

Water Act 1989

PERMISSIBLE CONSUMPTIVE VOLUME SURFACE WATER ORDER 2024

I, **Hon Harriet Shing MP**, Minister for Water, as Minister administering the **Water Act 1989**, make the following Order:

1. Citation

This Order is called the Permissible Consumptive Volume Surface Water Order 2024 (this Order).

2. Authorising provision

This Order is made under section 22A(1) of the **Water Act 1989**

3. Commencement

This Order comes into operation on the date it is published in the Victoria Government Gazette.

4. Purpose

The purpose of this Order is to set the permissible consumptive volumes for surface water systems specified in the Order.

5. Definitions

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Conservation Licence**’ means a licence under section 130 or 138 of the **Land Act 1958** over a Crown frontage which permits grazing for no more than one month in any year;

‘**Dairy Shed Water Licence Transition Program**’ means the Program run by the Department of Energy, Environment and Climate Action developed to ensure water used in dairy sheds, such as water for washing yards, milking equipment, platforms and other plant, is fully licensed;

‘**Polluted**’ means pollute (past tense) as defined in section 3 of the *Water Act 1989*.

‘**Returned**’ means, for the purposes of clause 7(b)(iv), water taken under a section 51 licence that is:

- (a) put back into the same water system, within the same water season; and
- (b) measured and accounted for; and
- (c) not polluted when it is put back into the same water system -

in accordance with the conditions on that section 51 licence.

‘section **51 licence**’ means a licence issued under section 51 of the *Water Act 1989*, including any conditions prescribed or fixed under section 56 of that Act.

‘**Stormwater Works**’ means –

- I. a channel, drain or pipe or associated works, including box culverts, that collects or conveys stormwater runoff from an urban area or development and that is owned or operated by a water corporation for the purpose of carrying out its functions under the Act; or
- II. a retarding basin or wetland that holds or treats stormwater runoff from an urban area or development and that is constructed or operated by a water corporation for the purpose of carrying out its functions under the Act; or
- III. in the case of Melbourne Water Corporation, works listed in Melbourne Water Corporation’s asset register and used for the purpose of carrying out its regional drainage functions under Part 10 of the Act;

‘**Water Season**’ has the same meaning as in the Act and means any period of 12 calendar months beginning on 1 July in any year and ending on 30 June in the following year.

6. Areas to Which the Order Applies

The areas to which this Order applies are those areas in Victoria identified in Column A of the Table below.

Each area is or shall be known by the name listed in Column A of the Table.

7. Permissible Consumptive Volumes

7.1 Subject to clause 7.3, I declare that the total volume of surface water that may be taken in each area listed in the Table under the Act or any other Act, during a water season, must not exceed:

- (a) the volume listed in Column B for that area; and
- (b) the volume in Column B plus the volume that may be taken under any licence issued or amended or to be issued or amended under section 51 of the Act in that area –
 - (i) to take and use water from stormwater works; and
 - (ii) to take and use water for the purposes of dairy shed cleaning as provide for under the Dairy Shed Water Licence Transition Program; and
 - (iii) to take and use water from a waterway for the purposes of watering stock where the applicant or licensee –
 - A. holds a conservation licence over Crown frontage along the waterway and the Crown frontage has been fenced off since 7 September 2004; or
 - B. held a licence under the Land Act 1958 allowing grazing over Crown frontage along the waterway that was either cancelled to implement a recommendation of the Victorian Environment Assessment Council or

surrendered as part of an arrangement for the Crown frontage to be managed by a Committee of Management; and

(iv) that must be returned subject to the conditions on that licence.

Note - For water system accounting purposes, returned water is accounted for such that the licensed consumptive volume (inclusive of any loss) is the take volume minus the return volume. Only the licensed consumptive volume is considered within the permissible consumptive volume specified in Column B of the Table.

7.2 Clause 7.1(b)(iv) only applies to licences issued, renewed or amended after the commencement of this Order to include conditions requiring water to be returned.

7.3 Where:

- (a) a licence was issued prior to the commencement of this Order that involved the return of water, with the return either specified as a condition of the licence or not; and
- (b) that licence is amended or renewed resulting in a volume now being accounted for under Clause 7.1(b)(iv) -

the volume determined under clause 7.1(a) is taken to be reduced by the volume accounted for under 7.1(b)(iv).

TABLE

Column A	Column B
River Basin Name	Permissible consumptive volume (megalitres)
Thomson	460,430
Latrobe	275,193
Bunyip	45,549
Yarra	435,982
Maribyrnong	10,765
Werribee	43,249
Moorabool	46,427
Barwon	60,791
Otway Coast	36,724
East Gippsland	2,955
Glenelg	8,612
Hopkins	18,186
Lake Corangamite	7,252
Millicent Coast	5,075
Portland	6,807
Snowy	7,710
South Gippsland	47,248
Tambo	7,218



Hon Harriet Shing MP
Minister for Water

Dated: 12 / 07 / 2024