



New South Wales

Water Management (General) Amendment (Lower Lachlan) Regulation 2008

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*.

PHILIP KOPERBERG, M.P.,
Minister for Climate Change, Environment and Water

Explanatory note

The object of this Regulation is to modify the provisions of Schedule 10 to the *Water Management Act 2000* (Conversion of former entitlements to access licences and approvals) in relation to the access licences that arise under that Schedule as a consequence of a proclamation under section 55A of that Act that extends the operation of Part 2 of Chapter 3 of that Act to the Lower Lachlan Groundwater Source.

This Regulation also makes two corrections of incorrect figures contained in Schedule 4A of the *Water Management (General) Regulation 2004* relating to replacement access licences in the Lower Gwydir Groundwater Source and other amendments in the nature of law revision.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general power to make regulations) and clause 1 of Schedule 9 (the power to make regulations of a savings or transitional nature).

2008 No 20

Clause 1

Water Management (General) Amendment (Lower Lachlan) Regulation
2008

**Water Management (General) Amendment (Lower
Lachlan) Regulation 2008**

under the

Water Management Act 2000

1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Lower Lachlan) Regulation 2008*.

2 Commencement

This Regulation commences on 1 February 2008.

3 Amendment of Water Management (General) Regulation 2004

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

Schedule 1 Amendments

(Clause 3)

[1] Clauses 29A, 29F and 29K

Omit “to Column 1 of in” wherever occurring.

Insert instead “to in Column 1 of”.

[2] Clause 29B New share components for existing Part 5 entitlements

Insert after clause 29B (2):

(2A) Despite subclause (2), Schedule 4A (as inserted in this Regulation by the *Water Management (General) Amendment Regulation 2006*) is to be read as if:

- (a) the share component volumes specified in Columns 2 and 3 in relation to Part 5 entitlement 90BL030236 in Column 1 were 163 and 83, respectively, instead of 88 and 11, and
- (b) the share component volume specified in Column 2 in relation to Part 5 entitlement 90BL247500 in Column 1 were 167 instead of 111.

(2B) Subclause (2A) is taken to have commenced on 1 October 2006.

[3] Part 3, Division 8

Insert after Division 7 of Part 3:

Division 8 Replacement access licences for Part 5 entitlements for the Lower Lachlan (1 February 2008)

29Q Application of Division

This Division applies to and in respect of each Part 5 entitlement referred to in Column 1 of Schedule 4D, and to and in respect of each access licence arising from any such entitlement, but not to any other entitlement or access licence.

29R New share components for existing Part 5 entitlements

- (1) This clause applies for the purposes of clause 3 (1) (a), and clause 8, of Schedule 10 to the Act.
- (2) On 1 February 2008, a Part 5 entitlement (or group of Part 5 entitlements) referred to in Column 1 of Schedule 4D is taken to have been replaced:

2008 No 20

Water Management (General) Amendment (Lower Lachlan) Regulation
2008

Schedule 1 Amendments

- (a) by an aquifer access licence with a share component of the volume specified in Column 2 of that Schedule, and
 - (b) if a volume is specified in Column 3 of that Schedule, by a supplementary water access licence with a share component of the volume so specified.
- (3) The volumes specified in Columns 2 and 3 of Schedule 4D in relation to any Part 5 entitlement (or group of Part 5 entitlements) have been calculated in accordance with the methodology set out in clauses 25C and 25D of the *Water Sharing Plan for the Lower Lachlan Groundwater Source 2003*.

29S Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if:
- (a) the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 February 2008, and
 - (b) the reference in clause 19 (5) (a) to replacement access licences were a reference to replacement access licences arising under clause 29R in relation to the water sources referred to in Schedule 4D.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10):
- (10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 February 2008, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.
 - (10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:
 - (a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or
 - (b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29T Entitlements held by 2 or more co-holders

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

- (a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or
- (b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:
- (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
- (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence, in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or
- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

29U Water allocations

Pursuant to clause 1 of Schedule 9 to the Act, clause 25 of Schedule 10 to the Act is to be construed as if clause 25 (4) were replaced by the following subclause:

- (4) The water allocations for a replacement access licence are to be adjusted as required by the

2008 No 20Water Management (General) Amendment (Lower Lachlan) Regulation
2008

Schedule 1 Amendments

accounting practices applicable for the time being to water allocation accounts, except that no such adjustment arising from water taken before 1 February 2008 is to be made after 30 June 2009.

[4] Schedule 4A Replacement access licences for certain Part 5 entitlements (1 October 2006)

Insert “*” after “88” and “11” in Columns 2 and 3, respectively, where appearing opposite “90BL030236” in Column 1.

[5] Schedule 4A

Insert “*” after “111” in Column 2 where appearing opposite “90BL247500” in Column 1.

[6] Schedule 4A

Insert after the end of the Schedule:

* See clause 29B (2A).

[7] Schedule 4D

Insert after Schedule 4C:

Schedule 4D Replacement access licences for Part 5 entitlements for the Lower Lachlan (1 February 2008)

(Clause 29Q)

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
Lower Lachlan Groundwater Source		
70BL130763	575	101
70BL229206	1767	154
70BL118496, 70BL228644	1534	324
70BL226918	1052	175
70BL031584, 70BL228456	4134	1004
70BL226099	1260	315
70BL226076	838	

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
70BL137921, 70BL228628	1287	221
70BL128745, 70BL228546	2487	464
70BL137025, 70BL226293	1887	584
70BL100865, 70BL100866, 70BL138402, 70BL141670, 70BL226209, 70BL226219, 70BL227321, 70BL227624, 70BL229256	11729	2494
70BL103115, 70BL230554	2167	321
70BL108630	386	17
70BL112398	132	
70BL227379	1890	202
70BL123429, 70BL226295, 70BL227254, 70BL229295	2870	618
70BL122412	162	198
70BL141672, 70BL227386, 70BL227838, 70BL227839	2886	1102
70BL227269	2701	517
70BL154191	31	2
70BL133639, 70BL228685	1058	242
70BL134782	31	
70BL227942	1202	748
70BL030418, 70BL030419, 70BL124020, 70BL124522, 70BL226607, 70BL229231, 70BL229232, 70BL229233, 70BL229235, 70BL229236	10528	2442
70BL030978, 70BL107112, 70BL117551, 70BL226126, 70BL228581, 70BL229184	5198	
70BL132733	1179	171
70BL228879	933	

2008 No 20Water Management (General) Amendment (Lower Lachlan) Regulation
2008

Schedule 1 Amendments

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
70BL226160, 70BL227381, 70BL227433, 70BL227434, 70BL227435, 70BL228686, 70BL229275	14959	3223
70BL120905, 70BL226762, 70BL227608	4484	894
70BL226342, 70BL226746, 70BL229529, 70BL229530, 70BL229531	937	
70BL226343	1568	254
70BL229814	5	
70BL226392	1543	
70BL227662, 70BL227907, 70BL228965	3512	591
70BL004830, 70BL226333, 70BL227983	2087	541
70BL226401	1739	
70BL226626	323	50
70BL226430	923	3
70BL226575	90	105
70BL226859	873	1
70BL226874	344	
70BL226664	99	121
70BL151466	865	139
70BL226665	170	27
70BL226858	1209	470
70BL020879	180	
70BL226611	540	510
70BL227074, 70BL230527	1007	196
70BL226767	180	
70BL226496	50	8

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
70BL226756	450	300
70BL229117	805	695
70BL140791	987	201
70BL018891	90	
70BL226344, 70BL226745, 70BL229434, 70BL229435, 70BL229436	1350	
70BL228078	19	1
70BL012621	16	
70BL007052	68	
70BL007380	5	
70BL227318	270	42
70BL016333, 70BL020397	58	
70BL008792	30	
70BL229864	1	
70BL230192	123	7
70BL228537	49	
70BL226765	180	
70BL231127	1	
70BL006726, 70BL020619	5	
70BL226849	395	
70BL226850	353	443
70BL226851	808	
