






Table 1 Options for future administrative arrangements – Bullock Creek River Improvement Trust area drainage

Option	Community Surface Drains (CSDs)				Regional Drains				Features of the arrangement		
	Degree of local control management	Condition	Level of service	Compliance / enforcement if a landholder causes an obstruction	Degree of local control management	Condition	Compliance / enforcement if a landholder causes an obstruction	Works on Waterways Permit required	Durability of the option	Written agreement	Cost recovery for the level of service
<b>Option A</b> <b>Individuals continue to maintain community surface drains running through their properties</b> 	Individually managed	No change	No change	No enforcement Affected individuals would take legal action against a neighbour through VCAT	Unmanaged	Potential slow decline	CMA can undertake enforcement within 12 months of unauthorised works	Individuals need a Works on Waterways permit to carry out maintenance	Low	No	Nil
<b>Option B</b> <b>Neighbours choose to cooperate to maintain drains through amicable agreements</b> 	Neighbours manage cooperatively Good control over CSDs	Potentially some improvement	Service level maintained for some areas	Landholders working together would potentially reduce the need for compliance	Good control over local sections of Regional Drains.	Regional Drains would potentially improve	Voluntary Some landholders may see a local problem and use their own resources to fix it	A group of landholders can obtain a permit to carry out maintenance	Low-Medium	No – Amicable agreements may cover allocation of resources and costs	Low costs may be shared across a few
<b>Option C</b> <b>Neighbours cooperate to collectively maintain drains through written agreements</b> A community drainage scheme can be established under the <i>Water Act 1989</i> . The Agreement is registered on the titles of the properties involved 	Neighbours manage cooperatively Good control over CSDs Optional formal committee of management	Potentially some improvement	Service level maintained for some areas	Landholders working together would potentially reduce the need for compliance  A well-written agreement empowers the group to maintain the community drains, even where land has changed hands and the new owner is uncooperative	Good control over local sections of Regional Drains	Regional Drains would potentially improve	Landholders working together would potentially reduce the need for enforcement	Landholders potentially provided with easier access to Works on Waterways permits	Medium	Yes – Can apply to both CSDs and Regional Drains	Low costs may be shared across a few  Cost sharing rules could be included in the agreement
<b>Option D</b> <b>Neighbours collectively manage drains through written agreements with a formal committee of management and with some government support</b> Under the <i>Water Act 1989</i> , councils could, at the request of and on behalf of the committee, collect levies from participating landholders where there is a special benefit 	Good control over all sections of CSDs within agreement area	Good – Likely improvement in condition of drains	Service level maintained within agreement areas	Landholders working together would potentially reduce the need for enforcement  A well-written agreement empowers the group to maintain the community drains, even where land has changed hands and the new owner is uncooperative	Good control over all sections of Regional Drains within agreement area	Regional Drains would potentially improve with ongoing maintenance as required	Yes – Rates can be imposed on benefitting properties  Cost will depend on level of service is desired (set by the Committee of Management)	Landholders in the agreement area potentially provided with easier access to Works on Waterways permits  North Central CMA facilitates a rural drainage management plan setting out how the environmental and cultural impacts and maintenance of drains will be managed	Medium to High Greater level of certainty	Yes	Yes – Rates can be imposed on benefitting properties  Cost will depend on level of service desired (set by the committee of management)
<b>Option E below can be added to any of the above options</b>											
<b>Option E</b> <b>Drainage Course Declaration under Section 218 of <i>Water Act 1989</i></b> Under the <i>Water Act 1989</i> , the Minister can declare a drainage course on any stretch of land where water flows. This could cover the entire drainage network, including the CSDs. The declaration must specify the Authority or public statutory body that will administer the drainage course 	Individually managed	Good – Likely improvement in condition of drains	No change	Administering body can require the landowner in the drainage course to remove any obstructions so that the drainage course is kept open. Administering body can recover cost to remove obstructions if landowner does not comply	Unmanaged	Potential slow decline	Administering body can require the landowner in the drainage course to remove any obstructions so that the drainage course is kept open  Administering body can recover cost to remove obstructions if landowner does not comply	Individuals need a Works on Waterways permit to carry out maintenance	Medium to High Greater level of certainty	Yes	Yes – Rates can be imposed on benefitting properties. Cost will depend on level of service desired  Similar arrangement as previously existed under the BCIT