

Advisory Note

Irrigation Development Guidelines - Northern Irrigation

Version 1.1

This Advisory Note provides information and direction to Catchment Management Authorities (CMAs) and other agencies on the preparation and endorsement process for the development of **Irrigation Development Guidelines (IDG)**.

IDG have been in operation in four northern Victorian catchments for up to 10 years; Goulburn Broken, North Central, Mallee and North East. Following recent changes in the *Water Act 1989* (the Act) there is a need to revise or develop IDG across Victoria.

Why the need for change?

In the *Our Water Our Future* White Paper the Victorian Government recognised that high environmental standards must continue to be enforced for new irrigation developments and that the adverse side-effects from long-established irrigation areas must be progressively reduced.

In unbundled systems, the water-use licence (WUL) has been introduced to better manage the impacts of using water on land and to ensure that best practices are adopted for new irrigation developments in unbundled systems.

With the introduction of WULs and the determination of water-use objectives and standard water-use conditions, there is a need to revise existing or develop new IDG for each catchment across Victoria.

It is also desirable to ensure consistency in bundled and unbundled systems, and the conditions applied to WULs and take and use licences (T&ULs).



What are Irrigation Development Guidelines?

IDG are a means to guide irrigation developments in meeting best practice standards to avoid or minimise the off-site impacts of water-use and irrigation.

IDG enable due consideration of natural resource management issues in the catchment (contained in the Regional Catchment Strategy, Land and Water Management Plan or other regional plans covering matters such as streamflow or groundwater).

The IDG document how any impacts will be accounted for, including relevant charges, when they will be implemented and how the fees will be recovered.

IDG are regionally based and implemented by the relevant Catchment Management Authority(s) (CMA) and Rural Water Corporation(s) (RWC).

IDG provide guidance, to both irrigation developers and government agencies, on the process, matters for consideration, conditions and approvals required to obtain or modify a WUL or T&UL.

Irrigation Development Guidelines seek to:

- Document the approval process for irrigation development applications.
- Offer a cost-effective way to demonstrate that a new irrigation development will proceed in a way that will avoid or minimise environmental impacts.
- Clarify linkages with other environmental or cultural heritage protection procedures and agencies.
- Reduce the uncertainty for prospective developers by clarifying standards and expectations.

IDG should be developed to meet the specific needs and reflect the different characteristics of each region. They should articulate the outcomes that licence conditions will be helping to achieve, the standard of information that needs to be provided for development proposals to be assessed, and the criteria that will be used to determine if all parts of the IDG process are required.

Important elements for inclusion in IDG:

On June 20 2007 the Minister for Water issued determinations and policies related to WULs:

- Water use objectives,
- Standard water-use conditions,
- Policies for managing works licences, and
- Policies for managing water-use licences in salinity impact zones.

IDG must specify all standards and conditions necessary for a developer to meet the requirements of these determinations and policies at a local and state level.

Similarly, the standards and conditions necessary for a developer to meet the requirements of the Act in relation to T&ULs at a local and state level need to be clearly specified.

The IDG should also include:

- A description of the roles and responsibilities of all relevant agencies and, where possible, commitments to efficiently and effectively administer the licence application and assessment process.
- An outline of the process involved in applying for a licence, and the requirements for irrigation developments within the respective catchment.
- Reference to any other relevant approval process stipulated under other Acts or regulations of Parliament.
- Information on likely response times and issues that may delay approvals, such as emergency response commitments, or referrals to other authorities.
- The criteria for determining whether all steps in the IDG process are required.
- An outline of the processes for appeal and review.
- A description of any fees and charges that may be incurred by the proponent (e.g. recovery of costs by authorities, salinity levies, etc)
- If relevant, any differences in the process or the standards and conditions, which apply to WUL and T&UL applications.
- Key contacts for the applicant.

Water-use objectives:

- Managing groundwater infiltration
- Managing disposal of drainage
- Minimising salinity
- Protecting biodiversity
- Minimising cumulative effects of water use

See section 64U of the Water Act.

What is the process for developing IDG?

CMAs have been asked to develop catchment based IDG that are regionally relevant and provide a practical process for the assessment of proposed irrigation developments.

In developing the IDG, each CMA is expected to work closely with their Implementation Committee(s), the RWC(s), Department of Primary Industries (DPI), Department of Sustainability and Environment (DSE), local government, and other community/industry groups.

Preparation of draft IDG for consultation with the community, irrigators, and all relevant agencies is expected prior to preparation of a final draft IDG.

The DSE Sustainable Irrigation Program is providing support to CMAs to develop IDG and also to establish irrigation development case managers to support the implementation of the IDG where appropriate.



What licences are to be covered by IDG?

The IDG should take into account the process, matters for consideration and conditions, for the approval and issuing of licences under sections 51, 64L and 67 of the Act.

Water-use licence

A person requires a WUL under section 64L of the Act to use water on land for irrigation purposes if the water is taken from a declared water system (i.e. an unbundled system).

As of July 1 2007, regulated, surface water systems in Northern Victoria are declared water systems. With unbundling, water entitlements are separated into three individual components:

A water share: a legally recognised, secure share of water available for consumption.

A delivery share: an entitlement to have water delivered to a property.

A water-use licence: an authority to use water for irrigation on a property. At the time of unbundling, irrigators are issued with a WUL commensurate with their existing use arrangements.

For a new irrigation development in an unbundled system, the proponent must apply for a WUL from the RWC.

In dealing with an application for a WUL the RWC is required under section 64M of the Act to consider:

- The impact the proposed use of water may have on other persons or the environment (in

particular water logging, salinity and nutrient impacts).

- Whether or not the proposed use can meet Standard water-use conditions that would apply to the licence, if granted.
- Any comments received from the CMA, if the application was referred to the CMA and comments received within 30 days of the referral.
- Any other matters the Minister considers relevant to that Authority.

Take and use licence

A person requires a licence under section 51 of the Act to 'take and use' water from either a surface or groundwater system, which is not a declared system (i.e. a water system that has not been unbundled).

For a new irrigation development in a bundled system, the proponent must apply for a T&UL from the RWC. New irrigation developments can be regulated by placing conditions on T&ULs.

In considering an application for such a licence, and the conditions to be imposed, the RWC is required to consider matters outlined under section 53 and 56 of the Act, including:

- Any adverse effect the exercise of rights under the licence is likely to have on in-stream uses of water, on the aquifer or on the flow of water within the waterway (e.g. water availability, permissible consumptive volume, water quality).

- The effects on the implementation of the conservation policy of the government, and the need to protect the environment, including the riverine and riparian environment.
- The purposes for which the water is to be used.
- The needs of other potential applicants.
- Any other matter that the Minister thinks fit.

Works licence

A works licence is required under section 67 of the Act to construct and operate works on a waterway, bore and certain private dams.

The works licence is generally required to pump water from a waterway or aquifer. The authority to take the water will be separately authorised by a T&UL or water share.

A works licence can authorise a person to enter onto and install works on Crown land; it does not authorise the proponent to lay pipes on freehold land (or other measures to move water across land) or to remove vegetation.

Section 68 of the Act lists the matters to be taken into account in considering an application for a works licence.

Need further information on licences?

For further information on licences please refer to the *Water Act 1989* www.legislation.vic.gov.au > Victorian Law Today

For determinations and policies related to unbundling, or WULs and works licences, issued by the Minister for Water, June 20 2007, go to:

www.waterregister.vic.gov.au > Unbundling

www.waterregister.vic.gov.au > Unbundling > Unbundled Entitlements

When will the IDG process be used?

The IDG will be utilised in processing applications for, or certain variations to WULs and T&ULs, where the irrigation development:

- Is on land for which there has never been a licence.
- Proposes to increase the annual use limit for a WUL.
- Involves an increase in the area allowed to be irrigated in the licence.

In relation to a works licence application, the IDG process will be initiated if:

- New works are required to deliver water to the land specified in a new licence application (or changing conditions); and
- Existing works are being modified, to deliver water to land specified in a new licence application.

The DSE suggests that a risk based approach be used in the application of the IDG process; the assessment of the application against appropriate criteria should be used to determine the parts of the IDG process that apply.

It is imperative that the assessment procedures and criteria to be used in determining the parts of the IDG process that apply are outlined in the IDG, such that they are clear, concise, accountable and defensible.

The issuing of a licence cannot be with-held based on the requirements of other Acts of Parliament; however, it is important for proponents to be aware that the proposed development may not be able to proceed without all necessary approvals.

When are development approvals not required?

The approvals processes outlined in the IDG **will not** be initiated where the sale of land requires the issuing of a new WUL on land already being irrigated, provided there is no net increase in the annual use limit or the area allowed to be irrigated.

For most irrigators in irrigation districts in declared systems, the area covered by the WUL is the whole property (unless otherwise specified in the WUL). Consequently, further land can be developed without initiating the IDG process provided the annual use limit specified in the WUL is not exceeded.

For a new WUL the area to be irrigated will be specified and may not be the whole property, thus further land development in the future would initiate the IDG process.

A property with a water entitlement at the time of unbundling that had either never been used or had not been used for a considerable time receives a WUL when unbundling occurs. If irrigation commences at some point in the future the WUL

holder will be encouraged to follow the IDG to ensure that they meet or exceed the standard water-use conditions specified in the WUL and any other stipulations contained in the Acts of Parliament, such as native vegetation clearance controls and cultural heritage protection.

Where an irrigation development is proposed using reclaimed water, the development must comply with Environmental Protection Authority (EPA) requirements and the IDG process may not apply. Further information on EPA requirements for the use of reclaimed water can be found in the EPA publication *Guidelines for Environmental Management – Use of Reclaimed Water* (2003).

What is the endorsement process for IDG?

The following process is required for IDG endorsement in each catchment; the lead CMA will:

- Consult with the local community, including irrigators.
- Seek the approval of CMA(s) and RWC(s) boards.

In the case where the IDG will apply across catchment or water authority boundaries, approval is required by the CMA and RWC boards in each catchment/ jurisdiction.

For further information please contact:

Sustainable Irrigation Program representatives
Department of Sustainability and Environment

☎ 136 186
www.dse.vic.gov.au