

Diversions Management

Frequently Asked Questions

1) Who needs a Licence?

Most people wishing to take and use water from a waterway or dam for a purpose other than domestic and stock use will need a licence. Domestic and stock use from a waterway may also require a licence. Some exceptions to this rule exist and so it is recommended you contact Melbourne Water directly for advice on if a licence is required for your particular circumstances.

2) Who issues Licences?

Melbourne Water Corporation (MWC) issues licences to take and use water under the provisions of Section 51 of the Water Act 1989, and to construct or operate associated works such as dams and pumps under Section 67 of the Water Act 1989 within the Yarra River catchment, Lower Maribyrnong River and some Western tributaries.

3) Who grants applications to transfer diversion entitlement?

Melbourne Water Corporation (MWC) facilitates the transfer of diversion entitlement under the provisions of Section 62 of the Water Act 1989.

4) How long is a Diversion Licence valid for?

Melbourne Water diversion license are issued for a period of 1 year, and will generally be renewed annually upon signed request and payment of annual fees.

5) What does a Diversion Licence allow me to do?

A Diversion Licence allows you to take and use water from a waterway or dam up to the amount and for the purpose specified on the licence.

Licences also contain specific conditions such as maximum extraction rates, authorised periods and required stream flows that may need to be met before water can be taken under the licence.

6) When can I access the water?

The buyer can take and use water where there has been a change of ownership, once MWC provides written confirmation that the transfer has been completed.

7) What is a Winter Fill Licence?

A winter-fill Diversion Licence is a licence used in conjunction with a dam and which contains a condition restricting the period during which water can be taken from the stream under the licence (termed the winter fill period). The winter-fill period is commonly the high flow period between July and October during which time water may be pumped into the dam for later use during the irrigation period.

8) How do I calculate the annual volume of water I require?

A numbers of factors may need to be considered in calculating your annual volume requirements such as the area of land to be irrigated, soil type, method of irrigation and crop type. For advice on calculating irrigation water use requirements it is recommended that you contact the Department of Primary Industries for assistance on 136186 or via the web at www.dpi.vic.gov.au.

9) How do I get a licence volume?

If you don't already hold a licence volume or require additional water for an existing licence then you must obtain the volume required through trade from an existing entitlement holder. You must find a suitable party to trade with and apply to Melbourne Water to have the water transferred to you.

10) Do I need to meter my Diversion use?

All new Diversion Licenses must be metered with the exception of domestic and stock. Metering is a Government policy to improve management of water resources. Melbourne Water will provide you with the necessary information required to purchase and install a flow meter. The installation can be carried out by you or alternatively you can arrange for Melbourne Water to carry out the installation at your cost. Meters will be supplied by and remain the property of Melbourne Water and all water used under the licence must pass through the meter.



11) Can I move the meter and pump?

Meters are the property of Melbourne Water, and remain so even when removed for maintenance and repairs.

Licence holders are reminded that it is a breach of licence conditions to tamper with, remove or interfere with a meter.

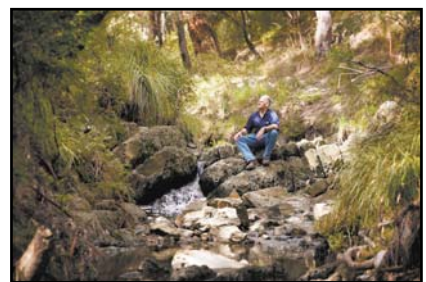
Melbourne Water has discovered several instances where meters have been removed or re-installed following changes to pump arrangements. Melbourne Water accepts that pump changes may be necessary, however licence holders must notify Melbourne Water prior to any works so that:

- Arrangements with regard to the meter can be determined and it is reinstalled at an appropriate location and to Melbourne Water satisfaction.
- The overall pump offtake and works arrangements are to Melbourne Water satisfaction in accordance with licence conditions.

Unauthorised works on the waterway or interference with the meter may result in cancellation of the licence for breach of conditions so please check first.

12) What is a Streamflow Management Plan?

Throughout Victoria Streamflow Management Plans (SFMP's) are prepared to better manage the water resources of particular catchments. The Plans define the total amount of water available in the catchment and describe how it will be shared between users and the environment in an equitable manner. It is developed by a committee that represents all relevant interests in the area including farming and community representation. Once a catchment is declared a 'water supply protection area' for the purposes of preparing a SFMP, all permanent water trading within and into the catchment is suspended until the Plan is approved.



13) When can I access the water?

Water traded / transferred can only be used once Melbourne Water provides written notification that the trade has been approved.

14) What are the rules to access water?

Licence conditions generally outline the rules for accessing water and vary depending on relevant waterway and licence type.

Water is a scarce resource and Melbourne Water has developed a Drought Response Plan (DRP) for Licensed Water Users. During drought, diverters' access to water is restricted or banned outright, depending on the levels of our waterways, to avoid adverse environmental impacts.

The DRP is active at all times in conjunction with licence conditions and requires licence holders to proactively seek and monitor information about waterway status prior to taking any water under their licence. Information about the current status can be found at www.melbournewater.com.au/diverters or calling 131 722.

15) Who is responsible for the safety of Farm Dams?

All farm dam owners are legally responsible for the safety of their dams and accountable for the damage these dams may cause if they fail. The Water Act specifies licensing requirements for the construction and operation of dams and licensing the taking and use of water from them.

The dams on your property require regular inspection and maintenance to keep them in good order. If you neglect these points, extensive repair work may be required.

If you are the owner of a dam, it is important for you to know that:

- if it fails, you are likely to be held liable for any loss of life, injury or damage which results;
- even if you are able to prove in a court of law that some or all of the responsibility for a failure lies with others, it is very likely that you will still be considerably out of pocket; and
- even if a failure does not cause damage outside your property, the cost of remedial work can easily exceed the original construction cost of the dam.

16) What rules apply to large dams?

An Operating licence is required for large dams to ensure that dam owners take proper precautions to protect life and property. If you are proposing to build a large dam or own an existing large dam then you must obtain an operating licence.



Dams that are considered to be potentially hazardous are not limited to but include those that:

- have a wall of 5 metres or more high and a capacity of 50 megalitres or more
- have a wall of 10 metres or more high and a capacity of 20 megalitres or more
- have a wall of 15 metres or more high regardless of the capacity

17) Do I need permission to build a new dam?

You do not need permission from Melbourne Water to construct a dam that is used only for domestic and stock purposes or filled from roof area on your property as long as the dam is not located on a defined waterway.

However you must obtain permission to construct a dam that will be used for irrigation or commercial purposes. Depending on the proposed location and size of the dam, you may also need a licence to construct and operate the dam. You first need to consider water trading, see Point 9 above. Also it is highly recommended that you also contact your local Council to ascertain if you require any planning permit for your proposed dam.

18) Can I clean out my existing dam?

You can clean out your dam provided that approval has been sought from Melbourne Water and that the dam capacity is not increased.

19) Why do I need to provide current copies of titles for all land listed on the licence?

Applicants are required to provide titles for the land where the pump will be located and where any water will be used. Titles must be no older than three months old. It is important we have an up to date land description for the application to be assessed so that the licence can be issued with the correct land details. The use of incorrect or old land details may result in the licence being invalid. You can obtain a current copy of your title from the titles office via the internet at www.land.vic.gov.au or from your solicitor or your bank.

20) Do I need to provide a company extract?

If any of the applicants listed on the application form is a registered company you will be required to submit a copy of a company extract printed within the last three months. This is required to confirm the correct ownership of the land to be licensed. Company extracts can be obtained from your solicitor or via the internet at www.asic.gov.au.

21) What are the Native Title considerations?

Native Title referral is required for all new diversion works on waterways (pumps and pipelines) where there is a Public Purpose Reserve adjacent the waterway or the bed and banks are vested in the Crown. In practical terms this includes all waterways other than those traversing (not Abutting) freehold land where the waterway is not the boundary of an allotment.

Aboriginal Affairs Victoria is the Victorian Government's key agency for advice on Aboriginal affairs. It promotes knowledge and understanding about Victoria's Aboriginal people within the wider community, and also administers legislation that protects Aboriginal cultural heritage. For more information, please visit www.aboriginalaffairs.vic.gov.au

22) Further Information

Melbourne Water can be contacted:

- By telephone during business hours on 131 722
- By writing to PO Box 4342, Melbourne, Vic, 3001
- By email to inquiry@melbournewater.com.au
- In person by appointment only at Winneke Treatment Plant, Simpsons Road, Christmas Hills.