

# FROM POLICY TO PRACTICALITY - THE IRRIGATION DEVELOPMENT GUIDELINES FOR NORTHERN VICTORIA

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## ABSTRACT

The Irrigation Development Guidelines are a tool to help meet the planning and licensing approval requirements for irrigation development and have been applied in the Goulburn-Murray Irrigation District since 1998. Approval of Irrigation Development requires the consideration of no less than five State and Federal Government Acts administered by four statutory bodies. Matters to be considered relate to water, flora and fauna, cultural heritage and planning.

For many irrigation developments post 1998, the process for approval was inconsistently applied, or in some cases, not applied at all because agencies and proponents were not fully aware of what their roles and responsibilities were in regards to irrigation development. With the creation of the Victorian Government's White Paper 'Securing Our Water Future Together' a goal was set to ensure irrigation development adheres to higher standards of irrigation. The Minister for Water asked Catchment Management Authorities to develop guidelines to ensure this occurred and highlighted the need for the existing approval process to be reviewed and greatly enhanced.

The Irrigation Development Guidelines for Northern Victoria were revised to comprise of four aligned documents, each targeted at building a greater level of understanding between agencies and between agency and proponent. The first, a Memorandum of Understanding sets an agreement between the implementing agencies to work in partnership within agreed roles and responsibilities to ensure clarity, certainty and an efficient approvals process for proponents. The second document, the Regional Directions for Irrigation Development sets the framework, principles and conditions on which irrigation development will proceed. The third document, Agency Operational Procedures, outlines how each

agency will work together to deliver an efficient approvals process. The fourth document, the Landowner Information Package, provides proponents an easy to read explanation of the requirements of Irrigation Development.

The Irrigation Development Guidelines for Northern Victoria give greater direction for proponents of Irrigation Development by providing clarity and a single point of reference - an Irrigation Development Coordinator for dealing with each approval requirement. The guidelines also include a multi-stage risk based environmental assessment for water-use licence approval. Under this assessment, the requirements for a proponent to provide information and demonstrate that environmental risks can be minimised are dependant on the scale of the assessed risk.

One of the key successes of the multi-stage risk based assessment is it has reduced the arduousness of the approval process, despite the additional legislative requirements water reform has created. Another key success is that applications in the dryland can now be assessed in the same manner as applications in irrigation areas which allows consistency across catchments.

The Irrigation Development Guidelines for Northern Victoria allow risks posed by irrigation development to be assessed against higher standards of sustainability while following a much clearer process. Proponent costs have been minimised as they are only required to undertake a level of technical work that reflects the risks posed by their development.

## INTRODUCTION

The Irrigation Development Guidelines (IDGs) are a tool to help meet the planning and approval requirements for irrigation Development in Northern Victoria. Guidelines were originally adopted by Goulburn-Murray Water in 1998 and applied in the North East, Goulburn-Broken and North Central catchment regions for approval of irrigation development.

The Victorian Government's 2004 White Paper 'Securing Our Water Future Together' stated the Government's aspiration for irrigation was for it to become increasingly productive with minimal environmental impact. The IDGs were amended to achieve this aim and to incorporate changes to the *Water Act (1989)*, which were a result of implementation of the 2004 White Paper. The new guidelines are required to assess applications for new, or amendments to water use and works licences.

## IRRIGATION DEVELOPMENT GUIDELINES

The original guidelines were developed to provide a framework for consideration of water, environmental, heritage and planning approval requirements. Included in this was the requirement of technical work that should be carried out by the proponent, to prove the irrigation development would not cause significant adverse impacts. The basis for the requirement of proponents to adhere to the guidelines was to gain approval of a water entitlement.

A number of issues were raised with the implementation of the original guidelines. A summary of some key issues and how the new guidelines propose to address the issue is presented in Table 1 below:

**Table 1. Issues and solutions of the Irrigation Development Guidelines**

| <b>Original guidelines issue</b>   | <b>How new guidelines address issue</b>  |
|--|--|
| Agency interpretation of guidelines.<br><i>eg. Some Landholders may not have triggered the guidelines when they clearly should have</i>  | <ul style="list-style-type: none"> <li>• Inter-Agency Steering Committee to oversee redevelopment of the Irrigation Development Guidelines</li> <li>• Roles and responsibilities clearly defined in Four Aligned Documents which includes the Agency Operational Procedures.</li> <li>• Legislative Framework defined</li> <li>• Approvals Process formalised</li> <li>• Technical requirements - process for meeting requirements formalised</li> </ul> |
| Landholders unclear of the requirements of the guidelines and when the guidelines have been met.<br><i>eg. Some landholders believed they had reached the end of the process only to be informed of further requirements</i> | <ul style="list-style-type: none"> <li>• Single entry point to process.</li> <li>• Irrigation Development Co-ordinator informs landholder upfront of all requirements.</li> <li>• Landholder information package developed.</li> </ul>   |
| Similar requirement for all regardless of scale of development or risk – led to excessive expense for some applicants  | <ul style="list-style-type: none"> <li>• Multi-stage risk based assessment to determine landholder requirements.</li> </ul>  |
| Exemptions inconsistently applied.<br><i>ie. Determination of exemptions was inconsistent with risks.</i>  | <ul style="list-style-type: none"> <li>• Multi-stage risk based assessment to determine landholder requirements.</li> </ul>  |
| Timing of requirements – parallel approval processes poorly coordinated.   | <ul style="list-style-type: none"> <li>• Clearly defined work flows in the Agency Operation Procedures</li> </ul>  |
| Not legally supported  | <ul style="list-style-type: none"> <li>• New guidelines consistent with Water</li> </ul>   |

|  |   |
|--|---|
|  | Use Objectives and Ministerial determinations   |
| Length of time to complete guidelines.<br><i>eg. up to 2 years.</i>                        | <ul style="list-style-type: none"> <li>• Simplify process both externally (between agencies) and internally</li> </ul>                                  |
| Compatibility with changing Government policy<br><i>eg. Changing environmental values.</i> | <ul style="list-style-type: none"> <li>• Alignment of Irrigation Development Guidelines with White Paper</li> <li>• Annual review of process</li> </ul> |

## **IRRIGATION DEVELOPMENT GUIDELINES FOR NORTHERN VICTORIA**

### **INTER-AGENCY STEERING COMMITTEE**

An inter-agency steering committee was established early in the life of the project to provide direction to the development of the IDGs. Members of the committee included staff from Goulburn-Murray Water, Department of Primary Industries and the Goulburn-Broken Catchment Management Authority.

### **FOUR ALIGNED DOCUMENTS**

One of the key deficiencies of the original IDGs was that agencies and proponents were not fully aware of what their roles and responsibilities were in regards to irrigation development. This was, in part, due to the roles and responsibilities of all parties being inadequately detailed in supporting documentation. To rectify this, the new IDGs were comprised of four aligned documents, each targeted at building a greater level of understanding within and between agencies, and for proponents of irrigation development. The four documents were:

- Memorandum of Understanding
- Regional Directions for Irrigation Development: requirements for irrigation development in Northern Victoria
- Agency Operational Procedures
- Irrigation Development Information Package: requirements for Irrigation Development in Northern Victoria.

### **MEMORANDUM OF UNDERSTANDING**

A Memorandum of Understanding (MOU) will be established within each Catchment Management Authority region to set an agreement between the implementing agencies to work in partnership within agreed roles and responsibilities to ensure clarity, certainty and an efficient approvals process for proponents. The intention of the documents is to overcome past confusion over implementing agency roles and gain more consistency in the implementation of the process. Signatories to each MOU will be Goulburn-Murray Water, Department of Sustainability and Environment, Department of Primary Industries, and the relevant Catchment Management Authority.

### **REGIONAL DIRECTIONS FOR IRRIGATION DEVELOPMENT: REQUIREMENTS FOR IRRIGATION DEVELOPMENT IN NORTHERN VICTORIA**

The Regional Directions for Irrigation Development set the framework, principles and conditions for approval of irrigation development to occur. The document was based on the experience and use of the 'Irrigation Development Approval Process Guidelines' and incorporates water-use licences and higher standards of irrigation development.

The document is consistent with the Water Use Objectives and Ministerial Determinations which provides its with a legal basis for application. Therefore, the process should now withstand a legal challenge against the legitimacy of applying the process to assess Water-Use Licence applications.

## **AGENCY OPERATIONAL PROCEDURES**

The Agency Operational Procedures outlines how each agency should work together to implement the IDGs. Previously, there had been no formal documentation to guide agency staff in how to fulfil their duties in regards to new development. This led to the IDGs being inconsistently applied or not applied at all in some instance.

The Agency Operational Procedures were designed to incorporate all the implementing agency roles, being the Catchment Management Authorities, Goulburn-Murray Water and Department of Primary Industries.

The document contains separate process management components for the Irrigation Development Coordinator and for Goulburn-Murray Water. This clarifies how to manage the IDG process. It also contains individual sections describing and detailing the approval requirements (planning, water, flora and fauna, heritage).

## **IRRIGATION DEVELOPMENT INFORMATION PACKAGE: REQUIREMENTS FOR IRRIGATION DEVELOPMENT IN NORTHERN VICTORIA**

The Irrigation Development Information Package was designed for proponents as an easy to read explanation of the IDGs. The Landholder Information Package is not a complete “how to” guide, but rather compliments tailored advice from the Irrigation Development Coordinator. In designing the document in this fashion, it confirms the role of the Irrigation Development Coordinator as the primary source of information in regards to irrigation development approval for proponents.

## **APPLYING THE IRRIGATION DEVELOPMENT GUIDELINES**

To take into account water reform, the IDGs were modified to include water-use licences. The IDGs now apply to applications for, or variations to, water-use licences for irrigation purposes where the proposed irrigation development:

- Will occur on land for which there has never been a water-use licence.
- Involves an increase in the annual use limit in an existing water-use licence.
- Involves an increase in the area to be irrigated in an existing water-use licence.

In addition, the IDGs apply for all applications for a new works licence (*Water Act*, Section 67), or renewal or variation of an existing works licence for irrigation purposes.

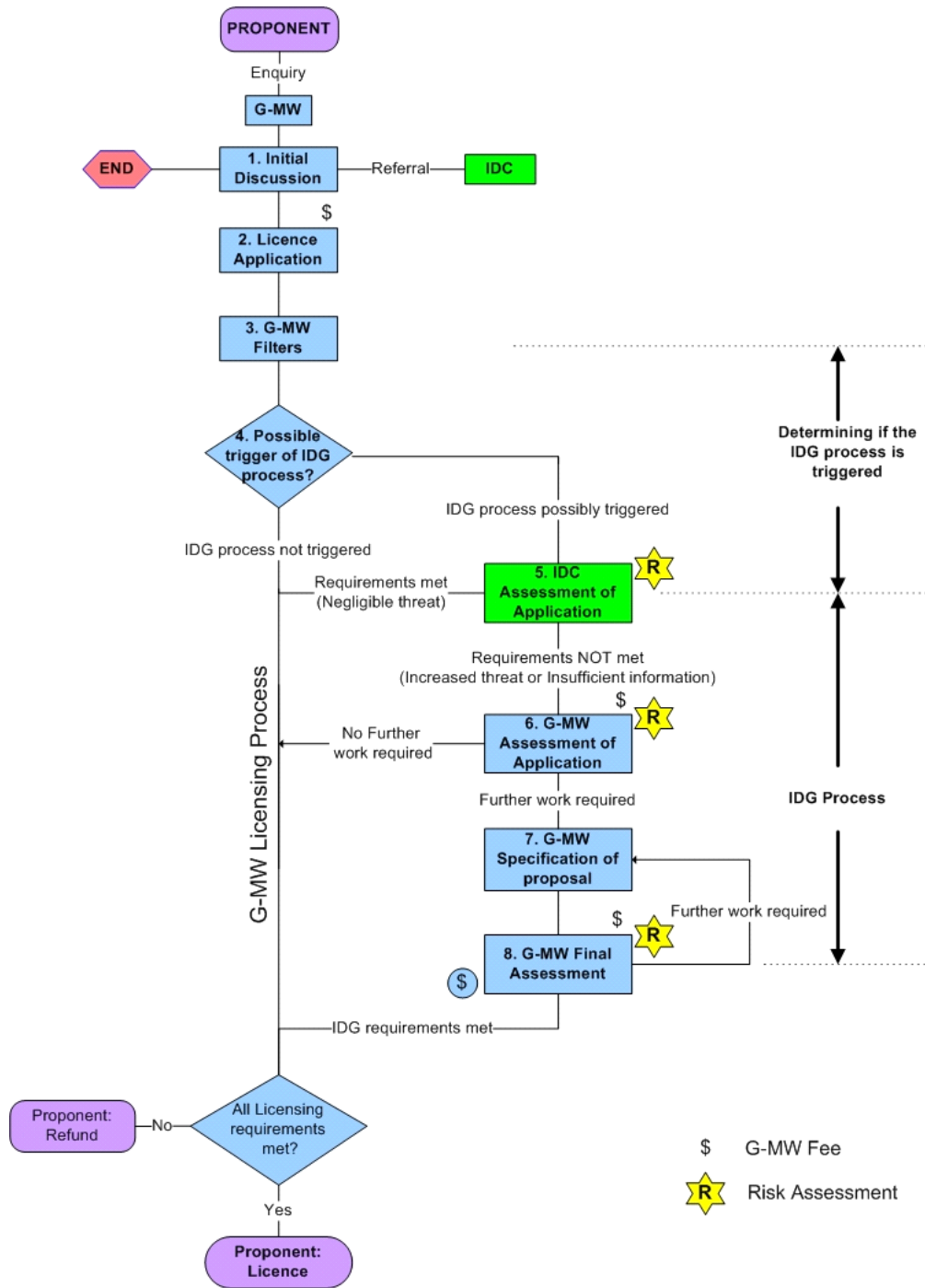
## **LEGISLATIVE FRAMEWORK**

Approval of irrigation development requires the consideration of no less than five pieces of legislation, administered by four statutory bodies. Matters to be considered are:

- Water – *Water Act* (1989)
- Flora and Fauna – *Flora and Fauna Guarantee Act* (1988), *Environmental Protection and Biodiversity Act* (1988), *Planning & Environment Act* (1987)
- Cultural Heritage – *Aboriginal Heritage Act* (2006)
- Planning – *Planning & Environment Act* (1987).

## **APPROVALS PROCESS**

The original guidelines did not have a documented approvals process and were based on agreement between agencies that a process would be followed. The lack of documentation and formal agreement on the process to be followed led to inconsistency in the use of the guidelines. A major aim of the new IDGs was to create an efficient approvals process that would be agreed to and administered consistently by all implementing agencies while incorporating unbundling and water-use objectives. The new approvals process is shown below:



**Figure 1. The Irrigation Development Guidelines Approvals Process**

As can be seen in Figure 1, the approvals process is essentially rolled up into 8 steps. In the process, Goulburn-Murray Water receives an application and determines if it meets criteria that requires the application to be referred to an Irrigation Development Coordinator for assessment. If the application is referred to the IDC, he/she assesses the application by using a risk based assessment and determines if it will fall into the IDG process. If the IDGs are required Goulburn-Murray Water undertakes a detailed risk assessment of the application (at cost to the proponent), specifies what technical work is required (e.g Irrigation and Drainage Plan) and what risk levels must be achieved for approval to occur. If at the end of the process the requirements have been met, a licence will be issued. If the risks posed by the proposed development can not be mitigated, then the application will be refused and a proportion of the application costs refunded.

## TECHNICAL REQUIREMENTS

A Technical Requirement is described in the Irrigation Development Information Package as a professional report or product that is produced by a suitably qualified or experienced person to address a need for specific information. The technical requirements of the Irrigation Development Guidelines are:

- Prepare and Irrigation and Drainage Plan
- Meet the Water Use Objectives
- Gain appropriate planning approvals
- Satisfy Cultural Heritage requirements
- Satisfy Flora and Fauna Requirements.

In meeting the technical requirements, proponents will be meeting the planning requirements of the Water Act (1989), Planning & Environment Act (1987), Aboriginal Heritage Act (2006), Flora and Fauna Guarantee Act (1988) and the Environmental Protection and Biodiversity Conservation Act (1999).

## MULTI-STAGE RISK BASED ENVIRONMENT ASSESSMENT

The original guidelines were a rigid process, where all proponents were required to produce the same standard and type of professional reports, regardless of the level of risks posed by the development. This led to needless expense for many proponents of low risk developments.

The new IDG process includes a Multi-stage Risk Based Assessment which is designed to minimise costs to the proponent by using a number of risk assessments. The assessment process ensures an appropriate level of assessment is conducted to meet the risks identified.

The first assessment is conducted by the Irrigation Development Coordinator is free for the proponent. The second assessment is conducted by Goulburn-Murray Water, is more detailed than the first assessment and costs the proponent \$1000. Included in this cost is a specification, which clearly states the work remaining (technical requirements), the level of risk that must be achieved for approval to be given and the final assessment costs (calculated at \$110/hour). The final assessment is conducted by Goulburn-Murray Water and assesses the work in the specification.

## CONCLUSIONS

The redevelopment of the IDGs has managed to streamline the approvals process for irrigation development, while incorporating new legislative requirements. The introduction of a multi-stage risk based assessment will reduce costs for proponents, provide an appropriate level of assessment and allow applications from both dryland and irrigated landscapes to be assessed in the same manner.

## PARTNERSHIP STATEMENT

This project is funded as part of the Goulburn Broken Catchment Management Authority Regional Catchment Strategy in the Shepparton Irrigation Region and is provided with support and funding from the Australian Government and Victorian Government through the National Action Plan for salinity and water quality and the Natural Heritage Trust. This project is delivered primarily through partnerships between the Department of Primary Industries, Goulburn-Murray Water, Department of Sustainability and Environment, the Goulburn Broken Catchment Management Authority / Shepparton Irrigation Region Implementation Committee and other bodies.

