

Water resource plans - new projects, operational improvements or amended water sharing arrangements

October 2022

The Murray—Darling Basin Authority has developed this guidance to inform Basin jurisdictions and stakeholders on how the development of new river operations projects, operational improvements or amended water sharing arrangements will be considered in water resource plans as they are finalised or amended.

The purpose of this statement is to provide information and advice relating to implementation of the Basin Plan and water resource plans. In the event of any inadvertent inconsistency between this statement and the Water Act 2007 (Cth) or the Basin Plan, the Water Act 2007 (Cth) or Basin Plan will prevail.

- The Basin Plan establishes a sustainable and long-term adaptive management framework for the management of Basin water resources. As such, the Basin Plan, water resource plans and the Murray—Darling Basin Agreement support innovation and continuous improvement of the management of water resources in the Murray-Darling Basin. The *Water Act 2007* specifically recognises that water resource plans may need to change over time and establishes an amendment mechanism.
- River management continues to evolve and change, and the MDBA will work with Basin state governments to ensure all changes meet Basin Plan requirements. The Basin Plan is not designed to 'lock-down' arrangements - modernisation and improvement will occur in the future.
- The Basin Plan allows water to be taken for consumptive use up to the sustainable diversion limits - there is nothing in the Basin Plan that restricts take reaching or being maintained at the SDL.
- The MDBA acknowledges that water that is PEW may be able to also contribute to other non-extractive purposes or outcomes.

- The Basin Plan also ensures that the benefits provided by planned environmental water (PEW) rules and arrangements that were in place in November 2012 are at least maintained.
- Implementation of new approaches and any required changes to operational settings and management rules must be consistent with the Basin Plan and arrangements under the Murray–Darling Basin Agreement, as well as with relevant state water management law.
- Once water resource plans are accredited these can also be amended and re-accredited by the Commonwealth Minister, so long as the plan continues to be consistent with Basin Plan requirements.
- Where changes are needed to the rules in water resource plans, the MDBA has a clear process set out for working through these changes with state governments to make sure that the rules are consistent with the Basin Plan requirements.
- The MDBA takes a pragmatic and practical approach to assisting Basin states to meet the requirements of the Basin Plan where a WRP is to be amended. The MDBA can be brought into state planning early-on and provide advice and assistance as needed.
- The MDBA does not have a role in relation to land use, planning and environmental approvals.

Water resource plan amendments

- Water resource plans are an integral part of implementing the Basin Plan. Among other things, these ensure sustainable diversion limits and environmental watering requirements are implemented at the regional level.
- Each of the Basin Plan’s 55 requirements must be addressed in each water resource plan. How this occurs varies across water resource plans taking account of state water management law and the different geographic and environmental conditions that apply across the Basin.
- We understand new approaches or new infrastructure can lead to changed or more efficient delivery of water in regulated systems and can reduce the amount of water required to deliver water to users. For instance, there are opportunities to improve river management by reducing the amount of water needed to operate the system and deliver water to its intended use. Alternatively, changes to water sharing arrangements may be proposed over time. However, it is important to ensure that the environmental benefits within and between water sources from the planned environmental water as of 23 November 2012, are retained or improved under any new arrangements.
- A number of the requirements of the Basin Plan will need to be considered when developing new infrastructure and operational change proposals, but it may also be the case that no changes are needed to water resource plans to give effect to the new arrangements. However, any of the rules in water resource plans that need to be changed to give effect to operational improvements or new

infrastructure will need to be consistent with all the Basin Plan requirements. As well as maintaining PEW, WRPs also include:

- Sustainable diversion limits (SDL) that prescribe how much water can be extracted for consumptive use. These limits are given effect through water resource plans and related arrangements.
- Rules that protect and manage environmental water, water quality outcomes and environmental assets.

Maintaining protection of planned environmental water

- An important Basin Plan requirement (section 10.28) is that there is ‘no net reduction’ in the protection of PEW compared to the protections in place when the Basin Plan was first made in November 2012.
- Maintaining the level of protection doesn’t mean that rules can’t change, but it does mean that the overall environmental outcomes derived from that water cannot be diminished.
- When considering whether there is a change in the protection of PEW arising from new or revised rules or arrangements, the MDBA will consider three important components.

Three components when considering protection of PEW

The legal protection provided under state law in 2012, compared with the legal protection under the revised arrangements

The volume and timing of PEW available under the revised arrangements compared with the volume available under comparable conditions under state law in 2012

The effectiveness of the rule or arrangement in terms of the general or specific environmental outcomes relevant to the PEW in 2012

- There can be trade-offs between the criteria when considering the level of protection, so it is possible to change the way PEW is managed. Each new or revised rule or arrangement will be considered on its merits to determine the overall effect of the changed rule or arrangement.
- Under the Water Act, the MDBA has a role to assist states with the development of WRPs and any amendments. On this basis, the MDBA is available to work through proposed changes with state water planners to determine how changes to rules and arrangements can support innovation without diminishing the protection and effectiveness of environmental water.

- The criteria informing the MDBA’s assessment of how changes impact PEW is described in the MDBA position statements 3A and 6A. These position statements form the basis for how the MDBA assesses WRP requirements for WRP submission and future amendments.

Further resources:

[Water resource plans | Murray-Darling Basin Authority \(mdba.gov.au\)](https://www.mdba.gov.au/water-resource-plans)

[Water resource plan amendments](#)

[New water infrastructure in the Murray–Darling Basin](#)

[Position statement 3A – determining planned environmental water](#)

[Position statement 6A – change in PEW protection](#)