



New South Wales

Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources Amendment Order 2015

under the

Water Management Act 2000

I, Niall Blair, the Minister 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 6th day of August 2015.

Niall Blair

Minister for 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 2015*.

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 71 Granting or amending water supply work approvals

Insert after clause 71 (1):

- (2) 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, or
 - (b) the surrender under section 77 of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act, or
 - (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 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 **Runoff harvesting dam** is defined in the Dictionary.

[2] Clause 84 Assignments of rights dealings (within water sources)

Omit clause 84 (2) (a). Insert instead:

- (a) from a regulated river (high security) access licence that does not nominate a water supply located in the Peel Regulated River Water Source downstream of Jewry Street Bridge over the Peel River to a regulated river (high security) access licence that nominates a water supply work located downstream of the Jewry Street Bridge over the Peel River,

[3] Clause 86 Assignment of water allocations dealings

Omit clause 86 (2) (a). Insert instead:

- (a) from an access licence that does not nominate a water supply work located in the Peel Regulated River Water Source downstream of the Jewry Bridge over the Peel River to an access licence that nominates a water supply work located downstream of the Jewry Street Bridge over the Peel River, when no available water determination has been made for regulated river (general security) access licences,

[4] Clause 88 Nomination of water supply work dealings

Omit clause 88 (2) (a). Insert instead:

- (a) a regulated river (high security) access licence which does not nominate a water supply work located in the Peel Regulated River Water Source downstream of the Jewry Street Bridge over the Peel River being amended to nominate a water supply work located in the Peel Regulated River Water Source downstream of the Jewry Street Bridge over the Peel River.

[5] Dictionary

Omit the definition for *runoff harvesting dam*. Insert instead:

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff. This includes dams that are also used to store water diverted into the dam from a river or other source of water. 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.