

Water Act 1989

TEMPORARY QUALIFICATION OF RIGHTS IN THE CAMPASPE WATER SYSTEM

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

Title

1. This Qualification is called the Temporary Qualification of Rights in the Campaspe Water System 2009.

Background

2. This Qualification qualifies:
 - rights to water held in accordance with section 8(1) of the Act;
 - the water shares in relation to the Campaspe Water System; and
 - the following Bulk Entitlements, as amended –
 - (a) Bulk Entitlement (Campaspe System – Coliban Water) Conversion Order 1999
 - (b) Bulk Entitlement (Campaspe System – Goulburn-Murray Water) Conversion Order 2000
 - (c) Bulk Entitlement (Axedale, Goornong and Part Rochester) Conversion Order 1999

Duration

3. This Qualification comes into effect upon notification pursuant to section 33AAC(1) of the Act or 1 July 2009, whichever is the later, and remains in force until 30 June 2011.

Authorising provision

4. This Qualification is made under section 33AAA(1) of the Act.

Definitions

5. In this qualification:
 - (a) “Water System” means the Campaspe Water System (as defined in the Order Declaring Water Systems in Northern Victoria 2007) and the water supply systems supplied from the Coliban River storages.
 - (b) “ABA” means an Allocation Bank Account recorded in the Water Register, and linked to a Campaspe System water entitlement.
 - (c) “Eppalock Passing Flow Account” means the passing flow account referred to in Schedule 4 to *Bulk Entitlement (Campaspe System – Goulburn-Murray Water) Conversion Order 2000* and Schedule 3 to

Bulk Entitlement (Campaspe System – Coliban Water) Conversion Order 1999.

- (d) “Coliban Headworks Storages” means the following storage reservoirs; Lauriston Reservoir, Malmsbury Reservoir and Upper Coliban Reservoir.

Qualification of rights

6. The right of a person to take water under section 8(1) of the Act, in relation to the Water System, is qualified so that where the water allocation to a water share in the Water System is less than 50% the right is comprised of a right to take the volume of water necessary for the following domestic and stock uses only –

- (a) in-house household purposes;
- (b) watering of animals kept as pets;
- (c) watering of cattle and other stock; and
- (d) fire-fighting.

7. The right of a person to take water under a water share deemed to be issued pursuant to section 33F(1) of the Act in the Water System is qualified so that where the water allocation to a water share in the Water System is less than 50% the right is comprised of a right to take either the volume of water recorded in their ABA or the volume of water necessary for only –

- (a) the following domestic and stock uses –

- (i) in-house household purposes;
- (ii) watering of animals kept as pets;
- (iii) watering of cattle and other stock; and
- (iv) fire-fighting; or

- (b) the following commercial and industrial uses –

- (i) watering of animals in intensive animal industries;
- (ii) washdown;
- (iii) cleaning;
- (iv) cooling;
- (v) dust suppression (for health and safety purposes);
- (vi) manufacturing and processing, provided best practice water savings measures have been implemented

whichever is the greater.

8. The right of Coliban Region Water Corporation to take water from the Water System to supply the townships of Axedale, Goornong and Rochester under *Bulk Entitlement (Axedale, Goornong & Part Rochester) Conversion Order 1999*, is qualified so that –

- (a) the right includes the right to take unused water recorded in its Bulk Entitlement ABA on 30 June of the previous year, up to a maximum

volume equivalent to 50 per cent of the Bulk Entitlement volume recorded in that ABA on 1 July of the current year, minus 5 per cent for losses. This volume of water will be referred to in this qualification as 'carryover';

- (b) in the current year, the following formula applies –

$$M = E - C$$

where

M = limit on future seasonal determinations (megalitres) in the current year, against the bulk entitlement volume recorded in the ABA on 1 July of the current year.

E = the bulk entitlement volume (megalitres) recorded in their ABA at 1 July in the current year.

C = the volume of carryover (megalitres).

- (c) any limit on future seasonal determinations (M) will not be affected by a transfer or limited term transfer; and
- (d) where the water allocation to a water share in the Water System is less than 50% –
- (i) the obligation to supply the township of Rochester during the months of May, June, July, August and September is removed; and
 - (ii) the restriction rules set out in clauses 8.3 and 8.5 of the Bulk Entitlement do not apply.

9. The right of Goulburn-Murray Rural Water Corporation to take water from the Water System to supply primary entitlements under *Bulk Entitlement (Campaspe System – Goulburn-Murray Water) Conversion Order 2000* is qualified so that the obligations imposed by clauses 11.1(a) and 11.1(b) of the Bulk Entitlement to provide minimum passing flows from its share of Lake Eppalock are removed, and the Eppalock Storage Operator must –

- (a) record in the Eppalock Passing Flow Account and store in Lake Eppalock, the volume of water that would otherwise have been provided as passing flow.
- (b) release additional passing flows up to a maximum of 1,000 ML of the water recorded as held in the Eppalock Passing Flow Account at any time of year, based on advice from the North Central Catchment Management Authority, in consultation with the Eppalock Storage Operator, where –
 - (i) the volume of water available to Goulburn-Murray Rural Water Corporation from Lake Eppalock in the current year (including water recorded as held in the Eppalock Passing Flow Account under clause 9(a) of this Qualification), comprising the initial volume in store at 1 July plus accumulated inflows, and excluding water recorded as held in an ABA linked to a water

- share in the Campaspe Water System, is greater than 6,500 ML;
 - and
 - (ii) there is sufficient water recorded in the Eppalock Passing Flow Account for the release.
 - (c) release additional passing flows of water recorded as held in the Eppalock Passing Flow Account at any time of the year, based on advice from the North Central Catchment Management Authority, where –
 - (i) the water allocation to water shares in the Water System is 1% or greater; and
 - (ii) there is sufficient water recorded in the Eppalock Passing Flow Account for the release.
 - (d) resume the release of water held in storage under clause 9(a) of this Qualification in accordance with the requirements of the Bulk Entitlements relating to the Eppalock Passing Flow Account –
 - (i) where the water allocation to water shares in the Water System is 100%; or
 - (ii) on the expiry of this Qualification.
10. The right of Coliban Region Water Corporation to take water from the Water System to supply primary entitlements under *Bulk Entitlement (Campaspe System – Coliban Water) Conversion Order 1999* is qualified so that the obligations imposed by clauses 11.1(c) and 11.1(d) of the Bulk Entitlement to provide minimum passing flows from its share of Lake Eppalock are removed, and the Eppalock Storage Operator must –
- (a) record in the Eppalock Passing Flow Account and store in Lake Eppalock, the volume of water that would otherwise have been provided as passing flow.
 - (b) release additional passing flows up to a maximum of 1,000 ML of the water recorded as held in the Eppalock Passing Flow Account at any time of year, based on advice from the North Central Catchment Management Authority, in consultation with Eppalock Storage Operator, where –
 - (i) the volume of water available to Goulburn-Murray Rural Water Corporation from Lake Eppalock in the current year (including water recorded as held in the Eppalock Passing Flow Account under clause 9(a) of this Qualification), comprising the initial volume in store at 1 July plus accumulated inflows, and excluding water recorded as held in an ABA linked to a water share in the Campaspe Water System, is greater than 6,500 ML; and
 - (ii) there is sufficient water recorded in the Eppalock Passing Flow Account for the release.

- (c) release additional passing flows of water recorded as held in the Eppalock Passing Flow Account at any time of the year, based on advice from the North Central Catchment Management Authority, where –
 - (i) the water allocation to water shares in the Water System is 1% or greater; and
 - (ii) there is sufficient water recorded in the Eppalock Passing Flow Account for the release.
 - (d) resume the release of water held in storage under clause 10(a) of this Qualification in accordance with the requirements of the Bulk Entitlements relating to the Eppalock Passing Flow Account –
 - (i) where the water allocation to water shares in the Water System is 100%; or
 - (ii) on the expiry of this Qualification.
11. The right of Coliban Water to take water from the Water System in order to supply primary entitlements under *Bulk Entitlement (Campaspe System – Coliban Water) Conversion Order 1999* is qualified so that the obligation imposed by clause 11.1(a) of the Bulk Entitlement to provide minimum passing flows immediately downstream of Malmsbury Reservoir, is removed and Coliban Region Water Corporation must –
- (a) maintain a passing flow account, hereafter referred to as the Malmsbury Passing Flow Account, to record and store in the Coliban Headworks Storages –
 - (i) 50% of the volume of water that would otherwise have been provided as passing flow, while all of the following conditions are met –
 - A. either Kyneton or Castlemaine is subject to Stage 4 water restrictions, and
 - B. there is no provision of emergency water supplies under clause 12(b) of this Qualification, and
 - C. the allocation of Rural Entitlements is 0%.
 - (ii) 100% of the volume of water that would otherwise have been provided as passing flow, while any of the following conditions are met –
 - A. both Kyneton and Castlemaine are not subject to Stage 4 restrictions, or
 - B. there is a provision of emergency water supplies under clause 12(b) of this Qualification, or
 - C. the allocation of Rural Entitlements is greater than 0%.
 - (iii) the volume of water recorded and stored under clause 10(a)ii of the *Temporary Qualification of Rights in the Campaspe Water System July 2007* (as amended) that remained unused at 30 June 2009.

- (b) store or release water recorded in the Malmsbury Passing Flow Account as a flow regime, at any time of year, based on advice from the North Central Catchment Management Authority.
- (c) store or release water, not recorded in the Malmsbury Passing Flow Account that would otherwise have been provided as passing flow, as required to meet primary entitlements referred to in clause 1 of Schedule 1 of the Bulk Entitlement.
- (d) on the expiry of this Qualification, release any water recorded as held in the Malmsbury Passing Flow Account within six months, as a flow regime based on advice from the North Central Catchment Management Authority.

12. Circumstances are so extreme as to justify the qualification of rights not in the same proportion, and the obligation to supply Rural Entitlements as described in clause 2 of Schedule 1 of the *Bulk Entitlement (Campaspe System – Coliban Water) Conversion Order 1999* is qualified so that –

- (a) Coliban Region Water Corporation may exclude licence holders that are able to receive recycled water from the Bendigo Recycled Water Factory from the allocation of Rural Entitlements, provided that the volume of recycled water supplied to these licence holders is not lower than the equivalent volume of water they would receive under the seasonal allocation of Rural Entitlements; and
- (b) when the volume of water in the Coliban Headworks Storages is not sufficient to allow an allocation of Rural Entitlements, Coliban Region Water Corporation may provide emergency water supplies up to a maximum of 30% of the licence volume, to licence holders that in the opinion of Coliban Region Water Corporation;
 - (i) have a commercial business operation that is currently or is proposed to be their sole/primary source of income; and
 - (ii) can be supplied with water in an efficient manner; and
 - (iii) are not able to receive recycled water from the Bendigo Recycled Water Factory; and
 - (iv) meet at least one of the following criteria;
 - A. has permanent horticultural plantings that would be lost if no water were taken in accordance with the licence; or
 - B. is involved in contractual food production; or
 - C. is involved in intensive animal husbandry; or
 - D. is directly or indirectly a significant employer.

Dated: 22/06/2009


Tim Holding MP
Minister for Water