

14th February 2014

Water Law Review
Office of Living Victoria
PO Box 500
East Melbourne Vic 3002

Ask for: Kim Daire
Phone: 9932 1000
Our Ref: A1879527

Dear Sir or Madam,

VICTORIA'S WATER LAW REVIEW

I write on behalf of Hobsons Bay City Council regarding the Water Bill Exposure Draft currently out for consultation.

Hobsons Bay City Council supports the consolidation of Victoria's water legislation into a single act that is easy to use and understand. A submission to the Water Bill Exposure Draft is attached which includes comment on a number of areas that require further clarification.

We look forward to continuing to work closely with the Office of Living Victoria as it reviews Victoria's water legislation.

If you wish to discuss this matter please contact Kathleen McClusky, Manager Strategy and Advocacy on 9932 1004.

Thank you for the opportunity to comment and I trust that the attached document provides valuable input.

Yours sincerely

Natalie Walker
DIRECTOR STRATEGIC DEVELOPMENT

Encl: Hobsons Bay City Council response on Victoria's Water Law Review



Hobsons Bay
CITY COUNCIL

HOBSONS BAY CITY COUNCIL SUBMISSION TO VICTORIA'S WATER LAW REVIEW

Introduction

The municipality of Hobsons Bay (the municipality) is situated approximately seven to 20 kilometres south west of the Central Business District (CBD), covering an area of 66 square kilometres. The municipality has a population of 87, 360 people which is forecast to increase by 17% (14, 864) by 2031.

The municipality is located at the north western end of Port Phillip Bay and is home to the suburbs of Altona, Altona Meadows, Altona North, Brooklyn, Laverton, Newport, Seabrook, Seaholme, South Kingsville, Spotswood, Williamstown and Williamstown North.

The Hobsons Bay City Council has an important role in managing water sustainability due to the large areas of land and extensive stormwater drainage network it manages, its role in land use planning, and its close relationship with the local community. Water is one of our most valuable resources. It is vital for drinking and health, maintaining vibrant and liveable communities and is essential to protecting our valuable urban ecology. The Council is currently developing it's Integrated Water Management Plan to manage it's water sustainably and is working closely with the Office of Living Victoria as it develops the Water Future West Strategy.

Part 3.2 and Part 4.8 of the Act

The Council supports changes in the legislation which provides councils with the right to take and use water in their stormwater works within targeted areas. Council's have local strategic plans for water. Local strategic planning is the accumulation of years of groundwork and there is considerable community expectation that these plans are delivered.

It is the Council's understanding that if a water resource management order is issued for a drainage catchment, due to high demand for water, that water authorities will take on the responsibility of issuing water licences for these drainage catchments. Under these conditions where a council is already harvesting water their right to continue harvesting that water will remain unchanged.

Where there is a water resource management order in place, third parties may apply to the water authority to take water from the drainage works and that water rights will be allocated on a first come first served basis. In light of this the Council requests that when the Minister develops a water resource management order consideration be given to local strategic planning for water. The Council also requests that local authorities be included in the engagement process prior to the making of a resource management order.

Further to this, it is the Council's understanding, that no consideration of local strategic planning is incorporated into the issuing of licences once a resource management order is in place. The Council therefore requests that upon the issuing of licences, consideration be given to local strategic planning if the licence in question is likely to impact on the Council's ability to access water in its drainage works. The Council would also like the water authority to have regard to any relevant projects that the Council is planning to develop prior to issuing licences to third parties.

Part 3.6 of the Act

This section states that during times of water restrictions, reductions in water rights must apply to all rights in the same proportion. Under extreme circumstances the Minister has the right to vary this. It is our understanding that this sets the reduction of flows to waterways as the default position in times of drought.

Many of the State's waterways are already under stress due to low water right allocations. Waterways are an important community asset and local communities feel strongly about protecting them. There is a risk that reducing the water rights of the state's waterways in times of drought will reduce the flows in these systems below that which the best scientific information available deems to be safe. This may permanently damage the health of the waterway. The Council recommends that the Water Act be accompanied by a set of strong regulations that prevent the flows in local waterways from dropping below what the scientific evidence says is safe.

Part 4.5 of the Act

The Council supports the proposed extension of take and use licences from 15 years to 20 years. This change will provide greater certainty to councils that are investing in stormwater harvesting systems and better reflects the life expectancy of these assets.

Part 5.2 of the Act

The Council supports the proposal to include a whole of water cycle management as an objective of water corporations. The Council recommends that a legislative or regulative framework be developed that clearly defines what whole of water cycle management means. The Council's understanding of whole of water cycle management is that which has been described the Office of Living Victoria's Melbourne's Water Future strategy.

Part 7.2 and Part 7.5 of the Act

Section 353 states that water authorities can restrict water supply on the grounds that there is insufficient capacity in their distribution works. This signals a shift away from the historical practice of increasing Melbourne's centralised water supply system as populations increase. Section 441 states that water authorities must have regard to the need to protect the reliability and quality of water supply.

In response to the abovementioned section we wish to provide the following commentary.

While the Council supports a whole of water cycle management approach, the Council also recognises that many decentralised systems do not have the capacity to supply water for the entirety of a protracted dry season. Many decentralised systems, including the Council's new stormwater harvesting systems at Laverton Park, Paisley Park and Cyril Curtin Reserve have a reliability of 80 to 90 percent. This means that ten to twenty percent of the time, including drought there will be a shortfall. The Council will therefore need to source water elsewhere due to the significant cost associated with building storages large enough to provide this level of reliability. When there is a protracted dry summer, as there was in the summer of 2012/2013, it is reasonable to expect these systems to require potable back up.

The western suburbs of Melbourne have relatively low rainfall and rely heavily on water catchments in the wetter east of the state. The western suburbs of Melbourne are growing rapidly. As a result there is reasonable potential for the western suburbs of Melbourne to be impacted by limitations in the capacity of the centralised distribution network as Melbourne's population increases.

The Council would like to see the Victorian Government outline a clear and realistic, long term plan that outlines how the government will protect the reliability of water supply to the western suburbs as Melbourne's population increases. This plan should take into consideration both the benefits and limitations of small scale and decentralised water supply systems. The Council recognises that this is partially covered in the Office of Living Victoria's Melbourne's Water Future strategy.

Part 11.2

The Council supports the proposed changes to the Water Act that will give councils the same protection from liability for flows from drainage assets onto private property as those currently enjoyed by water authorities.

Concluding remarks

The Council supports reforms to Victoria's water laws that consolidate the Water Act 1989 and Water Industry Act 1994 into a single act that is easier to understand and use.