ATTACHMENT TO APPLICATION

Water Act 1989

BULK ENTITLEMENT (MARIBYRNONG – SOUTHERN RURAL WATER) CONVERSION AMENDMENT ORDER 2010

I, Tim Holding, as Minister administering the **Water Act 1989** (the Act) make the following Order –

Title

1. This Order is called the Bulk Entitlement (Maribyrnong – Southern Rural Water) Conversion Amendment Order 2010.

Preliminary

2. The Bulk Entitlement (Maribyrnong – Southern Rural Water) Conversion Order 2000 was made by the Minister on 27 July 2000 to convert Southern Rural Water's existing rights to water in the Maribyrnong system to a defined bulk water entitlement. It was published in the Government Gazette on 17 August 2000.

Purpose

3. The purpose of this Order is to allow Southern Rural Water to flexibly manage passing flows from Rosslynne Reservoir in extremely dry conditions. This Order will require Southern Rural Water to work with the other authorities, who hold shares to water in Rosslynne Reservoir, to manage releases so to minimise the impact of extremely dry conditions on the environment.

Authorising provision

4. This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes the amendment Order on the application of Southern Rural Water.

Commencement and duration

5. This Order comes into operation on the day it is published in the Government Gazette.

Definitions

6. In this Order a reference to the Bulk Entitlement is a reference to Bulk Entitlement (Maribyrnong – Southern Rural Water) Conversion Order 2000.

Amendment to definitions in clause 4

7. In clause 4 of the Bulk Entitlement, after the definition of "**security of supply**" insert –

    "**"Settlement Road pool"** means the pool located on the waterway located immediately upstream of the Settlement Road crossing;".

Substitution of sub-clause 11.1

8. For sub-clause 11.1 of the Bulk Entitlement, substitute –

"(a) all passing flows required under paragraph 12.1A(a) and sub-clause 12.1B; and"

Substitution of sub-clause 11.3

9. For sub-clause 11.3 of the Bulk Entitlement, substitute –

"11.3 The Storage Operator must deduct from Southern Rural Water's share of flow determined under sub-clauses 11.1 and 11.2, 4.5% of any passing flow released from the Reservoir to meet the provisions under paragraphs 12.1A(b) and 12.1A(c)."

Substitution of sub-clause 12.1

10. For sub-clause 12.1 of the Bulk Entitlement, substitute –

"12.1A When Western Water's capacity share of the Reservoir holds more than 2200 megalitres, Southern Rural Water must provide, –

(a) within the operating tolerances specified in Schedule 4, a passing flow –

(i) at the Gisborne gauging station, the lesser of 3 megalitres/day and the natural flow at this location; and

(ii) at the Sunbury gauging station, the lesser of 10 megalitres/day and the modified natural flow at this location; and

(iii) at the Keilor gauging station, the lesser of 5 megalitres/day and the modified natural flow at this location.

(b) a minimum flow at the Gisborne and Sunbury gauging stations at an instantaneous rate of 1 megalitre per day; and

(c) a minimum flow, which shall include any release made by the Storage Operator to supply licence holders, at an instantaneous rate of 20 megalitres per day at Gisborne gauging station, during any period determined under sub-clause 12.2.

12.1B When Western Water's capacity share of the Reservoir holds equal to or less than 2200 megalitres, and subject to sub-clause 12.1C, Southern Rural Water must provide –

(a) flows at Gisborne gauging station and Sunbury gauging station agreed to by Melbourne Water, Southern Rural Water and Western Water; or

(b) if an agreement cannot be reached under paragraph (a), a flow at Gisborne gauging station as specified in Schedule 5 to maintain water quality in the Settlement Road pool.

12.1C Southern Rural Water must endeavour to provide the passing flows specified under sub-clause 12.1B except when the Storage Operator is of the opinion that the maximum rate of release from the Reservoir that is possible at the time would not provide enough flow in the waterway to meet the passing flows.".

Change to reference in sub-clause 12.2

11. In sub-clause 12.2 of the Bulk Entitlement, the text "12.1(c)" is substituted with "12.1A(c)".

Change to reference in sub-clause 12.3

12. In sub-clause 12.3 of the Bulk Entitlement, the text "12.1(a)" is substituted with "12.1A(a)".

Change to reference in sub-clause 14.5

13. In sub-clause 14.5 of the Bulk Entitlement, the text "12.1" is substituted with "12.1A".

Changes to references in Schedule 4

14. In Schedule 4 of the Bulk Entitlement, the text "12.1(a)(ii)" is substituted with "12.1A(a)(ii)".

15. In Schedule 4 of the Bulk Entitlement, the text "12.1(a)(iii)" is substituted with "12.1A(a)(iii)".

Insertion of Schedule 5

16. After Schedule 4 in the Bulk Entitlement, insert –

"Schedule 5

Flow at Gisborne gauging station to maintain water quality at Settlement Road pool

1 Standards for water quality at Settlement Road pool are –

(a) not greater than 25 degrees Celsius for temperature;

(b) not greater than 3000 units of electrical conductivity for salinity;

(c) not less than 5 milligrams per litre for dissolved oxygen; and

(d) not more than 0.4 metres below full supply level.

2 Water quality data must be assessed on a twice weekly basis when the flow at Sunbury gauging station falls below 1 megalitre/day.

3 When Western Water's capacity share of the Reservoir is below 2200 megalitres and the flow at the Sunbury gauging station falls below 1 megalitre/day, the following flow must be provided at the Gisborne gauging station –

(a) 30 megalitres over a period of 20 days; and

(b) in the event flows set out in paragraph (a) fail to maintain water quality standards over a period of 60 days, 60 megalitres must be provided over a period of 14 days and within 14 days of the last flow provided at the Gisborne gauging station.

4 In the event flows set out in item 3 of this schedule fail to maintain water quality standards over a period of 94 days and the flow at the Sunbury gauging station falls below 1 megalitre/day, the following flow must be provided within 14 days of the last flow provided at the Gisborne gauging station –

(a) 90 megalitres over a continuous period of 30 days; or

(b) flow rates as agreed by the Department of Sustainability and Environment and each Authority holding a bulk entitlement to a share of the storage capacity of the Reservoir.".

Signed:

TIM HOLDING MP
Minister for Water

Dated: