

A photograph of a water treatment plant featuring several large, cylindrical concrete tanks. Two workers in hard hats and safety vests are visible, one in the foreground and another slightly behind. The scene is set against a clear blue sky with some light clouds. A dark blue triangle is in the top right corner, and a teal vertical bar is on the right side. The text is overlaid on the left side of the image.

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



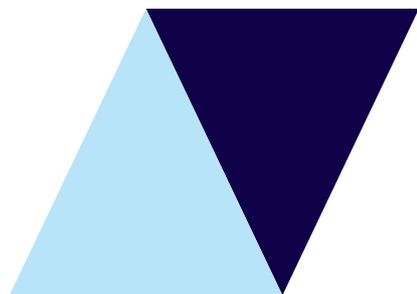
# Part 1.

## Introduction: Victoria implementing the Murray-Darling Basin Plan

The Murray-Darling Basin ('The Basin') is Australia's largest river system. It reaches into Queensland, New South Wales, the Australian Capital Territory, South Australia and covers half of Victoria, including, for the purposes of the Murray-Darling Basin Authority and the Wimmera-Mallee water resource plan area.

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 recognised Ramsar wetlands, and significant floodplains and river red gum forests.

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



## 1.1 Objectives of the Basin Plan

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 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 volume of water that can be taken for use from the Basin. These limits are known as sustainable diversion limits (SDLs), which come into effect in 2019. Basin-wide, SDLs are set to recover 2,750 gigalitres (GL or billion litres) of water for the environment. Victoria has agreed to deliver 1,075 GL as its share.

The Basin Plan requires all Murray-Darling Basin states, including Victoria, to prepare water resource plans by 30 June 2019. This Wimmera-Mallee Water Resource Plan demonstrates how Victoria will meet the requirements identified in the Basin Plan. It has been prepared by the Department of Environment, Land, Water and Planning (see [Part 1.2](#)).

The Wimmera-Mallee Water Resource Plan is Victoria's plan to outline how Victoria will meet the Basin Plan requirements to demonstrate compliance with the new SDLs for surface water and groundwater from 1 July 2019. Another plan has been developed to cover northern Victoria, including the River Murray.

### 5.02 Objectives and outcomes for the 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.

## 1.2 Victoria's approach to this water resource plan

The Murray-Darling Basin Plan outlines a series of requirements for states to cover in their water resource plans (see Chapter 10 of the Basin Plan). These include:

- setting out the quantity of held environmental water and planned environmental water, and incorporating the rules and management arrangements associated with this water
- ensuring that environmental watering is consistent with the Basin-wide environmental watering strategy and Basin Plan objectives
- setting out how much water can be taken annually for consumptive use in a way that meets the long-term sustainable diversion limit
- a plan to manage water quality standards
- setting out the circumstances when trade is allowed within and between groundwater SDL units, and trade from groundwater to surface water SDL units
- 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 will be managed and monitored, including runoff dams, commercial plantations, mining activities and floodplain harvesting
- outlining the risks to water resources and strategies to address these risks.

Victoria has undertaken a comprehensive analysis of the requirements under Chapter 10 of the Basin Plan and has determined that it is meeting most of its obligations through its existing water management framework. The Wimmera-Mallee Water Resource Plan makes no changes to Victoria's water management framework.

The plan proposes that some existing instruments are revised and improved to address high or medium risks identified in developing this water resource plan. Any necessary changes to individual instruments will be made under Victoria's legislative framework following stakeholder consultation.

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

The Wimmera-Mallee Water Resource Plan Comprehensive Report focuses on explaining the current water legislation and management arrangements in Victoria, acknowledging the work done in implementing the Basin Plan and the organisations and people who contribute to its delivery. It also provides an opportunity to continue building water literacy in the broader community.

The Basin Plan however, poses two new challenges to Victoria:

1. To show how Victoria will comply with how much water can be taken for consumption from the state's share of the Murray-Darling Basin when the new limits come into place from July 2019.
2. To recognise and manage for Aboriginal values and uses of water.

The Wimmera-Mallee Water Resource Plan Comprehensive Report explains how Victoria will meet these challenges (see [Part 8](#) and [Part 11](#) respectively).

### 1.2.1 A 'water source' basis

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

### 1.2.2 Victoria's 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 sustainable diversion limit. 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 (see [Part 4.7.3](#)).

The major usable groundwater resources in the Wimmera-Mallee water resource plan area are excluded from the plan area (West Wimmera Groundwater Management Area (GMA)) or managed under existing arrangements (Border Groundwaters Agreement – South Australia-Victoria and Murrayville Groundwater Management Area Local Management Plan 2017).

### 1.2.3 Context and purpose

The purpose of the Wimmera-Mallee Water Resource Plan is to set out how Victoria responds to each requirement of Chapter 10 of the Basin Plan.

Victoria has prepared four documents related to the Wimmera-Mallee Water Resource Plan:

1. The draft Wimmera-Mallee Water Resource Plan Comprehensive Report was developed to facilitate discussion and consultation with Wimmera-Mallee stakeholders and community members.
2. A Summary Report of the draft Wimmera-Mallee Water Resource Plan Comprehensive Report was developed to provide a simple (non-legalistic) description of Victoria's water resource management arrangements in the Wimmera-Mallee water resource plan area and how these arrangements relate to Basin Plan requirements.
3. This (final) Wimmera-Mallee Water Resource Plan Comprehensive Report (this document) incorporates learnings from consultation and policy advances, especially the Victorian Government's Aboriginal water policy. It includes accreditation text from the Basin Plan where relevant and provides context and background information to support the descriptions of how Victoria meets Basin Plan requirements.
4. An Index Table, which constitutes the legal documentation to be accredited by the Commonwealth Minister for Water as the Water Resource Plan and sets out how Victoria meets each of the clauses in Chapter 10 of the Basin Plan.

Victoria has chosen to prepare a single Wimmera-Mallee Water Resource Plan rather than a separate plan for surface water and groundwater because both are managed under Victoria's water entitlement framework and cover similar, although not identical, areas. Where the response to Chapter 10 requirements is different between surface water and groundwater, the Index Table clearly identifies the water resource plan area and water resources to which the response for accreditation applies.

### Drafting water resource plans

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Victoria has attempted where possible to prepare this water resource plan's terms so that they do not exceed Commonwealth legislative powers.

To the extent that the Basin Plan or the Commonwealth Water Act is required to 'read down' this water resource plan, see: section 15A and section 46 of the *Acts Interpretation Act 1901* (Cth), section 13 of the *Legislative Instruments Act 2003* (Cth) and section 11 of the Commonwealth Water Act.

If:

- (a) this water resource plan imposes an obligation on the state or a state agency; and
- (b) the imposition of that obligation would contravene a constitutional doctrine restricting the obligations that the Commonwealth may impose on a state

this water resource plan is taken, instead of imposing the obligation, to confer discretion on the state or state agency to do the thing.

This means that if the water resource plan seeks to require the Victorian Water Minister or a water corporation to do something not permitted because of constitutional limitations, that requirement will change from being an obligation to being at the discretion of the Minister or water corporation.

Victoria has made best efforts to draft obligations in this water resource plan to avoid the application of the above clause.

Many terms used in this water resource plan are used in the Basin Plan or the Commonwealth Water Act. Where such terms are defined in the Basin Plan or the Commonwealth Water Act, they have the same meaning in this water resource plan, unless otherwise stated or the context indicates otherwise.

### 1.3 Accreditation and compliance

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

**10.49(1)** The Wimmera–Mallee Water Resource Plan was prepared using the best available information for each component of the Plan that was available at the time of submission for accreditation.

**10.49(2)** Significant sources of information are:

- a. recent resource assessments conducted in Victoria
- b. current legislative and non-legislative information
- c. a specifically designed risk assessment
- d. REALM modelling results of Baseline Diversion Limit
- e. Sustainable Diversion Limit assessments
- f. information gathered from consultation with the community and industry.

The Reference section contained in the Wimmera–Mallee Comprehensive Report contains a list of the key sources of information used to develop the Wimmera–Mallee Water Resource Plan.

**10.50** The significant methods, models and tools that have been used to develop the Wimmera–Mallee Water Resource Plan are:

- Environmental Water - FLOWS2
- REALM modelling results of Baseline Diversion Limit
- Permitted Take - Draft MDB Groundwater Permitted Take Methodology Report
- SDL Determination - SDL derived from RRAM and the proposed Basin Plan groundwater SDL
- Commercial Plantations - SoilFlux (Jacobs (2016), HARC (2016))
- Runoff Dams - STEDI (Spatial Tool for Estimating the Impact of Dams) version 1.2 (Sinclair Knight Merz 2011, STEDI: Estimating the impact of farm dams on streamflow (User Manual), Prepared for Victorian Department of Sustainability and Environment, July 2011)
- risk assessment method outlined in **Part 2** of the Wimmera–Mallee Risk Assessment Report at **Appendix B**
- Take under basic rights - model results for domestic and stock use (RMCG, 2011)
- Wimmera–Mallee Surface Water BDL Re-estimates document, prepared February 2019

The Wimmera–Mallee Water Resource Plan 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.*
- *10.26 Planning for environmental watering:  
A water resource plan must provide for environmental watering to occur in a way that (a) is consistent with the environmental watering plan and the Basin-wide environmental watering strategy; and (b) contributes to the achievement of objectives in Part 2 of Chapter 8.*
- *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 water resource plan (e.g. the Wimmera–Mallee Water Resource Plan) is contained in sections 58 and 59 of the Commonwealth Water Act. This means that where an obligation is expressed in the Wimmera–Mallee Water Resource Plan (the pale blue 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 Water Resource Plan does not prevent the MDBA from taking action under the Commonwealth Water Act.

The Wimmera–Mallee Water Resource Plan is valid for the following periods (whichever occurs first):

- when the water resource plan ceases to have effect (see section 64 of the Commonwealth Water Act); or
- until three years after an amendment of the Basin Plan requires changes to water resource plan accreditation requirements; or
- until Victoria proposes amendments to state water resource management arrangements that materially affect the Plan.

**10.04(4)(c)**

The Wimmera-Mallee Water Resource Plan, as constituted by Columns 1, 2, 3, and 4 of the Wimmera-Mallee Index Table, will cease to have effect at the end of the accreditation period in accordance with section 64 of the *Water Act 2007* (Cth).

The Wimmera-Mallee Water Resource Plan will be reviewed if, at any time during its accreditation period, changes to the Victorian legislative or water resource management framework which, in DELWP's view, are relevant to whether the water resource plan is consistent with the Basin Plan.

## 1.4 Consultation

Many Victorian instruments that informed the Wimmera-Mallee Water Resource Plan are subject to legislated consultation requirements to ensure Victoria's water entitlement framework and management are aligned with community expectations. The Victorian Government's view is that most of Victoria's Basin Plan obligations are met by these existing instruments and tools. Victoria's 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 Water Resource Plan.

The development process for water resource plans provided a forum to discuss opportunities for improvements to the way Victoria manages water, while detailed consultation regarding improvements and changes to state-based instruments is more appropriately managed through the independent processes for the relevant instruments, strategies or policies.

Consultation on the amendment of existing and new Victorian instruments, strategies and policies relevant to meeting Basin Plan requirements will continue during the life of the Wimmera-Mallee Water Resource Plan.

### 1.4.1 Who else is involved?

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

The Victorian Government provided \$22 million to implement *Our Catchments, Our Communities* from 2016–17 to 2019–20. The strategy requires stronger community engagement in catchment management. A key feature of CMA waterway management is their regional waterway strategies. These 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 Water Resource Plan. The strategies identify high-value waterways and priority management activities over eight years 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 prioritise customer communication. These corporations have a significant role in community consultation beyond customer service and pricing. They seek stakeholder and community input when changing instruments or tools such as groundwater local management plans, or constructing infrastructure such as pipelines, and developing urban water strategies every five years, including being prepared for drought.

### 1.4.2 Water security and risk analysis

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

Victoria undertakes long-term water resource assessments every 15 years 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 details consultation processes that must be followed when regional sustainable water strategies are prepared. For example, 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 were 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. This strategy is developed with an associated stakeholder and public consultation process.

In the early 1990s, Victoria created bulk entitlements to 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 the process detailed in [Figure 18](#).

Major policy documents, such as *Water for Victoria* and *Our Water, Our Future* (DSE 2004), 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 this water resource plan area. Stakeholder consultation included representation from water corporations, CMAs, the Victorian Environmental Water Holder (VEWH), Murray Lower Darling Rivers Indigenous Nations (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 was made available when the draft Wimmera-Mallee Water Resource Plan was released for stakeholder and community feedback, and changes as a result of this consultation are reflected in this (final) Wimmera-Mallee Water Resource Plan.

The Wimmera-Mallee Water Resource Plan was guided by a Technical Advisory Group established to inform and review content during its development. The Technical Advisory Group members were invited to participate based on their diverse experience, expertise and perspectives in water management in the Wimmera-Mallee water resource plan area (members outlined in [Table 1](#)).

**Table 1: Wimmera-Mallee Water Resource Plan Technical Advisory Group<sup>1</sup>**

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)

Given that the water resource plan is largely a descriptive document that explains how Victoria's management of surface and groundwater resources meets Basin Plan requirements, it was important that Victoria tested the accuracy of this description, and any instruments/policy documents referred to, with the responsible government agencies. Key external stakeholder representatives were included in the Technical Advisory Group to ensure the information in this water resource plan clearly and accurately reflects the state's water management arrangements as understood by the groups they represent:

Consultation on the draft Wimmera-Mallee Water Resource Plan was conducted through stakeholder briefings, public meetings and a public submissions process. Submissions to the draft Wimmera-Mallee Water Resource Plan are available.

Details on consultation undertaken in the preparation of the final Wimmera-Mallee Water Resource Plan are contained in the final Consultation Report (see [Appendix D](#)).

<sup>1</sup> Environment Victoria was invited to be a part of the Technical Advisory Group but was unable to participate at the time.

## 1.5 Water resource plan review process

Part or all of this Wimmera-Mallee Water Resource Plan will be reviewed where the following have a material effect on the accredited water resource plan:

- legislative changes to the Victorian Water Act
- changes to policy or the Victorian framework to respond to emerging water management issues
- development of a new water resource plan.

**10.47** If a review of the Wimmera-Mallee Water Resource Plan is undertaken, the report of that review must be given to the Murray-Darling Basin Authority within 30 days after the report is completed.

**10.48** If a review of the Wimmera-Mallee Water Resource Plan results in a proposed amendment to the Plan, the reasons for the amendment must be provided to the Murray-Darling Basin Authority.

If the review requires amendments to the water resource plan, the responsible Minister must undertake the following consultation in developing the changes:

- for small or technical changes (for example, updating references or correcting errors), the Minister (or Department of Environment, Land, Water and Planning) will consult key water industry stakeholders and publish notification of the changes on the DELWP and water authority websites.
- where changes are made to instruments made under Victorian law that are identified in the water resource plan, the statutory processes for consultation under the Victorian Water Act or the *Subordinate Legislation Act 1994* will be complied with.
- where substantive (not small or technical) changes are made to the text of the water resource plan, at least 28 days of public consultation will occur, where the Minister considers that there has not been sufficient consultation on a matter to which the amendment relates. This public consultation will allow for submissions to be made on the changes before seeking accreditation from the Commonwealth Minister for Water for the proposed amendments.

The accreditation process under section 65 of the Commonwealth Water Act applies to changes to the water resource plan except those identified in regulations made under section 66 of that Act.

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