



New South Wales

Water Management (General) Amendment (Miscellaneous) Regulation 2010

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*.

PHILLIP COSTA, MP
Minister for Water

Explanatory note

The objects of this Regulation are:

- (a) to make provision with respect to entitlements authorising the taking of water from the Peel Valley water sources, as a consequence of the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* on 1 July 2010, and
- (b) to extend the time for registering security interests in certain access licences, and
- (c) to prescribe certain matters that may be dealt with under the water sharing planning provisions of a management plan for a water management area or water source.

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 power to make savings and transitional regulations).

2010 No 341

Water Management (General) Amendment (Miscellaneous) Regulation
Clause 1 2010

**Water Management (General) Amendment
(Miscellaneous) Regulation 2010**

under the

Water Management Act 2000

1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Miscellaneous) Regulation 2010*.

2 Commencement

This Regulation commences on 1 July 2010 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Water Management (General) Regulation 2004

[1] Clause 3 Definitions

Omit “or regulated river (general security—B class) access licence” from the definition of *general security entitlement* in clause 3 (1).

Insert instead “, regulated river (general security—B class) access licence or aquifer (general security) access licence”.

[2] Clause 6 Water sharing provisions

Omit clause 6 (1). Insert instead:

- (1) For the purposes of section 21 (c) of the Act, the following are prescribed as circumstances in which water may be withdrawn from a water allocation account:
 - (a) circumstances in which there is insufficient water available in the relevant dam to provide for losses in the conveyance of water between the dam and the locations to which it is delivered (whether by evaporation, leakage or otherwise),
 - (b) circumstances in which the amount of uncontrolled flow taken under a regulated river (general security) access licence exceeds the amount that is allowed to be taken under that licence.
- (1A) For the purposes of section 21 (f) of the Act, the water sharing planning provisions of a management plan for a water management area or water source may deal with the short term delivery of water through the area, including by providing for the grouping of water orders and the periodic release of such orders, where the circumstances or conditions of delivery would result in unacceptably high delivery losses.

[3] Clause 8 Categories of access licence

Insert after clause 8 (1) (g):

- (h) aquifer (general security) access licence.

[4] Clause 29AA Extension of time for registration of security interests

Omit “and (c)” from clause 29AA (3) (a). Insert instead “, (c) and (d)”.

[5] Clause 29AA (3) (b)

Insert “or (d)” after “paragraph (c)”.

2010 No 341

Water Management (General) Amendment (Miscellaneous) Regulation
2010

Schedule 1 Amendment of Water Management (General) Regulation 2004

[6] Clause 29AA (3) (c) and (d)

Omit clause 29AA (3) (c). Insert instead:

- (c) in the case of an access licence arising from an entitlement numbered 30SA004518, 60SA008558, 70SA009598, 80SA010605 or 90SA011551, 72 months, or
- (d) in the case of an access licence arising from an entitlement numbered 50SA000207, 80SA000962 or 90SL051364, 90 months.

[7] Part 3, Division 12

Insert after Division 11:

Division 12 Replacement access licences for entitlements for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources (1 July 2010)

29ZM Application of Division

- (1) This Division applies to and in respect of each entitlement with respect to the water sources to which the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* applies and to and in respect of each access licence arising from any such entitlement.
- (2) A reference in this Division to an entitlement listed in Schedule 4E to this Regulation includes a reference to an entitlement that is issued before 1 July 2010 under section 117J of the former 1912 Act or clause 24 of the *Water (Part 2—General) Regulation 1997* as a result of a transfer of water allocation or water rights and that arises from an entitlement listed in Schedule 4E.

29ZN Aquifer (general security) access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, the following subclause is taken to be inserted after clause 4 (4) of Schedule 10 to the Act:
 - (5) This clause does not apply to an entitlement listed in Schedule 4E to the *Water Management (General) Regulation 2004*.

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- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following clause is taken to be inserted after clause 4 of Schedule 10 to the Act:

4A Aquifer (general security) access licences

A Part 2 or Part 5 entitlement listed in Schedule 4E to the *Water Management (General) Regulation 2004* is taken to have been replaced by an aquifer (general security) access licence.

- (3) Pursuant to clause 1 of Schedule 9 to the Act, the following subclause is taken to be inserted after clause 5 (4) of Schedule 10 to the Act:

- (5) Subclause (1) does not apply to an entitlement listed in Schedule 4E to the *Water Management (General) Regulation 2004*.

29ZO 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 the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 July 2010.

- (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 July 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.

2010 No 341

Water Management (General) Amendment (Miscellaneous) Regulation
2010

Schedule 1

Amendment of Water Management (General) Regulation 2004

29ZP Entitlements held by 2 or more co-holders

Pursuant to clause 1 of Schedule 9 of 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.

[8] Schedule 4E

Insert after Schedule 4D:

**Schedule 4E Replacement access licences for
Part 2 or Part 5 entitlements for the
Peel Valley (1 July 2010)**

(Clause 29ZN)

Licence No	Licence No	Licence No	Licence No
90BL021119	90BL248423	90BL133130	90BL247054
90BL030101	90BL111022	90BL246297	90BL247079
90BL142119	90BL111023	90BL246298	90BL247118
90BL030033	90BL251270	90BL246299	90BL247119
90BL030361	90BL252400	90BL248145	90BL247081
90BL030433	90BL115449	90BL135027	90BL143511
90BL030520	90BL115451	90BL246350	90BL143512
90BL030688	90BL115452	90BL135896	90BL247086
90BL246944	90BL118826	90BL136266	90BL247091
90BL030761	90BL118325	90BL247663	90BL247092
90BL030762	90BL250352	90BL016987	90BL012246
90BL030795	90BL154821	90BL016988	90BL012247
90BL030797	90BL120388	90BL016989	90BL247093
90BL030799	90BL120963	90BL019473	90BL247110
90BL248278	90BL133226	90BL246602	90BL144565
90BL100204	90BL247389	90BL246613	90BL247214
90BL100890	90BL120589	90BL012032	90BL248524
90BL151982	90BL154820	90BL138203	90BL247215
90BL153746	90BL246130	90BL246632	90BL247226
90BL153747	90BL154925	90BL017182	90BL248565
90BL153748	90BL246961	90BL246681	90BL248566
90BL250118	90BL250744	90BL139393	90BL248567
90BL152162	90BL250745	90BL139394	90BL247237

2010 No 341Water Management (General) Amendment (Miscellaneous) Regulation
2010

Schedule 1 Amendment of Water Management (General) Regulation 2004

Licence No	Licence No	Licence No	Licence No
90BL021430	90BL123329	90BL246683	90BL247443
90BL021431	90BL123355	90BL247404	90BL248568
90BL103745	90BL126254	90BL139434	90BL248569
90BL103746	90BL126255	90BL246710	90BL248571
90BL152194	90BL154502	90BL246716	90BL145112
90BL152195	90BL154503	90BL246717	90BL249646
90BL152753	90BL016183	90BL246741	90BL249647
90BL104379	90BL124142	90BL246821	90BL145349
90BL014926	90BL248205	90BL246830	90BL150033
90BL019365	90BL126689	90BL246831	90BL150658
90BL019366	90BL151527	90BL249408	90BL150926
90BL019367	90BL247767	90BL246889	90BL150928
90BL019949	90BL249409	90BL246942	90BL247111
90BL020580	90BL131628	90BL142099	90BL247481
90BL105221	90BL131622	90BL246941	90BL247446
90BL105513	90BL131623	90BL142365	90BL247910
90BL247342	90BL131624	90BL143146	90BL137738
90BL107596	90BL131625	90BL247052	90BL009158
90BL249837	90BL131626	90BL247053	90BL152451
90BL153648	90BL131627	90BL247056	90BL248551
90BL251949	90BL246560	90BL010034	90BL249601
90BL152168	90BL120813	90BL010035	90BL253097
90BL031001	90BL126950	90BL010036	90BL251750
90BL031433	90BL126953	90BL246601	90BL249713
90BL248101	90BL247495	90BL006272	90BL249890
90BL115462	90BL021395	90BL011338	90BL251722
90BL115463	90BL020093	90BL122242	90BL155458
90BL247792	90BL248525	90BL012812	90BL250126
90BL012265	90BL011099	90BL247901	90BL250227
90BL017813	90BL012033	90BL248526	90BL150659

Licence No	Licence No	Licence No	Licence No
90BL137857	90BL015201	90BL248527	90BL251466
90BL151056	90BL004811	90BL253956	90BL115268
90BL141666	90BL004813	90BL254011	90BL007862
90BL141667	90BL248514	90BL009539	90BL008536
90BL141668	90BL018839	90BL248573	90BL031293
90BL139445	90BL013836	90BL248572	90SL006515
90BL151693	90BL248845	90BL248574	90SL009737
90BL013850	90BL253931	90BL100318	90SL043337
90BL131649	90BL010450	90BL100328	90SL043452
90BL152862	90BL012889	90BL150086	90SL044464
90BL248264	90BL012936	90BL152740	90SL047317
90BL030149	90BL248513	90BL249502	90SL050059
90BL030150	90BL014726	90BL254509	90SL051036
90BL246826	90BL013954	90BL253951	90BL120185
90BL030159	90BL013955	90BL016061	90BL020404
90BL029929	90BL013956	90BL016062	90BL252444
90BL030793	90BL013957	90BL248757	90BL130380
90BL031489	90BL011425	90BL248764	90BL020413
90BL254034	90BL011428	90BL248851	90BL017342
90BL031571	90BL013141	90BL017477	90BL255091
90BL109526	90BL017805	90BL249048	90BL008272
90BL105721	90BL249205	90BL249098	90BL249329
90BL108941	90BL015549	90BL249144	90BL247108
90BL019088	90BL012778	90BL248760	90BL247167
90BL107287	90BL012779	90BL248761	90BL249330
90BL009906	90BL020402	90BL014727	90BL247109
90BL249539	90BL247168	90BL249419	90BL009924
90BL121036	90BL009923	90BL249538	90BL154517
