

Draft Wimmera-Mallee Water Resource Plan

Comprehensive Report



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Taylors Lake by GWMWater

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The text shown in blue and marked with the symbol shown here with a reference to a specific Basin Plan section throughout this draft, is the preliminary accreditation text. This accreditation text is Victoria's proposed response to each requirement of Chapter 10 of the Basin Plan and will be updated by Department Environment, Land, Water and Planning following consultation with the Murrumbidgee-Darling Basin Authority and as a result of any feedback received during the public consultation process. The final accredited text components are the formal component of the WRP and are subject to accreditation by the Commonwealth Minister for Water.



Rushes in the
Wimmera River by
Kathryn Walker at
Wimmera CMA

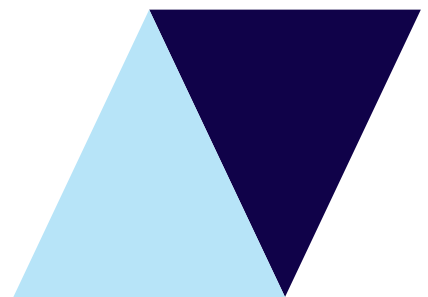
Aboriginal acknowledgement

Victoria proudly acknowledges Victoria's Aboriginal community and their rich culture and pays respect to their Elders past and present.

We acknowledge Aboriginal people as Australia's first peoples, and as the Traditional Owners and custodians of the land and water on which we rely. We recognise and value the ongoing contribution of Aboriginal people and communities to Victorian life and how this enriches us. We recognise that Aboriginal cultures and communities are diverse. We acknowledge that the land is of spiritual, cultural and economic importance to Aboriginal people. We also recognise the intrinsic connection of Traditional Owners to Country and acknowledge their contribution to the management of land, water, and the natural landscape.

We embrace the spirit of reconciliation, working towards the equality of outcomes and ensuring an equal voice.

We have distinct obligations to Traditional Owner groups that are paramount in our responsibilities in managing Victoria's resources.



Consultation

How to make a submission

This Draft Comprehensive Report for public consultation has been developed with input from key stakeholders across the water sector, including representatives from water corporations, catchment management authorities, the Victorian Environmental Water Holder, local government, Traditional Owners, farming and environmental groups.

The Victorian Government is now seeking broader community input and feedback to inform the final WRP. Your views and ideas are important and the Government welcomes and encourages the involvement of all with an interest in water resource management in the Wimmera-Mallee region.

The draft Comprehensive Report will be open for public consultation until Friday, 18 August 2017, with a final WRP expected to be released in mid-2018.

The community and stakeholders can get involved in the following ways:

- Attend a regional stakeholder or community forum
- Make a submission at engage.vic.gov.au (submissions close Friday, 18 August 2017)
- Visit engage.vic.gov.au for further information.

Submissions will be made public unless confidentiality is requested. Submissions that are defamatory or offensive will not be published.

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1. Introduction: Victoria implementing the Murray-Darling Basin Plan

Lake Fyans with Grampians (Gariwerd) in the background by Daniel Burton.



The Murray-Darling Basin is Australia's largest river system, reaching into Queensland, New South Wales, the Australian Capital Territory, South Australia and covering half of Victoria, including, for the purposes of the Murray-Darling Basin Authority and Water Resource Plans, the Wimmera-Mallee.

The Basin holds important social, cultural, economic and environmental values, supporting strong rural communities and economies, and generating about 40 per cent of the nation's agricultural income. It includes diverse ecosystems, including internationally-recognized Ramsar wetlands, and significant floodplains and river red gum forests.

The Murray-Darling Basin requires a unique management approach. In the past, co-operation between the Commonwealth, Victorian, New South Wales and South Australian Governments has been determined under the 1915 *River Murray Waters Agreement*, and the 1987 *Murray-Darling Basin Agreement*, which included the Australian Capital Territory and Queensland.

In 2007 the Commonwealth Government assumed a greater role in Basin water management when it passed the Commonwealth Water Act. The Commonwealth Water Act integrated the management of Basin water resources, including new limits on how much water can be taken from the Basin's surface and groundwater systems. It established the independent Murray Darling Basin Authority (MDBA), which was charged with preparing a Murray-Darling Basin Plan.

The 2012 Basin Plan sets out how the Basin's water resources will be managed and shared between all water users, including the environment. The Basin Plan sets limits on the amount of water that can be taken for use from the Basin, known as Sustainable Diversion Limits (SDLs), which come into effect in 2019. Basin-wide, the sustainable diversion limits are set to recover 2,750 GL of water for the environment. Victoria has agreed to deliver 1,075 GL as its share.

The Murray-Darling Basin Plan requires all Basin states, including Victoria, to prepare water resource plans by June 2019.



1.1 Our approach to Water Resource Plans

The Murray–Darling Basin Plan outlines a series of requirements for states to cover in their Water Resource Plans (Murray–Darling Basin Plan, Chapter 10). These include:

- setting out the quantity of held environmental water and planned environmental water including the rules and management arrangements associated with the water
- providing for environmental watering to be consistent with the basin-wide environmental watering strategy
- setting out how much water can be taken annually for consumptive use in a way that meets the long-term sustainable diversion limit (SDL)
- a plan to manage water quality standards
- setting out the circumstances when trade within and between groundwater SDL units, and trade from groundwater to surface water SDL units, is allowed
- outlining how water will be managed during extreme events
- showing how Aboriginal values and uses of water have been considered
- setting out how interception activities including runoff dams, commercial plantations, mining activities and floodplain harvesting will be managed and monitored
- outlining the risks to water resources and strategies to address these risks

Victoria has undertaken a comprehensive analysis of the Chapter 10 requirements and has determined that it is meeting most of its obligations through the existing water management framework therefore our water resource plans largely explain our current water legislation and management tools.

As Victoria’s WRPs involve minimal policy change, our focus has been on using their development as an opportunity to showcase our existing management arrangements, describing what we do and how we do it, acknowledging the work done in implementing the Basin Plan and the organisations and people who have contributed and continue to contribute to its delivery. The WRPs also provide us with an opportunity to continue to build water literacy in the broader community.

This Comprehensive Report summarises Victoria’s existing water management arrangements relevant to Basin Plan compliance. Two new challenges posed by the Basin Plan include:

1. Showing how Victoria will comply with how much water can be taken for consumption from our share of the Murray–Darling Basin, when the new limits come into place in July 2019.
2. Recognising and managing for Aboriginal values and uses of water.

The Wimmera–Mallee Water Resource Plan is Victoria’s first plan to outline how the state will meet its Basin Plan requirements to demonstrate compliance with the new SDLs for surface water and groundwater from 1 July 2019. Our second and final plan will cover Northern Victoria, including the Murray River.

1.2.2 A ‘water source’ approach

Victoria is taking a ‘source-based’ approach to the Water Resource Plans. This means that even though some towns, irrigation areas and environmental assets such as wetlands may be located within the boundaries of the surface and/or groundwater WRP areas, if they source their water from outside the WRP area – for example, from the Murray River – they are not included in this plan. Conversely, if a water user is located outside the Wimmera–Mallee WRP area but sources their water from a waterbody within the WRP area, it is included in the WRP.

1.2.3 Our core obligation under the Basin Plan

Victoria's core obligation under the Basin Plan in the Wimmera-Mallee Water Resource Plan area was to recover an average 23 GL of surface water (Basin Plan Schedule 2, item 24) per year for the environment to meet the area's SDL. This water has been recovered through the sale of 28¹ GL of Wimmera irrigator entitlements (including losses) to the Commonwealth Environmental Water Holder as part of the closure of the Wimmera Irrigation District (see chapter 8.3.1 below for further information).

The major usable groundwater resources in the Wimmera-Mallee WRP area are excluded from the plan area (West Wimmera Groundwater Management Area) or managed under existing arrangements (Border Groundwaters Agreement – South Australia-Victoria and Murrayville Groundwater Local Management Plan).

1.3 Purpose

The purpose of the Wimmera-Mallee Water Resource Plan (Wimmera-Mallee WRP) is to set out how Victoria will meet its obligations under the Murray-Darling Basin Plan 2012 (Basin Plan). The Wimmera-Mallee WRP addresses the requirements of Chapter 10 of the Basin Plan.

Victoria has prepared three documents related to the Wimmera-Mallee WRP:

1. The Wimmera-Mallee WRP is a comprehensive report that includes the accreditation clauses and provides context and background information to support the descriptions of how Victoria meets each of the WRP accreditation clauses in the Wimmera-Mallee WRP. The final report is published on the DELWP and MDBA websites. This draft of the comprehensive document has been developed to facilitate discussion and consultation with Wimmera-Mallee stakeholders and community members. It is expected the final comprehensive report will incorporate any learnings from consultation, and advances in new policy, specifically the Victorian Government's Aboriginal water policy.
2. An accreditation table is published on the Department of Environment, Land, Water and Planning (DELWP) website. This table (which also appears in truncated form throughout the comprehensive report) constitutes the legal documentation to be accredited by the Commonwealth Minister for Water and sets out how Victoria meets each of the clauses in Chapter 10 of the Basin Plan.
3. A Summary Report which provides a simple (not legalistic) description of Victoria's water resource management arrangements in the Wimmera-Mallee WRP area and how they relate to requirements of the Basin Plan. The Summary Report is published on the DELWP website.

Victoria has chosen to prepare a single Wimmera-Mallee WRP rather than a separate plan for surface water and groundwater because both are managed under Victoria's single water entitlement framework and both cover similar, although not identical, areas.

1.4 How the Wimmera-Mallee WRP relates to Victoria's existing management arrangements

Victoria is meeting its obligations under Chapter 10 of the Basin Plan through its existing water management framework. The Wimmera-Mallee WRP makes no changes to Victoria's water management framework. However, the Wimmera-Mallee WRP proposes that some existing instruments be revised and improved to address high or medium risks identified in developing this plan. Any necessary changes to individual instruments will be made under Victoria's legislative framework following consultation with relevant stakeholders.

¹ Note that the MDBA reports this entitlement as equivalent to 22.6 GL long-term average on its website. This estimate will be updated when Victoria's baseline diversion limit and SDL models have been finalised.

The Wimmera-Mallee WRP will therefore have little to no immediate effect on water users in the region and Victoria will not rely on the Wimmera-Mallee WRP for enforcement purposes, but will continue to use the compliance and enforcement provisions under Victorian legislation.

Victoria's core obligation under the Basin Plan in the Wimmera-Mallee WRP area was to recover 23 GL of surface water (Basin Plan Schedule 2, item 24) for the environment to meet the area's sustainable diversion limit (SDL). This water has been recovered through the sale of 28 GL of Wimmera irrigator entitlements (including losses) to the Commonwealth Environmental Water Holder as part of the closure of the Wimmera Irrigation District.

The major usable groundwater resources in the Wimmera-Mallee WRP area are excluded from the WRP for the purpose of SDL accounting (West Wimmera Groundwater Management area) or managed under existing arrangements (Border Groundwaters Agreement – South Australia-Victoria and Murrayville Groundwater Management Plan). No water recovery was required to meet the SDL for groundwater.

1.5 Objectives of the Basin Plan

The Basin Plan was prepared by the MDBA and signed into law by the Commonwealth Minister for Water on 22 November 2012 under the Commonwealth Water Act. The Basin Plan aims to provide SDLs for the water resources of the Murray-Darling Basin. It also provides a framework for presenting the water resource management mechanisms and strategies of the Basin states (Victoria, NSW, South Australia, Queensland and the ACT) that support collaborative management of Murray-Darling Basin water resources through WRPs.

5.02 Objectives and outcomes for Basin Plan as a whole

(1) The objectives for the Basin Plan as a whole are:

- a. to give effect to relevant international agreements through the integrated management of Basin water resources; and
- b. to establish a sustainable and long-term adaptive management framework for the Basin water resources, that takes into account the broader management of natural resources in the Murray-Darling Basin; and
- c. to optimise social, economic and environmental outcomes arising from the use of Basin water resources in the national interest; and
- d. to improve water security for all uses of Basin water resources.

(2) The outcome for the Basin Plan as a whole is a healthy and working Murray-Darling Basin that includes:

- a. communities with sufficient and reliable water supplies that are fit for a range of intended purposes, including domestic, recreational and cultural use; and
- b. productive and resilient water-dependent industries, and communities with confidence in their long-term future; and
- c. healthy and resilient ecosystems with rivers and creeks regularly connected to their floodplains and, ultimately, the ocean.

1.6 Accreditation and compliance

The Wimmera–Mallee WRP was prepared in accordance with the requirements of Chapter 10 of the Basin Plan.

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The Wimmera–Mallee WRP was prepared using the best available information for each component of the Plan that was available at the time of accreditation.

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The best available information includes recent resource assessments conducted in Victoria, current legislative and non-legislative information, a specifically designed risk assessment, REALM modelling results of Baseline Diversion Limit and Sustainable Diversion Limit assessments and information gathered from consultation with the community and industry. The key information sources used to prepare the Wimmera–Mallee Water Resource Plan are listed in the Reference section.

The Wimmera–Mallee WRP is an enforceable instrument under the Commonwealth Water Act and Basin Plan. It will be used by the Commonwealth Government and the MDBA to enforce the following provisions in the Basin Plan:

- **10.08(2)** A water resource plan must require a holder of a water access right to comply with the conditions of that right.
- **10.13(1)** Subject to this section, a water resource plan must require that the long-term annual average quantity of water that can be taken from a surface water SDL resource unit for consumptive use by:
 - a. take under basic rights; or
 - b. take by runoff dams; or
 - c. net take by commercial plantations; or

does not exceed the level specified in column 2 of Schedule 3 for that form of take.

- **10.28** No net reduction in the protection of planned environmental water:

A water resource plan must ensure that there is no net reduction in the protection of planned environmental water from the protection provided for under state water management law immediately before the commencement of the Basin Plan.

- **10.47** Review of water resource plans:

A water resource plan must require that if a review of the plan (or part of the plan) is undertaken, the report of the review must be given to the Authority within 30 days after the report is completed.

- **10.48** Amendment of water resource plan:

A water resource plan must require a Basin state that proposes an amendment to the plan arising from a review to give the reasons for the amendment to the Authority.

MDBA enforcement powers are contained in Part 8 of the Commonwealth Water Act while the obligation to comply with the requirements of an accredited WRP (e.g. the Wimmera–Mallee WRP) is contained in sections 58 and 59 of the Commonwealth Water Act. This means that where an obligation is expressed in the Wimmera–Mallee WRP (the highlighted accredited text in this document), the person on whom the obligation is imposed may be subject to enforcement under the Commonwealth Water Act for non-compliance with that obligation. These obligations operate separately from any similar obligations under the Victorian Water Act. Action taken by Victorian statutory bodies for non-compliance with obligations reflected in the Wimmera–Mallee WRP does not prevent the MDBA from taking action under the Commonwealth Water Act.

The Wimmera-Mallee WRP is valid for the following periods (whichever occurs first):

- 10 years; or
- until 3 years after an amendment of the Basin Plan requires changes to WRP accreditation requirements; or
- until Victoria proposes amendments to state water resource management arrangements that materially affect the Plan.

1.7 Consultation

Many of the existing Victorian instruments which inform the Wimmera-Mallee WRP are subject to legislated consultation requirements to ensure Victoria's water entitlement framework and management is aligned with community expectations. It is Victoria's view that the majority of its Basin Plan obligations are met by these existing instruments and tools. Victoria's tiered approach to consultation with stakeholders and broader communities on its water entitlement framework, management, and policy development is designed to accommodate local, regional and statewide priorities and views, and has helped inform the preparation of the Wimmera-Mallee WRP.

At the local level, water corporations and CMAs have significant responsibility to engage with their communities. In addition to standing customer or community consultative committees, there are many processes that require or benefit from advisory groups or committees to provide advice on implementation, policy, community expectations and local knowledge.

The Victorian Government has provided \$22 million to implement *Our Catchments, Our Communities* from 2016/17 – 2019/20. The policy has a requirement to strengthen community engagement in catchment management. A key feature of CMA waterway management are the Regional Waterway strategies. Regional Waterway strategies, required under the Victorian Water Act, provide a pathway for river and wetland management for the Wimmera, Mallee and North Central CMAs represented in the Wimmera-Mallee WRP. The strategies identify high-value waterways and priority management activities over an eight-year period and are developed in close consultation with key partners, including regional agencies and boards, Traditional Owners and the regional community.

As service providers, water corporations have a heavy focus on providing quality customer communication. They have a significant role in community consultation, too, beyond customer service and pricing. Corporations seek stakeholder and community input when changing instruments or tools such as groundwater local management plans, or constructing new infrastructure – such as pipelines. Water corporations prepare urban water strategies every five years, including being prepared for drought.

Victoria has several planning tools to provide water security for communities, agriculture, the environment, business and industry, with associated consultation to both improve access to information, increase transparency, and guide decision making in line with stakeholder and community expectations.

Every 15 years long-term water resource assessments are undertaken as prescribed by the Victorian Water Act. Every 10 years, regional sustainable water strategies are conducted to set out long-term plans to secure the water future of Victoria's regions. The strategies identify threats to water availability in each region and identify policies and actions to help water users, water corporations and CMAs manage and respond to those threats over the next 50 years. The Victorian Water Act detailed consultation processes that must be followed when regional sustainable water strategies are prepared. The Western Region Sustainable Water Strategy, released in November 2011, had an extensive consultation process and was a temperature check into the water issues community members and stakeholders felt most pressing. Every eight years, the Victorian waterway management strategy is conducted, providing the policy direction

for managing waterways to maintain or improve their condition and support their economic, environmental, social and cultural values. The strategy is developed with an associated stakeholder and public consultation process.

In the early 1990's Victoria created bulk entitlements as the second tier of water rights, under the State framework. Bulk entitlements provide clearly defined property rights to water, and a basis for sharing water resources across entitlement holders, including the environment. All bulk entitlement Orders describe the rights to water, financial obligations, passing flow/environmental obligations and water accounting requirements. Bulk entitlements have provided more surety, particularly in times of increasing water scarcity and increased demand. Any changes to bulk entitlements have to follow a process which is outlined in [Figure 16](#) on page 73 of this document.

These instruments and tools are punctuated by major policy documents, such as *Water for Victoria* (2016), and *Our Water, Our Future* (2004) which are subject to stakeholder and community input and review. Feedback, policy decisions, implementation, and actions have been considered in the preparation of the Wimmera-Mallee Water Resource Plan.

In 2016, Victoria conducted a robust risk analysis for its water resource plan areas. Stakeholder consultation included representation from water corporations, catchment management authorities, the Victorian Environmental Water Holder, MLDRIN and the Victorian Farmers Federation. Assessment of the risk analysis was conducted at the technical level, and again at executive level. The preliminary risk report will be available upon release of the draft Wimmera-Mallee Water Resource Plan for broader stakeholder and community feedback. The final Wimmera-Mallee Water Resource Plan will reflect any changes as a result of this consultation.

The Wimmera-Mallee Water Resource Plan was guided by a Technical Advisory Group established to inform and review content during its development. Given that the WRP is a largely descriptive document that explains how Victoria's management of surface and groundwater resources meets Basin Plan requirements, it was important that Victoria test the accuracy of this description, and any instruments/policy documents referred to as evidence, with the responsible government agencies.

The following key external stakeholder representatives² were included in the Technical Advisory Group to ensure the information in this report clearly and accurately reflects the state's water management arrangements as understood by the groups they represent:

² Environment Victoria was invited to be a part of the Technical Advisory Group but was unable to participate at the time.

Organisation	Representative	Position
Coliban Water	Steven Healy	Manager, Raw Water Supply
Grampians Wimmera Mallee Water	Kym Wilson	Manager, Water Resources
Wimmera CMA	Tony Baker	Statutory & Strategy Manager
Mallee CMA	Jenny Collins	Chief Executive
North Central CMA	Tim Shanahan	Executive Manager, Program Delivery
Victorian Environmental Water Holder	Caitlin Davis	Acting Manager, Planning & Delivery (delegate of Denis Flett)
Murray Lower Darling Rivers Indigenous Nations	Bruce Lindsay	Environmental Justice Australia (delegate of Will Mooney)
Victorian Farmers Federation	Richard Anderson	Chair, Water Council
Wimmera Development Association	Ralph Kenyon	Executive Director (representing five shire councils)

Consultation on the final Wimmera-Mallee Water Resource Plan will be conducted through stakeholder briefings, public meetings and through a public submissions process. In addition to making submissions publicly available, consultation will be reported, incorporating key findings and concerns, and what actions were taken.

Detail on the consultation undertaken in the preparation of the final Wimmera-Mallee Water Resource Plan and comprehensive report will be contained in the final Consultation Report (link found in final Water Resource Plan).