



New South Wales

Water Management (General) Amendment (Approvals) Regulation 2006

under the

Water Management Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources

Explanatory note

Part 3 of Chapter 3 of the *Water Management Act 2000* (**the Act**) provides for the grant of water use approvals, which confer a right to use water for a particular purpose at a particular location.

The *Water Management Act 2000* repealed the *Water Act 1912*, the *Rivers and Foreshores Improvement Act 1948* and Division 3 of Part 4 of the *Irrigation Corporations Act 1994*. Entitlements under the legislation that the Act repealed are taken to have been replaced by certain approvals under the new Act (see clause 3 of Schedule 10 to the Act). In particular, an entitlement that, immediately before the appointed day, entitled any person or body to use water on any land is taken to have been replaced by a water use approval. If the former entitlement would have remained in force for a fixed period, the corresponding replacement approval is taken to expire either on the expiry date of the former entitlement or 2 years after the appointed day (see clause 21 of Schedule 10 to the Act). The **appointed day** in relation to a water use approval to which Part 3 of Chapter 3 of the Act applies, or an entitlement from which such an approval arises, is the day appointed under section 88A of the Act in relation to that type or kind of approval.

On 1 July 2004, a Proclamation under section 88A of the Act declared that Part 3 of Chapter 3 of the Act applies to each water source to which any water sharing plan referred to in Schedule 1 to that Proclamation applies and to all water approvals and water supply work approvals in relation to any such water source. Accordingly, 1 July 2004 is the appointed day and the relevant replacement approvals are taken to have expired on 1 July 2006.

The object of this Regulation is to extend the operation of those replacement approvals so that they expire on 1 July 2007.

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Explanatory note

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general regulation-making power) and clause 1 of Schedule 9 (the savings and transitional regulation-making power).

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under the

Water Management Act 2000

1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Approvals) Regulation 2006*.

2 Commencement

This Regulation is taken to have commenced on 30 June 2006.

3 Amendment of Water Management (General) Regulation 2004

The *Water Management (General) Regulation 2004* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Schedule 7 Savings and transitional provisions

Insert after clause 4:

4A Duration of new approval

- (1) Unless it is sooner cancelled, a replacement approval has effect for:
 - (a) except as provided by paragraph (b):
 - (i) 3 years from the appointed day, or
 - (ii) for the balance of the period for which its former entitlement would (but for Schedule 10 to the Act) have remained in force,
whichever is the longer, or
 - (b) if its former entitlement would (but for Schedule 10 to the Act) have remained in force for an indefinite period, 10 years.
- (2) This clause has effect despite clause 21 (2) of Schedule 10 to the Act.
- (3) In this clause, *replacement approval* has the same meaning as in Schedule 10 to the Act.

BY AUTHORITY
