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SPECIAL SUPPLEMENT

HERITAGE ACT 1977

Direction pursuant to Section 34(1)(a) to List an Item on the State Heritage Register

Bradleys Head Forts and HMAS *Sydney* 1 Mast and Associated Memorials
Bradleys Head Road (within Sydney Harbour NP, Mosman)

SHR No. 1838

IN pursuance of section 34(1)(a) of the Heritage Act 1977, I, the Minister for Planning, having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B".

Dated: Sydney, 27th day of August 2010.

The Hon. TONY KELLY, M.L.C.,
Minister for Planning

SCHEDULE "A"

The item known as Bradleys Head Forts and HMAS *Sydney* 1 Mast and Associated Memorials, situated on the land described in Schedule "B".

SCHEDULE "B"

All land described in the plan catalogued HC 2317 in the office of the Heritage Council of New South Wales.

WATER MANAGEMENT ACT 2000Uncontrolled Flows Order for the Peel Regulated River Water Source 2010
under the Water Management Act 2000

I, GEORGE GATES, having delegated authority from the Minister for Water in pursuance of section 85A of the Water Management Act 2000, make the following order.

Dated: 27th August 2010.

GEORGE GATES,
Acting Director,
Water Management and Implementation,
NSW Office of Water,
signed for the Minister for Water (by delegation)

Explanatory note

The Water Management Act 2000 allows the Minister to make an order to authorise the holders of regulated river (high security) access licences or regulated river (general security) access licences, or both, to take water from the water source that has not been credited to the accounts of those licences where a management plan makes provision for the taking of such flows. Clause 62 of the Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010 makes provision for the taking of such flows by the holders of regulated river (general security) access licences nominating metered water supply works in the Peel Regulated River Water Source.

This order is made under section 85A of the Water Management Act 2000.

Uncontrolled Flows Order for the Peel Regulated River Water Source 2010
under the Water Management Act 2000**1. Name of Order**

This Order is the Uncontrolled Flows Order for the Peel Regulated River Water Source 2010.

2. Commencement

This Order commences on the date it is published in the Gazette.

3. Authority to take uncontrolled flows

- (1) In accordance with clause 62 of the Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010 set out in Schedule 1 to this order, the holders of regulated river (general security) access licences nominating metered water supply works in the Peel Regulated River Water Source are authorised to take water from uncontrolled flows that arise from:
- (a) unregulated inflows to the water source, or
 - (b) stimulus flow or environmental contingency allowance (ECA) that has been released from Chaffey Dam, where,
 - (c) that water has not been credited to a water allocation account for a regulated river (general security) access licence in the Peel Regulated River Water Source,
 - (d) and an announcement has been made by the NSW Office of Water:
 - i. for unregulated inflows to the water source in accordance with schedule 2; and
 - ii. for stimulus flow or ECA that has been released from Chaffey Dam in accordance with schedule 3.
 - (e) In any water year, the total amount of uncontrolled flow that may be taken under each regulated river (general security) access licence is limited to an amount that is equal to the difference between:
 - i. the sum of available water determinations for that water year for regulated river (general security) access licences; and
 - ii. the maximum sum of available water determinations that can be made for regulated river (general security) access licences under Division 2 of Part 7 of this Plan; and
 - (f) If the total amount of uncontrolled flow extracted under a regulated river (general security) access licence exceeds these limits then a volume equivalent to the exceedence shall be debited from allocations credited to the access licence water allocation account in that water year; and
 - (g) Licence holders must supply State Water with meter readings taken immediately prior to and after the taking of uncontrolled flow within 7 days of ceasing to take the uncontrolled flow.

Note: In accordance with section 85A(6) the amount of water taken by the holder of an access licence in accordance with an order under this section is to be noted in the account for the licence.

SCHEDULE 1

Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010

62 Taking of uncontrolled flows, stimulus flow and ECA releases under regulated river (general security) access licences

- (1) An order under section 85A of the Act may only be made for a regulated river (general security) access licence nominating metered water supply works and must be made in accordance with the provisions of this clause.
- (2) An order under section 85A of the Act and subclause (1) may authorise the taking of water from uncontrolled flows that arise from:
 - (a) unregulated inflows to the water source, or
 - (b) stimulus flow or ECA that has been released from Chaffey Dam, and that have not been credited to a regulated river (general security) access licence water allocation account in the Peel Regulated River Water Source.
- (3) The following rules apply to the taking of uncontrolled flows that arise from unregulated inflows to the water source under subclause (2) paragraph (a):
 - (a) announcements may be made by the NSW Office of Water for the following sections of the water source only:
 - (i) Chaffey Dam to Paradise Weir,
 - (ii) Paradise Weir to Attunga Creek, and
 - (iii) Attunga Creek to the Namoi River,
 - (b) when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is less than 0.35 ML per unit of share component in the water year, then the taking of water from uncontrolled flows shall:
 - (i) only be permitted to commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than 40 ML/day, and
 - (ii) cease within each section of the water source specified in subclause (3) paragraph (a) when the uncontrolled flow in the Peel River at any river gauging station within the respective section falls below 5 ML/day, and
 - (c) when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is equal to or greater than 0.35 ML per unit of share component in the water year, then the taking of water from uncontrolled flows shall:
 - (i) only be permitted to commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than 50 ML/day,
 - (ii) cease when the uncontrolled flow in the Peel River at Carroll Gap is less than 50 ML/day.
- (4) The following rules apply to the taking of uncontrolled flows that arise from stimulus flow or ECA that has been released from Chaffey Dam under subclause (2) paragraph (b):
 - (a) announcements may be made by the NSW Office of Water for the following sections of the water source only:
 - (i) Chaffey Dam to Piallamore gauging station, and
 - (ii) downstream of Piallamore gauging station to the Namoi River,
 - (b) the taking of water from uncontrolled flows that arise from stimulus flow or ECA between Chaffey Dam and Piallamore gauging station shall:
 - (i) only be permitted to commence when the stimulus flow or ECA water is equal to or greater than 50 ML/day at Piallamore gauging station, provided the water taken is used to directly irrigate crops and is not pumped into an on-farm storage, and
 - (ii) cease when the stimulus flow or ECA water is less than 50 ML/day at Piallamore gauging station,
 - (c) when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is less than 0.35 ML per unit of share component in the water year, then the taking of water from uncontrolled flows under a regulated river (general security) access licence downstream of Piallamore gauging station shall:
 - (i) only be permitted to commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than a forecast flow rate of 40 ML/day, and
 - (ii) cease within each section of the water source specified in subclause (4) paragraph (a) when the uncontrolled flow in the Peel River at any river gauging station within the respective section falls below 5 ML/day, and
 - (d) when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is equal to or greater than 0.35 ML per unit of share component in the water year, then the taking of water from uncontrolled flows under a regulated river (general security) access licence downstream of Piallamore gauging station shall:
 - (i) only be permitted to commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than a forecast flow rate of 50 ML/day, and
 - (ii) cease when the uncontrolled flow in the Peel River at Carroll Gap is less than 50 ML/day.

- (5) In any uncontrolled flow event that arises from unregulated inflows to the water source under subclause (2) paragraph (a), total extraction of uncontrolled flow under subclause (3) in each section of the water source specified in subclause (3) paragraph (a) under regulated river (general security) access licences is not permitted to exceed an amount that is equal to 50% of the forecast uncontrolled flow volume above:
 - (i) 5 ML/day of uncontrolled flow as measured at the most downstream gauge for each section of the water source specified in subclause (3) paragraph (a), when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is less than 0.35 ML per unit of share component in the water year, or
 - (ii) 50 ML/day of uncontrolled flow as measured at Carroll Gap, when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is equal to or greater than 0.35 ML per unit of share component in the water year.
- (6) In any water year, the total amount of uncontrolled flow that may be taken under each regulated river (general security) access licence is limited to an amount that is equal to the difference between:
 - (a) the sum of available water determinations for that water year for regulated river (general security) access licences, and
 - (b) the maximum sum of available water determinations that can be made for regulated river (general security) access licences under Division 2 of Part 7 of this Plan.
- (7) The amount of uncontrolled flow taken under each regulated river (general security) access licence shall be recorded in the water allocation account of the regulated river (general security) access licence.
- (8) Regulated river (general security) access licence holders must supply State Water with meter readings taken immediately prior to and after the taking of uncontrolled flow within 7 days of ceasing to take uncontrolled flow.
- (9) If the total amount of uncontrolled flow extracted under a regulated river (general security) access licence exceeds the limits specified in subclause (6) then a volume equivalent to the exceedance shall be debited from allocations credited to the access licence water allocation account in that water year.

Note: It is possible for the limits specified in subclause (6) to be exceeded if available water determinations increase after uncontrolled flows have been extracted.

Note: Part 13 of this Plan allows for clause 62 to be amended.

SCHEDULE 2

Taking of Uncontrolled Flows that Arise from Unregulated Inflows

1. Announcements in relation to uncontrolled flows that arise from unregulated inflows to the water source may only be made for the following sections of the water source:
 - (i) Chaffey Dam to Paradise Weir;
 - (ii) Paradise Weir to Attunga Creek; and
 - (iii) Attunga Creek to the Namoi River.
2. When the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is less than 0.35 ML per unit of share component in the water year an announcement authorising the taking of water from uncontrolled flows is to specify that the taking of such water:
 - (i) can only commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than 40 ML/day; and
 - (ii) must cease within each section of the water source specified in clause 1 when the uncontrolled flow in the Peel River at any river gauging station within the respective section falls below 5 ML/day.
3. When the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is equal to or greater than 0.35 ML per unit of share component in the water year an announcement authorising the taking of water from uncontrolled flows is to specify that the taking of such water:
 - (i) can only commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than 50 ML/day; and
 - (ii) must cease when the uncontrolled flow in the Peel River at Carroll Gap is less than 50 ML/day.
4. An announcement made under clause 2 or 3 is also to specify that the total extraction of uncontrolled flows in each section of the water source specified in clause 1 is not permitted to exceed an amount that is equal to 50% of the forecast uncontrolled flow volume above :
 - (i) 5 ML/day of uncontrolled flow as measured at the most downstream gauge for each section of the water source specified in subclause (3) paragraph (a), when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is less than 0.35 ML per unit of share component in the water year; or
 - (ii) 50 ML/day of uncontrolled flow as measured at Carroll Gap, when the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is equal to or greater than 0.35 ML per unit of share component in the water year.

SCHEDULE 3

Taking of Uncontrolled Flows that Arise from Stimulus Flow or ECA that are Released from Chaffey Dam

1. Announcements in relation to the taking of uncontrolled flows that arise from stimulus flow or ECA that are released from Chaffey Dam may only be made for the following sections of the water source:
 - (i) Chaffey Dam to Piallamore gauging station; and
 - (ii) downstream of Piallamore gauging station to the Namoi River.
2. An announcement authorising the taking of water for uncontrolled flows that arise from stimulus flows or ECA water for the section of the water source from Chaffey Dam to Piallamore gauging station is to specify that:
 - (i) the taking of water is only permitted to commence when the stimulus flow or ECA water is equal to or greater than 50 ML/day at Piallamore gauging station, provided the water taken is used to directly irrigate crops and is not pumped into an on-farm storage, and
 - (ii) that the taking of water must cease when the stimulus flow or ECA water is less than 50 ML/day at Piallamore gauging station,
3. When the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is less than 0.35 ML per unit of share component in the water year an announcement authorising the taking of water for uncontrolled flows that arise from stimulus flows or ECA water for the section of the water source downstream of Piallamore gauging station to the Namoi River is to specify that the taking of water from uncontrolled flows:
 - (i) can only commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than a forecast flow rate of 40 ML/day, and
 - (ii) must cease when the uncontrolled flow in the Peel River at any river gauging station within the respective section falls below 5 ML/day.
4. When the sum of available water determinations for regulated river (general security) access licences in the Peel Regulated River is equal to or greater than 0.35 ML per unit of share component in the water year an announcement authorising the taking of water for uncontrolled flows that arise from stimulus flows or ECA water for the section of the water source downstream of Piallamore gauging station to the Namoi River, is to specify that the taking of water from uncontrolled flows:
 - (i) can only commence when the uncontrolled flow in the Peel River at Carroll Gap is equal to or greater than a forecast flow rate of 50 ML/day, and
 - (ii) must cease when the uncontrolled flow in the Peel River at Carroll Gap is less than 50 ML/day.

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