

Diamond Creek Stream Flow Management Plan Annual Report 2016

The purpose of this report is to summarise Melbourne Water's activities administering and enforcing the Diamond Creek Stream Flow Management Plan.

Each year a report is submitted to the Minister for Water and Port Phillip and the Westernport Catchment Management Authority in accordance with section 32C of the Water Act 1989 and prescription 22 of the Diamond Creek Stream Flow Management Plan.

Prescription No.	Prescription	Compliance	Comments
8	<p>PERMISSIBLE ANNUAL VOLUME</p> <p>8.1 It is recommended that a permissible annual volume of 790ML be declared for the Protection Area.</p> <p>8.2 Melbourne Water may, from time to time, request the Minister to declare a new permissible annual volume which reflects the volume of any licences surrendered, cancelled, or transferred out of the Protection Area since the Minister last declared a permissible annual volume.</p> <p>Note: Section 22A gives the Minister power to declare a permissible annual volume from time to time by Order published in the Government Gazette.</p>	Yes	Allocation cap exceeded by historic licences. No new licences issued and trading confined to within catchment.

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9	<p>PROHIBITIONS ON GRANTING NEW LICENCES</p> <p>9.1 Melbourne Water must refuse an application under section 51(1)(a) or (ba) of the Act in the Protection Area if, in its opinion, the approval of the application will or may cause:</p> <p>(a) subject to sub-clause 9.2, the total volume of water taken in any year under all year licence to exceed 393 ML plus the volume of registration licences issued within the Protection Area; or</p> <p>(b) the total volume of water taken in any year under winter-fill licence to exceed 790 ML less the total volume of water which may be taken under all year licences.</p> <p>9.2 The volume of all year licences referred to in clause 9.1(a) must reduce by the volume of any licence, other than a registration licence, surrendered, cancelled or transferred out of the Protection Area after the approval of the Plan.</p> <p>Note 1: Section 51A of the Act allows a person to surrender a registration licence and apply for a licence under section 51(1)(a) or (ba) of the Act. and Melbourne Water must within 14 days issue a licence for the same annual volume as the registration licence.</p> <p>Note 2: Section 55(2B) of the Act prevents Melbourne Water from granting or renewing a licence if, in its opinion, the allocation or use of water under licence will or may result in the permissible annual volume for that year or a future year, being exceeded.</p>	Yes	

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10	<p>TRANSFERRING LICENCES</p> <p>Note: Section 62 of the Act empowers Melbourne Water to approve an application temporarily or permanently to transfer a licence.</p> <p>10.1 Melbourne Water must refuse an application under section 62(3) of the Act to transfer a licence if, in its opinion, the approval of the application will or may cause the limits referred to in sub-clauses 9.1(a) and (b) to be exceeded.</p> <p>10.2 Melbourne Water must not approve an application to transfer a licence to take and use water from a waterway, or to collect water in a dam, from a location upstream of the confluence of Diamond Creek and Arthur's Creek, unless the proposed transferee will take or collect water under the transferred licence at, or downstream of, that location.</p> <p>10.3 In deciding whether to amend, delete or add to the conditions to which a licence is subject when it is transferred, Melbourne Water may have regard to whether the location at which water is taken or collected will, or will not, change.</p>	Yes	
11	<p>NEW DAMS</p> <p>After the commencement of this Plan, Melbourne Water must not issue any licence under section 67 of the Act to construct a dam on a waterway within the Protection Area.</p>	Yes	
12	<p>ROSTERS AND RESTRICTIONS</p> <p>Melbourne Water may, from time to time, prepare and implement rosters or restrictions or other arrangements for taking and using water, in accordance with the principles specified in Schedule 3.</p>	Yes	No roster or restrictions were implemented in this catchment.

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13	<p>LICENCE CONDITIONS</p> <p>For the purposes of section 32A(12) of the Act, a licence granted under section 51(1)(a) or (ba) of the Act for a purpose specified in Schedule 4 is subject to each condition set out in that Schedule, in relation to that purpose.</p>	Yes	
14	<p>STREAM FLOW MONITORING PROGRAM</p> <p>Melbourne Water must:</p> <p>(a) continuously record flows at the Hurstbridge gauging station, and</p> <p>(b) periodically inspect the condition of the Hurstbridge gauging station; and</p> <p>(c) maintain the Hurstbridge gauging station in good condition; and</p> <p>(d) keep a record of each inspection and all work undertaken under paragraph (a) or (b).</p>	Yes	Melbourne water monitors flows continuously at Hurstbridge gauging station (229619).
15	<p>INSTALLING METERS</p> <p>15.1 After the commencement of this Plan, Melbourne Water must, as soon as practicable, ensure that a flow meter is installed to measure water taken for irrigation or commercial purposes under any licence which has been or is thereafter granted within the Protection Area under section 51(1)(a) or (ba) or 51(1A) of the Act.</p> <p>15.2 Melbourne Water must:</p> <p>(a) periodically inspect the condition of each flow meter installed under sub-clause 15.1; and</p> <p>(b) maintain each flow meter in good condition; and</p> <p>(c) replace any damaged flow meter; and</p> <p>(d) keep a record of all work done under paragraph (b) and (c).</p>	Yes	Meter maintenance data captured in Melbourne Water's Asset Management system (Maximo). Maintenance of meters is scheduled every 3 years. Program available from Diversions team.

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16	<p>READING METERS Melbourne Water must:</p> <p>(a) read each meter referred to in sub-clause 15.1 at least:</p> <p>(i) once in every year in the case of an all-year licence; and</p> <p>(ii) shortly after the beginning and end of the winter-fill period in every year, in the case of a winter-fill licence; and</p> <p>(b) record, for each meter:</p> <p>(i) the reading obtained; and</p> <p>(ii) the number of the relevant licence; and</p> <p>(iii) the date on which the meter is read; and</p> <p>(iv) any information about the accuracy of the meter which Melbourne Water considers relevant; and</p> <p>(c) if a meter becomes defective, registers incorrectly or is removed for any reason, estimate the correct registration in any of the following ways:</p> <p>(i) by comparison with the quantity of water taken under similar conditions during some other period; or</p> <p>(ii) by comparison with the quantity of water taken after the meter has been restored to proper order; or</p> <p>(iii) by comparison with the registration of a substitute meter used temporarily in place of the defective meter; or</p> <p>(iv) by applying a correction factor if the meter is found to have a consistent error of registration.</p>	Yes	Meter readings carried out in accordance with this clause. Dates and readings recorded in Diversions database.

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17	<p>MAINTAINING ENVIRONMENTAL FLOWS</p> <p>17.1 For the purpose of this clause, a licensee is the holder of a licence issued under section 51(1)(a) of the Act for any purpose other than domestic and stock use.</p> <p>17.2 Melbourne Water must do its best to ensure that:</p> <p>(a) licensees comply with licence condition 1.2 referred to in Schedule 4; and</p> <p>(b) the total volume of water taken from waterways by licensees in the Protection Area does not exceed 24 ML per day at any time between 1 July and 31 October in any year.</p>	Yes	<p>Compliance with licence conditions is monitored using:</p> <ul style="list-style-type: none"> • Usage data from meters in the catchment; • Acting on reports of non-compliance from the public; and • Undertaking spot checks
18	<p>RUNNING CREEK RESERVOIR</p> <p>18.1 Subject to sub-clause 18.2, whenever Running Creek Reservoir contains water available for release, Melbourne Water must release some water daily between 1 December and 28 February in the following year.</p> <p>18.2 If Melbourne Water changes its management plan for Running Creek Reservoir in any way which precludes it from releasing water referred to in sub-clause 18.1, it must notify the Minister.</p>	Yes	<p>A constant flow of 2 ML/d is released from the dam and additional seepage depends upon storage conditions.</p> <p>In 2015 - 2016 Melbourne Water did not change its management plan for Running Creek Reservoir in any way that precluded it from releasing water referred to in sub-clause 18.1</p>

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19	<p>AESTHETIC DAMS</p> <p>19.1 For the purposes of this clause, a dam is:</p> <p>(a) operated for aesthetic purposes, if it is constructed after the commencement of this Plan and is used for aesthetic or recreational purposes; but</p> <p>(b) not operated for such purposes if it is:</p> <p>(i) constructed or used for domestic, stock, irrigation or commercial purposes; or</p> <p>(ii) designed specifically for environmental, rather than aesthetic or recreational purposes and is used for erosion control or nature conservation purposes.</p> <p>19.2 A person must not operate a dam by taking, collecting, storing or concentrating water for aesthetic purposes at any time when, in the opinion of Melbourne Water, the volume of evaporation from that dam alone, or in combination with evaporation from other dams operated for aesthetic purposes in the Protection Area, would cause the permissible annual volume for the Protection Area to be exceeded.</p>	Yes	<p>Melbourne water undertakes field observations and acts on reports received from the general community to assess the impact of aesthetic dams.</p> <p>No community reports regarding aesthetic dams were received during this reporting period.</p> <p>To Melbourne Water's knowledge no aesthetic dams exist that breach the requirements of this prescription.</p>

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20	<p>DAMS ON SUBDIVISIONS</p> <p>The total volume of water for domestic and stock purposes that may be taken from, or collected in, all private dams within a subdivision must not exceed the greater of:</p> <p>(a) the total volume taken from, or collected, stored or concentrated in, all private dams on that land before the relevant plan of subdivision was approved; and</p> <p>(b) the total volume required for domestic and stock purposes on that land, as determined by Melbourne Water in accordance with the Notes on Aesthetic Dams in the Irrigation and Commercial Farm Dams Compendium of Ministerial Guidelines and Procedures.</p>	Yes	<p>Nillumbik Shire Council are responsible for subdivisions. Nillumbik Shire Council advised Melbourne Water it issued 38 subdivision permits during the reporting period. Council has advised that they do not believe that any of these subdivisions will have led to an increase in farm dams within the catchment.</p> <p>As a result, to our knowledge the total volume of water for domestic and stock purposes has not exceeded the total volume of water from all private dams on that land.</p>

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21	<p>MONITORING THE EFFECTS OF THE PLAN</p> <p>21.1 Within 12 months after the commencement of this Plan, Melbourne Water must propose to the Minister a program to monitor the implementation of the Plan.</p> <p>21.2 A program proposed under sub-clause 21.1 must include arrangements to monitor:</p> <p>(a) the effects of the Plan on the reliability of supply to licensees within the Protection Area; and</p> <p>(b) the ability of the provisions to maintain environmental flows set out in Schedule 4; and</p> <p>(c) in-stream environmental indicators within the Protection Area; and</p> <p>(d) indicators against which Melbourne Water's performance in implementing this Plan can be measured.</p> <p>21.3 The Minister may:</p> <p>(a) approve a plan proposed under sub-clause 21.1; or</p> <p>(b) approve that plan, subject to amendments made by the Minister; or</p> <p>(c) refuse to approve the plan.</p> <p>21.4 Melbourne Water must implement a plan in the form approved by the Minister under sub-clause 21.3.</p>	Yes	<p>The Minister approved the Stream Flow Monitoring Plan for Melbourne Water's eight SFMP catchments in 2013.</p> <p>The monitoring plan is implemented annually.</p>
22	<p>REPORTING</p> <p>Note: Section 32C and 32D of the Act require Melbourne Water to report on its activities in carrying out its duties in relation to this Plan in each financial year and to:</p> <p>(a) give the report to the Minister and the Port Phillip Catchment Management Authority by 30 September in each year; and</p> <p>(b) make a copy available for public inspection at its offices.</p>	Yes	

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23	<p>REVIEW OF PLAN</p> <p>Melbourne Water must:</p> <p>(a) review the operation of this Plan:</p> <p>(i) not more than 5 years after it commences; and</p> <p>(ii) thereafter, at intervals of no more than 5 years; and</p> <p>(b) propose any consequential amendment (if any) to the Minister.</p> <p>Note: Sections 29, 31 and 32G of the Act provide for the constitution and convening of a consultative committee to develop any proposed amendment and the process to be followed by the Minister before approving it.</p>	Yes	<p>Melbourne Water reviewed this Diamond Creek SFMP in 2013.</p> <p>The Diamond Creek WSPA was abolished in 2015-16, and the SFMP was replaced by a Local Management Plan in 1 July 2016.</p>