

Recommendation on the accreditation of the proposed Wimmera-Mallee (groundwater) Water Resource Plan

Meeting No. 134 of the Authority

Recommendation

1. The Murray–Darling Basin Authority (the Authority) has considered and assessed the proposed Wimmera-Mallee (groundwater) Water Resource Plan (proposed WRP) for the Wimmera-Mallee (groundwater) Water Resource Plan area (WRP area) (**Attachment A**) provided by Victoria on 3 July 2019 consistent with s63(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 (groundwater) Water Resource Plan and the Wimmera-Mallee (surface water) Water Resource Plan in a combined package. On the basis that Victoria had failed to give the Authority a WRP for the WRP 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 WRP 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 WRP 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 WRP that was submitted by Victoria to the Authority on 3 July 2019 for the Wimmera-Mallee (groundwater) Water Resource Plan and the Wimmera-Mallee (surface water) 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 (groundwater) 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 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 considered Victoria’s position that there are no water quality target values which can be set for fresh-water dependent ecosystems owing to the saline nature of much of the water. The Authority considers this position defensible, and given there are no irrigation infrastructure operators using groundwater, or groundwater used for recreational purposes, the decision to not include any water quality targets in the proposed WRP is a valid approach.
12. The Authority also notes that there is limited hydrological connectivity which can be considered significant for Basin Plan purposes due to the saline nature of groundwater, with the exception of the freshwater Tertiary Sands aquifer which extends across the South Australian-Victorian border. The Authority is satisfied that Victoria is managing these connected water resources through the bilateral Border Groundwaters Agreement with South Australia.
13. 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.

14. 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 (groundwater) WRP, as identified in paragraph 6.
15. **On this basis the Authority gives the Minister the proposed WRP and recommends that the Minister accredit the proposed WRP.**
16. The Authority's detailed reasoning is set out in the document titled 'Water Resource Plan assessment report, proposed Wimmera-Mallee (groundwater) Water Resource Plan', August 2019.