

# Recommendation on the accreditation of the proposed Wimmera-Mallee (surface water) Water Resource Plan

## Meeting No. 134 of the Authority

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### Recommendation

1. The Murray–Darling Basin Authority (the Authority) has considered and assessed the proposed Wimmera-Mallee (surface water) Water Resource Plan (proposed WRP) for the Wimmera-Mallee (surface water) Water Resource Plan area (WRP area) (**Attachment A**) provided by Victoria on 3 July 2019 consistent with s 63(1)(a) of the *Water Act 2007* (Cth) (the Act).
2. Previous versions of the proposed WRP were submitted to the Authority in June 2018 and February 2019. On 3 July 2019, Victoria withdrew the version submitted in February 2019 and submitted a new version.
3. The date of 3 July 2019 was after the deadline for provision of a proposed WRP for the WRP area, imposed by the regulations made for the purposes of s 63(9) of the Act.
4. Victoria submitted the Wimmera-Mallee (surface water) Water Resource Plan and the Wimmera-Mallee (groundwater) Water Resource Plan in a combined package. On the basis that Victoria had failed to give the Authority a WRP for the Wimmera-Mallee (groundwater) Water Resource Plan area in accordance with the regulations made for the purposes of s 63(9), the Minister wrote to the relevant Victorian Minister on 5 July 2019 giving preliminary notice under s 73(2) of the *Water Act 2007* (the Act) that they were considering exercising their power under s 68 of the Act to request the Authority to prepare a WRP for the Wimmera-Mallee (groundwater) Water Resource Plan area. The Minister proposed that the circumstances be resolved without resort to the step-in power and that, instead of Victoria and the Commonwealth engaging in mediation, the Minister would request that the Authority assess, in accordance with s 63 of the Act, the proposed Wimmera-Mallee (groundwater) Water Resource Plan that was submitted by Victoria on 3 July 2019. On 8 July 2019, Minister Neville wrote to the Minister confirming agreement to this proposed approach.
5. On 1 August 2019, the Minister requested that the Authority assess the proposed Wimmera-Mallee Water Resource Plan package that was submitted by Victoria to the Authority on 3 July 2019 for the Wimmera-Mallee (surface water) Water Resource Plan and the Wimmera-Mallee (groundwater) Water Resource Plan areas.

6. The proposed WRP at **Attachment A** is comprised of:
  - a. All material in Column 3 of the Index Table which is marked “*Wimmera-Mallee (surface water) water resource plan area*”; and
  - b. All material in Column 3 of the Index Table which is marked “*Wimmera-Mallee water resource plan area*” (noting this material refers to both the surface water and groundwater WRPs); and
  - c. All material in Columns 1, 2 and 4 in corresponding rows of (a) and (b) above; and
  - d. Tables A and B of the Index Table; and
  - e. All material from the Comprehensive Report which is referenced in (a) and (b) above.
7. The Authority is satisfied that the proposed WRP is consistent with the relevant Basin Plan (*Basin Plan 2012* (Cth), version F2017C00078, registered on 23 January 2017 and ending on 13 November 2017 (Basin Plan), as is required by section 55(2) of the Act including:
  - a. the requirements for water resource plans (WRPs), and
  - b. the long-term annual diversion limits (SDLs) for the water resources of the WRP area.
8. In considering consistency the Authority has had regard to the legislative framework within which the proposed WRP operates, as is required by section 55(3) of the Act.
9. In exercising its powers and performing its functions, the Authority has had regard to the Basin Plan and the extent to which the proposed WRP is consistent with the Basin Plan (in accordance with section 56(1)(a) and (b) of the Act).
10. In arriving at its recommendation, the Authority has taken into account the form of the proposed WRP delivered by Victoria; being that no legislative instruments from the Victorian water management framework have been incorporated into the proposed WRP, and the proposed WRP is as such a stand-alone instrument that independently imposes some obligations and explains how Victoria manages its water resources through its existing water management framework, without this framework being put forward for the purposes of accreditation.
11. The Authority has also taken into account that Victoria does not have a Long-Term Watering Plan that is consistent with Chapter 8 of the Basin Plan. Instead, the information required for demonstrating delivery of environmental outcomes is explained in the proposed WRP, and a commitment is included that Victoria will review and update its Long-Term Watering Plan following accreditation to better align with the requirements of Chapter 8 of the Basin Plan.
12. The proposed WRP states that there is no planned environmental water identified in the WRP area. However, the proposed WRP includes a description of how other ‘types’ of water in the system (e.g. ‘above-cap’ water, systems water, consumptive flows en route, held environmental water, etc) achieve environmental outcomes amongst other social, cultural and economic outcomes. While Victoria is not explicit about how it protects all water currently allocated to environmental objectives, the Authority acknowledges that Victoria is required to report annually on the identification and monitoring of environmental water under Schedule 12, Matter 9 of the Basin Plan, and report five-yearly on how these other ‘types’ of water contribute to the delivery of environmental outcomes as part of implementation of the WRP under Schedule 12, Matters 8 and 18 of the Basin Plan. The Authority will closely monitor the contribution of these other ‘types’ of water to environmental outcomes in the proposed WRP area.

13. The Authority notes that the plan area is largely disconnected from the River Murray, and the Ramsar sites within the plan area are wetlands that are at the end of terminal streams that are unregulated. This includes Lake Albacutya, which only receives water in exceptionally wet years when Lake Hindmarsh spills into Outlet Creek. The Kerang Wetlands Ramsar site, including Lake Bael Bael and the Avoca Marshes, is similarly reliant on unregulated flows in the Avoca River. This pathway also provides connectivity to the River Murray during periods of very high flows via the Kerang Wetlands.
14. The Authority notes that the proposed WRP has not included the proportion of take which is measured in accordance with agreed metering standards (AS4747) as recommitted to in the Basin Compliance Compact. Victoria initially submitted an earlier proposed WRP in June 2018 that identified the impending Basin Compliance Compact, because at that time the Basin Compliance Compact was not endorsed. This approach has been carried through subsequent submissions and remains in the proposed WRP. The Authority expects that following accreditation of the proposed WRP, and the determination of any exemptions to the metering standard that Victoria chooses to put in place, the proposed WRP will be amended by Victoria to include the proportion of take that is metered to agreed standards.
15. Victoria submitted the proposed WRPs for the Wimmera-Mallee surface water and groundwater areas as one document in one index table. This decision is only concerned with the proposed Wimmera-Mallee (surface water) WRP, as identified in paragraph 6.
16. **On this basis the Authority gives the Minister the proposed WRP and recommends that the Minister accredit the proposed WRP.**
17. The Authority's detailed reasoning is set out in the document titled 'Water Resource Plan assessment report, proposed Wimmera-Mallee (surface water) Water Resource Plan', August 2019.