

# Basin Plan Water Resource Plan Requirements Position Statement 3F – Limits on certain forms of take

<b>POLICY ISSUE</b>	<b>How will an increase in the long term annual average quantity of water that can be taken by a form of take in s10.13 be assessed?</b>
<b>REFERENCES</b>	<b>Basin Plan s10.13, s10.25(2) note 2</b>

<b>MDBA POSITION STATEMENT</b>	
	<p>1. A Basin State may submit, in a proposed water resource plan, an increase in the long-term average quantity of water taken in a surface water SDL resource unit <u>above</u> the levels provided in column 2 Schedule 3 of the Basin Plan for:</p> <ul style="list-style-type: none"> <li>a. take under basic rights, or</li> <li>b. take by runoff dams, or</li> <li>c. net take by commercial plantations, if certain conditions are met (s10.13(1)).</li> </ul> <p>2. The MDBA will seek the following supporting evidence:</p> <ul style="list-style-type: none"> <li>a. The reason for the increased level (e.g. construction of X new farms dams since 2009).</li> <li>b. An estimate of the amounts, in GL, represented by the proposed long-term average annual quantities of water that can be taken for use by: <ul style="list-style-type: none"> <li>i. the form of take whose level is to be increased, and</li> <li>ii. the form of take whose level is to be reduced to offset the increase.</li> </ul> <p>The estimated amount for i. and for ii. must result in no overall change in the amount of water that can be taken (s10.13(2)(a)).</p> </li> <li>c. Evidence that, as a result of the proposed changes: <ul style="list-style-type: none"> <li>i. the SDL for the SDL resource unit has not changed (i.e. increased) (s10.13(2)(a)) and,</li> <li>ii. the net effect of the changes in forms of take is not expected to result in take from the SDL resource unit ceasing to be an environmentally sustainable level of take (s10.13(2)(c)).</li> </ul> </li> </ul> <p>3. MDBA will also seek supporting evidence that demonstrates:</p> <ul style="list-style-type: none"> <li>a. how the estimated volume of the increase has been quantified,</li> <li>b. how the estimated volume of the reduction has been determined, and</li> <li>c. how this reduction will be implemented by the water resource plan.</li> </ul>

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4. Take by the forms of take affected by the proposal must be capable of being accurately measured, or if that is not possible, being reasonably estimated (s10.13(2)(b)). The MDBA will seek supporting evidence substantiating this.
5. Accurate measurement of actual take can be demonstrated with the implementation of:
  - a. meters that are consistent with the National Framework for Non-Urban Water Metering developed in 2009 by the National Water Commission, or,
  - b. meters that are consistent with the State Implementation Plan under the National Framework for Non-Urban Water Metering.
6. Reasonably estimated actual take can be demonstrated by evidence that the estimate is scientifically robust and reflects the use of best available information (refer position statement 12A – Best Available Information). This method is expected to be equivalent to, or better than, the current method to estimate actual take for that form of take in the SDL resource unit.
7. MDBA will seek assurance from a Basin State that the changes are not expected to result in take from the affected SDL resource unit ceasing to be an environmentally sustainable level of take. MDBA will seek supporting evidence in the form of a risk assessment confirming that the ESLT for the SDL resource unit is expected to be maintained. This does not require a recalculation of the ESLT – a risk assessment of the impact of changing the limits on the ESLT is required.
8. A Basin State may:
  - a. set out in the WRP a process which meets the above conditions and provides the capability to adjust the long-term annual average quantities of water that can be taken by the relevant forms of take.
 

In other words, an increase in the relevant form of take must adjust the volume permitted to be taken by another form of take, in a manner that meets the above conditions and remains within the overall SDL for the SDL resource unit.

This process should also amend the method for determining annual permitted take for the relevant forms of take (s10.10). A method for each form of take is required even where the level specified in Schedule 3 has combined some forms of take.
  - b. seek an amendment to an accredited water resource plan, at any time throughout the life of the water resource plan, where a change activates section 10.13 and the above conditions are met.

## **Rationale**

The Basin Plan has set SDLs for each SDL resource unit – the maximum long-term annual average quantity of water that can be taken. The SDLs are set out in Schedule 2, column 2 of the Basin Plan. Each water resource plan (WRP) must ensure there is no overall increase in the long-term annual average quantity of water that can be taken from the SDL resource unit.

The Basin Plan also sets out baseline diversion limits (BDLs). The BDL for a surface water SDL resource unit is the quantity of water calculated in accordance with column 2 of Schedule 3. Column 2 of Schedule 3 is a description of levels of take for various different forms of take, generally as at 30 June 2009.

A WRP may allow water taken by certain forms of take to exceed the level specified in Schedule 3, column 2, for that form of take if a number of conditions are met (s10.13). The

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level specified means the formula or description set out in column 2 and not the estimated value given in the Note. These conditions are:

- there is a reduction in take by another form of take in the same SDL resource unit so that the overall SDL for the unit is not increased, and
- take by the forms of take affected by the changes is capable of being accurately measured or, if it cannot be measured, then is reasonably estimated using the best method available at the time the WRP is submitted, and
- the changes (i.e. the increase and reduction) are not expected to result in take from the SDL resource unit ceasing to be an environmentally sustainable level of take ('ESLT').

The MDBA will seek supporting evidence that all of the above conditions have been met.

The offset needed for the proposed increase in take by a form of take needs to be a 'one for one' determination. The volume changes proposed must be equal for the increase and the reduction so that there is "no overall change" in the amount of water that can be taken.

The requirement that the ESLT for the SDL resource unit must be maintained will need to be considered as the subject of a risk assessment. This risk assessment is in addition to the requirement to prepare a risk assessment for s10.41. For example, establishing if the ESLT is maintained may involve considering the location within the catchment of the changes in take and any impact on environmental assets, ecosystem functions, the productive base or environmental outcomes.

Part 5 of the Basin Plan - Interception Activity is intended to provide mechanisms to address unanticipated effects of, or changes in, interceptions activities (Note 1 s10.25(2)). Note 2 under s10.25(2) provides a reference to s10.13 (see position statement 3J – Limiting take) which allows for a WRP to provide for an increase in the anticipated take by interception activity, where there is a planned change in interception activities that is expected to increase take, this Note allows for such a change to occur in a manner consistent with s10.13.

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