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Water Act 1989

BULK ENTITLEMENT (MARIBYRNONG – WESTERN WATER) CONVERSION AMENDMENT ORDER 2006

I, John Thwaites, under the provisions of section 44 of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Maribyrnong – Western Water) Conversion Amendment Order 2006.

2. Preliminary

1. The Bulk Entitlement (Maribyrnong – Western Water) Conversion Order 2000 was made by the Minister on 27 July 2000 by Order published in the Government Gazette on 17 August 2000 to convert existing poorly defined rights to water in the Maribyrnong system to a defined bulk water entitlement for the Western Region Water Authority (“Western Water”).
2. The Gippsland and Southern Rural Water Authority (“Southern Rural Water”) is responsible for rural water supply and for providing passing flows at three locations along Jackson Creek and Maribyrnong River, namely Gisborne, Sunbury, and Keilor streamflow gauging stations. In most years the passing flow requirements are met by irrigation releases and run-of-river flows, but in dry years releases from Rosslynne Reservoir are required.
3. The combination of dry consecutive years and the level of releases required from Rosslynne Reservoir to maintain the passing flows has led the Minister to approve temporary amendments to Southern Rural Water’s bulk entitlement for the last three consecutive years. All amendments have reduced the passing flow requirements with the aim of conserving water in Rosslynne Reservoir and maintaining environmental health.
4. Western Water is responsible for urban water supply and sewerage services to towns in the Maribyrnong region. Since 2005 the authority has been able to source water from the Melbourne supply system in addition to water harvested by Rosslynne Reservoir and other local supply systems.
5. The Maribyrnong bulk entitlement holders, Southern Rural Water, Western Water, and Melbourne Water have undertaken to review the existing passing flow obligation with the aim of improving the environmental water reserve in the Maribyrnong basin. This initiative is consistent with the recommendations under Government’s Central Region Sustainable Water Strategy.

3. Purpose

The purpose of this Order is to amend the Bulk Entitlement (Maribyrnong – Western Water) Conversion Order 2000 (“the Bulk Entitlement Order”) so as to allow for any changes to the passing flows specified in the Bulk Entitlement (Maribyrnong – Southern Rural Water) Conversion Order 2000.

4. Authorising provisions

This Order is made by the Minister under section 44(1) of the **Water Act 1989** (“the Act”) following application made in accordance with section 44(2)(a) of the Act by the Authority holding the entitlement, Western Water.

SPECIAL

5. Commencement

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

6. Amendment of the Bulk Entitlement Order

1. In sub-clause 11.3 of the Bulk Entitlement Order insert “Subject to paragraph 11.1(a),” before “The Storage Operator”.
2. In sub-clause 11.3 of the Bulk Entitlement Order, delete “, at all times”.

Dated 16 October 2006

Responsible Minister
JOHN THWAITES
Minister for Water

Water Act 1989**BULK ENTITLEMENT (MARIBYRNONG – MELBOURNE WATER)
CONVERSION AMENDMENT ORDER 2006**

I, John Thwaites, under the provisions of section 44 of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Maribyrnong – Melbourne Water) Conversion Amendment Order 2006.

2. Preliminary

1. The Bulk Entitlement (Maribyrnong – Melbourne Water) Conversion Order 2000 was made by the Minister on 27 July 2000 by Order published in the Government Gazette on 17 August 2000 to convert existing poorly defined rights to water in the Maribyrnong system to a defined bulk water entitlement for Melbourne Water.
2. The Gippsland and Southern Rural Water Authority (“Southern Rural Water”) is responsible for rural water supply and for providing passing flows at three locations along Jackson Creek and Maribyrnong River, namely Gisborne, Sunbury, and Keilor streamflow gauging stations. In most years the passing flow requirements are met by irrigation releases and run-of-river flows, but in dry years releases from Rosslynne Reservoir are required.
3. The combination of dry consecutive years and the level of releases required from Rosslynne Reservoir to maintain the passing flows has led the Minister to approve temporary amendments to Southern Rural Water’s bulk entitlement for the last three consecutive years. All amendments have reduced the passing flow requirements with the aim of conserving water in Rosslynne Reservoir and maintaining environmental health.
4. The Western Region Water Authority (“Western Water”) is responsible for urban water supply and sewerage services to towns in the Maribyrnong region. Since 2005 the authority has been able to source water from the Melbourne supply system in addition to water harvested by Rosslynne Reservoir and other local supply systems.
5. The Maribyrnong bulk entitlement holders, Southern Rural Water, Western Water, and Melbourne Water have undertaken to review the existing passing flow obligation with the aim of improving the environmental water reserve in the Maribyrnong basin. This initiative is consistent with the recommendations under Government’s Central Region Sustainable Water Strategy.

3. Purpose

The purpose of this Order is to amend the Bulk Entitlement (Maribyrnong – Melbourne Water) Conversion Order 2000 (“the Bulk Entitlement Order”) so as to allow for any changes to the passing flows specified in the Bulk Entitlement (Maribyrnong – Southern Rural Water) Conversion Order 2000.

4. Authorising provisions

This Order is made by the Minister under section 44(1) of the **Water Act 1989** (“the Act”) following application made in accordance with section 44(2)(a) of the Act by the Authority holding the entitlement, Melbourne Water.

5. Commencement

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

6. Amendment of the Bulk Entitlement Order

1. In sub-clause 11.3 of the Bulk Entitlement Order insert “Subject to paragraph 11.1(a),” before “The Storage Operator”.
2. In sub-clause 11.3 of the Bulk Entitlement Order, delete “, at all times”.

Dated 16 October 2006

Responsible Minister
JOHN THWAITES
Minister for Water

Water Act 1989**BULK ENTITLEMENT (MARIBYRNONG – SOUTHERN RURAL WATER)
CONVERSION FURTHER AMENDMENT ORDER 2006**

I, John Thwaites, under the provisions of section 44 of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Maribyrnong – Southern Rural Water) Conversion Further Amendment Order 2006.

2. Preliminary

1. The Bulk Entitlement (Maribyrnong – Southern Rural Water) Conversion Order 2000 (“the Bulk Entitlement Order”) was made by the Minister on 27 July 2000 by Order published in the Government Gazette on 17 August 2000 to convert existing poorly defined rights to water in the Maribyrnong system to a defined bulk water entitlement for the Gippsland and Southern Rural Water Authority (“Southern Rural Water”).
2. The Bulk Entitlement Order requires Southern Rural Water to provide passing flows at three locations along Jackson Creek and Maribyrnong River, namely Gisborne, Sunbury, and Keilor streamflow gauging stations. In most years the passing flow requirements are met by irrigation releases and run-of-river flows, but in dry years releases from Rosslynne Reservoir are required.
3. The combination of dry consecutive years and the level of releases required from Rosslynne Reservoir to maintain the passing flows has led the Minister to approve temporary amendments to the Bulk Entitlement Order for the last three consecutive years. All amendments have reduced the passing flow requirements with the aim of conserving water in Rosslynne Reservoir and maintaining environmental health.
4. The Western Region Water Authority (“Western Water”) is responsible for urban water supply and sewerage services to towns in the Maribyrnong region. Since 2005 the authority has been able to source water from the Melbourne supply system in addition to water harvested by Rosslynne Reservoir and other local supply systems.
5. The Maribyrnong bulk entitlement holders, Southern Rural Water, Western Water, and Melbourne Water have undertaken to review the existing passing flow obligation with the aim of improving the environmental water reserve in the Maribyrnong basin. This initiative is consistent with the recommendations under Government’s Central Region Sustainable Water Strategy.

3. Purpose

The purpose of this Order is to amend the Bulk Entitlement Order so as to preserve a volume of 2 000 ML in Rosslynne Reservoir in the event of failure of supply from the Melbourne water supply system. This emergency urban supply volume would be managed through reductions in passing flows provided along Jackson Creek and Maribyrnong River and by Western Water following its drought response plan.

4. Authorising provisions

This Order is made by the Minister under section 44(1) of the **Water Act 1989** (“the Act”) following application made in accordance with section 44(2)(a) of the Act by the Authority holding the entitlement, Southern Rural Water.

5. Duration

This Order comes into operation on the day it is published in the Victoria Government Gazette and expires midnight 30 November 2008 or until such time the Minister approves the necessary arrangements for improving the environmental water reserve in the Maribyrnong basin, whichever comes first.

6. Amendment of the Bulk Entitlement Order

1. In clause 4 of the Bulk Entitlement Order, after the definition of **“Resource Manager”** insert –
““Salesian College pool” means the pool located on the waterway immediately upstream of the weir wall located within Salesian College grounds Sunbury;”.
2. In clause 4 of the Bulk Entitlement Order, 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;”.
3. For sub-clause 12.1 of the Bulk Entitlement Order **insert** “, when Western Water’s capacity share of the Reservoir holds more than 2 500 megalitres” after “provide”.
4. In sub-clause 12.1 of the Bulk Entitlement Order, **delete** “at all times;”.
5. After sub-clause 12.1 of the Bulk Entitlement Order **insert** –
“12.1A Subject to sub-clause 12.1B, Southern Rural Water must provide, when Western Water’s capacity share of the Reservoir holds less than 2 500 megalitres –
 - (a) continuous monitoring of water temperature, salinity, dissolved oxygen, and level at Settlement Road pool and Salesian College pool; and
 - (b) a flow at Gisborne gauging station as specified in Schedule 5 to maintain water quality in the Settlement Road pool.”.
6. After sub-clause 12.1A of the Bulk Entitlement Order **insert** –
“12.1B During periods when the Reservoir is near or at dead storage, Southern Rural Water must endeavour to provide the flow at Gisborne gauging station as specified under sub-clause 12.1A until the physical constraints created by the falling water level in the Reservoir prohibit these flows being met.”.
7. After sub-clause 12.7 of the Bulk Entitlement Order **insert** –
“12.8 Southern Rural Water must propose to the Minister within 60 days of the date of this Order, a fish survey as agreed to by the Department of Sustainability and Environment and each Authority holding a bulk entitlement to a share of the storage capacity of the Reservoir.”.
8. After Schedule 4 of the Bulk Entitlement Order **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 3 000 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 holds between 2 500 and 2 000 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 When Western Water's capacity share of the Reservoir holds less than 2 000 megalitres and any of the water quality standards is not maintained, the flow specified under item 3 must be provided to maintain water quality standards.
 - 5 In the event flows set out in item 4 fail to maintain water quality standards over a period of 94 days from the day of the flow provision specified under paragraph 3(a) 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 period of 30 days continuously; 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.”.

Dated 16 October 2006

Responsible Minister
JOHN THWAITES
Minister for Water

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