

Office of the Chief Executive

Ref: EC21-000268

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

Dear Minister

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

As you are aware NSW formally gave the proposed WRP to the Authority on 9 April 2020 and asked the Authority to provide it to the Minister for accreditation in accordance with s 63(1) of the *Water Act 2007* (Cth) ('the Act').

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

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

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

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

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

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

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

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

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

Please feel free to contact them should you have any enquiries in relation to the assessment and accreditation of the proposed WRP. I look forward to receiving any submissions from you on or before 7 May 2021.

Yours sincerely

Andrew Reynolds
Acting Chief Executive

23 April 2021

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

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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 the Authority considers it should recommend that the Minister not accredit the proposed WRP

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	10.04(4)	A water resource plan must include a list that specifies: (a) each requirement set out in this Chapter (individually or by reference to a group of requirements); and (b) the part of the plan that addresses each requirement (or group of requirements); and (c) the parts of the plan that will cease to have effect or are to be reviewed, and the times at which those parts will cease to have effect or are to be reviewed.	There are two references in WRP Schedule B (Index) which do not accurately identify the part of the proposed WRP that addresses the requirement. <ul style="list-style-type: none"> WRP s 3.1 is identified as addressing the requirements of s 10.41. The Authority considers that s 3.1 does not contain appropriate material to address all subsections of 10 41 but considers that such material is contained in s 3 of the proposed WRP. WRP s 5.2.2 is identified as addressing the requirements of s 10.11. The Authority considers that s 5.2.2 does not contain appropriate material to address s 10.11 but considers that such material is contained in s 5.5.2 of the proposed WRP. <p>As a result of these errors, the requirement of s 10.04(4)(b) is not met. In addition, there are consequential inconsistencies for ss 10.11 and 10.41.</p>
2.2	10.04(5)	If a water resource plan is constituted by an instrument or text which contains additional material that is not part of the water resource plan, the water resource plan must identify that material. Note: See paragraph (d) of the definition of <i>water resource plan</i> in section 4 of the Act.	The form of the proposed WRP incorporates state instruments as cited in 'blue box text'. Consequently, where a reference to whole instruments is cited in blue box text without relevant clauses or sections it has the effect of incorporating the entire instrument. This results in material that is not relevant to the WRP being incorporated into the proposed WRP and results in consequential inconsistencies across several other parts. Specific examples are noted below in issues for Parts 3, 4, 8 and 10.
2.3	10 05	A water resource plan must: (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 (b) describe the way in which paragraph (a) was complied with.	Text for accreditation at WRP s 2.2 identify: <ul style="list-style-type: none"> cl 34 of WRP Schedule A (<i>Water Sharing Plan for the Gwydir Alluvium Groundwater Sources 2020</i>) as a mechanism to manage significant hydrological connection between the Upper Gwydir Alluvium (GS43) sustainable diversion limit (SDL) resource unit and the Gwydir (surface) water resource plan area (SW15). cl 41 of Schedule A as having regard to a managing for the significant hydrologic connection between the groundwater of the Gwydir alluvium SDL resource units, the surface water resources of the Gwydir catchment, and other surface water priority environmental assets and priority ecosystem functions that may also be groundwater-dependent. <p>However, the cited clauses do not relate to the stated matters, rather clauses 33 and 40 provide for the management of connected resources.</p> <p>Further, connectivity between SDL resource units in the WRP and the corresponding SDL resource unit in the adjacent New South Wales (NSW) Murray-Darling Basin (MDB) Porous Rock has not been identified. The risk assessment of the draft NSW MDB Porous Rock WRP has identified this adjacent connection, whereas Schedule D of the proposed WRP does not identify this connection. The Authority notes that the risk assessment for the NSW MDB Porous Rock WRP identifies that large parts of the Gunnedah-Oxley Basin MDB SDL resource unit (GS 17) overlay large portions of the Lower Gwydir Alluvium (GS24) SDL resource unit. Consequently, the Authority is not satisfied that adequate regard has been demonstrated to all potentially significant hydrological connections.</p> <p>Improved descriptions of connectivity with adjoining resources that are consistent with the those in the corresponding WRP are needed to verify that any significant connections have been consistently identified and considered.</p> <p>Therefore, the proposed WRP does not demonstrate that regard has been given to the management of all connected resources.</p>

Part 3			
3.1	10.09(1)	A water resource plan must identify the planned environmental water in the water resource plan and associated rules and arrangements relating to that water.	<p>The proposed WRP identifies planned environmental water (PEW) in the WRP area and associated rules and arrangements in place relating to PEW. The assessment has determined certain rules and arrangements in the <i>Gwydir Alluvial Groundwater Sources 2020</i> that protect PEW have not been identified:</p> <ul style="list-style-type: none"> • Clause 4(4) incorporates a high priority groundwater dependent ecosystem (GDE) map which constitutes a PEW rule and arrangement. Clause 4(4) has not been identified as a rule or arrangement to protect PEW for the purposes of s 10.09 of the Basin Plan. • Clause 8(3) of Schedule A which identifies the strategies for achieving the targeted environmental objectives set out in the plan and links key clauses of Schedule A to these objectives. As such this clause is considered a rule or arrangement relating to PEW. • Clause 56 of Schedule A which places obligations on a supply work approval holder to construct any supply work consistent with specified standards has not been incorporated as a PEW rule or arrangement. This clause is identified in the consolidated risk tables of the WRP Schedule D (Risk Assessment) as a 'current critical mechanism' (rule) that mitigates against several water quality risks identified in the risk assessment. For example, risk QL5 - risk of poor water quality to the environment (groundwater-dependent ecosystems) <p>Therefore, not all PEW and associated rules and arrangements are identified, and this requirement is not met.</p> <p>Text for accreditation for WRP s 4.1.1 refers to the <i>Access Licence Dealings Principles Order 2004</i> but does not specify the relevant clauses or sections. As such the instrument is considered to have been incorporated in its entirety, resulting in a consequential inconsistency due to the application of s 10.04(5), as set out in issue 2.2 above.</p>
3.2	10.10(3)(a)	10.10(3): the method must:(a) account for the matters in subsection 10.12(1);	<p>In establishing a method for annual permitted take that is consistent with s 10.10, a WRP must take account of the matters set out in s 10.12.</p> <p>In addressing s 10.12(1)(f), the proposed WRP has incorporated the entire <i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>. Therefore, there is a consequential inconsistency from 10.04 due to global reference to the water sharing plan. In addressing s 10.12(1)(h), the information included relating to whether water sourced from Great Artesian Basin (GAB) should be accounted for under the annual permitted take method is inconsistent with information in other parts of the proposed WRP.</p>
3.3	10.10(3)(b)	The method must: be consistent with the other provisions of the water resource plan.	The assessment of material for the purposes of s 10.12(1)(h) and s 10.14 of the Basin Plan has found that there is inconsistent information in the proposed WRP relating to the effect of the connection between the Gwydir Alluvium WRP area and the GAB. Therefore, this requirement is not met.
3.4	10.11(1)	<p>A water resource plan must set out rules (including, if applicable, rules for water allocations) that ensure, as far as practicable, that the quantity of water actually taken from each SDL resource unit for consumptive use in a water accounting period that beginning on or after 1 July 2019 does not (after making any adjustments for the disposal or acquisition of held environmental water) exceed the unit's annual permitted take for the period.</p> <p>Note 1. Water resource plans are not required to give effect to the long-term average sustainable diversion limits until 1 July 2019. Compliance with the long-term annual diversion limit will then be measured using the annual permitted take (see Part 4 of Chapter 6). The annual permitted take is defined in subsection 6.10(1) and 6.12B(1)</p> <p>Note 2: Water allocations can be made during or before a water accounting period. The annual permitted take is usually worked out after the end of a water accounting period.</p>	WRP Schedule B (WRP Index) refers to WRP s 5.2.2 as addressing this requirement. This section of the proposed WRP contains only supporting information relevant to SDL adjustments under ss 7.25 and 7.26 of the Basin Plan and does not address the requirements of s 10.11 of the Basin Plan. The assessment found that, while rules are included to satisfy s 10.11 in WRP s 5.5.2, as Schedule B refers to s 5.2.2, this requirement is not met
3.5	10.12(1)(f)	For paragraph 10.10(3)(a), the following matters must be accounted for: ...	In addressing s 10.12(1)(f), the proposed WRP has incorporated the entire <i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i> . Therefore, there is a consequential inconsistency from s 10.04 due to global reference to the water sharing plan.

		(f) circumstances in which there is a change in the way water is taken or held under a water access right.	
3.6	10.12(1)(h)	<p>For paragraph 10.10(3)(a), the following matters must be accounted for:</p> <p>..</p> <p>(h): (1) for paragraph 10.10(3)(a), the following matters must be accounted for:</p> <p>Water sources from the Great Artesian Basin and released into a Basin water resource, by excluding that water;</p>	<p>Section 2.1 of Schedule I states that:</p> <p>This requirement is not applicable and does not need to be accounted for in the annual permitted take, as GAB water is not being discharged to the Basin water resource in the Gwydir Alluvium WRP because the GAB is not geographically connected to the SDL resource units.</p> <p>In addition, text for accreditation at s 5.3.2 (second blue box on page 44) states that:</p> <p>Water sourced from the Great Artesian Basin cannot be released into and taken from these SDL resource units and, as a consequence, the method does not need to consider releases to/take from the GAB.</p> <p>However, there is ambiguity between this statement and the description of the connectivity between these resources provided in section 3.3 of WRP Schedule D (risk assessment) (incorporated under ss 10.05 and 10.14) which states that</p> <p>The Lower Gwydir Alluvium overlies the sediments of the GAB. The permeability of the GAB under the Lower Gwydir Alluvium is many orders of magnitude lower than that of the alluvium and any groundwater exchange is expected to be insignificant. In the deeper parts of the Lower Gwydir Alluvium, generally west of Moree, the palaeochannel has eroded into the weathered Cretaceous of the GAB (Ransley et al. 2015) and whilst there may be some connectivity it is also expected to be insignificant as these formations are low permeability and not a target for water supply. The groundwater sources of the GAB are not within the Murray-Darling Basin and are managed under the Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008.</p> <p>As a result, in addressing s 10.12(1)(h), the proposed WRP includes the information relating to whether water sourced from GAB should be accounted for under the annual permitted take method is inconsistent with information in other parts of the proposed WRP.</p>
3.7	10.14	<p>(1): A water resource plan must identify the effect, or potential effect, if any, of the following on the use and management of the water resources of the water resource plan area:</p> <p>(a) the taking of groundwater that is not a Basin water resource resulting in water being removed from a groundwater SDL resource unit in the water resource plan area because of a pre-existing hydrological connection or a hydrological connection created by the process of taking that groundwater;</p> <p>(b) the taking of groundwater that is not a Basin water resource resulting in water that would otherwise flow directly or indirectly into an SDL resource unit in the water resource plan area no longer flowing into that unit.</p> <p>(2): If a water resource plan identifies an effect, or potential effect, of the kind referred to in subsection (1), the water resource plan must set out:</p> <p>(a) a process for monitoring that effect or potential effect, and</p> <p>(b) actions that will be taken to respond to that effect or potential effect.</p>	<p>A description of the management and use of connected water resources is in WRP Schedule D (Risk assessment). This description implies that whilst the connection may not be significant, the connectivity may still have an effect or potential effect on the management of water resources in both the GAB and those of the WRP area and indicates that any such connection is managed by the setting of the SDLs for the SDL resource units and the long-term annual average extraction limits (LTAAEL) of the non-Basin resources. The internal inconsistencies in the identification of effects or potential effects, demonstrate that the proposed WRP has not clearly identified the effects or potential effects specified under this requirement. The internal inconsistencies in the identification of effects, or potential effects, demonstrate that the proposed WRP has not clearly identified the effects or potential effects specified under this requirement.</p> <p>In addition, text for accreditation at WRP s 2.2 refers to section 3.3 of WRP Schedule D (the Risk Assessment) to address requirements. The incorporation of the whole of the <i>Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008</i> in section 3.3 of Schedule D introduces irrelevant material to the proposed WRP and is inconsistent with the requirements of s 10.04(5) (as per issue 2.2 above).</p> <p>The internal inconsistencies in the identification of effects, or potential effects, demonstrate that the proposed WRP has not clearly identified the effects or potential effects specified under this requirement.</p>
3.8	10.14(2)	<p>(2): If a water resource plan identifies an effect, or potential effect, of the kind referred to in subsection (1), the water resource plan must set out:</p> <p>(a) a process for monitoring that effect or potential effect; and</p> <p>(b) actions that will be taken to respond to that effect or potential effect.</p>	<p>The proposed WRP has not adequately identified effects or potential effects for the purposes of s 10.14(1), as noted above. No process for monitoring or actions to be taken to manage potential effects have been identified for the purposes of s 10.14(2).</p>
3.9	10.15(4)	<p>10.15(4):the quantity of water actually take must:</p> <p>(b) exclude water sources from the Great Artesian Basin and released into and taken from a Basin water resource</p>	<p>The WRP must set out how actual take for consumptive use by each form of take from each SDL resource unit will be determined after the end of a water accounting period. The WRP must describe whether the circumstances in 10.15(4)(a) and / or (b) are relevant to this WRP area and, if so, ensure that the method for determining annual</p>

			<p>actual take addresses those circumstances as required.</p> <p>However, there are inconsistencies within the proposed WRP regarding connectivity between the resources of the Gwydir Alluvium WRP area and the GAB (as per issue 3 6 and 3.7). As a result, the Authority is unable to determine the extent to which s 10.15(4)(b) applies and therefore cannot confirm that this requirement is met.</p>
Part 4			
4.1	10.18	<p>: A water resource plan must be prepared having regard to whether it is necessary for it to include rules which ensure that, for priority environmental assets and priority ecosystem functions that depend on groundwater, the operation of the plan does not compromise the meeting of environmental watering requirements.</p> <p>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 of the material provided to address s 10.05 of the Basin Plan has determined that the proposed WRP (at s 3.3. of Schedule D) has not clearly described the nature of all connections with adjacent resources. Therefore, it is not clear that all material relevant to the management of significant hydrological connections and the impact on the need for rules to protect EWRs has been considered for the purposes of determining whether rules are needed. As such, the Authority cannot confirm that appropriate regard has been given to these matters for s 10.18.</p> <p>The incorporation of the whole of the <i>Access Licence Dealings Principles Order 2004</i> for accreditation in s 4.1.1 (blue box on pp 29-30), and the incorporation of the following instruments (through s 2 2, and s 3.3 of WRP Schedule D, including Tables 3-1 and 3-2) WRP Schedule A (<i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>), the <i>Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008</i> and the <i>Water Sharing Plan for the Gwydir Regulated Water Source 2016</i> in s 2.2 (through section 3.3 of Schedule D). These instruments are considered to have been incorporated in their entirety, resulting in a consequential inconsistency due to the application of s 10 04(5), as set out in issue 2.2. Therefore, this requirement is not met.</p> <p>The assessment has determined that not all PEW and associated rules and arrangements are identified, as set out in issue 3.1. The reliance on the provisions to address the s 10.09 requirement as also meeting the s 10.18 requirement means the proposed WRP does not demonstrate that all of the rules are included that are needed to protect groundwater dependent PEAs/PEFs.</p> <p>The assessment finds that in addition to not being incorporated as a PEW rule or arrangement, cl 56 of WRP Schedule A (<i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>) is also a relevant rule for s 10.18(3) to reflect its inclusion as a 'current critical mechanism' that helps to mitigate relevant risks set out in the Consolidated Risk Tables of WRP Schedule D (Risk Assessment) but has not been incorporated.</p> <p>In addition, cl 34 of Schedule A is incorporated in s 2 2 with respect to the management of significant hydrological connections. Examination of cl 34 shows that it relates to the granting of specific purpose access licences and is not relevant to meeting the requirements of s 10.18 of the Basin Plan.</p> <p>Therefore, this requirement is not met.</p> <p>The Authority notes that s 2.2 incorrectly identifies clause 41 of Schedule A as contributing to the management of groundwater dependent PEAs and PEFs in connected surface water resources. Clause 40 of Schedule A appears to be the relevant provision relating to high priority groundwater dependent ecosystems. As both clauses are incorporated for the purposes of s 10.18 as a result of the incorporation of Part 9 of Schedule A, this error in s 2.2 is not considered material to the assessment relating to s 10.18.</p>
4.2	10.19	<p>: 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>Without limiting subsection (1), regard must be had to whether it is necessary for the water resource plan to include rules that</p>	<p>The assessment of the material provided to address s 10.05 of the Basin Plan has determined that the proposed WRP (at s 3.3. of Schedule D) has not clearly described the nature of all connections with adjacent resources. Therefore, it is not clear that all material relevant to the management of significant hydrological connections and the impact on the need for rules to protect EWRs has been considered for the purposes of determining whether rules are needed. As such, the Authority cannot confirm that appropriate regard has been given to these matters for s 10.19.</p>

		<p>specify:</p> <ul style="list-style-type: none"> (a) the times, places and rates at which water is permitted to be taken from a groundwater SDL resource unit; and (b) resource condition limits, being limits beyond which the taking of groundwater will compromise the discharge of water into any surface water resource; and (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>(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 incorporation of the whole of the <i>Access Licence Dealings Principles Order 2004</i> for accreditation in s 4.1.1 (blue box on pp 29-30), and the incorporation of the following instruments (through s 2.2, and s 3.3 of WRP Schedule D, including Tables 3-1 and 3-2) WRP Schedule A (<i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>), the <i>Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008</i> and the <i>Water Sharing Plan for the Gwydir Regulated Water Source 2016</i> introduces irrelevant material to the proposed WRP and is inconsistent with the requirements of s 10.04(5). Therefore, this requirement is not met.</p> <p>The assessment has determined that not all PEW and associated rules and arrangements are identified, as set out in issue 3.1. The reliance on the provisions to address the s 10.09 requirement as also meeting the s 10.19 requirement means the proposed WRP does not demonstrate that all of the rules are included that are needed to protect groundwater dependent PEAs/PEFs.</p> <p>The assessment finds that in addition to not being incorporated as a PEW rule or arrangement, cl 56 of WRP Schedule A (<i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>) is also a relevant rule for s 10.19(3) to reflect its inclusion as a 'current critical mechanism' that helps to mitigate relevant risks set out in the Consolidated Risk Tables of WRP Schedule D (Risk Assessment) but has not been incorporated.</p> <p>In addition, cl 34 of Schedule A is incorporated in s 2.2 with respect to the management of significant hydrological connections Examination of cl 34 shows that it relates to the granting of specific purpose access licences and is not relevant to meeting the requirements of s 10.19 of the Basin Plan</p> <p>Therefore, this requirement is not met.</p> <p>The Authority notes that s 2.2 incorrectly identifies clause 41 of Schedule A as contributing to the management of groundwater dependent PEAs and PEFs in connected surface water resources. Clause 40 of Schedule A appears to be the relevant provision relating to high priority groundwater dependent ecosystems. As both clauses are incorporated for the purposes of s 10.19 as a result of the incorporation of Part 9 of Schedule A, this error in s 2.2 is not considered material to the assessment relating to s 10.19</p>
4.3	10.20	<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> <ul style="list-style-type: none"> (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 (b) the overall hydraulic relationships and properties between groundwater and surface water systems, between groundwater systems, and within groundwater systems. <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> <ul style="list-style-type: none"> (a) the times, places and rates at which water is permitted to be taken from a groundwater SDL resource unit; and (c) any zones in the water resource plan area where continued groundwater extraction will result in a long-term decline in groundwater levels; and (d) measures to prevent any long-term decline in groundwater levels in that zone, except where the groundwater is a non- 	<p>The assessment of the material provided to address s 10.05 of the Basin Plan has determined that the proposed WRP (at s 3.3. of Schedule D) has not clearly described the nature of all connections with adjacent resources. Therefore, it is not clear that all material relevant to the management of significant hydrological connections and the impact on the need for rules to protect EWRs has been considered for the purposes of determining whether rules are needed. As such, the Authority cannot confirm that appropriate regard has been given to these matters for s 10.20.</p> <p>The incorporation of the whole of the <i>Access Licence Dealings Principles Order 2004</i> for accreditation in s 4.1.1 (blue box on pp 29-30), and the incorporation of the following instruments (through s 2.2, and s 3.3 of WRP Schedule D, including Tables 3-1 and 3-2) WRP Schedule A (<i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>), the <i>Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008</i> and the <i>Water Sharing Plan for the Gwydir Regulated Water Source 2016</i> introduces irrelevant material to the proposed WRP and is inconsistent with the requirements of s 10.04(5). Therefore, this requirement is not met.</p>

		<p>renewable groundwater resource, and</p> <p>(e) 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>(f) 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>(g) 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 has determined that not all PEW and associated rules and arrangements are identified, as set out in issue 3.1. The reliance on the provisions to address the s 10.09 requirement as also meeting the s 10.19 requirement means the proposed WRP does not demonstrate that all of the rules are included that are needed to protect groundwater dependent PEAs/PEFs.</p> <p>The assessment finds that in addition to not being incorporated as a PEW rule or arrangement, cl 56 of WRP Schedule A (<i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>) is also a relevant rule for s 10.20(3) to reflect its inclusion as a 'current critical mechanism' that helps to mitigate relevant risks set out in the Consolidated Risk Tables of WRP Schedule D (Risk Assessment) but has not been incorporated.</p> <p>In addition, cl 34 of Schedule A is incorporated in s 2.2 with respect to the management of significant hydrological connections. Examination of cl 34 shows that it relates to the granting of specific purpose access licences and is not relevant to meeting the requirements of s 10.20 of the Basin Plan.</p> <p>Therefore, this requirement is not met</p> <p>The Authority notes that s 2.2 incorrectly identifies clause 41 of Schedule A as contributing to the management of groundwater dependent PEAs and PEFs in connected surface water resources. Clause 40 of Schedule A appears to be the relevant provision relating to high priority groundwater dependent ecosystems. As both clauses are incorporated for the purposes of s 10.20 as a result of the incorporation of Part 9 of Schedule A, this error in s 2.2 is not considered material to the assessment relating to s 10.20.</p>
4.4	10.22	<p>A water resource plan must:</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>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 with respect to the identified risks relating to water available for the environment and impacts on resources with a significant hydrological connection.</p>
Part 5			
5.1	10.23(1)	<p>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; whether on an activity-by-activity basis, or cumulatively.</p>	<p>Text for accreditation at WRP s 5.6 refers to WRP Schedule D ss 5.7, 5.8, 6.4 and 6.8 and states that no types of interception were found to have the potential to have a significant impact on water resources. Examination of the cited sections of Schedule D confirms they identify and provide an assessment of the risks from potential increases in plantation forestry and mining on water available for extraction and available for the environment. As such, the risks are therefore considered to not have potential for significant impacts on the Gwydir Alluvium water resources</p> <p>However, as set out in item 2.3 above, the proposed WRP has not identified all hydrologically connected water resources, and the assessment cannot determine that regard has been had for the potential for interception activities to have an impact on connected resources</p> <p>The Authority also notes there are internal inconsistencies in the risk assessment material relevant to this section</p> <ul style="list-style-type: none"> The consequence metrics and rankings for groundwater-dependent ecosystems is set out in Tables 6-3 and 6-4 of Schedule D respectively. For the Lower Gwydir SDL Resource Unit, the matrix in Table 6-4 does not display the Lower Gwydir in the correct cells based on the metric results in Table 6-3. These discrepancies do not change the final consequence ranking and therefore risk outcome for the Lower Gwydir SDL Resource Unit and is therefore not considered to be material for accreditation. Section 6.4.4.2 of Schedule D, when discussing risk outcomes for impacts on instream ecological values associated with growth in plantation forestry in the Gwydir Alluvium, states that Tables 6-12 (likelihood) and 6-4 (consequence) of Schedule D are combined to determine the overall risk outcome. As detailed above, Table 6-4 of Schedule D relates to the consequences for groundwater-dependent ecosystems. Table 6-6 appears to be the relevant table of consequence rankings for instream ecological values and matches the consequence rankings set out in Table 6-14, which calculates the overall risk outcomes. Due to the 'Nil' likelihood for each SDL resource unit, this inconsistency in the consequence rankings arising from an apparent typographical error does not change the overall risk outcome of 'Nil' and is therefore not considered to be material to accreditation
5.2	10.23(2)	<p>If there are any such types of interception activity, the water resource plan must list those types.</p>	<p>Text for accreditation at s 5.6 concludes that no types of interception activity were found to have the potential to have a significant impact on water resources in the Gwydir Alluvium WRP area, or any hydrologically connected water</p>

			<p>resources, and therefore there are no activities which would need to be listed for the purposes of s 10.23(2).</p> <p>As set out in the assessment for 10.23(1), not all hydrologically connected water resources have been identified in the proposed WRP, and therefore the Authority is not satisfied it is possible to conclude there would be no impacts of a kind which would require an interception activity to be listed for the purposes of s 10.23(2).</p> <p>Due to this uncertainty, the requirements of this section have not been met</p>
5.3	10.23(3)	<p>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> <ul style="list-style-type: none"> (a) the location of particular activities of that type in the water resource plan area; (b) the impact of the type of activity on the availability of <ul style="list-style-type: none"> (i) the water resources of the water resource plan area; and (ii) any water resources which are hydrologically connected to the water resources of the water resource plan area; (c) the projected growth of the type of activity over the period for which the water resource plan will have effect. 	<p>The matters in s 10.23(3) are considered in ss 5.7, 5.8, 6.4 and 6.8 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 Gwydir Alluvium WRP area.</p> <p>As set out in the assessment for s 10.23(1), it is not possible for the proposed WRP to demonstrate appropriate regard for the matters in 10.23(3)(ii), as not all hydrologically connected water resources have been identified in the proposed WRP, and therefore regard cannot be demonstrated for impacts on those connected resources due to interception activities.</p> <p>Therefore, this requirement has not been met.</p>
5.4	10.24	<p>If a water resource plan includes a list of the kind referred to in subsection 10.23(2), the plan must set out, in respect of each type of interception activity listed, a process for monitoring the impact of that type of activity on:</p> <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 5.6 states that s 10.24 is not applicable because no types of interception activity were found to have the potential to cause significant impact on water resources.</p> <p>As set out in the assessment for ss 10.05 and 10.23(1), not all hydrologically connected water resources have been identified. As such, it is unclear if the determination that there are no significant interception activities is valid, as appropriate regard for impacts on hydrologically connected water resources has not been demonstrated.</p> <p>Due to this uncertainty, it is not clear if monitoring should be identified for any interception activities. As no monitoring has been identified, the requirements of this section have not been met.</p> <p>In addition, as not all hydrologically connected water resources have been identified, it is not clear how any monitoring would capture impacts on those resources.</p>
5.5	10.25(1)	<p>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 states that s 10.25 is not applicable because no types of interception activity were found to have the potential to cause significant impact on water resources.</p> <p>However, as set out in the assessment for ss 10.23 and 10.24, it is unclear if any interception activities should be identified.</p> <p>Due to this uncertainty, it is not clear if actions to address impacts of a kind specified in s 10.25(1)(a)-(c) should be identified for the purposes of this section for any interception activity. As no actions have been identified, the requirements of this section have not been met.</p> <p>Additionally, as set out in the assessment for s 10.24, it is not clear that any monitoring would identify impacts on all hydrologically connected water resources, and therefore it is not possible for actions to be triggered.</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; and (b) contributes to the achievement of the objectives in Part 2 of Chapter 8. 	<p>The requirements of s 10.26(1) are reliant on Parts 3 and 4 meeting requirements. As set out in issues 3.1, 4.1, 4.2 and 4.3 the requirements of those parts have not been met, and therefore there is a consequential inconsistency for s 10.26(1).</p>
6.2	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 for under State water management law immediately before the commencement of the Basin Plan.</p>	<p>The assessment found that not all relevant PEW rules have been included for accreditation to meet s 10.09 requirements. While some of these rules are included elsewhere in the proposed WRP, cl 8(3) of Schedule A which identifies strategies for achieving targeted environmental objectives is not incorporated into the proposed WRP for any purpose. As a consequence, the Authority has been unable to confirm that the proposed WRP will operate to ensure there is no net reduction in PEW protection and therefore is not satisfied that this provision has been met.</p>

Part 7			
7.1	10.35C	<p>(2) Without limiting subsection (1), regard must be had to whether it is desirable for the WQM Plan to include rules or measures 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 from the groundwater SDL resource unit will result in an elevated level of salinity or another type of water quality degradation; 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; and</p> <p>(d) a requirement to establish and maintain a register which identifies the sites of bores used to monitor salinity or other water quality characteristics in the groundwater SDL resource unit.</p> <p>(3) If the outcome of the requirement in subsection (1) is that such rules or measures are desirable, the WQM Plan must include those rules or measures, or explain why they have not been included.</p>	<p>Text for accreditation at WRP s 6 sets out that regard for this matter is demonstrated through measures identified in Table 6 of WRP Schedule F (Water Quality Management Plan)</p> <p>Table 6 sets out a range of measures to support the maintenance of water quality against the effects of salinity and other types of water quality degradation in the WRP area. These measures are supported by provisions of State legislative instruments listed in Table 6 against each measure which serve as rules to give effect to the identified measures.</p> <p>For measure 'Manage groundwater salinity by ensuring extraction does not result in a change in the beneficial use category' (WQ1) in Table 6, there are relevant provisions (clauses) in WRP Schedule A, the <i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>, which have not been listed in Table 6, as follows:</p> <p>1. Table 6 of Schedule F includes the following management action in relation to WQ1:</p> <p><i>Available Water Determinations (AWD) adjust extractive use to ensure average annual extraction is managed to the WSP extraction limit.</i></p> <p>However, clauses 30-33 of Schedule A provide for the Available Water Determinations. However, these clauses have not been included in the considerations informing Table 6 in relation to this management action</p> <p>2. Table 6 of Schedule F includes various management actions in relation to WQ1 to manage extraction in order to prevent poor water quality in order to maintain reliant GDE vegetation and to include set back distances to limit drawdown.</p> <p>Table 6 of Schedule F incorporates clauses 38-41 (incl) of Schedule A to address these matters. However, clause 42 of Schedule A includes set back distances in relation to water supply works for basic landholder rights and should also be included in the considerations informing Table 6 to give effect to this management action.</p> <p>Because these relevant clauses have not been listed as rules, the rules identified as desirable have not been included. Therefore, this requirement is not met.</p>
Part 8			
8.1	10.36	This Part does not apply to water access rights of a kind that are not able to be traded under State water management law.	Text for accreditation at WRP s 5.7 2 refers to the <i>Access Licence Dealings Principles Order 2004</i> and the <i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i> but does not specify the relevant clauses or sections. As such the instrument is considered to have been incorporated in its entirety, resulting in a consequential inconsistency due to the application of s 10 04(5), as set out in issue 2.2
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.	<p>The assessment for s 10.05 of the Basin Plan has identified that the proposed WRP was not prepared having regard to the management and use of water resources between the Gwydir Alluvium WRP area, and the adjacent NSW MDB Porous Rock WRP area (see issue 2.3). As such, the Authority is not satisfied that the proposed WRP had regard to all current and future risks to the water resources in the Gwydir Alluvium WRP area from those activities and risks in this adjacent WRP area.</p> <p>Additionally, as outlined in the assessment against ss 10.41(2)(a), (2)(b), (2)(c), (3)(a), 10.41(4), 10.41(5) and 10.41(6) of this assessment, not all risks to which the risk assessment has had regard to have been addressed in the proposed WRP. Therefore, this requirement has not been met.</p>
9.2	10.41(2)	Without limiting subsection (1), the risk include (where applicable): (a) risks to the capacity to meet environmental watering requirements	<p>WRP s 3.1 identifies the risks in the Gwydir Alluvium WRP area. Risks coded as R9, R10, R11, R12, R13, R14, and QL6 are examples of the identified risks that address this requirement.</p> <p>The Authority notes that for risks R9, R11 (risks of groundwater use causing local drawdown), the risk outcomes listed Table 3-1 are "medium/high" for GDEs and IEVs in the Lower Gwydir Alluvium, "low/medium" for GDEs in the Upper Gwydir Alluvium. Further for risks R13 (risks of climate change reducing recharge and groundwater availability), the risk outcomes listed in Table 3-1 are "low/medium" for GDEs in the Upper Gwydir Alluvium.</p>

			<p>The Authority understands that the multiple risk outcomes are likely a consolidation of the risk outcomes listed in supporting information in Table 6-4 of Schedule D (page 72), which provide the level of risk for each management zone in the Gwydir Alluvium (northern, southern, eastern, western and central management zones). However, the Authority notes that this introduces uncertainty as to the exact risk outcome for risks relevant to this matter</p> <p>The assessment for s 10.05 has determined that the proposed WRP (at s 3.3. of Schedule D) has not clearly described the nature of all connections with adjacent resources, and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Gwydir Alluvium WRP area from those in the adjacent hydrologically connected NSW MDB Porous Rock WRP area. As such, the Authority cannot confirm whether all the risks to the capacity to meet environmental watering requirements have been considered in the proposed WRP. Therefore, this requirement has not met.</p>
9.3	10.41(2)	<p>Without limiting subsection (1), the risk include (where applicable):</p> <p>.</p> <p>(b) risks arising from the matters referred to in subsection (10.20(1)</p>	<p>The assessment for s 10 05 has determined that the proposed WRP (at s 3.3. of Schedule D) has not clearly described the nature of all connections with adjacent resources, and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Gwydir Alluvium WRP area from those in the adjacent NSW MDB Porous Rock WRP area. The Authority can find no evidence to confirm whether risks that may cause structural damage to an aquifer arising from take within the long-term annual diversion limit for an SDL resource unit, outside the WRP area in the adjacent NSW MDB Porous Rock WRP area has been considered in the proposed WRP. Therefore, this requirement has not met.</p>
9.4	10.41(2)	<p>Without limiting subsection (1), the risk include (where applicable)</p> <p>.</p> <p>(c) risks arising from potential interception activities</p>	<p>The assessment for s 10.05 and s 10 41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Gwydir Alluvium WRP area from those in the adjacent NSW MDB Porous Rock WRP area. As such, the Authority cannot confirm whether all the risks arising from potential interception activities have been considered in the proposed WRP.</p>
9.5	10.41(3)	<p>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>When identifying risks for the purpose of s 10.41(1), it is necessary to have regard to various matters including risks arising from</p> <ul style="list-style-type: none"> • insufficient water being available for the environment • poor health of water-dependent ecosystems • insufficient water being available or not suitable for consumptive and other economic uses of Basin water resources, and • insufficient water being available for Aboriginal values <p>The assessment for s 10.05 has determined that the proposed WRP (at s 3.3. of Schedule D) has not clearly described the nature of all connections with adjacent resources, and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Gwydir Alluvium WRP area from those in the adjacent NSW MDB Porous Rock WRP area. As such, the Authority cannot confirm whether all the risks arising from insufficient water available for the environment, and poor health of water-dependent ecosystems have been considered in the proposed WRP.</p> <p>The proposed WRP identifies risks relevant to risks arising as a result of insufficient water being available or not suitable for consumptive and other economic uses of Basin water resources. However as outlined in section 10.05 (issue 2.3), s 3.3 of Schedule D has not identified connections to the adjacent Gunnedah-Oxley Basin MDB (GS17) SDL resource unit in the NSW MDB Porous Rock WRP area. The Authority also notes that the consideration of this connection is not considered in any of the cited sections of Schedule D relevant to this requirement. This includes risk R2 which explicitly considers risks with connected water resources.</p> <p>The proposed WRP refers to the material addressing s 10.53(1)(f) to address this requirement. However, the assessment against s 10.53 of the Basin Plan (Indigenous consultation on WRPs) to which the text for accreditation at WRP ss 1 3.1 and 1.7 applies, has found requirements have not been met relating to the identification of risks to Indigenous values and uses. Therefore, the assessment cannot confirm that appropriate regard has been given to these matters when identifying risks under s 10 41(1).</p> <p>Therefore, this requirement is not met.</p>
9.6	10 41(4)	<p>The water resource plan must list the risks identified for the purposes of subsection (1).</p>	<p>WRP Table 3-1 presents a consolidated list of risk outcomes at the SDL resource unit level resulting in some risks for those SDL resource units with multiple groundwater sources/zones (including Lower and Upper Gwydir Alluvium),</p>

			<p>having multiple risk outcomes listed for a single risk in Table 3-1. For example, Table 3-1 lists the following single risk outcomes of “medium/high”, “low/medium” for risks R9 and R10 (risk of groundwater use causing local drawdown) in the Lower and Upper Gwydir Alluvium SDL resource units respectively, however Table 6-4 in Schedule D lists individual risk outcomes of either “low”, “medium” or “high” for the management zones within these SDL resource units.</p> <p>Further, the assessment for s 10.05 and s 10.41(1) has identified that the proposed WRP has not considered the risks to the water resources in the Gwydir Alluvium WRP area from those in the adjacent NSW MDB Porous Rock WRP area.</p> <p>The Authority considers that this introduces uncertainty as to the risk outcomes for these risks. Additionally, the Authority notes the proposed WRP does not contain a definition or explanation of how these additional categories of risk are considered through WRP Table 3-1.</p> <p>Additionally, Schedule B does not accurately identify the part of the proposed WRP that addresses s 10.41(4). As such, the Authority cannot confirm whether the list of risks provided for s 10.41(4) includes all current and future risks as described in ss 10.41(1) – (3).</p> <p>Therefore, this requirement is not met</p>
9.7	10.41(5)	The water resource plan must assess each risk.	<p>The assessment test is that the risks must be assessed according to the State’s chosen risk assessment method WRP Schedule D indicates that the risk assessment was conducted using a combination of quantitative and qualitative methods. Material in Schedule D indicates that the risk assessment approach is not consistent with the state’s primary risk assessment methods.</p> <p>The assessment for s 10.41(4) has concluded that the list of risks provided for accreditation in WRP Table 3-1 does not contain all of the current and future risks, and therefore the Authority is not satisfied that each of these risks has been assessed according to the State’s chosen risk assessment.</p> <p>In addition, a qualitative assessment of the risks has been undertaken for risks associated with s 4.02(2)(b), as listed in s 7 of Schedule D and WRP s 1.3.1. However, assessment against s 10.53 of the Basin Plan (Indigenous consultation on WRPs) to which the text for accreditation at WRP ss 1.3.1 and 1.7 applies, has found requirements have not been met relating to the identification of risks to Indigenous values and uses. Therefore, it is not clear that all relevant risks have been identified and assessed in an appropriate manner.</p> <p>As outlined in s.10.41(2) - (4) of this assessment, not all identified risks have been listed, which means that not all risks have been assessed according to the State’s chosen risk assessment method.</p> <p>In addition, as noted above, Schedule B does not accurately identify the part of the proposed WRP that addresses s 10.41(5). Therefore, this requirement has not been met.</p>
9.8	10.41(6)	<p>The water resource plan must define the level of risk of each risk, using the following categories:</p> <ul style="list-style-type: none">(a) low;(b) medium;(c) high;(d) if it is considered appropriate, any additional category.	<p>Table 3-1 indicates that for some risks, the risk outcomes have been listed as a combination of ‘low’, ‘medium’ and ‘high’. For example, Table 3-1 lists the following single risk outcomes of “medium/high”, “low/medium” for risks R9 and R10 (risk of groundwater use causing local drawdown) The proposed WRP provides no further explanation on these risk categories, and the Authority considers that this introduces a level of uncertainty as to the specific risk outcome attributed to each risk.</p> <p>As noted above, while not formally assessed and given the risk ratings listed in this subsection, a qualitative assessment of risks associated with s 4.02(2)(b) has been undertaken (as listed in s 7 of Schedule D and WRP s 1.3.1). While the Authority considers an qualitative assessment is acceptable in principle, assessment against s 10.53 of the Basin Plan (Indigenous consultation on WRPs) to which the text for accreditation at WRP ss 1.3.1 and 1.7 applies, has found requirements have not been met relating to the identification of risks to Indigenous values and uses. Therefore, it is not clear that all relevant risks have been identified and assessed in accordance with the State’s chosen method.</p> <p>In addition, Schedule B does not identify WRP s 3.2 (and, by extension, Table 3-1) for this requirement Therefore, material for this requirement has not been incorporated into the proposed WRP.</p>
9.9	10.42	<p>A water resource plan must describe:</p> <ul style="list-style-type: none">(a) each risk which is identified in accordance with subsection 10.41(6) as having a medium or higher level of risk; and	<p>There is an inconsistency between the detailed risk tables in Schedule D and the consolidated list of risk outcomes in Table 3-1 (as outlined at issues 9.1 and 9.8 above). As a result of the uncertainty this introduces, and because the proposed WRP does not contain a definition or explanation of the additional risk categories, the description of risks is</p>

		(b) factors that contribute to those risks.	not described adequately for this requirement.
Part 10			
10.1	10.44	<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 WRP s 7.1 refers to WRP Table 7-1 as containing the total long-term annual average quantity of water taken that is measured or not measured</p> <p>For take under Domestic and Stock access licences in the Lower Gwydir Alluvium SDL resource unit, Table 7-1 refers to section 1.2 of Schedule I for the method of calculation. Section 1.2 of Schedule I sets out the method used to calculate take under Domestic and Stock basic rights, which is not applicable to licenced take.</p> <p>Due to this error, no method is identified for the calculation of take under Domestic and Stock access licences.</p>
10.2	10.45	<p>(1) A water resource plan must specify measures for maintaining and, if practicable, improving:</p> <p>(a) the proportion of take that is measured in the water resource plan area; and</p> <p>(b) the standard to which take is measured.</p> <p>(2): The water resource plan must specify the timeframe for implementing the measures.</p>	<p>Text for accreditation at WRP s 7.1 refers to the <i>Water Management (General) Amendment (Metering) Regulation 2018</i> but does not specify the relevant clauses or sections. As such the instrument is considered to have been incorporated in its entirety, resulting in a consequential inconsistency due to the application of s 10.04(5), as set out in issue 2.2.</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>);</p> <p>as determined through consultation with relevant Indigenous organisations, including (where appropriate) the Murray Lower Darling Rivers Indigenous Nations and the Northern Murray-Darling Basin Aboriginal Nations.</p>	<p>Text for accreditation at WRP s 1.3 1 erroneously states that values and uses of First Nations people are outlined in Table 5 of Schedule A. WRP Schedule A is the <i>Water Sharing Plan for the Gwydir Alluvium 2020</i> that does not include a Table 5. This is an error in text for accreditation and was noted in the Northern Basin Aboriginal Nations (NBAN) advice</p> <p>Notwithstanding this error, NBAN examined the WRP material and stated that 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> <p>The Authority has considered the concerns raised by NBAN's advice and noted the referencing error above in Schedule A and is unable to determine that regard has been given to the values and uses when identifying objectives and outcomes for the purposes of s 10.52(1) of the Basin Plan.</p> <p>The Authority considers provision of further evidence clarifying how regard was had to the social, spiritual and cultural values and uses of Indigenous people in the WRP area when developing the outcomes and objectives is required.</p> <p>Therefore, this requirement is not met.</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 text for accreditation needed to</p> <p>(a) ensure consultation directly and intentionally sought and obtained Gomeroi Nation views about each of the s 10.52 matters, and</p> <p>(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 Authority is not able to confirm that regard was had to the views of all relevant Indigenous organisations with respect to all matters identified in section 10.53. Therefore, this requirement is not met.</p>
14.3	10.53(1)(a)	<p>native title rights, native title claims and Indigenous Land Use Agreements provided for by the Native Title Act 1993 in relation to the water resources of the water resource plan area</p>	<p>The 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 with the Native 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>

			On the basis of the advice from NBAN regarding the shortcomings of the consultation as represented in the proposed WRP and Schedule C, the Authority 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 <i>Native Title Act 1993 (Cth)</i> , 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.
14.4	10.53(1)(b)	registered Aboriginal heritage relating to the water resources of the water resource plan area	<p>The NBAN advice states that reliance on Local Aboriginal Land Councils are 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 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 Authority 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. 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 Authority 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)	inclusion of Indigenous representation in the preparation and implementation of the plan	<p>NBAN advice stated that the explanatory text in the Gwydir Alluvium WRP does include some 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 First Nations Consultation Report), and there is no evidence available that this material has been given proper regard in the development of the WRP.</p> <p>Examination of Table 2 in Schedule C incorrectly states, directly in relation to 10.53(1)(c), that MLDRIN provided direct input via recommendations on the appropriate Traditional Owners with whom to engage. As Schedule C has been included in its entirety, the reference to MLDRIN is an error in text for accreditation and was noted in the NBAN advice.</p> <p>Notwithstanding this error, the Authority's assessment is satisfied that material demonstrates that the views of some relevant Indigenous organisations have been sought in relation to 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)	Indigenous social, cultural, spiritual and customary objectives, and strategies for achieving these objectives	<p>The Authority 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 proposed WRP.</p> <p>Therefore, although the Authority 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)	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, 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 was not 'active and informed'. Rather it was too narrow, insufficient and inappropriate.</p> <p>While the Authority 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 Authority is not able to confirm that the proposed WRP was prepared having regard to the views of the relevant</p>

			Indigenous organisations regarding the encouragement of active and informed participation of Indigenous people. Therefore, this requirement is not met.
14.8	10.53(1)(f)	risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area	Text for accreditation states that risks to Aboriginal values and uses are included in Attachment A to Schedule C (Table 6). The Authority considers 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 advice queried whether the WRP had been developed with proper regard for Aboriginal people's views about identified (and possibly other) risks. 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 WRP. 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. NBAN consider this approach lacks regard to First Nations' views about risks to values and uses. Further, there is no evidence that the proposed WRP was prepared with regard to the risks identified during Gomeroi Nation consultation. Although the Authority 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>Part 2 of WRP Schedule A (<i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>) sets out a clear set of objectives, strategies and performance indicators 'to maintain the spiritual, social, customary and economic values and uses of groundwater by Aboriginal people'. However, the Authority considers that it is not clear that this provision, in itself, demonstrates a consideration of the views of Indigenous people regarding 'cultural flows'. 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 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 4. The <i>preparation</i> of the proposed WRP (not just the WRP itself) must have regard to the views of Indigenous people about cultural flows. <p>The assessment has found 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 Authority 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>
14.10	10.55	A water resource plan must provide at least the same level of protection of Indigenous values and Indigenous uses as provided in: (a) a transitional water resource plan for the water resource plan area, or (b) an interim water resource plan for the water resource plan area.	<p>Text for accreditation at WRP s 4.4 refers to Table 4-2 to demonstrate some of the arrangements that operated in the nominated transitional WRP and that have been retained in the proposed WRP. Column one of Table 4-2 lists 'relevant NSW Legislation/Regulation, column two describes where the item in column one is implemented and column 3 describes the change as a result of the proposed WRP as either 'improved' or 'Retained from pre WRP arrangements'. However, column two includes an entry stating that 'Aboriginal commercial, Aboriginal cultural, and Aboriginal community development subcategories of access licences' are established under the NSW <i>Water Management (General) Regulation 2011</i> and column three describes this arrangement as 'Retained from pre WRP arrangements'.</p> <p>The NSW <i>Water Management (General) Regulation 2011</i> has been repealed and replaced by the NSW <i>Water Management (General) Regulation 2018</i>. As such the proposed WRP claims it retains arrangements under a regulation that no longer exists. Therefore, the validity of the claim that protections are either retained or improved cannot be verified. As a result, the proposed WRP does not meet the requirements of s 10.55.</p>