

STANLEY RURAL COMMUNITY INC.

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ABN 35 787 942 289

Water Resource Plan Team
Department of Environment, Land, Water & Planning
PO Box 500
Melbourne Victoria 8002

Dear Water Resource Plan Team

Changes to the Victorian Water Act 1989 and Planning & Environment Act 1987

The Stanley community has been engaged in protracted administrative and legal process regarding water mining and extraction on the Stanley Plateau in Indigo Shire, North East Victoria. Extraction is also taking place on a larger scale in neighbouring Alpine Shire. These locations are within the purview of the Water Resource Plan for Northern Victoria.

Stanley Rural Community Inc (SRCI) has advocated for almost five years on behalf of the community by challenging the system of water licences and planning permits issued to Stanley Pastoral Pty Ltd to mine and extract water for bottling from a bore in Cue Springs, Stanley. *Stanley Rural Community Inc v Stanley Pastoral Pty Ltd [2017] VSCA 385* (the Case) refers.

The Case identified that changes to the Water Act 1989 (Water Act) and Planning & Environment Act 1987 (P&E Act) are needed to ensure that legislation remains relevant to modern social and cultural expectations, and in particular consultation with communities affected by the issue of water licences and planning permits. These issues fall precisely within the policy responsibilities of DELWP and are deserving of consideration as changes needed to water, environment and planning legislation and policy.

Interpretation of the Court of Appeals decision indicates that the Water Act and P&E Act are incompatible and out of alignment with community expectations, when considering issues related to social and cultural concerns associated with commercial development, particularly in rural areas and especially in relation to the endemic growth of water mining and extraction for commercial use, such as bottled water.

The Municipal Association of Victoria (MAV) and Murray Darling Association (MDA) have each recently passed unanimous resolutions supporting changes are needed to the Water Act and P&E Act to address the practice of converting part of existing water licences for commercial use. These resolutions have been sent to the Minister for Water for consideration.

In consultation with its legal advisers SRCI has prepared a *Problems and Solutions* paper for consideration in relation to the changes perceived essential to generating legislation and policy that meets modern community expectations and addresses an issue (water mining) that was not apparent when the original legislation and policy was considered and enacted.

The principle issues identified in the attached paper are:-

- Fix the broken notice and appeal provisions of the Water Act;
- Make the Water Act prioritise the use of water as a productive resource, not just a commodity to be mined and sold off; and
- Regulate water mining under the Planning & Environment Act, like other kinds of natural resource extraction.

The issues are dealt with in more detail in the paper.

Water, and by its natural implication, planning and the environment are fundamental considerations in the current atmosphere of climate variability. It is crucial that legislation keeps abreast of developments that impact upon progressive social, cultural and environmental settings.

The MVA and MDA resolutions are indicative of the need for work in this important area of legislative and policy change, particularly to require the holistic management of what are publicly owned groundwater resources, so that the two Acts work in parallel for the benefit of all concerned.

In making this submission the Stanley community asks you to seriously consider the need for urgent changes to the Water Act and P&E Act. The paper prepared by SRCI provides the opportunity for consideration of a baseline for these changes.

The opportunity is presented to lead transformation on an issue that has emerged as an important national and international concern.

Your sincerely

Ed Tyrie
President SRCI.