

RIVERS AND FORESHORES IMPROVEMENT ACT 1948
Order under Section 22B(4)

HARVESTABLE RIGHTS

PURSUANT to section 22(B)(4) of the *Rivers and Foreshores Improvement Act 1948* the Water Administration Ministerial Corporation, hereby specifies that Part 3A of the Act does not apply to the following works:

1. Works to which any Order made under section 54 of the *Water Management Act 2000* applies.
2. Works approved under Part 3 of Chapter 3 of the *Water Management Act 2000*.
3. 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.
4. 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 council to prevent the contamination of a water source.
5. Dams approved in writing by the Minister for specific environmental management purposes.
6. Dams licensed under Part 2 of the *Water Act 1912*, and works approved under Part 8 of that Act.
7. This Order does not apply to works located on land that is within a zone designated "residential", "rural residential", "village", "township", "industrial", "business" (or similar) or "recreation", "open space", "environmental protection" (or similar, but not including "scenic protection") in an environmental planning instrument, as defined in the Environmental Planning and Assessment Act, 1979, to which Part 3A of the Act still applies.
8. This Order revokes the Order made under section 22B(4)(1) of the *Rivers and Foreshores Improvement Act 1948* on 18 January 2001 and published on 23 March 2001 in *Government Gazette* No. 57 on page 1479, specifying the works with respect to which Part 3A of the Act did not apply.

This Order takes effect on 1 July 2004.

Dated at Sydney this 28th day of June 2004.

Signed for the Water Administration Ministerial Corporation.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources
