7.6, 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.</p> <p>Therefore, this requirement has not been met.</p>
Part 9			
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) (b), 10.41(3)(a) and 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(1) 10.41(2)(a), (d)	<p>(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.</p> <p>(2) Without limiting subsection (1), the risks include (where applicable):</p> <p>(a) risks to the capacity to meeting environmental watering requirements; and</p> <p>(d) risks arising from elevated levels of salinity or other types of water quality degradation</p>	<p>Text for accreditation at s 3 refers to s 3 of the proposed WRP and s 9.5 of WRP Schedule D (Risk Assessment) to demonstrate how the proposed WRP was prepared having regard to current and future risks to the condition and continued availability of the water resources of the Namoi WRP area.</p> <p>Examination of the text for accreditation under s 3, and the cited sections of the proposed WRP and of Schedule D as identified in this assessment, had regard to current and future risks and risk factors to the condition and continued availability of the water resources in the Namoi WRP area.</p> <p>However, on review of the ‘Current Critical Mechanisms’ listed in the consolidated risk tables (Column 3), the assessment has noted that the risk assessment relies on current critical mechanism:</p> <p>E6b- Supplementary access: In the lower Namoi access to a supplementary event is currently on a trial basis: prior to 1 July 2019, should not exceed 50% of a supplementary event (all year); and after 30 June 2019: 10% access of the supplementary event between 1 July and 31 October and 50% between 1 November and 30 June.</p> <p>At the time of submission the trial period had lapsed, and so the current mechanism was 10% access of the supplementary event between 1 July and 31 October and 50% between 1 November and 30 June (referred to as 90:10 rule).</p> <p>A Water Resource Plan is required to be prepared having regard to current and future risks. In the case of risks where supplementary access, is a factor, this requires demonstration of regard to the rules in effect at the time of submission, which was the 90:10 rule, which limits supplementary access to a lower proportion than that available during the trial period.</p> <p>Therefore, any risk where E6b is listed as applicable is based on rules which are not in effect, and is not considered to have demonstrated appropriate regard. This applies to risks:</p> <ul style="list-style-type: none"> • E(W) • E(WQ) • E(WQ-CWP) • E(EQ-WWP) • E(WQ-S)
9.3	10.41(2) 10.41(3)(a), 4.02	<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); and</p> <p>(c) risks arising from potential interception activities; and</p> <p>(d) risks arising from elevated levels of salinity or other types of water quality degradation</p> <p>(3) In identifying risks for the purposes of subsection (1), regard must be had to:</p> <p>(a) risks identified in section 4.02</p>	<p>Text for accreditation at s 3.2 refers to the Consolidated Risk Tables 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 8.2.4.3 of Schedule D to demonstrate that the risk assessment process had regard to the risks from potential interception activities.</p> <p>As set out in item 5.1 above, Schedule D has identified medium risks associated with interception by runoff dams in Tables 4-29 and 8-8 of Schedule D, which classify this form of interception as significant and require monitoring and actions to be described. As this has not been done, appropriate regard has not been demonstrated and this requirement has not been met</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: (a) insufficient water available for the environment; and	
9.4	10.41(2)	Without limiting subsection (1), the risks include (where applicable): (a) risks to the capacity to meet environmental watering requirements; and (b) risks arising from the matters referred to in subsection 10.20(1); and (c) risks arising from potential interception activities; and (d) risks arising from elevated levels of salinity or other types of water quality degradation	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). 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. It is noted that none of these related risks are listed in the consolidated risk tables of Schedule D. Therefore this requirement is not met.
9.5	10.41(3)(a), 4.02	(3) In identifying risks for the purposes of subsection (1), regard must be had to: (a) risks identified in section 4.02 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: (a) insufficient water available for the environment; and (c) poor health of water-dependent ecosystems	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 As outlined in item 9.2, risks for water available for the environment (risks classed as (E(W)) and of poor health of water-dependent ecosystems (risks E(WQ), E(WQP-CWP), E(EW-WWP, E(WQ-S)) have been calculated using current critical mechanism E6b, the 50:50 supplementary access rule. As this mechanism has lapsed, appropriate regard for these risks has not been demonstrated and therefore the requirement is not met
9.6	10.41(3), 4.02	(3) In identifying risks for the purposes of subsection (1), regard must be had to: (a) risks identified in section 4.02 4.02(2) The consequences of the materialisation of the risks identified in subsection (1) include: (a) that insufficient water is available, or water is not suitable for consumptive and other economic uses of Basin water resources; and (b) that insufficient water is available, or water is not suitable to maintain social, cultural, Indigenous and other public benefit values.	Text for accreditation at WRP 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 and 8.2.4.3 of Schedule D as providing the list of risk assessment outcomes relevant to this risk for the Namoi WRP area. Section 7.6 of Schedule D states that: 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. Examination of the cited sections of the WRP relevant to risks to Indigenous values and uses of surface waters and confirms that WRP s 1.7 details matters relevant to the risks identified in s 7.6 and 8.5 of Schedule D. However, it is determined that there is no material relevant to s 10.41 in text for accreditation at s 4.6 and has confirmed that the reference to WRP s 1.3.2 is incorrect and does not exist in the proposed WRP. Therefore the requirement is not met.
9.7	10.41(3), 4.02	(3) In identifying risks for the purposes of subsection (1), regard must be had to: (a) risks identified in section 4.02 4.02(2) The consequences of the materialisation of the risks identified in subsection (1) include: (b) that insufficient water is available, or water is not suitable to maintain social, cultural, Indigenous and other public benefit values.	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. On review of the proposed WRP, s 8.5 of Schedule D provides this demonstration, however this section is not incorporated for the purposes of accreditation. 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.
9.8	10.41(3), 4.02	(3) In identifying risks for the purposes of subsection (1), regard must be had to: (a) risks identified in section 4.02 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: (b) water being of a quality unsuitable for use (2) The consequences of the materialisation of the risks identified in subsection (1) include: (a) that insufficient water is available, or water is not suitable for consumptive and other economic uses of Basin water resources; and (b) that insufficient water is available, or water is not suitable to maintain social, cultural, Indigenous and other public benefit values.	WRP s 3.2 refers to s 7.5 of Schedule D regarding the risk to water use for human consumption due to unsuitable water quality. Section 7.5 states: Risks to raw water and their management strategies are identified in the Drinking Water Management Systems for the following water suppliers in the Namoi WRPA and will not be addressed further in this document. And then provides a list of 5 local government water suppliers responsible for identifying and managing water quality risks in their supply area. However, these risks are not listed in the proposed WRP and therefore appropriate regard has not been demonstrated.

9.9	10.41(4)	The water resource plan must list the risks identified for the purposes of subsection (1).	Section 3.2 of the proposed WRP incorporates the Consolidated Risk Tables and risk outcomes outlined in Schedule D. However, as outlined against ss 10.41(2) and (3) in this notice, not all risks to which the risk assessment has had regard to have been listed in the proposed WRP. Therefore this requirement is not met.
9.10	10.41(5)	The water resource plan must assess each risk.	Text for accreditation at s 3.2 states '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.' However, as outlined in against s 10.41(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.
9.11	10.41(6)	The water resource plan must define the level of risk of each risk, using the following categories: (a) low; (b) medium; (c) high; (d) if it is considered appropriate, any additional category.	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. 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) 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.
9.12	10.43(1)(a)	(1) If a water resource plan defines a risk in accordance with subsection 10.41(6) as having a medium or higher level of risk, the water resource plan must either: (a) describe a strategy for the management of the water resources of the water resource plan area to address the risk in a manner commensurate with the level of risk; or	Text for accreditation at s 3.3 states that: For the purpose of section 10.43 of the Basin Plan: <ul style="list-style-type: none"> 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 Namoi Surface WRPA. For the strategies listed in Table 9-7 of Schedule D, strategies 2, 4, 8 and 10 reference E6b, the application of the 50:50 supplementary access rule, in supporting information in Column 2 as the mechanism to implement strategies. These strategies therefore are relying on a defunct mechanism for implementation, as set out in item 9.2. As such, this requirement is not met.
9.13	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.	Text for accreditation at WRP s 3.3 states that: For the purpose of section 10.43 of the Basin Plan: <ul style="list-style-type: none"> 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 Namoi Surface WRPA. 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 satisfies 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, 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.
9.14	10.43(3)	A water resource plan must be prepared having regard to: (a) the strategies listed in subsection 4.03(3); and (b) any guidelines published by the Authority in accordance with section 4.04. Note: The Authority may publish guidelines in accordance with section 4.04 in relation to the implementation of strategies to manage or address risks identified in section 4.02.	Text for accreditation at WRP s 3.3 states that for the purpose of s 10.43 of the Basin Plan and states: 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 the surface water resources of the Namoi WRPA. 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.
9.16	10.43(3)	A water resource plan must be prepared having regard to: (a) the strategies listed in subsection 4.03(3); and	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'. 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 relating to this strategy states that:

			<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>
Part 10			
10.1	10.44(a)	<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> <p>(a) the best estimate of the total long-term annual average quantity of water taken that is measured;</p> <p>(b) the best estimate of the total long-term annual average quantity of water taken that is not measured;</p> <p>(c) how the quantities under paragraphs (a) and (b) were calculated.</p>	<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 Namoi 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 Table 7-1 against those listed at WRP Table 5-1 ‘Forms of take and their related access rights and characteristics in the Namoi Surface WRPA’ (pp 60 to 65. 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"> • unregulated river (special additional high flow) access licence (take from a watercourse) • domestic and stock (take from a watercourse) • local water utility (take from a watercourse) • domestic and stock (take under basic rights) • Native Title (take under basic rights) • harvestable rights (take by runoff dams) • Floodplain harvesting (regulated) access licence (take by floodplain harvesting) • Floodplain harvesting (unregulated) access licence. <p>At Table 5-1 there are no classes of water access right are issued under either type of Floodplain Harvesting access licence or under net take by commercial plantations. However, there is no text at Table 7-1 explaining why the above classes of access right have been omitted or volumes not identified. As such this requirement is not met.</p> <p>Text for accreditation at s 7.1 also 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>Table F-1 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. Instead it refers to the annual summing of all diversions under regulated river access licences listed in Table 5-1, modelled sum of water taken by floodplain harvesting (regulated and unregulated) or to volumes described in WRP Table F-2.</p> <p>Table F-3 is titled ‘Demonstration of Annual Permitted Take method with the SDL’ and 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. 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 three of the Basin Plan (baseline diversion limits). However, the volumes in column four of Table F-3 against the regulated river classes of access rights (listed as measured forms of take in Table 7-1) are not relevant to the s 10.44(a) requirement. This is because these volumes are the annual average permitted take as applied over a repeat of the historical climate conditions 1895 to 2009 (GL/year); these volumes are not estimates.</p> <p>Therefore the claims at s 7.1 that Tables F-1 and F-3 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 are not relevant to s 10.44(a).</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"> (a) the best estimate of the total long-term annual average quantity of water taken that is measured; (b) the best estimate of the total long-term annual average quantity of water taken that is not measured; (c) how the quantities under paragraphs (a) and (b) were calculated. 	<p><u>Take by floodplain harvesting</u></p> <p>For take by floodplain harvesting column four of Table 7-1 states 'TBC' with reference to Table F-2 in Schedule F for the calculation method. Table F-2 in Schedule F sets out a method for determining Annual Permitted Take. However, the proposed WRP does not include a best estimate of the total long-term annual average quantity of water that is not measured by the form of take as is required for the purposes of s 10.44(b).</p> <p><u>Classes of Access Right (Table 7 1)</u></p> <p>Consistent with the assessment of material to meet s 10.44(a) of the Basin Plan, 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"> (a) the best estimate of the total long-term annual average quantity of water taken that is measured; (b) the best estimate of the total long-term annual average quantity of water taken that is not measured; (c) how the quantities under paragraphs (a) and (b) were calculated. 	<p><u>Take by floodplain harvesting</u></p> <p>Tables F-1 and F-2 specify methods relevant to the calculation of take by floodplain harvesting. However, the assessment of material provided for the purposes of s 10.44(b) has found that no estimate has been provided for take by floodplain harvesting that is not measured. Therefore, it cannot be verified that the method of calculation relating to floodplain harvesting is correctly stated.</p> <p><u>Classes of Access Right (Table 7 1)</u></p> <p>Consistent with the assessment of material to meet s 10.44(a) and (b), 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 water access rights, and take by floodplain harvesting, this requirement has not been met</p>
Part 12			
12.1	10.49(1)	A water resource plan must be based on the best available information.	<p>The assessment has established gaps and typographical 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, 10.23-10.25, 10.41(1) and (4) and 10.44.</p> <p>Due to the gaps and errors in the information provided in the proposed WRP, this requirement has not been met.</p>
Part 13			
13.1	10.51(1)(a)(b)	<p>A water resource plan describes how water resources will be managed during:</p> <ul style="list-style-type: none"> (a) an extreme dry period (b) a water quality event that is sufficient to render water acutely toxic or unusable for established local uses and values 	<p>The text for accreditation at s 5.8 incorporates ss 1.3.3, 2.1, 3.2, 3.2.2, 3.3 and 4, Tables 1-1, 1-2, 1-3, 2-1, 3-1 and 3-2 of Schedule G (Incident Response Guide), and clause 46 of WRP Schedule A (Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012) into the proposed WRP to meet the requirements of s 10.51(1)(a)-(b) and 10.51(3) of the Basin Plan.</p> <p>Examination of the cited material from Schedule G confirms it outlines how the water resources in the Namoi WRP area will be managed during an extreme dry period where water quantity is reduced. However, the assessment found that Tables 3-3, 3-4 and 3-5 of Schedule G have not been incorporated into the proposed WRP. The inclusion of these tables is necessary to meet the requirement</p> <p>Further cls 47 to 49 of WRP Schedule A (Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012) have also not been included in text for accreditation. These are relevant rules were proposed for incorporation into the proposed WRP for the Lachlan WRP area for the purpose of meeting s 10.51 requirements.</p> <p>Examination of clause 46 of WRP Schedule A (Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012) confirms that clause 46 does apply limits and rules to the amount of water that can be taken during low flow periods. Protection of low flow volumes supports access to water for critical human water needs by basic landholder rights holders. The assessment found that clauses 47 and 48 of the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources Order 2020 were missing and need to be included in text for accreditation on page</p>

			<p>82 as these clauses describe measures (rules) for how access licences will be managed during low flow periods.</p> <p>In the absence of rationale in the proposed WRP for why the above clauses are excluded, the assessment has determined that they are needed to meet the requirement. Therefore the requirement is not met.</p>
13.2	10.51(2)	<p>(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>	<p>Text for accreditation at s 5.8 states:</p> <p>For the purposes of section 10.51(2) of the Basin Plan, the arrangements set out above ensure that critical human water needs during extreme events will not be compromised. In an extreme event, the Upper Namoi, Lower Namoi and Peel regulated rivers are operated to progressively restrict access to lesser priority water to extend supplies for critical human water needs, consistent with the NSW Extreme Events Policy, the Namoi Incident Response Guide and the priority of access under the Water Management Act 2000. These management arrangements are sufficient to ensure critical human water needs will not be compromised during an extreme event.</p> <p>The assessment has found that relevant material setting out measures relating to ss 10.51(1)(a) and (b) have not been incorporated into the proposed WRP. Further the cited 'NSW Extreme Events Policy' has not been provided to the MDBA as part of the proposed WRP and so the claims in the text for accreditation cannot be verified. As such, this requirement has not been met.</p>
Part 14			
14.1	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 (<i>Indigenous values</i>); and</p> <p>(b) the social, spiritual and cultural use of the water resources of the water resource plan area by Indigenous people (<i>Indigenous uses</i>); 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>Statements in text for accreditation WRP at s 1.3.1 refers to material in Attachment A to Schedule C as meeting this requirement. The NBAN advice notes the following issues with the relevant statements. NBAN considers:</p> <ul style="list-style-type: none"> - the WRP material would benefit from clarity regarding the role of NBAN in the consultation process is needed so as not to - conducting a consultation process does not amount to 'having regard' and there is insufficient evidence to support the assertion that regard has been had to Aboriginal values and uses. <p>Although the assessment finds that the proposed WRP has identified social, spiritual and cultural values and uses, as result of the NBAN advice the assessment is unable to determine that adequate regard to these values and uses has been had. Further evidence clarifying how regard was had to the identified values and uses when developing the outcomes and objectives is necessary.</p>
14.2	10.53(1)	<p>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 [in letters (a) to (f)]</p>	<p>The NBAN advice states that blue box text needed to (a) ensure consultation directly and intentionally sought and obtained Gomeroi Nation views about each of the s 10.52 matters, and (b) needs to demonstrate how regard was had to those views. The WRP material indicates that views were sought and obtained in a general sense, but not that those views were intentionally collected.</p> <p>Noting the NBAN concern that the proposed WRP and associated documentation provided limited demonstration of regard to Gomeroi Nation views as a result of the timing of the consultation, and consequential concern of how regard was had to their views for all matters in 10.53(a) to (f), the assessment 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. Therefore, this requirement is not met.</p>
14.3	10.53(1)(a)	<p>(a) 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 NBAN advice considers that text for accreditation lacks evidence that the views of the Gomeroi Nation or Aboriginal organisations on native title matters in relation to water resources were sought, and how regard was had to such views (even if collected). The NBAN advice notes that the proposed WRP discussed contact Nation Title Services Corporation, but that only one native title claimant was interviewed and it is not clear whether their views on native title in relation to water resources were sought.</p> <p>On the basis of the advice from NBAN delegates regarding the shortcomings of the consultation as represented in the proposed WRP and Schedule C, the assessment is not satisfied that the views of all relevant Indigenous organisations with respect to 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, were considered in the preparation of the WRP. Therefore, the requirement is not met.</p>
14.4	10.53(1)(b)	<p>(b) registered Aboriginal heritage relating to the water resources of the water resource plan area</p>	<p>The NBAN advice states that reliance on Local Aboriginal Land Councils is inappropriate because they do not have cultural authority to speak for Gomeroi Country or cultural heritage.</p> <p>The proposed WRP includes some evidence that heritage matters did arise during consultation, but it is not clear whether or how views about registered Aboriginal cultural heritage relating to water were collected from any</p>

			<p>Aboriginal organisations or First Nations people, or how those views were genuinely, properly and realistically considered in the development of the WRP.</p> <p>In addition, the assessment notes that it is unclear whether the cultural or sacred sites identified and considered during consultation are registered Aboriginal Heritage as defined in s 10.53(2) for the purposes of this requirement.</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 System (AHIMS)). However, it is unclear whether this covers all registered Aboriginal Heritage (under Commonwealth or State law), relevant to the WRP area. As a result of the issues outlined above, the assessment is not satisfied that the views of the relevant Indigenous organisations in relation to registered Aboriginal heritage have been given proper regard, and the requirement is not met.</p>
14.5	10.53(1)(c)	(c) inclusion of Indigenous representation in the preparation and implementation of the plan	<p>The NBAN Delegates observed that the explanatory text in the Namoi WRP does include some promising commitments and objectives for the future that align with Gomeroi Nation input and priorities. However, they consider that insufficient detail is provided in this section (and indeed, throughout all the WRP documentation) about the substance of these commitments and ongoing engagements. NBAN considers the material collected during the consultation and has been poorly reflected in the Attachment A to Schedule C (Gomeroi Nation Consultation Report), and there is no evidence available that this material has been given proper regard in the development of the WRP.</p> <p>The Authority's 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 NBAN 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. Therefore, the requirement is not met.</p>
14.6	10.53(1)(d)	(d) Indigenous social, cultural, spiritual and customary objectives, and strategies for achieving these objectives	<p>The assessment acknowledges that there are objectives, and (where relevant) activities or actions that may be interpreted as strategies for achieving those objectives, included in Attachment A to Schedule C. However, they are not clearly identified as strategies for achieving identified objectives. NBAN also expressed concern about the lack of clear statements identifying strategies for achieving identified objectives and the lack of evidence in the WRP or Schedule A that the objectives and strategies had informed the WRP.</p> <p>Therefore, although the assessment is satisfied the development of the proposed WRP has had regard to the views of relevant Indigenous organisations with respect to Indigenous social, cultural, spiritual and customary objectives, it is not satisfied that regard has been had to the views of relevant Indigenous organisations with respect to strategies for achieving these objectives. Therefore, this requirement is not met.</p>
14.7	10.53(1)(e)	(e) encouragement of active and informed participation of Indigenous people	<p>Noting that 'active and informed participation' is not defined either in the Basin Plan or the WRP, the NBAN advice observed that such participation could have been much greater. NBAN also considered statements in text for accreditation to be contradictory to statements in Attachment A to Schedule C. For example, the list of recommendations to improve the consultation process resulted in a process that the was not 'active and informed'. Rather it was too narrow, insufficient and inappropriate.</p> <p>While the assessment considers that there is some evidence of efforts to undertake consultation in a culturally appropriate manner, as a result of the concerns identified in the NBAN advice regarding the engagement approach, the assessment is not able to confirm that the proposed WRP was prepared having regard to the views of the relevant Indigenous organisations regarding the encouragement of active and informed participation of Indigenous people. Therefore, this requirement is not met.</p>
14.8	10.53(1)(f)	(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>NBAN advice notes that text for accreditation states that risks to Aboriginal values and uses are included in Attachment A to Schedule C, but considered that the material in Section 6.2.2 of Attachment A also ought to be cited in accredited text as this underpins and explains these risks. NBAN queried whether the WRP had been developed with proper regard for Aboriginal people's views about identified (and possibly other) risks.</p> <p>The NBAN advice asserts that data yielded during consultation ought to have been directly incorporated into Schedule D and treated and managed as other risks identified in the WRPA. It also asserts using risks identified in Schedule D as a proxy for identifying and assessing risks to First Nations' water uses and values is not appropriate. The NBAN Delegates consider this approach lacks regard to First Nations' views about risks to values and uses.</p> <p>Further, NBAN has found there is no evidence that the WRP was prepared with regard to the risks identified during</p>

			Gomeroi Nation consultation. Although this assessment is satisfied that risks have been identified, it is not satisfied that there is evidence that genuine, proper and realistic consideration of these risks has been given. Therefore, this requirement is not met.
14.9	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 the three different Water Sharing Plans that make up Schedule A to the Namoi WRP (the <i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020</i>), (the <i>Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012</i>) and (the <i>Water Sharing Plan for the Peel Regulated River Water Source 2020</i>), articulates a set of objectives, strategies and performance indicators ‘to maintain the spiritual, social, customary and economic values and uses of water resources by Aboriginal people’.</p> <p>However, the assessment considers that it is not clear that these provisions, in themselves, demonstrate a consideration of the views of Indigenous people regarding ‘cultural flows’.</p> <p>The NBAN advice notes the following issues with the material included for this requirement:</p> <ol style="list-style-type: none"> 1. WRP s 1.3.1 does not ‘specify’ objectives and outcomes. The section refers to Table 7 to 11 in Attachment A. Although the Authority agrees this is not within a narrow definition of ‘specify’ it adequately refers to objective and outcomes for the purposes of s 10.54. 2. The objectives and outcomes listed in Tables 7 to 11 contain only a few specific references to cultural flows and some implicit references to ideas and principles that underpin cultural flows. As the WRP does not clarify the meaning of ‘cultural flow’ it is not clear which of the objectives in Tables 7 to 11 are relevant for s 10.54 purposes. 3. The proposed WRP cites the inclusion of Attachment A to Schedule C to demonstrate that regard has been had to the views of Aboriginal people about cultural flows. However, as noted above the NBAN advice indicates that the consultation process, including with respect to cultural flows, was too narrow. <p>The NBAN advice also sets out concerns that supporting material in WRP s 4.4 appears to conflate cultural and environmental objectives in some text but acknowledges that the risk that environmental water and cultural water can be confused. In light of this acknowledgement the NBAN Delegates are seeking a commitment to working with the Gomeroi Nation to develop and resource a cultural flow regime.</p> <p>The assessment notes NBANs concerns regarding these matters and considers that there is some evidence of efforts to demonstrate regard for the views of Indigenous people with respect to cultural flows. However, as a result of the concerns identified in the NBAN advice regarding the overall engagement approach, the assessment is not able to confirm that appropriate regard has been had to the views of Indigenous people with respect to cultural flows. Therefore, this requirement is not met.</p>

Attachment 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	Inconsistent model number referenced	Table F-2, row 2, column 3 identifies: Namoi APTL Model NamoS002.sqq and PeelS001.sqq dated 02/05/2019 and IQQM version 7.92.0 RC2 [REV3375] for the Namoi model and IQQM version for the Peel model is 7.91.6 [Rev2999]. The model number given in Attachment C to Schedule F does not align with that given in Table F-2, where ss 4.4 and 5 of Attachment C to Schedule F gives 'NamoS003.sqq' rather than 'NamoS002.sqq' as given in Table F-2'.
2	Inconsistent naming of model reports and model names	Table F-2, row 2, column 5 identifies: The non-accreditable Namoi Water Resource Plan Annual Permitted Take Scenario Model report for the Namoi Surface WRP is included in the WRP, which largely aligns with the report title of WRP Attachment C to Schedule F. 'Namoi SW WRP – Modelling – Annual Permitted Take Scenario Report (update)' Table 2 of Attachment C to Schedule F is identified in Table F-2, row 2, column 3 Estimates of the unmodelled entitlement/take types are also included in Table 3 of the Annual Permitted Take Scenario Model. This is taken to be Attachment C of Schedule F. Text for accreditation at s 5.6 (blue box on page 76) interchangeably uses 'Namoi APT model', 'APT model' and 'SDL model', which are taken to all refer to the APT model described in Table F-2 against take from regulated rivers and detailed in Attachment C 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 'Namoi Peel Regulated HEW' which states this variable is equal to the HEW allocation volume plus/minus HEW entitlement trade. Table F-2, row 3, column 5 refers to 'the Annual Permitted Take Scenario Model report', which is the title of Attachment C to Schedule F. However, s 4.2. of Attachment C to Schedule F states the HEW portfolio is modelled as a consumptive use, and s 4.4.2 scales model output by a scaling factor to give consumptive take. This is inconsistent with Table F-2.
4	Ambiguity in how the scaling factor given in Attachment B to Schedule F accounts for HEW, including the sustainable diversion limit (SDL) adjustment amount	While the adjustments to the modelled diversions is not given in Table F-2, In Attachment C to Schedule F, the scaling factor defined in s 4.4.1 uses the long-term APT volume of 231.1 GL/y. However, this does not align with the volume given in Table 3 of 232.8 GL/y. It is also not explicit from the text This meets the requirement in section 10.10(4) of the <i>Basin Plan</i> and, because the required SDL reduction is a parameter of the method, the requirement at 10.10(5) is also met. If the required SDL reduction includes the local and shared reduction amounts and the SDL adjustment amount.
5	Inclusion of floodplain harvesting in the scaling factor	Attachment C to Schedule F defines a scaling factor in section 4.3.2 (page 11), which adjusts the model target to the SDL. However, the scaling factor includes in its determination the parameters 'BDL' for the BDL long-term estimate and 'CURR' for the APT model long-term estimate, which include <u>take from floodplain harvesting</u> . These two parameters should only be the <u>take from regulated rivers</u> estimates. Further, the scaling factor should then only be applied to the modelled <u>take from regulated river</u> diversions. This is because each form of take can then be individually reported on and separately assessed. Further, environmental water recovery does not occur from <u>take from floodplain harvesting</u> .
6	Inconsistency between Table F-2 and Attachment B to Schedule F regarding the adjustment for trade	Table F-2 row 3, column 3 describes the method for 'Net Namoi Trade', where The net volume of consumptive water traded into and out of the Namoi SDL resource unit (SS21) at 30 June of the relevant water year will be 0 This aligns with Attachment C s 4.4.3 which states that while trade is allowed between the Peel and Lower Namoi WSP unit... there is no trade from and to the Namoi SDL unit (SS21) However, this contradicts Table F-2 row 3, column 6 that states there is no trade between Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2020 and Peel Regulated and Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012s. This is not an accreditation issue as trade in and out of the SDL resource unit is the requirement for the APT method. Further s 4.4. of Attachment C to Schedule F states Consumptive trade is allowed between the Peel and the Lower Namoi WSP unit, subject to conversion factor (system loss) and other conditions specified in both the Namoi WSP and the Peel WSP. However, there is no trade from and to the Namoi SDL unit (SS21). Therefore, adjustment for consumptive trade is not required for the Namoi permitted take method because both Peel and Namoi are part of the same SDL unit.
7	Model issues identified in MDBA's preliminary advice	The following has been identified in the preliminary model review but is not an accreditation issue:

#	Issue name	Issue description
	that do not affect accreditation (D20/41582)	<ul style="list-style-type: none"> - The model includes an unregulated irrigator (approx. 4.6 GL/y) in Baradine Creek, which is not part of Namoi modelled BDL. MDBA assumes that this volume is already accounted for in the unmodelled <u>take from watercourses (excluding basic rights)</u> BDL estimate, which is the annual permitted take method for this form of take as given in Table F-2. Further, the volume of 4.6 GL/y is not included in the modelled estimate of the BDL for <u>take from regulated rivers</u>. <p>Additionally, the following risk has been identified in the preliminary model review:</p> <ul style="list-style-type: none"> - From the BDL to the APT model, there is 40 GL/y decline in General Security diversions, and a related 20 GL/y increase in off-allocation diversions.