



Hunter Water Shortage Zone Embargo Order 2016

under section 113A of the *Water Act 1912*

I, Gavin Hanlon, Deputy Director General Water, having delegated authority from the Water Administration Ministerial Corporation, in pursuance of Section 113A of the *Water Act 1912*, being satisfied that the Water Shortage Zone shown in Schedule 1 is unlikely to have more water available than is sufficient to meet the requirements of licensees of the bores situated within the Water Shortage Zone, and other requirements determined for water from the Water Shortage Zone, make the following order.

Dated this 3rd day of February, 2016

ALISON KIRK
A/Deputy Director General, Water
(by delegation)

Explanatory note

This Order is made under Section 113A of the *Water Act 1912*. The object of this Order is to place an embargo on any further applications for licences within the Water Shortage Zone specified in Schedule 1, other than for exempted purposes as specified in Schedule 2.

Note:

In accordance with section 113A(6) of the *Water Act 1912* this order does not apply to:

- (a) an application for a renewal of a licence, or
 - (b) an application for a licence for a bore to replace some other licensed bore that the applicant has ceased to use, or
 - (c) an application for a licence for a bore to produce water to satisfy a water allocation arising from the transfer of a water allocation under section 117J.
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Hunter Water Shortage Zone Embargo Order 2016

Under section 113A of the Water Act 1912

1 Name of Order

This Order is the *Hunter Water Shortage Zone Embargo Order 2016*.

2 Commencement

This Order commences on the day on which it is published in the *NSW Government Gazette* and remains in force until revoked or modified by a further order.

3 Dictionary

Any terms that are defined in Schedule 3 of this Order have the meanings set out in that Schedule.

4 Embargo on applications for licences

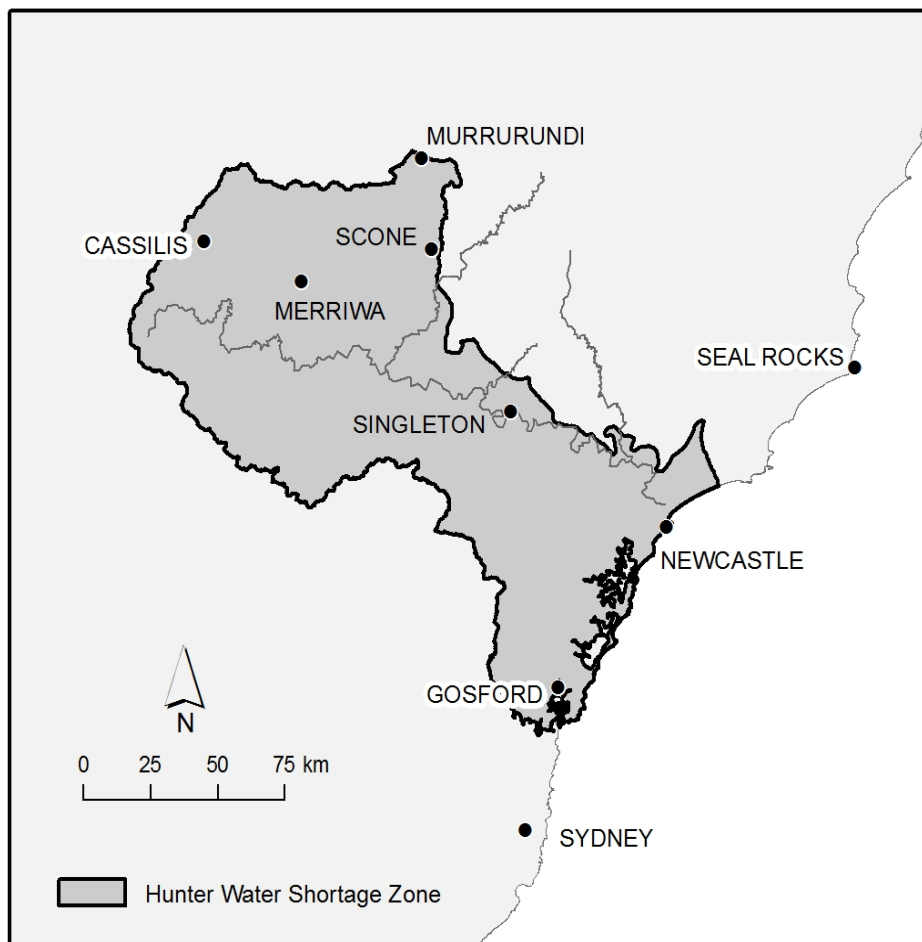
This Order places an embargo on any further applications for licences within the Water Shortage Zone specified in Schedule 1, other than for exempted purposes as specified in Schedule 2.

Schedule 1 Water Shortage Zone

The Water Shortage Zone for the purpose of this Order is that part of the Sydney Subsurface Water Basin known as the Hunter Water Shortage Zone, as shown by the grey shaded area in Map 1. It excludes any groundwater located within:

1. The water sources to which the following water sharing plans apply:
 - a) Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009
 - b) Water Sharing Plan for the Hunter Regulated Rivers Water Source 2003
 - c) Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003
 - d) Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003
2. The subsurface water basins which overlie the Sydney subsurface water basin known as the:
 - a) Hawkesbury to Hunter Coastal Sands
 - b) Liverpool Ranges Basalt Coast
 - c) Oxley Basin Coast – Upper Hunter

Map 1



Schedule 2 - Exemptions

Applications for licences under Part 5 of the *Water Act 1912* can continue to be made for the following purposes:

1. Water supply for town water supply by a water supply authority, or a council or county council exercising water supply functions under Division 2 or Part 3 of Chapter 6 of the *Local Government Act 1993*.
 2. Monitoring and test bores for groundwater investigation.
 3. Water supply for Aboriginal cultural purposes provided that the annual extraction does not exceed 10 megalitres.
 4. Bores with entitlements required for integrated development where:
 - (a) general terms of approval with respect to such bores have been provided by DPI Water prior to the commencement of this Order, and
 - (b) a development consent has been granted.
 5. A Work requiring an entitlement required for Part 4 State Significant Development or Part 5.1 State Significant Infrastructure matters under the *Environmental Planning and Assessment Act 1979* where:
 - (a) An Environmental Assessment (EA) has identified the need for a volume of water which will be required to be obtained from this water source, and where the Office of Water, in response to this EA, has identified in writing within 2 years prior to the date of application that this water will be available.
 - (b) a development consent has been granted prior to the date of this order.
 6. A dewatering activity of less than 12 months duration.
 7. Emergency water supply (6 months or less) for a person who has been extracting water lawfully where the Minister determines that a failure to supply the water would cause a prohibitively high social, economic or national security cost.
 8. Water supply for the purpose of dust suppression in the construction of a public road provided that the annual extraction does not exceed 10 megalitres per annum.
 9. To reinstate a licence which lapsed less than three months prior to the commencement of this embargo provided the application for reinstatement is received within one month of the publication of this order.
 10. Water supply for community recreational facilities located on public land up to 5 megalitres per annum.
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Schedule 3

Dictionary

Development consent: has the same meaning as defined in the *Environmental Planning and Assessment Act 1979*;

Domestic consumption: has the same meaning as defined in section 52 of the *Water Management Act 2000*;

Integrated development: has the same meaning as defined in the *Environmental Planning and Assessment Act 1979*;

Public land: has the same meaning as defined in the *Local Government Act 1993*

Public road: has the same meaning as defined in the *Roads Act 1993*;

Recreational facilities: includes, but is not limited to parks, playgrounds, ovals, sporting grounds, golf courses and gymnasiums but excludes any commercial operations relating to those activities;

Stock watering: has the same meaning as defined in section 52 of the *Water Management Act 2000*.
