

**From:** John Taylor  
**To:** [Emma Carmody](#)  
**Subject:** FW: EDO assessment [SEC=UNCLASSIFIED]  
**Date:** Monday, 21 November 2016 2:54:02 PM  
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[image003.jpg](#)  
[image004.png](#)  
[image005.png](#)

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Emma

Russell James of our office prepared the below reply in relation to the EDO advice provided by you and which has been sent out.

Kind regards

**John Taylor**

Principal Lawyer

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*In the spirit of strengthening partnerships with Aboriginal people the MDBA acknowledges the cultural authority of the Traditional Owners in the Murray–Darling Basin*

**Subject: EDO assessment**

Hi Sarah,

Thank you for forwarding to Phillip Glyde the assessment by the EDO NSW of the relationship between the proposed Menindee Lakes Scheme Supply Measure (MLSSM) and Prerequisite Policy Measures (PPMs). Apologies for the delay in responding.

I offer the following comments on the EDO assessment:

1) The Basin Plan defines the northern Basin Region as all rivers in the Basin upstream of the Menindee Lakes. The Basin Plan clearly separates the northern Basin and the southern Basin for the purpose of the SDL adjustment mechanism. Reflecting the differences in the knowledge base and hydrology, the Northern Basin Review was established to review the SDL and agree on any adjustment in the northern Basin. As this has been the focus in the northern Basin, no SDL adjustment proposals have been forthcoming in the region and thus the SDL adjustment mechanism does not operate in the northern Basin.

2) The PPMs defined in the Basin Plan do not include shepherding. Rather, the PPM that appears to be referred to in the advice only requires a mechanism for crediting environmental return flows.

3) In any event the benchmark model specified for the operation of the SDL adjustment mechanism does not include any PPMs relating to the crediting of environmental return flows for the northern Basin. The absence of a PPM only affects the SDL adjustment to the extent it was present in the benchmark model.

In summary, I do not consider that the EDO assessment changes the findings from the Northern Basin Review.

Notwithstanding this, the MDBA is concerned about the protection of environmental flows in the northern Basin and into Menindee Lakes and has picked up the advice of the Northern Basin Advisory Committee in this respect for our proposed Basin Plan amendment. The MDBA would welcome the opportunity to further discuss options to this end with you or other interested parties, noting the important role of the state governments in this area. We would also be happy to further explain our comments on the EDO advice if this would assist. Our contact officer is Mr Frank Walker.

Regards

Russell James  
Executive Director, Policy and Planning

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