



New South Wales

Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources Amendment Order (No 2) 2014

under the

Water Management Act 2000

I, Kevin Humphries, the Minister for Natural Resources, Lands and Water, 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 Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*.

Dated this 14th day of July 2014.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

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 Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

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1 Name of Order

This Order is the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources Amendment Order (No 2) 2014*.

2 Commencement

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

Schedule 1 Amendment of Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010

[1] Clause 32

Omit clause 32. Insert instead:

32 Inter-valley share component trade account rules

- (1) If the sum of share components of all access licences that specified the Peel Regulated River Water Source, that have been subject to a dealing under clause 85 subclause (2) plus the total water allocations that have been subject to a dealing under clause 86 subclause (4) in any water year exceeds 7,500, then an inter-valley share component trade account will be established.
- (2) After the account has been established under subclause (1), a volume of water will be credited to the inter-valley share component trade account equal to any subsequent available water determination made for regulated river (general security) access licences, multiplied by 40% of the sum of share components for all access licences that specified the Peel Regulated River Water Source, that were subject to a dealing under clause 85 subclause (2) paragraph (c) in excess of 7,500.

Note. The maximum volume of the inter-valley share component trade account is 3,000 ML.

- (3) The amount of water that is credited to the inter-valley share component trade account under subclause (2) shall be set aside in Chaffey Dam for release under subclause (5).
- (4) The release of water set aside in Chaffey Dam under subclause (3) shall be determined by State Water so as to meet any water requirements in the Lower Namoi Regulated River Water Source and cannot be used to satisfy water requirements in the Peel Regulated River Water Source.
- (5) The inter-valley share component trade account will be debited with a volume of water equal to the amount of water required under subclause (4) as measured at Caroll Gap.
- (6) Water remaining in the inter-valley share component trade account at the end of each water year will not be carried over to the following water year.

[2] Clause 40 Calculation of the long term average annual extraction limit and current levels of annual extraction

Omit clause 40 (2) (c) (iv). Insert instead:

- (iv) all water extractions pursuant to domestic and stock rights and native title rights,

[3] Clause 40

Insert after clause 40 (2) (c):

- (d) for the purposes of paragraph (c) water allocations subject to a dealing under clause 86 subclause (4) are not counted as extraction.

[4] Clause 57

Omit the clause. Insert instead:

57 Individual access licence account management rules for the Peel Regulated River Water Source

Water allocations in a water allocation account of an access licence in the Peel Regulated River Water Source at the end of a water year cannot be carried over to the next water year.

[5] Clause 61A

Insert after clause 61:

61A Volume of water taken under an access licence in the Peel Regulated River Water Source

- (1) The maximum volume that may be taken under a domestic and stock access licence, local water utility access licence or regulated river (high security) access licence in the Peel Regulated River Water Source in any water year, may not exceed
 - (a) the sum of water allocations accrued under the access licence from available water determinations in that water year, plus
 - (b) any water allocations assigned from another access licence under section 71T of the Act, in that water year, plus
 - (c) any water allocations re-credited in accordance with section 76 of the Act, in that water year, minus
 - (d) any water allocations assigned to another access licence under section 71T of the Act, in that water year.
- (2) The maximum volume that may be taken under a regulated river (general security) access licence in the Peel Regulated River Water Source in any water year, may not exceed a volume equal to:
 - (a) the sum of water allocations accrued under the access licence from available water determinations in that water year, plus
 - (b) the amount of water that may be taken under clause 62, plus
 - (c) any water allocations assigned from another access licence under section 71T of the Act, in that water year, plus
 - (d) any water allocations re-credited in accordance with section 76 of the Act, in that water year, minus
 - (e) any water allocations assigned to another access licence under section 71T of the Act, in that water year.

- (3) The water allocation taken in a water year under an access licence in the Peel Regulated River Water Source shall be:
- (a) the volume of water extracted by the approved water supply works nominated by the access licence, plus
 - (b) the sum of water allocations subject to a dealing in that water year under clause 86 subclause (4).

[6] Clause 85 Amendment of share component dealings (change of water source)

Omit clause 85 (3). Insert instead:

- (3) Dealings under subclause (2) are subject to the following rules:
- (a) prior to Chaffey Dam being enlarged to 100,000 ML or greater, the sum of share components specifying the Peel Regulated River Water Source, that are subject to a dealing under section 71R of the Act, not exceeding an amount equal to $7,500 - (A \times 1.75)$. For the purposes of this paragraph:

A = the sum of the water allocations already subject to a dealing under clause 86 subclause (4) in that water year, or
 - (b) after Chaffey Dam has been enlarged to 100,000 ML or greater, the sum of share components specifying the Peel Regulated River Water Source, that are subject to a dealing under section 71R of the Act, not exceeding an amount equal to $15,000 - (A \times 1.75)$. For the purposes of this paragraph:

A = the sum of the water allocations already subject to a dealing under clause 86 subclause (4) in that water year.

Note. The factor 1.75 specified in the subclause above is required due to the different conversion rates that are applied to share component trades and water allocation trades.

[7] Clause 86 Assignment of water allocations dealings

Omit clause 86 (3) (a). Insert instead:

- (a) from an access licence in the Peel Regulated River Water Source, except where subclause (4) applies, or

[8] Clause 86

Insert after clause 86 (3):

- (4) Dealings between water sources under section 71T of the Act are permitted if the dealing involves an assignment of water allocation from an access licence in the Peel Regulated River Water Source to an access licence in the Lower Namoi Regulated River Water Source, subject to the sum of water allocations that are subject to a dealing under section 71T of the Act from an access licence specifying the Peel Regulated River Water Source to an access licence specifying the Lower Namoi Regulated River Water Source, not exceeding the lesser of:

- (a) the amount of water remaining in the Lower Namoi Regulated River Water Source that has been set aside in Keepit Dam so that the additional water delivery requirements resulting from dealings under clause 85 subclause (2) and clause 86 subclause (4) can be met, or

Note. Whenever an available water determination is made for regulated river (general security) access licences in the Lower Namoi Regulated River Water Source a volume of water will be set aside and stored in Keepit Dam that is equal to the available water determination multiplied by 3,000. The maximum amount of water that is able to be set aside at any point in time is 6000 ML. The amount of water set aside will be debited by the amount released from Keepit Dam by State Water from time to time. Any water remaining at the end of the water year will be carried over to the next water year.

- (b) $4,285 - (A/1.75)$. For the purposes of this paragraph:

A = the sum of the share components already subject to a dealing under clause 85 subclause (2) since the commencement of this plan.

Note. The factor 1.75 specified in the subclause above is required due to the different conversion rates that are applied to share component trades and water allocation trades.