



UNCLASSIFIED

To	Minister for the Environment and Climate Change
From	Director-General <i>[Signature]</i> 1/8/16 Executive Director, Environment
Subject	Future submission of the ACT Water Resource Plan
Critical Date	As soon as possible
Critical Reason	The submission for Cabinet approval is currently scheduled for 30 August 2016

Purpose

1. To inform you of the developments of the draft ACT Water Resource Plan and to seek your agreement to delay Cabinet Submission 16/156 until the content is fully compliant with water resource plan requirements detailed in the Murray Darling Basin Plan.

Background

2. The ACT Water Resource Plan (ACT WRP) is a requirement under the Murray Darling Basin Plan (*Water Act 2007 Cwlth*). The ACT Water Resource Plan (WRP) is required to be submitted to the Murray Darling Basin Authority (MDBA) and then accredited by the relevant Commonwealth Minister. The ACT interim water plan expires on 31 December 2016.

3. The ACT WRP was planned to be accredited by the end of 2016. The submission for Cabinet approval for submission is currently scheduled for 30 August 2016.

4. The latest draft of the ACT WRP was submitted to the MDBA in May 2016. This included the index system and the comprehensive report (a number of earlier drafts had been provided for comment). On 18 July 2016 the ACT received the first substantive feedback on the draft WRP. This summary was followed on 22 July with an extensive response covering most aspects of the draft ACT WRP. There are still comments to come on the modelling work to support the WRP and an approach prepared by the MDBA to account for water held in New South Wales.

5. Community consultation occurred in June/July but resulted in very little community interest and feedback.

6. A meeting was held with the Chief Executive Officer of the MDBA on 13 July 2016 at which a number of key issues with the ACT WRP including the timing of the ACT WRP were discussed.

Performance Assessment

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According to criteria specified in ACT Government Policy Performance Measures

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Issues

7. The 22 July 2016 feedback on the ACT's WRP from the MDBA identified a number of critical aspects, some of which the ACT is well aware have become problematic for the submission and accreditation of the ACT WRP. These issues are:
- The need for an interstate trade account with New South Wales especially to recognise water held in NSW for the ACT, such as the ACT 2 GL Living Murray contribution and the 4.9 GL Shared Reduction Amount, now owned by the Commonwealth Environmental Water Holder.
 - The ACT Murrumbidgee links to NSW regarding environmental watering on the NSW water resource plan areas of the Murrumbidgee River. Similarly, the impact of the ACT water quality management on NSW (although there has been a number of meetings with NSW on these matters). There are also a number of detailed issues that the MDBA have with regard to the ACT water quality management plan.
 - Developing a meaningful way forward to incorporate indigenous water values and uses of the traditional owners of the ACT. This involves obtaining acceptance from Murray Lower Darling Rivers Indigenous Nations (MLDRIN) on the consultation that has occurred in the ACT with the traditional owners within the ACT and also their views on the identification of indigenous values and uses. This work has been slow in that it has been difficult to obtain genuine involvement and response from the traditional owners within the ACT and also because there is no ACT Aboriginal nation representation on MLDRIN. This process is gradually occurring now.
 - The ACT has proposed two reviews of the ACT's sustainable diversion limits - for groundwater and also for surface water for the volume of Commonwealth water resources within the ACT e.g. Lake Burley Griffin but managed by the ACT.
8. NSW have yet to commence any water planning for the Murrumbidgee system and this has further hindered the resolution of issues for the ACT WRP.
9. The MDBA has suggested that because the ACT WRP is closely linked to the NSW Murrumbidgee River WRP, that it would be preferable for the two plans to align. The delay in the ACT WRP would enable more time to address issues with the ACT WRP but also provide the clear opportunity to coordinate with NSW on their sections of the Upper Murrumbidgee River for their WRP on key aspects such as interstate water trading, indigenous engagement, groundwater resources, water quality and environmental watering.
10. Other Basin Plan work will still need to be undertaken such as the finalisation of the ACT Environmental Watering Plan which is on a different timeframe.
11. A formal extension of the ACT's current water resource plan can be arranged with the Commonwealth Department of Agriculture and Water Resources which administers the *Water Act 2007 (Cwlth)*. The overarching basis for an extension is the recognised need to coordinate the ACT WRP with NSW.

Financial Implications

12. The delay in submitting should not affect the funding arrangements to implement the Basin Plan.

External Consultation

13. Meetings and negotiations continue to be held with the MDBA, NSW and MLDRIN. It is the MDBA's advice that the ACT WRP be submitted for accreditation by the Commonwealth by 30 June 2019 at the latest to align with NSW Murrumbidgee planning and the requirements of the *Water Act 2007 (Cwlth)*.

We will aim to complete as soon as we can meet MDBA criteria. D.

Benefits/Sensitivities

14. The proposed postponement is not expected to lead to any administrative or political sensitivities. In recent years the ACT water consumption has been well below the SDL set for the ACT.

Media Implications

15. A media release is not necessary at this time. When the Commonwealth extends the current plan there may be an opportunity to release a small media release to explain the postponement of the WRP.

Recommendation

That you:

- note the information contained in this brief;

NOTED/PLEASE DISCUSS

- agree to the postponement of the ACT WRP until fully compliant with the Murray Darling Basin Authority requirements.

AGREED/NOT AGREED/PLEASE DISCUSS

[Signature]
Simon Corbell MLA 4/8/16

Minister's Comments

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