New South Wales

Water Management (General) Amendment (NSW Border Rivers Unregulated and Alluvial Water Sharing Plan) Regulation 2012

under the

Water Management Act 2000

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

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

The objects of this Regulation are:

(a) to prescribe a new category of access licence to which Part 2 of Chapter 3 of the *Water Management Act 2000* applies, and

(b) to make provision with respect to entitlements under the *Water Act 1912* that authorise the taking of water from certain water sources in the NSW Border Rivers Unregulated and Alluvial water sources, being entitlements that are to become access licences to which Part 2 of Chapter 3 of the Act applies.

This Regulation is made under the *Water Management Act 2000*, including sections 57 (1) (l) and 400 (the general regulation-making power) and clause 1 of Schedule 9.

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1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (NSW Border Rivers Water Sharing Plan) Regulation 2012*.

2 Commencement

This Regulation commences on 1 June 2012 and is required to be published on the NSW legislation website.

Schedule 1   Amendment of Water Management (General) Regulation 2011

[1]   Clause 4 Categories of access licence

Insert after clause 4 (1) (j):

> (k)   aquifer (high security) access licence.

[2]   Schedule 4 Access licences and approvals arising from former entitlements, and certain deemed approvals—particular provisions

Insert after Division 17 in Part 2:

Division 18   Replacement access licences for certain entitlements for NSW Border Rivers Unregulated and Alluvial Water Sources (1 June 2012)

84J   Application of Division

> This Division applies to and in respect of the following entitlements with respect to water sources to which the *Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012* applies:
>
> (a)   the entitlement identified as licence number 90SL037621H,
>
> (b)   the entitlements identified as licence numbers 90BL151528, 90BL152351, 90BL153072, 90BL152661, 90BL152662 and 90BL152676.

84K   Unregulated river (special additional high flow) access licence

> (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 referred to in clause 84J of Schedule 4 to the *Water Management (General) Regulation 2011*.

(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   Unregulated river (special additional high flow) access
licence and aquifer (high security) access licences**

(1)   The entitlement referred to in clause 84J (a) of
Schedule 4 to the *Water Management (General)
Regulation 2011* is taken to have been replaced by an
unregulated river (special additional high flow)
access licence.

(2)   An entitlement referred to in clause 84J (b) of
Schedule 4 to the *Water Management (General)
Regulation 2011* is taken to have been replaced by an
aquifer (high 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
referred to in clause 84J of Schedule 4 to the *Water
Management (General) Regulation 2011*.