Authorisation under section 8 of the *Water Supply (Critical Needs) Act 2019*

I, Melinda Pavey, the Minister for Water, Property and Housing, authorise Orange City Council (authorised person) under section 8(5) of the *Water Supply (Critical Needs) Act 2019* to carry out the development specified in Schedule A, subject to any conditions specified in Schedule B.

Dated: 4.1.2020

Minister for Water, Property and Housing

**Schedule A – Authorised development**

| Authorised development | The extraction of water from the Macquarie River at existing river pump station located on Lot 2 DP794007 to support the operation of the Macquarie River to Orange pipeline under the conditions specified in Schedule B. |

**Schedule B – Conditions**

1. Except as otherwise specified below, the development must be carried out in accordance with the conditions of the State Significant Infrastructure approval, MP10_0235, issued under the *Environmental Planning and Assessment Act 1979* on 18 June 2013 (existing approval). To the extent of any inconsistency with condition 1 of this authorisation, the conditions of this authorisation below prevail.

2. Condition B4(b) of the existing approval does not apply to the development. Instead, the operating rules for the development are as follows:
   i. pumping may occur only when the instantaneous river flow at Gauging Station 421192 is greater than 38ML/day;
   ii. no more than 12ML of water is to be extracted from the Macquarie River at Cobbs Hut Hole during any 24-hour period; and
   iii. the instantaneous rate of extraction is not to exceed 15.2ML/day.

3. Within one month of the date of the granting of this authorisation, the authorised person must cause a program to be developed in consultation with the Biodiversity Conservation Division of the Department of Planning, Industry and Environment to identify and monitor impacts to aquatic ecology (including amphibious fauna), hydrology and water quality resulting from the amended pumping trigger. The program must be implemented as soon as it is agreed by the Biodiversity and Conservation Division and must include:
   a. monitoring by a suitably qualified person of:
      ● Water level and water quality within identified habitat pools at the pump-site and downstream.
• Amphibious fauna including platypus, rakali, freshwater turtles,
b. an adaptive trigger to replenish refuge pools should impacts to habitats,
   individuals or populations be identified by monitoring and when this trigger is
   reached temporary suspension of pumping must occur, and
   a schedule of the frequency of monitoring and reporting.

Note – this requirement is in addition to the Aquatic Environment Monitoring Program required
by Condition 51 of the existing approval which continues to apply to the development.

4. Subject to condition 5, this authorisation expires 12-months after the date it is
   granted.

5. Despite condition 4, this authorisation will expire at an earlier date if any of the
   following circumstances have occurred:
   • the combined Orange City Council water storage exceeds 50 percent (as
     measured by the combined volume in Suma Park Dam and Spring Creek
     Dam), or
   • the provisions of the Act expire.

6. Provided none of the circumstances in condition 5 have occurred, the
   authorised person can seek to extend the authorisation, initially for a period of 6
   months and thereafter for a further period agreed to by the Minister, after
   conducting a review of whether the authorisation continues to be necessary.

   Note – if a request is made under this condition the Minister may vary the conditions of this
   authorisation under s.8(7) of the Act, including condition 4.

7. The Orange Raw Water Supply Operation Environmental Management Plan
   (OEMP) must continue to be implemented. The implementation of the modified
   Macquarie River to Orange Pipeline operating rules set out in condition 2 of this
   authorisation must be recorded in the relevant Decision Support Tool (DST)
   report.

8. The authorised person must monitor the combined Orange City Council water
   storage levels as measured by the combined volume in Suma Park Dam and
   Spring Creek Dam.

9. This authorisation must be made and kept publicly available on the authorised
   person's website.

10. The following further notifications must also be made and kept publicly available
    by the authorised person on the same website (as required under condition 8)
    when:
    • the development permitted by this authorisation commences;
    • the Minister varies the conditions under s.8(7) of the Act; and
    • the authorisation expires.