Victoria Government Gazette

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Water Act 1989

PERMISSIBLE CONSUMPTIVE VOLUME SURFACE WATER AMENDMENT ORDER 2026

I, Hon. Michaela Settle 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 Amendment Order 2026.

2. Authorising provision

This Order is made under section 22A(1) of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**.

3. Commencement

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

4. Definitions

In this Order, PCV Surface Water Order 2024 means the Permissible Consumptive Volume Surface Water Order 2024, dated 12 July 2024 and published in the Victoria Government Gazette No. G 30 on 25 July 2024 (pages 1487–1490).

5. Purpose

The purpose of this Order is to amend the PCV Surface Water Order 2024 to provide for the reduction of the applicable PCV in the relevant area by the difference between the entitlement(s) issued for the purposes of power generation and the entitlement(s) issued for the purposes of mine rehabilitation and correct typographical errors.

6. Permissible Consumptive Volumes

6.1 For clause 7.1 **substitute –**

'**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 provided 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 was 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.'

with –

'**7.1** Subject to clause 7.3 and 7.4, 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 the greater of the following:

(a) the volume listed in Column B for that area; or

(b) the volume in Column B plus the volume (where relevant) 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 provided 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.'

6.2 After clause 7.3 **insert –**

'**7.4** The volume determined under clause 7.1 for the Latrobe Basin area is taken to be reduced by the difference between the total volume authorised to be taken for the purposes of electricity generation under a bulk entitlement granted under section 43 of the Act or a licence issued under section 51 of the Act and the total volume authorised to be taken under one or more bulk entitlements for the purposes of mine rehabilitation where:

(a) a bulk entitlement has been granted for the purposes of mine rehabilitation; and

(b) the holder of the bulk entitlement granted or licence issued for the purposes of electricity generation can no longer take and use water under that entitlement; and

(c) the maximum volume the holder of the bulk entitlement identified in clause 7.4(a) is authorised to take and use is less than the volume previously authorised under a bulk entitlement or licence identified in clause 7.4(b).

7.5 The reduction under clause 7.4 has effect from the date the holder of any bulk entitlement or licence referred to in clause 7.4 (b) is authorised to commence taking and using water for the purposes of mine rehabilitation, whether or not the holder has taken and used water for that purpose in that water season.'

Dated 6 October 2026

HON. MICHAELA SETTLE MP
Minister for Water

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