

Gardiner's Creek

Local Management Rules 2005



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Definitions

“All-year licence” means a licence to take water either:

- from a waterway; or
- from a dam

between 1 January to 31 December.

“Minimum flow requirement” means a seven day average stream flow below which water users may not take water from a waterway and at which point bans will be implemented.

“On-stream dam” means a dam constructed on a waterway and filled from stream flows.

“Off-stream dam” means a dam constructed off a waterway, filled from a waterway or by catchment runoff.

“Relief trigger” means a seven day average stream flow rate at which water users may resume taking water following a ban period.

“Winter-fill licence” means a licence to take water from a waterway or dam between 1 May and 31 October.

Background

Melbourne Water's Licensing Function

Melbourne Water manages licences to take and use water in Gardiner's Creek. Licences are held by water users who may take water directly from the waterway or from a dam according to the conditions of their licence.

Melbourne Water is authorised to perform this function by its delegation under the *Water Act 1989*. Melbourne Water -

- Issues take and use licences,
- Issues works on waterways and operating licences,
- Sets conditions on licences,
- Manages water demand during times of low stream flows, and
- Authorises water transfers (trading of licences).

Melbourne Water is required to consider various matters when performing these functions. These matters are described in a number of guidelines including:

- Water Act 1989 (section 40~ Matters to be taken into account)
- Stream flow management plan framework,

- Healthy Rivers Healthy Communities and Regional Growth - Victorian River Health Strategy, and
- Ministerial guidelines for Licensing Irrigation and Commercial Use.

Water allocation and licensing

Licences are required to take and use water from a waterway for irrigation and commercial purposes and in some instances for domestic and stock use. These licences may have conditions that allow:

- Taking water directly from a waterway, or collecting water in a dam, during any month (all-year licence);
- Filling off-stream dams, collecting water in a farm dam, or collecting water in an on-stream dam, during a winter-fill period (winter-fill licence).

These licences may also be issued for a specific use, such as irrigation, commercial, domestic or stock use.

When issuing or approving the transfer of a licence, Melbourne Water must consider the likely availability of the water at the proposed location and limits to water allocation in the Yarra River catchment.

The allocation of different licence types in 2003 is outlined in Table 1.

Table 1 – 2004-05 Licence Allocation in Gardiner's Creek

Licence Type	Number of licences	Volume (ML)
All- year (Domestic & stock)	1	2
All- year (Commercial or irrigation)	4	233
All- year (Registration farm dam)	0	0
All-year (Standard farm dam)	0	0
Winter-fill	0	0
Total	5	235

Local Management Area

These rules relate to the area shown in the plan in Appendix 1. This area includes Gardiner's Creek to its confluence with the Yarra River as well as Scotchman's Creek, Back Creek, Lake Road Drain, and Eley Road Drain.

Objective

Local management rules will ensure that water resources are managed in an equitable manner so as to ensure the long-term sustainability of those resources.

Local management rules should:

- Prevent further decline in environmental values due to water extraction;
- Provide reasonable reliability of water access to licence holders;
- Demonstrate compliance with the Water Act and associated guidelines.

Licence Allocation Limit

Licence allocation limits define the maximum volume of licences that may be transferred into, or held within the Area. Three allocations limits are set:

Scale	Explanation	Current allocations	Proposed Limit
Yarra River basin limit	Allocation of licences in the Yarra River and all of its tributaries	No further allocations will be issued	No further allocations will be issued.
All-year licence allocation limit	Maximum allocation of all-year licences	235 ML	235 ML
Winter-fill allocation limit	Maximum allocation of winter-fill licences	0	115 ML

Basis of the Allocation Limits

The all year licence limit is based upon the 2005 allocation of all-year licences in the catchment (235 ML). The winter-fill licence limit is based upon the sustainable diversion limit for the catchment (115 ML). The sustainable diversion limit is a rapid assessment of the maximum volume of water that can be diverted from a sub catchment during winter while protecting the environment. Sustainable diversion limits have been defined for 1600 catchments across Victoria. The catchment limit is 350ML, which is the combination of the all-year and winter-fill limits.

Minimum Passing Flows

The following minimum flows shall be protected with bans on taking water, based on seven day average stream flows at the gauge 229624 – Gardiner's Creek at Gardiner:

	Minimum passing flow	Relief trigger
Low flow season (1 November – 30 April)	3 ML/day	3 ML/day
High flow season (1 May – 31 October)	5 ML/day	5 ML/day

Farm dam licences issued before July 2004 are exempt from these flow requirements.

Stream flows and ban status are updated daily on Melbourne Water's web page www.melbournewater.com.au and can be checked by calling the Melbourne Water Customer Service Centre on 131 722.

Basis of Minimum Flows

The minimum passing flows have been calculated from an investigation of actual stream flows in Gardiner's Creek since 1986. This period includes both wet and dry years and is considered a suitable basis for a rapid assessment of minimum passing flows.

The minimum passing flow is designed to protect very low flows in the creek, both to protect environmental values in the creek and to ensure that no single licence holder stops flow to the detriment of other users. The minimum passing flow also protects stream flow inputs to the Yarra River to protect its significant environmental and recreational values. The minimum passing flow has been set at a level that aims to minimise adverse impacts on effected diversion businesses.

The minimum passing flow represents the flow that is exceeded at least 95% of the time during the high flow or low flow periods. In other words, 95% of the time flows are higher than this level and 5% of the time flows are less than this level. This approach has been used elsewhere in Australia to rapidly establish environmental flows (for example the NSW River Flow Objectives). Other options were considered, including a single minimum flow across the year and using the flow exceeded at least 80%ile of the time, however these had a greater impact on the volumes of water that were estimated to be available to licence holders based on historical daily stream flow patterns and so were not used.

Transferring Licences

The Water Act 1989 allows Melbourne Water to approve an application to temporarily or permanently transfer a licence.

Transfer applications will not be approved if the Licence Allocation Limits will be exceeded by the transfer. Transfers will also be subject to the availability of water at the new location.

If you wish to purchase or sell a licence, please contact Melbourne Water on 131 722.

Metering of Licences

Licences other than Registration Licences and Domestic and Stock licences must be metered where the licensed volume is 5 ML or greater. For existing licences, meters will be supplied and fitted at no initial cost to diverters as a part of Melbourne Water's metering program. The cost of reading, maintaining and replacing the meters will be recouped from future licence fees.

Licence Conditions

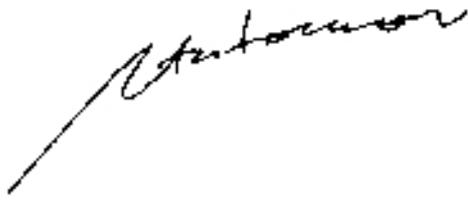
Upon renewal, all licences for a purpose specified in Appendix 2 shall be subject to the corresponding conditions set out in the Appendix.

Review

These rules shall be reviewed in 2010.

Approval

These Local Management Rules are approved.

A handwritten signature in black ink, appearing to read 'Tony Antoniou', written in a cursive style.

TONY ANTONIOU
ACTING GENERAL MANAGER
RIVERS AND DRAINAGE

Date

Appendix 1

Gardiner's Creek Local Management Area



Appendix 2

Schedule of Licences Conditions

The following special conditions shall be added to, or replace existing licence conditions where appropriate.

1. Licence to take and use water from a waterway for any purpose

1.1.1 The licensee must not take any water from a waterway when the average stream flow at Gardiner gauging station is:

- (i) 3 ML/day or less per day, at any time between 1 November and 31 April in the following year; or
- (ii) 5 ML/day or less per day at any time between 1 May and 31 October in any year.

2. Licence to take water from a waterway to fill a dam

The licensee must not take or collect water from a waterway to fill a dam, whether the dam is built on or off a waterway, between 1 November and 30 June in the following year.