

New regulations for public recreation at water storages under the *Water Act 1989*

Information sheet

Context

DELWP has commenced work on new regulations for Recreational Areas managed by water corporations under the *Water Act 1989*. New regulations are needed to replace the *Model By-law: Recreational Areas* (2012) which was set to expire in October 2022.

The Minister for Water extended the existing Model by-law for 12 months in August 2022 to enable time for a thorough community consultation process, and to ensure Water Corporations could continue managing recreational areas while the new regulations are developed. The new regulations are expected to be in place by mid-2023.

The regulations will apply to 40 of Victoria's water storages, which have been determined as Recreational Areas. Water corporations manage these storages to supply water for irrigation, urban, rural and environmental use while also providing a broad range of opportunities for recreation and tourism. Many are high visitation sites with significant infrastructure for camping, boating, fishing, picnics and barbeques.

Some Recreational Areas are important sites of cultural heritage and are of significance to Traditional Owners. They also perform environmental functions, such as providing habitat for plant and animal species and are important sites for fire management and catchment protection. The new regulations will continue to manage public recreation at these sites, to ensure their range of values and uses are protected when the Model By-law expires.

The objectives of the regulations are to provide for the control and management of Recreational Areas to —

- Protect the land, services, works and facilities in the area;
- Protect and maintain water quality in any waterway in the area;
- Provide for Aboriginal cultural values and uses of waterways in the area; and preserve and protect those values;
- Provide for the safety, enjoyment and recreation of visitors to the area; and
- Conserve and preserve flora, fauna and habitat in the area.

What does the existing Model By-law do?

The *Model By-law: Recreational Areas* was made by the Minister for Water in 2012. It provides water corporations with the ability to manage activities such as fishing, boating, swimming and camping. It provides penalties for prohibited activities such as vandalising water corporation infrastructure, operating boats in a dangerous way, removing vegetation or disturbing wildlife. It also allows access to be prohibited to certain parts of the water storage, or for the storage to be temporarily closed to the public, for example in the event of flood, fire, or other emergency.

What changes will the regulations make?

DELWP is proposing much of the content of the Model By-law is retained in the new regulations. Some changes to the by-law are proposed in order to:

- Better recognise Traditional Owner rights, aspirations and values for management of Country;
- Introduce a process for the preparation of management plans for Recreational Areas;

- More effectively manage specific issues (e.g. use of campfires);
- Make minor updates to bring consistency with other legislation;
- Strengthen compliance tools through providing for infringement notices to be issued for breaches of the regulations.

Where will the regulations apply?

The regulations will apply to areas of land and water, managed by water corporations that have been determined to be 'Recreational Areas' through a formal process under section 122ZA of the *Water Act 1989*. The determination process provides water corporations with a range of functions at water storages, including the ability to apply by-laws or regulations to these areas to manage public visitation.

To date, 40 water storages have been formally determined as Recreational Areas. Some of these storages, such as Lake Eppalock, were determined as early as the 1970s, while the most recent Recreational Areas, near Kyneton, were made in 2019. A list of current Recreational Areas is provided in **Table 1** below.

What will the regulations not do?

The regulations will not open up any new water storages to recreation – they will only apply to existing declared Recreational Areas (see list below).

Will I be able to give feedback on the proposed regulations?

Yes, a community consultation process will be held on the public Engage Victoria platform in mid-January 2023. This will consist of short answer and multiple-choice survey.

Traditional Owner engagement and formal rights and agreements

DELWP commenced discussions with Victorian Traditional Owners early in the regulation development process and Traditional Owner perspectives are valued on all aspects of the regulations.

Some Traditional Owner groups have formal rights and agreements recognised by the State. These include Recognition and Settlement Agreements under the *Traditional Owner Settlement Act 2010*, and related agreements such as Natural Resource Agreements and Land Use Activity Agreements. Traditional Owners also have rights as Native Title holders and claimants under the *Native Title Act 1993*. Registered Aboriginal Parties (RAPs) have functions related to the protection and management of Aboriginal cultural heritage under the *Aboriginal Heritage Act 2006*.

These Acts, and the formal rights and agreements they provide, will continue to protect Traditional Owners' rights and interests and will not be reduced through the making of new regulations.

Key contacts

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Table 1: Recreational Areas

Reservoir	Catchment	Local Government Area	Water corporation
Barkers Creek Reservoir	Loddon River	Mount Alexander	Coliban Water
Lauriston Reservoir	Campaspe River	Macedon Ranges	Coliban Water
Malmsbury Reservoir	Campaspe River	Macedon Ranges	Coliban Water
Upper Coliban Reservoir	Campaspe River	Macedon Ranges	Coliban Water
Cairn Curran Reservoir	Loddon River	Mount Alexander	Goulburn Murray Water
Tullaroop Reservoir	Loddon River	Central Goldfields	Goulburn Murray Water
Laanecoorie Reservoir	Loddon River	Loddon	Goulburn Murray Water
Newlyn Reservoir	Loddon River	Hepburn	Goulburn Murray Water
Hepburns Lagoon	Loddon River	Hepburn	Goulburn Murray Water
Mildura Weir	Murray River	Mildura	Goulburn Murray Water
Blue Rock Lake	Latrobe River	Baw Baw	Southern Rural Water
Lake Glenmaggie	Thomson River	Wellington	Southern Rural Water
Lake Narracan	Latrobe River	Latrobe	Southern Rural Water
Greens Lake (Corop)	Goulburn River	Campaspe	Goulburn Murray Water
Lake Buffalo	Ovens River	Alpine	Goulburn Murray Water
Lake Eildon	Goulburn River	Mansfield	Goulburn Murray Water
Lake William Hovell	Ovens River	Wangaratta	Goulburn Murray Water
Lake Nillahcootie	Broken River	Mansfield	Goulburn Murray Water
Goulburn Weir	Goulburn River	Strathbogie	Goulburn Murray Water
Lake Eppalock	Campaspe River	Greater Bendigo	Goulburn Murray Water
Waranga Basin	Goulburn River	Campaspe	Goulburn Murray Water
Melton Reservoir	Werribee River	Melton	Southern Rural Water
Green Lake (Horsham)	Wimmera-Avon Rivers	Horsham	Grampians Wimmera Mallee Water
Pine Lake	Wimmera-Avon Rivers	Horsham	Grampians Wimmera Mallee Water
Rocklands Reservoir	Glenelg River	Southern Grampians	Grampians Wimmera Mallee Water
Taylor's Lake	Wimmera-Avon Rivers	Horsham	Grampians Wimmera Mallee Water
Toolondo Reservoir	Wimmera-Avon Rivers	Horsham	Grampians Wimmera Mallee Water
Pykes Creek Reservoir	Werribee River	Moorabool	Southern Rural Water
Yarrowonga Weir/Lake Mulwala	Murray River	Moirra	Goulburn Murray Water
Torrumbarry Weir	Murray River	Campaspe	Goulburn Murray Water
Dartmouth Dam/Lake Dartmouth	Murray River	Towong	Goulburn Murray Water
Hume Dam/Lake Hume	Murray River	Wodonga	Goulburn Murray Water
Kangaroo Lake	Loddon River	Gannawarra	Goulburn Murray Water
Lake Boga	Loddon River	Swan Hill	Goulburn Murray Water
Lake Charm	Loddon River	Gannawarra	Goulburn Murray Water
Lake Bellfield	Wimmera-Avon Rivers	Northern Grampians	Grampians Wimmera Mallee Water
Moora Moora Reservoir	Glenelg River	Northern Grampians	Grampians Wimmera Mallee Water
Wartook Reservoir	Wimmera-Avon Rivers	Northern Grampians	Grampians Wimmera Mallee Water
Lake Fyans	Wimmera-Avon Rivers	Northern Grampians	Grampians Wimmera Mallee Water
Lake Lonsdale	Wimmera-Avon Rivers	Northern Grampians	Grampians Wimmera Mallee Water