



New South Wales
Government

Access Licence Dealing Principles (Special Areas) Amendment Order 2023

under the

Water Management Act 2000

I, Kevin Anderson, Minister for Lands and Water, in pursuance of section 71Z of the *Water Management Act 2000*, make the following Order.

Dated 22 February 2023

KEVIN ANDERSON, MP
Minister for Lands and Water

Explanatory note

The object of this Order is to amend the *Access Licence Dealing Principles Order 2004* to enable the assignment of water allocations from a major utility (urban water) access licence held by Water NSW in the Upper Nepean and Upstream Warragamba Water Source and the Southern Sydney Rivers Water Source to unregulated river access licences held in relation to certain coal mines in the Greater Sydney Water Catchment Woronora and Metropolitan Special Areas which incidentally take water.

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) Amendment Order 2023

under the

Water Management Act 2000

1 Name of Order

This Order is the *Access Licence Dealing Principles (Special Areas) 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) Insert the following after the words “if any of the access licences is of category major utility” in clause 17(2)(e):

“except as permitted under clause 17(9) or,”

(b) Insert the following after the end of clause 17(8):

- (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 between access licences in the same 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:
 - (e) 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.
 - (i) **Miner** means:
 - A. the holder (or nominated representative) of mining leases CCL 768, ML 1510 and ML 1556 (relating to Dendrobium Mine),
 - B. the holder (or nominated representative) of mining leases CCL 745, MPL 271 and ML 1575 (relating to Russell Vale Mine),

- C. the holder (or nominated representative) of mining leases CCL 703, ML 1610, ML 1702, CL 379 and MPL 320 (relating to Metropolitan Mine),
 - D. the holder (or nominated representative) of mining leases CCL 766, ML 1565 and ML 1596 (relating to Wongawilli Mine), or
 - E. any other holder (or nominated representative), from time to time, of a mining lease related to a coal mine with a development approval under the *Environmental Planning and Assessment Act 1979* in the Woronora Special Area or the Metropolitan Special Area.
- (ii) **Water NSW Licence** means a major utility (urban water) access licence held by Water NSW that authorises the taking of water from the Upper Nepean and Upstream Warragamba Water Source or the Southern Sydney Rivers Water Source (as defined in the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011*).
 - (iii) **Water Sources** means the Upper Nepean and Upstream Warragamba Water Source or the Southern Sydney Rivers Water Source.
 - (iv) **Woronora Special Area** means the Woronora Catchment Area as proclaimed in Government Gazette No 37 of 21 March 1941.