



New South Wales

# Water Sharing Plan for the Tenterfield Creek Water Source 2003 Amendment Order 2012

under the

Water Management Act 2000

I, the Minister for Primary Industries, in pursuance of section 45 (1) (a) of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Tenterfield Creek Water Source 2003*.

Dated this 3<sup>rd</sup> day of May, 2012.

KATRINA HODGKINSON, MP  
**Minister for Primary Industries**

## **Explanatory note**

This Order is made under section 45 (1) (a) of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Tenterfield Creek Water Source 2003*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

2012 No 211

# **Water Sharing Plan for the Tenterfield Creek Water Source 2003 Amendment Order 2012**

under the

Water Management Act 2000

## **1. Name of Order**

This Order is the *Water Sharing Plan for the Tenterfield Creek Water Source Amendment Order 2012*.

## **2. Commencement**

This Order commences on the day on which it is published on the NSW legislation website.

## **3. Amendment**

The *Water Sharing Plan for the Tenterfield Creek Water Source 2003* is amended as set out in Schedule 1.

**Schedule 1 Amendment of Water Sharing Plan for the Tenterfield Creek Water Source 2003**

**[1] Clause 35**

Omit clause 35.

Insert instead.

**35 Long-term average extraction limit**

The long-term average extraction limit for this Unit will be the total of:

- (a) the estimated annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 specified in conditions attached to or included in entitlements issued under Part 2 of the *Water Act 1912* in this Unit, immediately prior to the commencement of Part 2 of Chapter 3 of the Act for this Unit,
- (b) an estimate of annual extraction of water under domestic and stock and native title rights in this Unit at the commencement of this Plan, plus
- (c) the estimated annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting access licences were later issued in this Unit, as estimated by the Department from time to time.

**[2] Clause 36**

Omit clause 36.

Insert instead.

**36 Variation of the long-term average extraction limit**

Following the surrender and cancellation under sections 77 and 77A of the Act, the Minister may vary the respective long-term average annual extraction limit.

**[3] Clause 37 Available water determinations**

Omit clause 37 (2) (a).

Insert instead.

- (a) water extraction in this Unit will be monitored in each water accounting year to determine if there is any growth in volumes extracted above the extraction limit specified in clause 35, based on comparison of the extraction limit against the average extraction within this Unit over the preceding 5 years,

**[4] Clause 37 Available water determinations**

Omit “3 year” and insert “5 year” in clause 37 (2) (g).

**[5] Clause 37 Available water determinations**

Omit “3 year” and insert “5 year” in clause 37 (2) (h).

**[6] Clause 69**

Omit clause 69.

**[7] Clause 70**

Omit clause 70.

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Insert instead.

### 70 Runoff harvesting dams and in-river dams

- (1) If the sum of the share components of access licences nominating a water supply work that is a runoff harvesting dam or an in-river dam is reduced via:
  - (a) a dealing,
  - (b) the surrender under section 77 of the Act and then the cancellation under section 77A (6) of the Act of an access licence,
  - (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
  - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act,

the Minister may require the modification of the dam to ensure that the capability of the dam to capture water is reduced to reflect that reduction in share component.

#### Notes.

- 1 Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, consistent with the principles of the Act.
  - 2 The method by which the Minister can require the modification of the dam is by amending the mandatory conditions of the relevant water supply work approval. Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.
- (2) New or expanded runoff harvesting dams shall, in addition to other considerations, be subject to the dam capacity not exceeding that which is consistent with the access licence share component specifying the runoff harvesting dam as the nominated work.

### [8] Schedule 1

Omit the definition of *runoff harvesting dam*.

Insert instead.

*runoff harvesting dam* is a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 53 of the Act. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

### [9] Schedule 5

Omit Schedule 5.

Insert instead.

## Schedule 5 Border Rivers Unregulated Extraction Management Unit

This Unit excludes any river that is declared by the Minister, by Order published in the NSW Government Gazette, to be a regulated river.

### The Border Rivers Extraction Management Unit

