



New South Wales

Water NSW Amendment (Warragamba Dam) Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Water NSW Act 2014* (the *principal Act*) to provide:

- (a) that a lease, licence, easement or right of way under the *National Parks and Wildlife Act 1974* (the *NPW Act*) is not required for or in respect of the temporary inundation of national park land resulting from the Warragamba Dam project, and
- (b) that the temporary inundation of national park land resulting from the Warragamba Dam project is not subject to any plan of management under the NPW Act.

The relevant provisions will apply in relation to the temporary inundation of national park land resulting from the Warragamba Dam project only if an environmental management plan, prepared by Water NSW and approved by the Minister administering the NPW Act with the concurrence of the Minister administering the principal Act, is in force.

The *Warragamba Dam project* is defined as development that is approved under the *Environmental Planning and Assessment Act 1979* to raise the wall of Warragamba Dam and to operate the dam for the purposes of facilitating flood mitigation downstream of the dam.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Water NSW Act 2014 No 74

Schedule 1 inserts proposed Part 5A for the purposes described in the above overview.

Proposed section 64A defines certain terms used in the proposed Part, including the *Warragamba Dam project* described in the above overview.

Proposed section 64B provides that the temporary inundation of national park land resulting from the Warragamba Dam project does not require any lease, licence, easement or right of way under the NPW Act and is not subject to any plan of management under the NPW Act. The proposed section applies only if an environmental management plan approved under proposed section 64C is in force.

Proposed section 64C requires Water NSW to prepare a draft environmental management plan relating to the temporary inundation of national park land resulting from the Warragamba Dam project. The draft plan may be approved by the Minister administering the NPW Act with the concurrence of the Minister administering the principal Act.

Proposed section 64D provides that the Minister administering the NPW Act may, with the concurrence of the Minister administering the principal Act, amend or revoke an approved environmental management plan.

Proposed section 64E provides that the Minister administering the NPW Act may, with the concurrence of the Minister administering the principal Act, give directions to Water NSW, including a direction to take specified action in relation to the temporary inundation of national park land resulting from the Warragamba Dam project.

Proposed section 64F requires Water NSW to notify the Chief Executive of the Office of Environment and Heritage (or a person nominated by the Chief Executive) of certain matters.

Proposed section 64G enables the Minister administering the NPW Act to delegate the Minister's functions under the proposed Part.