



Australian Government



# Assessment of reasonable excuse claim for compliance with sustainable diversion limit (SDL)

Lower Murrumbidgee Deep Alluvium  
2019–20

August 2021

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The guidance and support received from the Murray Lower Darling Rivers Indigenous Nations, the Northern Basin Aboriginal Nations and our many Traditional Owner friends and colleagues is very much valued and appreciated.

Aboriginal people should be aware that this publication may contain images, names or quotations of deceased persons.

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# Summary

Sustainable diversion limit (SDL) compliance for the Lower Murrumbidgee Deep Alluvium SDL resource unit is being assessed under the bilateral agreement in place between NSW and the MDBA<sup>1</sup>, as a water resource plan for this area had not been accredited prior to 1 July 2019.

The bilateral agreement reflects a commitment to the provision of information and reporting which parallels the requirements of s 71 of the *Water Act 2007* (Cth) and an assessment of compliance with the SDL in accordance with the methods in Part 4 of Chapter 6 of the *Basin Plan 2012* (Cth) (the Basin Plan) and consistent with the [SDL Reporting and Compliance Framework \(2018\)](#) (the Framework).

The Authority's role is to assess that material consistent with Part 4 of Chapter 6 of the Basin Plan and the Framework. This report sets out the assessment and compliance findings of the Authority on that basis.

The Basin Plan describes the circumstances in which Basin states may claim a reasonable excuse and these also apply under the bilateral agreement.

For the 2019–20 water year, NSW has reported an exceedance of the SDL compliance trigger in the Lower Murrumbidgee Deep Alluvium SDL resource unit. The 2019–20 actual take in the SDL resource unit was 329.49 GL, which is 55.89 GL above the annual permitted take for the year, and in exceedance of the SDL compliance threshold.

NSW undertook a self-assessment of compliance identifying the numerical compliance trigger exceedance and submitted a report to the Authority in March 2021, claiming a reasonable excuse due to the operation of the (proposed) water resource plan for the SDL resource unit, as per s.6.12C(4)(a) of the Basin Plan<sup>2</sup>.

**The Authority has assessed the claim and accepts NSW reasonable excuse as being valid under the Basin Plan for the Lower Murrumbidgee Deep Alluvium SDL resource unit in the 2019–20 water year.**

The Authority agreed that the Lower Murrumbidgee Deep Alluvium was operated by NSW in a manner consistent with the submitted water resource plan in the 2019–20 water year.

The claim submitted by NSW set out its understanding of the reasons for the excess and steps to bring the cumulative balance back to compliance – known as 'make good' actions.

NSW proposed 'make good' actions include:

- continuing to monitor groundwater take and assess whether there is any growth in use (in relation to 'take from groundwater')

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<sup>1</sup> Murray–Darling Basin Authority. (2019) Interagency agreement MDBA and NSW, retrieved from [Bilateral agreements with Basin state and territory governments | Murray-Darling Basin Authority \(mdba.gov.au\)](#)

<sup>2</sup> As set out under the bilateral agreement.

- announcing another available water determination (AWD) if necessary, to reduce extraction back to the compliance trigger, noting that an AWD was already announced for the 2020–21 water year
- undertaking a review of the variable permitted take method after five years, or earlier if warranted.

Based on the groundwater take data from the transitional reporting period and the reduced water available determination, NSW have stated in their supporting documentation that they expect cumulative extraction over the next two or three water years will return take to below the compliance trigger.

While accepting the claim for reasonable excuse in the Lower Murrumbidgee Deep Alluvium the Authority noted that the demand for groundwater take is likely to remain high in dry years and that NSW has already taken steps to reduce use to ensure that it remains within its own take limit (the long term average annual extraction limit or LTAAEL).

In accepting the reasonable excuse claim, it is essential that NSW delivers on the commitments it has made. This includes the implementation of its own legislation, which will assist in achieving SDL compliance. That is, if the trend of high use over recent years has continued in 2020/21 and the NSW limit is exceeded (expected to be known by the end of the 2020/21 water year), the Authority would expect that NSW would continue to implement the actions it has foreshadowed to restrict use and reduce take to within the NSW limit.

# 1 Overview of reasonable excuse claim

The *Water Act 2007* (Cth) (the Water Act) and the *Basin Plan 2012* (Cth) (the Basin Plan), provide the basis for annual SDL reporting and compliance of water resources in the Murray–Darling Basin. The MDBA’s *Sustainable Diversion Limit Reporting and Compliance Framework (2018)*<sup>3</sup> provides further details of the roles and responsibilities, calculations of the compliance cumulative balance and reasonable excuse process in the case of an exceedance.

This report is the Authority’s assessment of reasonable excuse for exceedance of the compliance trigger for Lower Murrumbidgee Deep Alluvium (GS28). Refer to aforementioned documents for background information regarding the operation of SDL reporting and compliance and the 2019–20 SDL compliance assessment.

## 1.1 Reasonable excuse claim identification

Table 2-1. Specifications of the reasonable excuse claim being assessed.

SDL Resource Unit	Lower Murrumbidgee Deep Alluvium
<b>State</b>	NSW
<b>Water resource plan area</b>	Murrumbidgee Alluvium (GW9)
<b>Date of submission to MDBA</b>	24 March 2021 (resubmitted report)
<b>Reasonable Excuse report file name</b>	INT21 17199 Attachment A BN21 740-Lower Murrumbidgee Deep Alluvium 2019–20 SDL compliance, supporting document to NSW reasonable excuse claim
<b>RE type (RE1.1, RE1.2, RE1.3, RE2, RE3, RE4, RE5)</b>	RE1.1 – Operation of the WRP, Discover
<b>Reporting Water Year</b>	2019–20
<b>Is this the first year that this Reasonable Excuse has been claimed in this SDL resource unit?</b>	Yes
<b>Years of exceedance of compliance trigger</b>	2019–20
<b>Relevant SDL compliance assessment report</b>	MDBA water take compliance report 2019–20

Refer to map provided in Figure 1 Appendix A.

<sup>3</sup> Murray–Darling Basin Authority. (2018) *Sustainable diversion limit reporting and compliance framework* (publication no: 37/18) [Sustainable Diversion Limit Reporting and Compliance Framework \(mdba.gov.au\)](https://www.mdba.gov.au/publications/sustainable-diversion-limit-reporting-and-compliance-framework)

## 1.2 Status of associated water resource plan

The Lower Murrumbidgee Deep Alluvium SDL resource unit forms part of the Murrumbidgee Alluvium Water Resource Plan (WRP) area (GW9). A proposed WRP was submitted to the MDBA for assessment in early 2020 but has not been accredited by the Commonwealth Water Minister.

In the interim, a bilateral agreement between NSW and the Commonwealth<sup>4</sup> provides for the operation of the SDL Reporting and Compliance Framework, assuming the operation of the proposed WRP.

The bilateral agreement indicates that, for a reasonable excuse claim arising as a result of ‘the operation of the WRP’, the application of the methods for determining permitted and actual take and the rules set out in the proposed WRP in relation to s10.11 of the Basin Plan are relevant.

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<sup>4</sup> Agreement between Murray–Darling Basin Authority and State of New South Wales. (1 June 2020). Accessed at: [new south wales mdba wrp bilateral agreement.pdf](#)

# 2 Details of reasonable excuse claim

## 2.1 The status, claim and state submission

The SDL and BDL for the SDL resource unit is 273.6 GL. In 2019–20 the APT was equivalent to the SDL, and the actual take in the SDL resource unit was 329.49 GL. The actual take was therefore 55.89 GL above the APT and was in excess of the SDL compliance threshold (APT plus 20% of the SDL, or 328.35 GL).

As part of its s.71 reporting, NSW provided its self-assessment of compliance identifying the numerical exceedance. Consistent with Basin Plan s6.12C.(1), (3) and (5), it submitted a claim for Reasonable Excuse (RE) and a report setting out its understanding of the reasons for the excess and the steps it will take to reach the point where there is no excess (or ‘make good’).

NSW submitted a claim for RE where the excess arose as a result of the operation of the WRP, or reasonable excuse classification RE1.1, as per the MDBA’s SDL Reporting and Compliance Framework.

Supporting documentation associated with the RE claim stated that the groundwater resource was managed in accordance with the proposed WRP, although a specific statement of assurance to this effect was not provided with the claim. Reporting on compliance with WRPs (pursuant to Matter 19 in Schedule 12 of the Basin Plan) is not required until the relevant WRP is accredited.

## 2.2 Reasons for the excess

The annual permitted take method in the Lower Murrumbidgee Deep Alluvium SDL resource unit is determined by the total annual rainfall (at Coleambally, NSW). The method is ‘variable’ in that it allows for variation of the permitted take from year to year. The method does not take into consideration the variability of rainfall throughout the year. The method allows a higher annual permitted take volume in dry years (when surface water is scarce) and a lower permitted take volume in wetter years (when there is greater surface water availability); with the determination of ‘dry’ and ‘wet’ years being relative to the average annual rainfall. This variable permitted take method allows for total permitted take to vary from 80–120% of the SDL across years. Both permitted take and annual actual take (AAT) are calculated at the end of the water year.

NSW reported in its supporting documentation<sup>5</sup> that annual rainfall at Coleambally in 2019–20 was 393.2 mm which corresponded to a total permitted take volume of 273.63 GL (or 100% of the SDL). This appears close to the annual long-term average on the basis of the variable permitted take, however, most of the rainfall in 2019–20 fell within the latter part of the water year (January–April 2020), at the end of the irrigation season. So, whilst the annual rainfall volume corresponded to an

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<sup>5</sup> Lower Murrumbidgee Deep Alluvium: 2019-20 SDL compliance – supporting document to NSW reasonable excuse claim

‘average’ APT volume (273.63 GL) when calculated in July 2020, high rates of extraction had already occurred in the dry period between July 2019 and January 2020.

The exceedance of annual permitted take is considered by NSW to reflect conjunctive use of surface water and groundwater in this SDL resource unit, the dry period between July 2019 and January 2020 (resulting in greater use of groundwater), the rainfall events of January–April 2020 (which resulted in an average rainfall total at Coleambally).

NSW does not consider the numerical exceedance to have reflected growth in use, as the Lower Murrumbidgee Deep Alluvium was part of the Achieving Sustainable Groundwater Entitlements (ASGE) program. This program reduced entitlement volumes to the same level as the SDL<sup>6</sup>.

Given that a) the 2019–20 exceedance was thought to have been driven by climatic conditions, b) entitlements are capped at the level of the SDL and c) an annual water determination that was made in 2020–21, NSW expects cumulative take to be below cumulative permitted taken within the next two water years.

## 2.3 Steps to make good

The MDBA SDL Reporting and Compliance Framework sets out the expectations of the Authority in relation to the Basin Plan requirement to ‘make good’. For an RE1.1, the required actions set out in section 5.4.1 are that, in the first seven months of RE1.1 being granted, the Basin state must complete the following steps:

**Step 1** – an investigation of the issue and a review of the permitted take method

**Step 2** – review other forms of take.

Depending on what the investigation by the Basin state reveals, they may also need to complete **Step 3** – test growth-in-use response.

For Step 1, NSW set out its plans to continue to monitor groundwater take and assess whether available water determinations are required in future years. As a part of the 2020–21 SDL compliance reporting process, an update on the Lower Murrumbidgee Deep Alluvium SDL resource unit will be provided, which will indicate whether cumulative actual take remains above cumulative permitted take. NSW states that it expects cumulative take to fall below cumulative permitted take within 2–3 years, based on trends observed in the transition period, the capping of entitlements to the SDL as a result of the AGSE program, and the available water determinations (in 2020–21 and potentially future years – described further below). NSW intends to undertake a review of the variable APT method after five years, however, is prepared to conduct an earlier review if warranted.

Regarding Step 2, there are only two forms of take in NSW Groundwater SDL resource units; ‘take under basic rights’ and ‘take from groundwater’. Both forms of take are captured in the data provided. In the method set out under the submitted WRP, the ‘take under basic rights’ is reported

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<sup>6</sup> Murray–Darling Basin Authority. (2020). *Murray–Darling Basin Plan Groundwater Methods Report: Determining the groundwater baseline and sustainable diversion limits*, pp. 33-36. Accessed at: [Murray–Darling Basin Plan Groundwater Methods Report \(mdba.gov.au\)](https://www.mdba.gov.au/sites/default/files/publications/murray-darling-basin-plan-groundwater-methods-report.pdf)

at full utilization of the volume defined in the water sharing plan for both permitted and actual take (3.63 GL/y). As such, NSW is not proposing to review 'take under basic rights' under Step 2.

### ***Managing growth via compliance with state limits (LTAAEL)***

In the supporting documentation, NSW notes that the Lower Murrumbidgee Deep Alluvium SDL resource unit was identified in the NSW Groundwater Allocation Statement (19 May 2020) as having exceeded the water sharing plan compliance trigger. This resulted in a reduced allocation of 65% being announced for the 2020/21 water year.

In accordance with the Water Sharing Plan (WSP) for the Murrumbidgee Alluvial Groundwater Sources that commenced on 30 June 2020, the extraction limit volume is 273,625 ML/y for the Lower Murrumbidgee Deep Alluvium SDL resource unit and the numerical compliance trigger volume is 287,306 ML/y (273,625 + 5%). WSP compliance is triggered if the average of annual extractions for the groundwater source in the preceding five water years exceeds the long-term average annual extraction limit (LTAAEL) by 5%, this is assessed at the end of each water year.

Data submitted by NSW as a part of the s71 reporting for the last 5 years (2015–16 to 2019–20) indicates that the average of annual extractions was 290,089 ML/y. This indicates that the LTAAEL compliance trigger was exceeded by 2,783 ML. In response to the exceedance, NSW announced an available water determination (AWD) for the 2020–21 water year.

A stakeholder engagement session was held in Darlington Point in February 2021. Topics are understood to have included how their extraction levels are tracking against compliance limits (water sharing plan and Basin Plan limits), and the methods used to assess water available determinations to manage extractions.

As a part of this engagement, NSW has informed the licence holders that if there is further exceedance in future years then the department may need to reduce access again to return extractions to these limits. Groundwater access can be reduced in two ways:

- reduce the amount of water going into accounts (known as an available water determination)
- reduce the amount of water that users can take or trade from accounts (known as the maximum water account debit).

NSW can use one or a combination of these methods to limit the volume of water that licence holders can access from their accounts to return average extraction to the limits.

NSW has put a maximum 3 years' time limit to return the average annual groundwater extraction to the limits by using the following steps<sup>7</sup>:

- Year 1 – return extraction back to the compliance trigger
- Year 2 – return extraction back to the extraction limit

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<sup>7</sup> NSW Department of Planning, Industry and Environment (2021)  
<https://www.industry.nsw.gov.au/water/allocations-availability/managing-access-to-groundwater/information>

- Year 3 – only if year 1 required available water determination less than 0.5 ML/unit share, only reduce to 0.5 ML/unit share in year 1 and extend time to return extractions back to limits to 3 years.

NSW is also publishing a dashboard which tracks groundwater take against the NSW LTAAEL and gives an indication of the likelihood of compliance being triggered<sup>8</sup>. The NSW department will announce available water determinations and maximum water account debit on 1 July each year after considering final assessments.

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<sup>8</sup> [Tracking groundwater extraction against extraction limits - Water in New South Wales \(nsw.gov.au\)](https://www.nsw.gov.au/water/groundwater-extraction-limits)

# 3 Authority's Assessment of claim

## 3.1 Authority's evaluation of NSW reasonable excuse claim

The Authority has assessed the reasonable excuse claim provided by NSW for the Lower Murrumbidgee Deep Alluvium SDL resource unit in 2019–20, in accordance with the requirements set out in the Water Act (s71), the Basin Plan (Chapter 6 Part 4) and the MDBA's SDL Reporting and Compliance Framework, and considered the reasons provided for the excess and the make good steps proposed.

***Submitting a claim for reasonable excuse*** (SDL Reporting and Compliance Framework section 5.2)

NSW first submitted its SDL compliance data to the MDBA, under s71 of the Water Act, on 15 December 2020, which was in accordance with the extension that had been provided to NSW in writing by the MDBA under s71(2) of the Water Act. Further to review by the MDBA, the claim for reasonable excuse for the Lower Murrumbidgee Deep Alluvium was submitted to the MDBA on 4 March 2021.

The supporting documentation to the claim presented sufficient evidence to substantiate the claim, including:

- the RE classification considered to apply (further to section 5.3 of the framework)
- supporting evidence collected at the time the report was submitted which provided commentary regarding whether there was any growth in use and the level of certainty in the permitted take estimates.

As this is the first year of the claim, it was not necessary for the state to provide evidence of make good steps that may have been previously required.

The rules for managing take in accordance with the SDL included in the submitted WRP (i.e. in relation to s10.11 of the Basin Plan) are broadly those set out in the NSW water sharing plan for the Murrumbidgee Alluvial Groundwater Sources 2020. The supporting evidence has not included an explicit statement assuring that the WRP rules have been complied with, however, the Authority is not aware of any evidence to indicate that these rules have not been implemented. The Authority notes the complexity of this requirement given that the WRP has not yet been accredited, and that reporting on compliance with WRPs (pursuant to Matter 19 in Schedule 12 of the Basin Plan) is not required until it has been accredited.

***Assessing a claim for reasonable excuse*** (SDL reporting and compliance framework section 5.3)

The following sections set out the views of the Authority in relation to:

- the evidence and justification provided by the states (section 3.2 below)
- any supplementary evidence acquired by the Authority and
- the relative risk associated with the subsequent action or inaction.

## 3.2 Reasons for the excess

### ***Supporting data and evidence***

The submitted supporting documentation (particularly *Lower Murrumbidgee Deep Alluvium: 2019–20 SDL compliance – supporting document to NSW reasonable excuse claim*) outlines a sufficient amount of data and an interpretation data to justify a claim for RE1.1 (ie in the first year). Evidence covers relevant actual and permitted take volumes for the water year, historical actual and trial permitted take volumes for the transition period, monthly rainfall data for the current and preceding two water years, annual rainfall totals for the transition period, and information about the ASGE program and compliance triggers in the NSW water sharing plan.

Regarding the data submitted, the Authority has undertaken some quality assurance of NSW's 71 water data. This included checks, for example, that all data was reported as required, that a reasonable excuse had been claimed where required, that methods used were consistent with the WRP (or the bilateral agreement), and logical checks of data with the state narrative and climate conditions. On this basis the Authority agrees that NSW has endeavored to apply the relevant method and provide the best available data for SDL compliance purposes. The final data is published in the 2019–20 SDL compliance report register of take.

The SDL reporting and compliance framework (chapter 6) includes audit and assurance to enhance confidence in the process for reporting, assessing and reviewing compliance with the SDLs. The MDBA's published audit and assurance program includes reviews to assess the adequacy and effectiveness of the metering and monitoring processes in place across the Basin.

### ***Climate and permitted take method***

The variable permitted take method was developed by NSW using historical climate data and when the method is applied across the 114 year historical climate period, does not result in any exceedance of the SDL (as demonstrated in Schedule I of the proposed Murrumbidgee Alluvium WRP). The Authority's initial assessment considers that the proposed permitted take method meets the requirements of the Basin Plan.

NSW has reviewed the permitted take method in its supporting documentation and set out its limitations.

The primary reason given for the exceedance is that the timing of the rainfall in the 2019–20 water year (low for the first half and much higher in the second half) meant that groundwater utilisation was high prior to the rain arriving. However, APT was lower than anticipated given the wetter conditions of the latter half of the year.

The Authority notes that if rainfall in 2019–20 had remained low (<231 mm) and the permitted take was set at the maximum level under the method (327.63 GL), the actual take (329.49 GL) would still have been higher than the permitted take, but not the SDL compliance trigger (permitted take + 20% = 382.35).

### ***Is long term growth in actual take occurring?***

NSW discusses this in its supporting documentation and notes that the *'cumulative permitted take over the seven-year transitional period of reporting was 53.7% of the SDL above the cumulative actual take for the same period.'* As the 2019–20 water was the first year of SDL compliance (under the bilateral agreement), and in accordance with the Basin Plan, the data from previous years was not formally considered in calculating SDL compliance.

It is noted that the history of water take for this SDL resource unit shows multiple years where the actual take was below the permitted take, and that it is likely that the exceedance from the 2019–20 will be resolved through the variability of water use in subsequent years.

However, it is also noted that in four out of the five dry years since 2012 (and in particular 2017–18 to 2019–20), actual take has been at or in excess of the permitted take (refer Figure 2 in NSW supporting documentation), even with the variable permitted take method. This is understood to be linked to the very low availability of surface water entitlements. The scenario set out by NSW in relation to resolving the exceedance assumes less extreme weather conditions and that these recent trends in increasing water use associated with a drying climate do not persist.

Climate predictions from the Bureau of Meteorology<sup>9</sup>, are that south-east Australia may become drier and hotter, potentially resulting in more years of high groundwater take than was predicted based on historical use. It would be helpful to build a better understanding of the linkages between the conjunctive use of surface and groundwater over time, and the extent to which low surface water availability and or the trade of surface water might be driving the increase in groundwater use. These are items that could be considered as a part of the Basin Plan 2026 review.

NSW asserts that long-term growth in use is not possible as entitlements were reduced to the water sharing plan extraction limit and effectively cap the potential for growth to the SDL. However operational flexibility is provided to allow a temporary increase in use associated with carry-over of unused water from previous years. NSW has identified growth relative to its own limit and has applied an annual water determination of 65% in 2020–21 as a first step to reduce use to the extraction limit. The statement seems to be at odds with the application of the AWD, and the Authority remains concerned that if conditions remain dry, there could be an ongoing risk to the SDL.

## **3.3 Steps to make good**

As indicated in Section 2.3 of this report, NSW has set out the steps it proposes to take to 'make good', which meet the required actions of the framework for an RE1.1 (refer framework section 5.4.1) in a timely manner.

Step 2 – review other forms of take – is not applicable for this SDL resource unit. This is based on the methods for permitted and actual take set out in the proposed water resource plan for 'take under basic rights'. The Authority agrees that these assumptions are reasonable given the limited

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<sup>9</sup> Bureau of Meteorology. (2020) *State of the Climate 2020*

information currently available, and that under this approach, no further growth of take under basic rights could occur. The level of risk associated with this form of take is considered low.

For Step 1 – investigate the issue and review permitted take method – NSW has committed to monitoring take to assess whether reduced available water determinations are required in subsequent years to ensure extraction returns to the compliance limit. It will also provide an updated report as part of the 2020–21 SDL compliance reporting and undertake a five-year review of the permitted take method (it will consider an earlier review if this is warranted based on additional seasonal data).

The Authority is satisfied that the compliance triggers in the water sharing plan are being used to appropriately manage the extraction levels in this SDL resource unit.

#### ***The relative risk associated with the subsequent action or inaction***

The actions proposed by NSW are reasonable in the context of the size of the exceedance (0.4% above the SDL compliance trigger), the expected return to a compliant status within 2–3 years (presuming that extreme conditions aren't experienced), and considered in conjunction with the actions it has in place to closely monitor and manage compliance with its own LTAAEL.

The short-term risk to the resource is considered low, however there may be longer-term risks depending on the extent of the conjunctive use of surface and groundwater, and if more extreme dry years are experienced.

### **3.4 Compliance decision**

NSW submitted a claim for reasonable excuse (RE) that the excess arose as a result of the operation of the WRP, or reasonable excuse classification RE1.1, as per the MDBA's SDL Reporting and Compliance Framework.

The Authority has assessed the reasonable excuse claim by NSW in relation to the Lower Murrumbidgee Deep SDL Resource Unit (GS28b) for the 2019–20 water year. In summary, the Authority is satisfied:

- with the data provided and the analysis and interpretation of the observed trends
- that the 'rules for take' were implemented as set out in the proposed WRP and
- with the make good actions proposed.

Numerical exceedance occurred because of the WRP being implemented and the weather conditions in the 2019/20 year.

While delayed relative to original timelines, the supporting material provided by NSW sufficiently meets the requirements for a claim for reasonable excuse set out in the Water Act (s71), the Basin Plan (Chapter 6 Part 4) and the MDBA's SDL reporting and compliance framework.

**The Authority has assessed the claims and accepts New South Wales reasonable excuse RE1.1 as being valid under the Basin Plan for the Lower Murrumbidgee Deep Alluvium SDL resource unit in the 2019–20 water year.**

**Compliance action:**

The Basin state must follow and implement the steps that it has committed to, further to the Basin Plan s. 6.12C(5), to reach the point where there is no excess above the compliance trigger in a timely manner.

While endorsing the claim for reasonable excuse in the Lower Murrumbidgee Deep Alluvium, the Authority noted that the demand for groundwater take is likely to remain high in dry years and that NSW has already issued an AWD in 2020–21 to reduce use to ensure that it remains within its own take limit (the long-term average annual extraction limit or LTAAEL).

This includes the implementation of its own legislation, which will assist in achieving SDL compliance. That is, if the trend of high use over recent years has continued in 2020–21 and the NSW limit is exceeded (expected to be known by the end of the 2020–21 water year), the Authority would expect that NSW would continue to implement the actions it has foreshadowed to restrict use and reduce take to within the NSW limit.

If the 2020–21 and 2021–22 water years still show an exceedance, the Authority would consider recommending that NSW conduct an earlier review of its variable permitted take method as NSW intends to undertake a review of the variable permitted take method after five years.

### 3.5 Information used in Authority’s assessment

This assessment has been undertaken using the following:

- *Lower Murrumbidgee Deep Alluvium: 2019–20 SDL compliance. Supporting document to NSW reasonable excuse claim* (submitted 4 March and resubmitted 24 March 2021)
- Updated groundwater statement of compliance (submitted 4 March 2021)
- Updated groundwater SDL compliance assessment sheet (submitted 4 March 2021)

# Appendix A: Map of SDL resource unit



Figure 1 Map of Murrumbidgee Alluvium WRP Area

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**Office locations**

Adelaide  
Albury–Wodonga  
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