



New South Wales

Water Sharing Plan for the Upper Billabong 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 Upper Billabong Water Source 2003*.

Dated this 25th day of September 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 Upper Billabong Water Source 2003*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

Water Sharing Plan for the Upper Billabong 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 Upper Billabong 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 Upper Billabong Water Source 2003* is amended as set out in Schedule 1.

Schedule 1 Amendment of Water Sharing Plan for the Upper Billabong Water Source 2003

[1] Clause 16 Extraction management unit

Omit clause 16 (2). Insert instead:

- (2) The extraction management unit of which this water source is part is known as the Unregulated Billabong Extraction Management Unit (hereafter *this Unit*).
- (3) This Unit specified in subclause (2) is shown on the map in Appendix 2A.

Note. The Unregulated Billabong Extraction Management Unit also includes the Burrumbuttock Water Source, the Lower Billabong Water Source, the Middle Billabong Water Source, the Mountain Water Source, the Ten Mile Water Source, the Upper Wangamong Water Source, the Urana Water Source and the Yarra Yarra Water Source as defined in the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012*.

[2] Clause 34

Omit clause 34. Insert instead:

34 Extraction management unit

Management of the long-term extraction of water in this water source will be undertaken in the context of this Unit referred to in clause 16 (2).

[3] Clause 35

Omit clause 35. Insert instead:

35 Long-term average extraction limit

Subject to any variation under clause 36, the long-term average annual extraction limit for the Unregulated Billabong Extraction Management Unit is:

- (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from this water source, plus
- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in this water source at the commencement of this Plan, plus
- (c) the 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, plus
- (d) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the following water sources as defined in the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012*:
 - (i) Burrumbuttock Water Source,
 - (ii) Lower Billabong Water Source,
 - (iii) Middle Billabong Water Source,
 - (iv) Mountain Water Source,

- (v) Ten Mile Water Source,
 - (vi) Upper Wangamong Water Source,
 - (vii) Urana Water Source, and
 - (viii) Yarra Yarra Water Source, plus
- (e) the annual water requirements pursuant to domestic and stock rights and native title rights in the following water sources as defined in the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012*:
- (i) Burrumbuttock Water Source,
 - (ii) Lower Billabong Water Source,
 - (iii) Middle Billabong Water Source,
 - (iv) Mountain Water Source,
 - (v) Ten Mile Water Source,
 - (vi) Upper Wangamong Water Source,
 - (vii) Urana Water Source, and
 - (viii) Yarra Yarra Water Source.

[4] Clause 36

Omit clause 36. Insert instead.

36 Variation of the long-term average extraction limit

Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in this water source, the Minister may vary the long-term average annual extraction limit for this Unit.

[5] Clause 37 Available water determinations

Insert “and” at the end of clause 37 (2) (i).

[6] Clause 37

Omit clause 37 (2) (j).

[7] Clause 68

Omit clause 68. Insert instead:

68 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 of an access licence and then the cancellation of that access licence under section 77A (6) of the Act,
- (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 NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.
 - 2 The Minister can require the modification of the dam 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] Clause 69 in river dams

Omit the clause.

[9] Schedule 1 Dictionary

Omit the definition of *runoff harvesting dam*. Insert instead.

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in the harvestable rights orders made under section 54 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.

[10] Schedule 5 Unregulated Billabong Extraction Management Unit

Omit the Schedule 5.

[11] Appendix 2A

Insert after Appendix 2:

Appendix 2A Overview of the Map of the Unregulated Billabong Extraction Management Unit

