

Department of Natural Resources

WATER MANAGEMENT ACT 2000

Order Under Section 54

Harvestable Rights – Western Division

PURSUANT to section 54 of the Water Management Act 2000, I, RICHARD SHELDRAKE, Director General, Department of Natural Resources, by this Order hereby make the following harvestable rights order in accordance with section 54 of the Water Management Act 2000:

1. This Order applies to all lands in the Western Division of the State of New South Wales as referred to in section 4 of the Crown Lands Act 1989, except for land of special environmental or cultural significance which could be adversely impacted by exercise of the harvestable right. Such lands are designated in Schedule 1.
2. The streams of water referred to in paragraph 1 of the Order of the Water Administration Ministerial Corporation made on 16 March 2006 and published on 24 March 2006 in *Government Gazette* No. 37 on page 1500, in relation to the definition of “river” in section 5(1) of the Water Act 1912, are declared to be “minor streams” for the purposes of Division 2 of Chapter 3 of the Water Management Act 2000.
3. A landholder has the right to capture all rain water run-off on land to which this Order applies by means of a dam or dams which are located on “minor streams”. This water may be used for any purpose, except as provided in paragraph 4.
4. Where a dam authorised by paragraph 3, is also used for holding water taken in accordance with:
 - (a) a right to take water from a river or lake in accordance with a licence issued under Part 2 of the Water Act 1912, which is subject to a condition restricting its use to stock or domestic or stock and domestic purposes, or
 - (b) a domestic and stock right conferred on a landholder by section 52 of the Water Management Act 2000,
 - (c) a domestic and stock access licence granted under Part 2 of Chapter 3 of the Water Management Act 2000,
 the use of water from that dam is restricted to domestic consumption and stock watering.
5. Paragraph 3 does not apply to dams on lands shown in the legend of the 1:100 000 scale (or 1:50 000 scale where available) topographic maps issued by the Land Information Centre (formerly the Central Mapping Authority) applying at 1 June 2000 to the Western Division as land subject to flooding or inundation.
6. Paragraph 3 does not apply to dams on lakes shown in the legend of the maps referred to in paragraph 5 as Perennial or Intermittent.
7. This order revokes the order made under section 54 of the Water Management Act 2000, on 18 January 2001 and published on 23 March 2001 in *Government Gazette* No. 57 on page 1491.

This Order takes effect on 1 April 2006.

Dated at Sydney this 16th day of March 2006.

RICHARD SHELDRAKE,
Director General,
Department of Natural Resources

SCHEDULE 1

Designated Lands

The following lands are of special environmental or cultural significance:

- (1) land on or within 3 kilometres of a wetland included in the List of Wetlands of International Importance of the International Convention on Wetlands (Ramsar, Iran, 1971).

WATER MANAGEMENT ACT 2000

Order Under Section 54

Harvestable Rights – Eastern and Central Division

PURSUANT to section 54 of the Water Management Act 2000, I, RICHARD SHELDRAKE, Director General, Department of Natural Resources, by this Order hereby make the following harvestable rights order in accordance with section 54 of the Water Management Act 2000:

1. This order applies to all lands in the Eastern and Central Division of the State of New South Wales as defined in section 4 of the Crown Lands Act 1989, except for land of special environmental or cultural significance which could be adversely impacted by exercise of the harvestable right. Such lands are designated in Schedule 4.
2. The streams of water referred to in paragraph 1 of the Order of the Water Administration Ministerial Corporation made on 16 March 2006 and published on 24 March 2006 in *Government Gazette* No. 37 on page 1500, in relation to the definition of “river” in section 5(1) of the Water Act 1912, are declared to be “minor streams” for the purposes of Division 2 of Chapter 3 of the Water Management Act, 2000.
3. A landholder has the right to capture 10% of the average regional rain water run-off on the land by means of a dam or dams having not more than the total capacity calculated in accordance with Schedule 1, which are located on “minor streams”. This water may be used for any purpose, except as provided in paragraph 9.
4. Dams to which Part 2 of the Water Act 1912, extends shall be included in calculation of use of the total capacity calculated in accordance with Schedule 1, except where the dam:
 - (a) is on a river (as defined in Part 2 of the Water Act 1912 and as amended from time to time by order) or a lake, or
 - (b) was licensed under Part 2 of the Water Act 1912, prior to 1 January 1999.
5. Dams subject to a water supply work approval granted under Part 3 of Chapter 3 of the Water Management Act 2000, or given under Clause 3 of Schedule 10 of the Water

Management Act 2000, shall be included in calculation of use of the total capacity calculated in accordance with Schedule 1, except:

- (a) where the dam is on a river which is not a minor stream, or
 - (b) where the approval for the dam was given under Clause 3 of Schedule 10 of the Water Management Act 2000, in replacement of a licence issued under the Water Act 1912, prior to 1 January 1999.
6. Paragraph 3 does not apply to the classes of dam set out in Schedule 2.
7. The method of apportioning harvestable rights for a dam where the wall of the dam crosses the boundary between two or more parcels of land is that the rights are apportioned between the parcels in proportion to the surface area of the water stored on the respective parcels when the dam is full, unless the respective occupiers agree otherwise.
8. Where a harvestable right dam, being a work within the total capacity as determined in paragraph 3, is also used for holding water taken in accordance with any of the following water rights and obligations:
- (a) a right to take water from a river or lake in accordance with an entitlement issued under Part 2 of the Water Act 1912,
 - (b) a right to use water from a bore in accordance with a licence issued under Part 5 of the Water Act 1912, or
 - (c) an access licence or approval granted under Chapter 3 of the Water Management Act 2000 or given under Clause 3 of Schedule 10 of the Water Management Act 2000,

the landholder must demonstrate to the satisfaction of the Department of Natural Resources that the use of water from the dam is consistent with the water rights and obligations referred to above and the harvestable right.

9. Where a harvestable right dam, being a work within the total capacity as determined in paragraph 3, is also used for holding water taken in accordance with:
- (a) a domestic and stock right conferred on a landholder by section 52 of the Water Management Act 2000,
 - (b) a right to take water from a river or lake in accordance with a licence issued under Part 2 of the Water Act 1912, which is subject to a condition restricting its use to stock or domestic or stock and domestic purposes, or
 - (c) a right to take water from a river or lake in accordance with an access licence granted under Part 2 of Chapter 3 of the Water Management Act 2000,
- the use of water from that dam is restricted to domestic consumption and stock watering.
10. The water available for extraction as a harvestable right from:
- (a) a dam which is also used for a water right or obligation referred to in paragraph 8, or
 - (b) from a dam which is licensed under Part 2 of the Water Act 1912 and is also used for harvestable right,
 - (c) a dam subject to an approval granted under Part 3 of Chapter 3 or Clause 9 of Schedule 9 of the Water Management Act 2000,

shall be calculated where necessary in accordance with Schedule 3.

11. This order revokes the order made under section 54 of the Water Management Act 2000, on 18 January 2001 and published on 23 March 2001 in *Government Gazette* No. 57 on page 1489.

This Order takes effect on 1 April 2006.

Dated at Sydney this 16th day of March 2006.

RICHARD SHELDRAKE,
Director General,
Department of Natural Resources

SCHEDULE 1

Total Capacity of a Dam or Dams

1. The total capacity of a dam or dams for a landholding in megalitres is to be calculated by multiplying the area of the landholding in hectares by the multiplier corresponding to the location of the land shown on the Maximum Harvestable Right Dam Capacity Map of the Department of Natural Resources applicable to the parcel of land, the maps being Registered Numbers 38/1530 to 38/1575 held by the Department at its Parramatta Office.
2. Paragraph 1 does not apply to dams on lots in subdivisions where the subdivisions were approved by Councils before 1 January 1999 and those lots would have a right to capture rainwater run-off calculated under paragraph 1 for a total capacity of less than one megalitre, in which cases the total capacity for each lot is to be one megalitre.

SCHEDULE 2

Exempt Classes of Dam

The following classes of dam are exempt from the operation of paragraph 3 of the Order:

1. Dams solely for the control or prevention of soil erosion, provided no water is reticulated or pumped from such dams and the size of the structure is the minimum necessary to fulfil the erosion control function. However if such a dam is fenced off for erosion control purposes water may be reticulated to a stock drinking trough in an adjoining paddock without prejudicing the exempt status.
2. Dams solely for flood detention and mitigation, provided no water is reticulated or pumped from such dams.
3. Dams solely for the capture, containment and recirculation of drainage and/or effluent, consistent with best management practice or required by a Government agency or Local Government Council to prevent the contamination of a water source.
4. Dams approved in writing by the Department for specific environmental management purposes.
5. Dams without a catchment, such as "turkeys nest" dams and ring tanks, provided no water from harvestable right works is diverted into them.
6. Dams licensed under Part 2 of the Water Act 1912, which were initially licensed prior to 1 January 1999.

SCHEDULE 3

“Mixed Right” Dams

The water available for extraction as a harvestable right from a dam which is also used for other water rights (a “mixed right dam”) shall be calculated, where necessary, according to the following method:

1. The maximum capacity of harvestable right dams for the property shall be calculated in accordance with Schedule 1.
2. The capacity taken up by other harvestable right dams on the property shall be subtracted from this maximum capacity, giving the harvestable right dam capacity available for the mixed right dam.
3. The harvestable right dam capacity available for the mixed right dam shall be divided by the factor shown in the table below, to give a volume in megalitres per year. The multiplier shown in the table is the average multiplier for the property as shown in the maps designated in paragraph (1) of Schedule 1. Values should be interpolated where necessary.

Multiplier	Factor
0.05	2.50
0.051	2.32
0.052	2.17
0.053	2.04
0.054	1.93
0.055	1.83
0.056	1.75
0.057	1.68
0.058	1.61
0.059	1.55
0.06	1.50
0.062	1.41
0.064	1.33
0.066	1.27
0.068	1.21
0.07	1.17
0.075	1.07
0.08	1.00
0.09	0.90
0.10	0.83
0.11	0.79
0.12	0.75
0.13	0.72
0.14	0.70
0.15	0.68
0.16	0.67
0.17	0.65
0.18	0.64
0.19	0.63

SCHEDULE 4

Designated Lands

The following lands are of special environmental or cultural significance:

- (1) land on or within 3 kilometres of a wetland included in the List of Wetlands of International Importance of the International Convention on Wetlands (Ramsar, Iran, 1971).

WATER ACT 1912

APPLICATIONS under Part 2, within proclaimed (declared) local areas under section 5(4) of the Water Act 1912.

Applications for licences under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Macquarie River Valley

Kenneth James BLACKBURN and Fiona ADAMS for a pump on the Bell River, Easement within Lot 1, DP 756896, Parish of Mumbil, County of Wellington, for water supply for stock and domestic purposes (new licence) (Reference: 80SL96236).

Castlereagh River Valley

David John BURRELL and Cheryl Anne BURRELL for 2 pumps on the Castlereagh River, Lot 111, DP 753382, Parish of Eringanerin, County of Gowen, for irrigation of 40 hectares (lucerne and corn) (part replacement of existing entitlement) (in lieu of advert w/c 14 March 2005) (Reference: 80SL96211).

GA2:310207.

Any inquiries regarding the above should be directed to the undersigned (telephone 6884 2560).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, within twenty-eight (28) days as prescribed by the Act.

MARK CAMPBELL,
A/Water Access Manager,
Macquarie

Department of Natural Resources,
PO Box 717, Dubbo NSW 2830.

WATER ACT 1912

APPLICATIONS under Part 2 within a proclaimed (declared) local area under section 5(4) of the Water Act 1912.

Applications for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Murrumbidgee Valley

Helen CRISP for a pump on Danderlago Creek, on Lot DP 251362, Parish of Bowning, County of Harden, irrigation. New licence by way of permanent water transfer. (Reference: 40SL71080).