



Our Reference: OUT15/5990

To: Dr Rhondda Dickson
Chief Executive
Murray-Darling Basin Authority

From: Gavin Hanlon
Deputy Director General Water
NSW Office of Water

Statement of Assurance for New South Wales for 2013-14

In order to maximise transparency and to provide assurance to other parties and the community that the obligations of the Basin Plan are being implemented appropriately and in line with agreed arrangements under the Basin Plan 2012 Implementation Agreement, New South Wales has completed a self-assessment of performance against its obligations under the *Basin Plan 2012* (refer to Table 1 and 2 below).

I certify that to best of my knowledge, for the 2013-14 water accounting period the information provided in the self-assessment attached to this statement accurately reflects the extent to which New South Wales is compliant with the its obligations under the *Basin Plan 2012*.

Where non-compliance or partial compliance has been detected, I have identified the measures New South Wales has implemented, is implementing or plans to implement and any impediments that are **outside New South Wales control which** may impact on compliance with particular provisions of the Basin Plan.

Gavin Hanlon on behalf of New South Wales

Gavin Hanlon

17/3/15

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Name Signature Date

Table 1: Self-assessment checklist for Basin States (2013-14)

<p>Basin Plan Implementation Agreement Tasks (refer note 2)</p>	<p>Timing</p>	<p>Summary of standards and processes for delivering tasks</p>	<p>Compliance Status (Yes, No, Partial) (Refer note 3)</p>	<p>Commentary (refer note 4) (Summary of Note 4: For 'full compliance', may provide a good example or commentary; for 'no' or 'partial compliance', must explain the situation, actions taken or planned to ensure compliance at a specified future date, and describe any third party impediments that hindered compliance)</p>
<p>Task 19: Annual environmental watering priorities (Refers compliance status with sections 8.23 - 8.26 of the Basin Plan).</p>				
<p>Task 19.1: Identify annual environmental watering priorities for each water resource plan area.</p>	<p>By 31 May each year or as agreed.</p>	<p>Basin States will submit their annual environmental watering priorities or other relevant instrument as agreed with the MDBA, for the purposes of identifying the annual environmental watering priorities for the water resource plan areas.</p>	<p>Yes</p>	<p>The NSW Office of Environment and Heritage (OEH) confirms that the MDBA was provided with the 2014/2015 annual environmental watering priorities for all water resource plan areas in May 2014. These priorities can be found on the NSW OEH website at: http://www.environment.nsw.gov.au/environmentalwater/manageenvwater.htm These priority statements are derived from the OEH annual environmental watering plans, which are composed in collaboration with the relevant Environmental Water Advisory Groups (EWAG).</p>
<p>Task 20.1: Identify possible cooperative arrangements that will support the delivery of environmental water in accordance with the priorities identified in the annual environmental watering priorities.</p>	<p>From the commencement of the 2013-14 water year.</p>	<p>The parties agree to identify possible cooperative delivery arrangements where appropriate, noting that decisions about the use of environmental water are a matter to be determined by the holders of held environmental water and managers of planned environmental water.</p>	<p>Yes</p>	<p>OEH uses a variety of tools to support its decision-making in the management of environmental water (EW), including expert advice from research organisations, valley based EWAGs and other government agencies, such as Local Land Services, NSW Office of Water and State Water Corporation. All approvals for environmental water releases need to demonstrate adequate community consultation and communication, including notification to all affected landholders. Decisions to approve EW events are based on demonstration of local community support for the event, as prescribed in Form A's (Request to deliver environmental</p>

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				<p>water). All EW events have been endorsed by EWAGs which have community representation. Additionally, all affected landholders are consulted.</p> <p>The process for determining the views of local communities and persons affected by EW events includes: mapping and modelling of EW events to identify possible third party impacted landholders; consultation and affirmation from possible impacted third party landholders to proceed with the event; notification to all other adjacent landholders by email, SMS, or in person; where practical, formation of an event specific advisory group; media releases to the catchment community about the event where there is community interest to do so; and following the event evaluation through the EWAG or other event consultative mechanisms already in place. These community engagement processes will also be employed during the development of the Long-Term Watering Plans.</p> <p>These processes are outlined in the OEH Environmental Water Program Communications and Engagement Strategy (unpublished draft).</p>
Task 20.2: Report when the Basin annual environmental watering priorities are not followed.	By 31 October 2014 and annually thereafter.	Where Basin Annual Environmental Watering Priorities (BAEWP) are not followed, Basin States will provide the MDBA with a statement of reasons as to why environmental watering has not been undertaken in accordance with the BAEWP for the relevant water year.	Yes	OEH confirms that all environmental watering events in the NSW Murray Darling Basin in 2013/2014 were consistent with the Basin Annual Environmental Watering Priorities.

<p style="text-align: center;">Basin Plan Implementation Agreement Tasks (refer note 2)</p>	<p style="text-align: center;">Timing</p>	<p style="text-align: center;">Summary of standards and processes for delivering tasks</p>	<p style="text-align: center;">Compliance Status (Yes, No, Partial) (Refer note 3)</p>	<p style="text-align: center;">Commentary (refer note 4)</p> <p>(Summary of Note 4: For ‘full compliance’, may provide a good example or commentary; for ‘no’ or ‘partial compliance’, must explain the situation, actions taken or planned to ensure compliance at a specified future date, and describe any third party impediments that hindered compliance)</p>
Task 21: Targets for managing water flows (Refers compliance status with section 9.14 of the Basin Plan).				
<p>Task 21.1: Have regard to flow- related targets on dissolved oxygen, recreational water quality and levels of salinity when performing their functions and when making decisions about the use of environmental water.</p>	<p>From commencement of the Plan.</p>	<p>Schedule 12 of the Plan requires the parties to report on the extent to which they have had regard to the targets. (The <i>Basin Plan Schedule 12 Reporting Guideline</i> provides guidance on meeting the reporting requirements related to the obligations identified in Schedule 12).</p>	<p>Yes</p>	<p>NSW EW events seek to maximise environmental outcomes whilst having regard to the Basin Plans water quality and salinity targets. The delivery strategy for EW is developed with regard to water quality and salinity targets. Additionally, risk mitigation strategies are developed to address potential water quality impacts and salinity issues that may occur during the delivery of environmental water. These may include cessation of water delivery, changes to the timing, duration or inundation extent of the environmental water delivery, or use of dilution flows. Possible risks to water quality during an EW event are captured in Form As (Request to deliver environmental water) prior to approval of the event.</p> <p>Occasionally, EW events have the potential to result in temporary localised exceedances in the water quality targets outlined in the Basin Plan. However, in these circumstances, the positive ecological benefits derived from EW delivery are considered to outweigh any potential impacts due to water quality exceedances.</p>

Task 23: Application of salinity targets for the purposes of long-term salinity planning and management (Refers compliance status with section 9.19 of the Basin Plan).				
Task 23.1: Apply salinity targets in the Murray–Darling Basin Agreement for salinity planning and management.	From commencement of the Plan.	The MDBA, the BOC, and Basin States are to undertake any long-term salinity planning and management functions in accordance with the targets in Appendix 1 of Schedule B of the Murray-Darling Basin Agreement (including the Basin Salinity Management Strategy Operational Protocols).		Basin Salinity Management Strategy (BSMS) implementation is delivered through operational protocols which include maintenance of salinity registers, annual jurisdictional implementation reports and annual audits via an independent audit group. The BSMS runs to 2015, and a new strategy is being developed.
Task 32: Reporting requirements (Refers compliance status with sections 13.14 and 13.15 of the Basin Plan).				
Task 32.1 Produce a report on each Basin State’s Category B matter listed in Schedule 12.	By 31 October 2014.	2013-14 reporting year: Basin States will provide reports based on their existing data.	Yes	NSW confirms that reports have been provided to the MDBA for all relevant Category B matters listed in Schedule 12 of the Basin Plan by 31 October 2014.

Table 2: Statement of reasons why watering not undertaken complying Basin Environmental Watering Priorities (BAEWP) for 2013-14 (Refer IA Task 20.2)

Section 8.44 of the Basin Plan (2012) requires that: If a person undertakes environmental watering other than in accordance with the Basin annual environmental watering priorities, that person must give to the Authority a statement of reasons why environmental watering has not been undertaken in accordance with the Basin annual environmental watering priorities (8.44(1)). The person must give the statement to the Authority as soon as practicable, but in any event within 4 months after the end of the water accounting period in which the environmental watering was undertaken (8.44(2)).

	Basin annual environmental watering priorities (BAEWP) for 2013–14	Please tick (x), where BAEWP not complied with	Statement of reasons why BAEP not followed
1	Northern Basin Wetlands: Improve the resilience of colonial waterbird populations by supporting breeding events and improving breeding habitat in the Northern Basin wetlands.	Complied	OEH delivered eight (8) environmental watering events in 2013/2014. These events resulted in a total of 120,698 ML of water (11,314 ML of NSW water and 44,675 ML of EWA water) being released for the environment, and were undertaken in accordance with the BAEWP.
2	Gwydir Wetlands: Improve the condition and maintain the extent of wetland vegetation communities in the Gwydir Wetlands (including Ramsar sites) by restoring hydrological connectivity and a flow regime that meets ecological requirements.	Complied	OEH delivered four (4) environmental watering events in 2013/2014. These events resulted in a total of 32,915 ML of water (1,000 ML of EWA water) being released for the environment, and were undertaken in accordance with the BAEWP.
3	Macquarie Marshes: Improve ecosystem resilience amongst wetland vegetation communities in the Macquarie Marshes including Ramsar listed sites.	Complied	OEH delivered one (1) environmental watering event in 2013/2014. This event resulted in a total of 64,660 ML of water (10,985 ML of NSW water and 43,675 ML of EWA water) being released, and was undertaken in accordance with the BAEWP.
4	Lower Lachlan Wetlands: Improve ecosystem resilience amongst wetland vegetation communities in the lower Lachlan wetlands.	Complied	OEH delivered three (3) environmental watering events in 2013/2014. These events resulted in a total of 23,123 ML of water (329 ML of NSW water) being released for the environment, and were undertaken in accordance with the BAEWP.
5	Barwon–Darling River System: Improve habitat and provide opportunities for migration and reproduction of native fish in the Barwon–Darling River system by increasing flow variability and hydrological connectivity.		Not Applicable
6	Mid-Murrumbidgee Wetlands: Improve the condition of wetland vegetation communities in the mid-Murrumbidgee wetlands through a winter or spring fresh.	Complied	<p>OEH delivered eight (8) environmental watering events in 2013/2014 targeting the Mid-Murrumbidgee wetlands. These events resulted in a total of 7,452 ML of EWA water being released for the environment, and were undertaken in accordance with the BAEWP.</p> <p>OEH also delivered nine (9) environmental watering events in 2013/2014 targeting the Lower Murrumbidgee. These events resulted in a total of 243,370 ML of water (11,144 ML of NSW water and 98,946 ML of EWA water) being released and contributed to environmental outcomes in the Mid-Murrumbidgee.</p> <p>Four (4) events were postponed or cancelled in the Murrumbidgee. This occurred because the required base flow triggers were not met, there were Murray Irrigators Ltd works that prevented the delivery of water, or managers</p>

	Basin annual environmental watering priorities (BAEWP) for 2013–14	Please tick (x), where BAEWP not complied with	Statement of reasons why BAEP not followed
			were awaiting supplementary announcements.
7	Lower Goulburn River: Improve habitat and provide opportunities for migration and reproduction of native fish in the lower Goulburn River through reinstating a variable flow regime which includes a large 'in-channel' spring/summer fresh.		Not Applicable
8	Mid-Murray River: Improve habitat and provide opportunities for migration and reproduction of native fish in the mid-Murray River, including the Edward–Wakool and other smaller anabranches, distributary creeks and low-lying wetlands throughout the region.	Complied	<p>OEH delivered 18 environmental watering events in 2013/2014. These events resulted in a total of 208,091 ML of water (20,014 ML of NSW water) being released for the environment, and were undertaken in accordance with the BAEWP.</p> <p>One (1) event was planned, but due to a change in conditions in the Mid-Murray River, a request to deliver environmental water (Form A) was never sought, and the event did not occur.</p>
9	Lower Murray River System: Improve vegetation condition in wetlands and floodplains and provide cues for native fish recruitment and movement in the lower Murray River system by enhancing in-stream flow variability.	Complied	<p>OEH delivered two (2) environmental watering events in 2013/2014. These events resulted in a total of 55,459 ML of water (8,243 ML of NSW water) being released for the environment, and were undertaken in accordance with the BAEWP.</p> <p>One (1) event was planned, but due to a change in conditions in the Lower Murray River System, a request to deliver environmental water (Form A) was never sought, and the event did not occur.</p>
10	Coorong, Lower Lakes and Murray Mouth: Facilitate <i>Ruppia</i> recovery by ensuring appropriate flows into the Coorong; and maintain the connection between the Lower Lakes to improve the water quality in Lake Albert.		Not Applicable

Notes for Basin State SoA compliance

Note 1 – Statements of Assurance are at jurisdictional rather than agency level. This means that where assurance is provided by the lead agency of a Basin State, it is provided as a single response covering all relevant agencies within that State.

Note 2 – There are only a small number of obligations on Basin States for 2013-14. Coverage of assurance reporting will increase over time as further obligations arise. For example the Water Trading Rules commence on 1 July 2014 and will be reported in assurance statements for 2014-15 and beyond, the obligation on Basin States to develop long term environmental watering plans for each surface water resource plan area will be included in assurance statements for the in 2015-16. Water resource plans and Sustainable Diversion Limits become enforceable from 1 July 2019 and would be included in Statements of Assurance for 2019-20.

Note 3 - An obligation may require action at one of three levels, Basin Plan level, water resource plan area level or at the SDL resource unit level. The obligation level will impact on the assessment as, for example, a Basin State may have more than one water resource plan area and have differing compliance status between these areas, meaning that a Basin State is fully compliant where the obligations relevant to all water resource plan areas are met.

Where, in the opinion of the Basin State, an obligation has been fully met (for example, where an obligation is required to be met for all water resource plan areas and it has been met for all as discussed above) the answer is **'Yes'**. Where, in the opinion of the Basin State, an obligation has not been met to any degree (for example, where an obligation is required to be met for all water resource plan areas and it has not been met in any) the answer is **'No'**. Where, in the opinion of the Basin State, an obligation has not been fully met but has been met to some degree (for example, where an obligation is required to be met for all water resource plan areas and it has been met for some but not all) the answer is **'Partial'**.

Note 4 - Commentary is not required where the Compliance status is **'Yes'**; however, Basin States may provide commentary in these circumstances if desired. Where the 'Compliance status' is **'No'** or **'Partial'**, Basin States are asked to provide commentary on the details of the situation, the actions it has taken or plans to take that will ensure compliance at a future date and the date that compliance is expected to be achieved. The reporter should also describe any third party impediments out of their control which impact on their ability to comply with the obligation.

Note 5 - Statements of Assurance are voluntary reports to the community and other stakeholders provided to the MDBA by agreement, to enhance the transparency of the implementation of the Basin Plan and further promote voluntary compliance. There is no statutory requirement on a Basin State to produce a Statement of Assurance (SOA) and SOA do not underpin the application of statutory enforcement action that the MDBA may elect to take from time to time. To ensure the ongoing integrity of the assurance process, the MDBA may undertake random audits of Statements of Assurance, either as specific audits or as elements of other audits. Audits will be undertaken in accordance with the MDBA's Audit Policy.

Disclaimer

The publication of a Basin State's Statement of Assurance on the MDBA's website does not in any way indicate or imply that the MDBA agrees in part or whole with the statement. Nor does it mean that the MDBA has found the Basin State to be fully compliant with their obligations under the Basin Plan. The statement does not in any way act to reduce or alter the authority of the MDBA to enforce the Basin Plan where deemed appropriate.