

Basin Plan

Water Resource Plan Requirements

Position Statement 4F

How have Part 4 requirements been met?

POLICY ISSUE	What is required to meet section 10.22 on the sustainable use and management of water resources?
REFERENCES	Basin Plan s10.22, ss10.17–10.21

MDBA POSITION STATEMENT	
	<ol style="list-style-type: none"> 1. This Position Statement sets out what MDBA considers adequate for a Water Resource Plan (WRP) to comply with section 10.22, which requires that a WRP: <ol style="list-style-type: none"> a. describe what was done to comply with the requirements in sections 10.17 through to 10.21 (regarding the sustainable use and management of water resources); and b. if a risk in relation to the water resources of the water resource plan area has been identified under the requirement at subsection 10.41(1), explain why the WRP includes, or does not include, rules addressing the identified risk. 2. MDBA will consider that a WRP meets the requirement in section 10.22(a) if it describes how regard was had to the need for rules to be included to ensure that: <ol style="list-style-type: none"> a. Environmental watering requirements for priority environmental assets and ecosystem functions are not compromised (10.17) b. Environmental watering requirements for priority environmental assets dependent on groundwater are not compromised (10.18) c. Environmental watering requirements for groundwater that has a significant hydrological connection to surface water (e.g. base flows) are not compromised (10.19) d. The productive base of groundwater is not compromised (10.20) e. Elevated levels of salinity and other types of groundwater quality degradation are prevented (10.21). 3. Regard must be had to the need for rules to prescribe or specify each of the matters identified in subsection (2) of each of sections 10.17 to 10.21. The need to include such rules will in part be informed by the risk assessment undertaken under Part 9. 4. Details on how “have regard to” is interpreted are set out in Position Statement 1B <i>Interpreting ‘have regard to’</i>. 5. The MDBA expects the description to include detail about the approach adopted and the information taken into account. The WRP should include the <i>standing</i> of the information (whether a document is made under a statute, policy, or other mechanism for bringing it into existence), its <i>status</i> (version, edition, published date, “final”, in-publication or similar), its <i>weighting</i> (“best available information” as set out position

statement 12A), and if more than one document is taken into account, the weight given to the information when deciding whether or not rules were necessary.

6. Section 10.04(4)(b) requires that WRPs address each requirement in Chapter 10. Consequently, all WRPs must address all the requirements in Part 4. Where appropriate, a WRP may address a Part 4 requirement by stating why the matters required to be considered are not relevant in the WRP area, and provide supporting evidence.
7. Subsection 10.22(b) refers to a risk of a kind referred to in section 10.41(1) – that is, a risk to the condition and continued availability of the water resources of the WRP area. MDBA will consider that a WRP meets the requirement in section 10.22(b) if it explains why rules addressing the risks have or have not been included in the WRP. The explanation should describe the information relied on in terms that include its standing, status and weighting. For risks that are identified as “low” the MDBA considers a clear statement that additional rules are not necessary or appropriate will fulfil the requirement because the relevant risks are low.
8. This Position Statement should be read in conjunction with Position Statements 4A, 4B, 4C, 4D and 4E (*Consistency with sections 10.17 - 10.21*).
9. Position Statements 2A *Accredited WRP and evidence*, and 12A *Best available information* set out further information about standards and form of information in relation to WRPs.
10. Position Statements 9A *Risk assessment method*, and 9B *Risk assessment strategies* have further details about requirements for identifying, classifying and explaining risk and risk measures. In addition, in having regard to the need for any rules to be included, and in developing such rules, reference should be made to Position Statement 1H *Potential Reliability Changes*.

Rationale

11. Part 4 of the Basin Plan sets out requirements for a WRP to be prepared having regard to whether it is necessary to include rules to achieve sustainable use and management of water resources of the WRP area. If such rules are necessary, then they must be included in the WRP. The Part provides for management of local impacts of take that is within the long-term annual diversion limit for an SDL resource unit.
12. Compliance with section 10.22(a) is taken to require an adequate description of the information relied on for each element of sections 10.17 to 10.21, and the way in which it was taken into account. This could be achieved by including a statement in the WRP that adequately describes significant aspects of the supporting information identified in the index¹ (see also position statement 2A) and the weight given to that information. Position Statement 1B provides further guidance on how the term “have regard to” is interpreted.
13. Subsection 10.22(b) refers to a risk of a kind referred to in section 10.41(1) – that is, a risk to the condition and continued availability of the water resources of the WRP area. If any such risk has been identified, then the WRP must explain why rules addressing the risk have or have not been included. It follows that a WRP must explain why rules addressing *risks of any degree* have or have not been included. Compliance with section 10.22(b) is taken to require an adequate description of the information relied on to determine the inclusion or otherwise of a rule. Similarly to section 10.22(a), the decision that the WRP does or does not include rules to address a risk should describe the information relied on in terms that include its standing, status and weighting.

¹ The index is the list referred to in section 10.04(4) of the Basin Plan

14. The MDBA considers that for risks identified as “low” during the life of the WRP a statement to the effect that the current management arrangement controls the risk and has been included in the WRP will fulfil the requirement. For risks that are identified as “low” and a management rule is not considered necessary or appropriate to include in the WRP, a statement to that effect in the WRP will fulfil the requirement.
15. The Basin Plan does not require any change in the reliability of allocations to any water access entitlement. If there are pre-existing rules in a transitional or interim WRP that ensure sustainable use or management of resources in the way envisaged by sections 10.17-10.21 and that affect or might affect reliability, then including those existing rules in a WRP will not be taken as a change in reliability, and MDBA will expect to see such rules included. Position Statement 1H *Potential Reliability Changes* sets out further information about changes in reliability and application of sections 6.13 and 6.14 of the Basin Plan.