



# Water Management (General) Amendment Regulation 2012

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*.

KATRINA HODGKINSON, MP  
Minister for Primary Industries

## Explanatory note

The objects of this Regulation are as follows:

- (a) to declare Eagle Creek Cutting and Waddy Creek Cutting to be rivers for the purposes of the *Water Management Act 2000*,
- (b) to make provision as a consequence of the extension of Parts 2 and 3 of Chapter 3 of the Act to certain water sources in the Murray Unregulated and Alluvial Water Sources and the Lower Murray–Darling Unregulated and Alluvial Water Sources (including to exempt holders of certain approvals arising from entitlements relating to Bungaree and Bingera Creeks and the Eagle Creek System from the requirement to hold a water access licence to extract water from those rivers).

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general regulation-making power), clause 1 of Schedule 9 and paragraph (c) of the definition of *river* in the Dictionary.

## **2012 No 29**

Clause 1            Water Management (General) Amendment Regulation 2012

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# **Water Management (General) Amendment Regulation 2012**

under the

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### **1 Name of Regulation**

This Regulation is the *Water Management (General) Amendment Regulation 2012*.

### **2 Commencement**

This Regulation commences on 30 January 2012 and is required to be published on the NSW legislation website.

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## **Schedule 1      Amendment of Water Management (General) Regulation 2011**

### **[1]    Clause 3 Definitions**

Insert after clause 3 (2) (b):

- (c) Eagle Creek Cutting, from its offtake with the Murray River adjacent to Lot 20, DP 1135384, Easting: 240323, Northing: 6052845, UTM Zone 55 GDA, Parish of Barham, County of Wakool, to its confluence with the Eagle Creek adjacent to Lot 2, DP 218060, Easting: 241231, Northing: 6053511, UTM Zone 55 GDA, Parish of Barham, County of Wakool.
- (d) Waddy Creek Cutting, from its offtake with the Murray River in Lot 1, DP 868793, Easting: 750976, Northing: 6080045, UTM Zone 54 GDA, Parish of Willakool, County of Wakool, to its confluence with the Waddy Creek in Lot 2, DP 868793, Easting: 751915, Northing: 6081546, UTM Zone 54 GDA, Parish of Mellool, County of Wakool.

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

Insert after the heading to Part 3:

#### **Division 1      Approvals arising from certain former entitlements**

### **[3]    Schedule 4, Part 3, Division 2 heading**

Insert after clause 85:

#### **Division 2      Approvals for certain water bores**

## 2012 No 29

Water Management (General) Amendment Regulation 2012

Schedule 1 Amendment of Water Management (General) Regulation 2011

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### [4] Schedule 4, Part 3, Division 3 heading

Insert after clause 86:

### **Division 3 Approvals arising from former entitlements and associated provisions**

#### **87 Application of Division**

This Division applies to and in respect of the following entitlements, unless otherwise expressly provided:

- (a) the entitlement under the former 1912 Act identified as Authority No 50SA006634,
- (b) each of the following entitlements under the former 1912 Act with respect to the Eagle Creek System:

50SL026144	50SL046199	50SL030154	50SA006508
50SL075269	50SA006641	50SL075674	50SL046192
50SA001283	50SL075099	50SL038668	50SL048121
50SL020732	50SA006517	50SL049279	50SL046196
50SL026155	50SL048123	50SL036266	50SL075606
50SL029701	50SL075130	50SL075681	50SL075599
50SL011890	50SL075723	50SL029733	50SL075596
50SL031227	50SL075709	50SL075556	50SL075605
50SL050268	50SL030670	50SL075075	50SL075598
50SL075682	50SL075245	50SL037750	50SL075603
50SL048134	50SL046865	50SL075135	50SL075604
50SL075279	50SL075049	50SL040224	50SL075597
50SL075280	50SL075675	50SL030468	50SL075595
50SL075278	50SA006638	50SL048536	50SL075601
50SL030317	50SL010011	50SL030488	50SL075602
50SL030318	50SL031520	50SL075625	50SA000909
50SL046193	50SL030682	50SL030547	50SA006631
50SL048124	50SL031754	50SL035376	50SL035463
50SL046195	50SL029622	50SL075134	50SL075724
50SA006640	50SL030050	50SA006509	

- (c) each of the following entitlements under the former 1912 Act with respect to part of Bullatale Creek and part of Aluminy Creek:

50SL046388	50SL034226	50SL025392	50SL075677
50SL075257	50SL038127	50SL019921	50SL075678
50SL075258	50SL027003	50SL042729	50SL027820
50SL048507	50SL051137	50SL035975	
50SL048142	50SL075728	50SL052032	
50SL034208	50SL075727	50SL075337	

- (d) the entitlement under the former 1912 Act identified as Licence No 60SL085520,  
 (e) the entitlement under the former 1912 Act identified as Licence No 60SL038563.

#### **88 Access licences and approvals arising from former entitlements**

- (1) Despite any provision of Schedule 10 to the Act, nothing in that Schedule operates to replace an entitlement with an access licence.  
 (2) However, an entitlement may be replaced by an approval in accordance with Schedule 10 to the Act.

#### **89 Entitlements with no specified quantity of water to continue under former Acts**

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

- (3) This clause does not apply to an entitlement referred to in clause 87 of Schedule 4 to the *Water Management (General) Regulation 2011*.

#### **90 Water use approvals for joint schemes**

- (1) This clause applies to the following entitlements:  
 (a) the entitlement referred to in clause 87 (a) of this Division,  
 (b) entitlements under the former 1912 Act identified as 50SA001283, 50SA006640, 50SA006641, 50SA006517, 50SA006638, 50SA006509, 50SA006508, 50SA000909 and 50SA006631.

## 2012 No 29

Water Management (General) Amendment Regulation 2012

Schedule 1 Amendment of Water Management (General) Regulation 2011

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(2) Pursuant to clause 1 of Schedule 9 to the Act, clause 18 of Schedule 10 to the Act is to be construed, in its application to an entitlement to which this clause applies, as if clause 18 (1) were replaced by the following subclause:

(1) An entitlement that, immediately before the appointed day, was in force under Division 4 of Part 2 of the 1912 Act is taken to have expired on that day and been replaced, to the extent to which it entitles a person or body to use water on the land to which it relates, by separate water use approvals for each person or body who is so entitled to use water under the entitlement immediately before the appointed day.

### 91 Nominated works

Pursuant to clause 1 of Schedule 9 to the Act, clause 26 of Schedule 10 to the Act is to be construed, in its application to a replacement water supply work approval arising from an entitlement referred to in clause 87 (c) of this Division, as if clause 26 (1) were replaced by the following subclauses:

(1) Subject to subclause (1A), each work specified in a replacement water supply work approval is taken to have been nominated under section 71W in relation to each of the access licences numbered 7753, 7754 and 7755.

(1A) Each work specified in a replacement water supply work approval arising from the entitlements under the former 1912 Act identified as 50SL046388, 50SL075257 and 50SL075258 is taken to have been nominated under section 71W in relation to each of the access licences numbered 21457, 7753, 7754 and 7755.

### [5] Schedule 5 Exemptions

Insert after clause 15:

#### 15A Holders of certain approvals

(1) The holder of an approval arising from the entitlement referred to in clause 87 (a) of Schedule 4—in relation to the taking of any water from Bungaree Creek or Bingera Creek (as described in the entitlement).

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- (2) The holder of an approval arising from an entitlement referred to in clause 87 (b) of Schedule 4—in relation to the taking of any water from a river to which the entitlement relates (as described in the entitlement).