



New South Wales  
Government

## **Access Licence Dealing Principles (Special Areas No. 2) Amendment Order 2023**

under the

### **Water Management Act 2000**

I, Amanda Jones, by delegation from the Minister administering the *Water Management Act 2000*, in pursuance of section 71Z of the *Water Management Act 2000*, make the following Order.

Dated 27 November 2023

AMANDA JONES  
**Deputy Secretary, Water**  
**Department of Planning and Environment**  
**By delegation**

#### **Explanatory note**

The object of this Order is to amend the *Access Licence Dealing Principles Order 2004* to omit and replace clause 17(9) to correct numbering errors and make necessary changes as a result of the 2023 remake of the relevant water sharing plan.

This Order is made under section 71Z of the *Water Management Act 2000*. Section 43(2) of the *Interpretation Act 1987* provides that the power to make an order under an Act includes the power to amend the order.

## **Access Licence Dealing Principles (Special Areas No. 2) Amendment Order 2023**

under the

### **Water Management Act 2000**

#### **1 Name of Order**

This Order is the *Access Licence Dealing Principles (Special Areas No. 2) Amendment Order 2023*.

#### **2 Commencement**

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

#### **3 Amendment of Access Licence Dealing Principles Order 2004**

##### **Clause 17 Assignment of water allocations between access licences**

(a) Omit “,” after “under clause 17(9) or,” in clause 17(2)(e).

(b) Omit clause 17(9) and insert instead:

(9) Assignment of water allocations from a Water NSW Licence to an unregulated river access licence that authorises the taking of water from the Water Sources is permitted if all of the following apply:

(a) the unregulated river access licence is held by a Miner.

(b) the assignment is either from:

(i) water access licence 27429 to an access licence in the Woronora River Water Source, or

(ii) water access licence 27431 to an access licence in the Upper Nepean Rivers Water Source.

(c) the unregulated river access licence is subject to the following conditions:

(i) water can only be taken under the licence incidentally to mining operations carried out under a mining lease listed in subclause (9)(d)(ii) (such as water intercepted by mine voids),

(ii) water taken under the licence cannot be used for consumption or supply, and

(iii) water allocations cannot be assigned from the licence to another water access licence under section 71T of the Act.

(d) For the purposes of this clause:

- (i) **Metropolitan Special Area** means the Metropolitan Catchment Area as proclaimed in Gazette No 79 of 13 July 1923 and amended by proclamation published in Gazette No 79 of 26 May 1933.
- (ii) **Miner** means:
  - a. the holder (or their nominated representative) of mining leases CCL 768, ML 1510 and ML 1566 (relating to Dendrobium Mine),
  - b. the holder (or their nominated representative) of mining leases CCL 745, MPL 271 and ML 1575 (relating to Russell Vale Mine),
  - c. the holder (or their nominated representative) of mining leases CCL 703, ML 1610, ML 1702, CL 379 and MPL 320 (relating to Metropolitan Mine),
  - d. the holder (or their nominated representative) of mining leases CCL 766, ML 1565 and ML 1596 (relating to Wongawilli Mine) or
  - e. any other holder (or their nominated representative) of a mining lease related to a new coal mine in the Woronora Special Area or the Metropolitan Special Area or an extension of one of the coal mines listed above at subclauses 17(9)(d)(ii) a. to d., but only once that holder has development approval under the *Environmental Planning and Assessment Act 1979* in relation to the new or extended coal mine.
- (iii) **Water NSW Licence** means the majority utility (urban water) access licence 27429 or 27431, as relevant, held by Water NSW.
- (iv) **Water Sources** means the Woronora River Water Source and the Upper Nepean Rivers Water Source, as defined in the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023*.
- (v) **Woronora Special Area** means the Woronora Catchment Area as proclaimed in Government Gazette No 37 of 21 March 1941.