

2 August 2023

The Hon. Harriet Shing, MP
Minister for Water
Level 17, 8 Nicholson Street
EAST MELBOURNE VIC 3002

Dear Minister

Application to amend Tarago and Bunyip Rivers Environmental Entitlement to enable the Victorian Environmental Water Holder to store water in unused airspace in Tarago Reservoir

In accordance with section 48K of the *Water Act 1989*, I am applying for an amendment to the *Tarago and Bunyip Rivers Environmental Entitlement 2009*, to enable the Victorian Environmental Water Holder (VEWH) to store water in unused airspace in Tarago Reservoir.

The amendment will allow VEWH to store its share of inflows in available airspace when its own capacity share is full. To ensure no impact to other entitlement holders, when Tarago Reservoir spills the water held by VEWH in airspace is the first to spill. This arrangement will allow VEWH more flexibility in managing its water holdings which provides greater benefits for the environment.

This will formalise a temporary agreement to utilise unused airspace which has been in place since 2012 with Melbourne Water, Southern Rural Water and the Greater Yarra System – Thomson River Pool bulk entitlement holders.

The amendment application also includes minor administrative changes following the Minister for Water's appointment of Melbourne Water as storage manager and revocation of Melbourne Water's appointment as the resource manager in the Melbourne headworks system, effective from 9 September 2022.

VEWH has worked with the Department of Energy, Environment and Climate Action, and in consultation with the other entitlement holders, on a draft amendment instrument which is attached. This contains the details to support this application.

If you require further information or clarification, please do not hesitate to contact Andrew Sharpe, Executive Manager Planning and Delivery, on 0409 437 251.

Yours sincerely

Chris Chesterfield

Chris Chesterfield (Aug 3, 2023 09:48 GMT+10)

Chris Chesterfield

Chairperson, Victorian Environmental Water Holder

WATER ACT 1989

TARAGO AND BUNYIP RIVERS ENVIRONMENTAL ENTITLEMENT AMENDMENT 2023

I, the Hon Harriet Shing, Minister for Water, under the provisions of the **Water Act 1989**, make the following Instrument –

TITLE

1. This Instrument is called the Tarago and Bunyip Rivers Environmental Entitlement Amendment 2023.

PURPOSE

2. The purpose of this Instrument is to amend the Tarago and Bunyip Environmental Entitlement 2009 to allow the use of unused airspace in Tarago Reservoir which will provide more flexibility in the use of environmental water. There is also a minor change to update the storage manager reference and to remove a redundant reference to the resource manager.

AUTHORISING PROVISIONS

3. This Instrument is made under section 48K of the **Water Act 1989**. The Minister makes this Instrument on the application of the Victorian Environmental Water Holder.

COMMENCEMENT

4. This Instrument comes into effect on the day it is published in the Victoria Government Gazette.

DEFINITIONS

5. In this Instrument a reference to the Environmental Entitlement is a reference to Tarago and Bunyip Rivers Environmental Entitlement 2009.

AMENDMENTS TO DEFINITIONS

6. In Clause 3 of the Environmental Entitlement, **insert** the following definition –
‘ **“Melbourne Water”** means Melbourne Water Corporation; ’
7. In Clause 3 of the Environmental Entitlement, **substitute** the following:-
 - (a) For the definition of “Department”, **substitute** –
‘ **“Department”** means the Department of Energy, Environment and Climate Action; ’
 - (b) For the definition of “Storage Manager”, **substitute** –
‘ **“Storage Manager”** means Melbourne Water as appointed by the Minister under section 122ZK of the Act; ’

AMENDMENTS TO SHARE OF STORAGE CAPACITY

8. For Clause 6 of the Environmental Entitlement, **substitute** –

“ 6. For storage capacity:

- (a) The Water Holder is entitled to:
 - (i) a storage capacity of 3,000 ML in Tarago Reservoir; and
 - (ii) subject to sub-clause 6(b), any storage capacity in Tarago Reservoir not being used by Melbourne Water to fulfil its obligations under the Melbourne Water Tarago Bulk Entitlement.
- (b) When Tarago Reservoir spills, the Storage Manager must reduce the amount stored by the Water Holder in its share of storage capacity in excess of 3,000 ML by the amount of the spill.
- (c) For the purpose of sub-clause 6(b), Tarago Reservoir is deemed to spill when the water level in Tarago Reservoir exceeds the full supply level of 157.92 metres Australian Height Datum or 37,580 ML in terms of capacity.”

AMENDMENT TO CLAUSE 25

9. In Clause 25 of the Environmental Entitlement for the words “Water Holder, the Storage Manager or the Resource Manager, or any of them,” **substitute** “Water Holder and the Storage Manager”.

Hon Harriet Shing MP
Minister for Water