



New South Wales
Government

Access Licence Dealing Principles (Conversion Factors) Amendment Order 2022

under the

Water Management Act 2000

I, Giselle Howard, by delegation from the Minister administering the *Water Management Act 2000*, in pursuance of section 71Z of the *Water Management Act 2000*, make the following Order.

Dated 30 June 2022

GISELLE HOWARD
Executive Director Water Planning
Department of Planning and Environment
By delegation

Explanatory note

The object of this Order is to amend the *Access Licence Dealing Principles Order 2004* to (amongst other things) clarify the conversion prohibition relating to specific purpose access licences and to establish conversion factors pursuant to section 71Z(1)(c) of the *Water Management Act 2000*.

This Order is made under section 71Z of the *Water Management Act 2000*. Section 43 (2) of the *Interpretation Act 1987* provides that the power to make an order under an Act includes the power to amend the order.

Access Licence Dealing Principles (Conversion Factors) Amendment Order 2022

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Water Management Act 2000

1 Name of Order

This Order is the *Access Licence Dealing Principles (Conversion Factors) Amendment Order 2022*.

2 Commencement

This Order commences on 1 July 2022.

Schedule 1 Amendment of Access Licence Dealing Principles Order 2004

[1] Clause 11 Conversion of access licence to new category

Omit subclauses (2)(c) and (d). Insert instead:

(c) if the dealing involves a specific purpose access licence.

[2] Clause 11 (6)

Omit “*determined by the Minister in accordance with any rules set out in the relevant management plan*” from the subclause and insert instead “*established in Part 5.*”.

[3] Clause 11 (7)

Omit subclause 11 (7).

[4] Clause 14 Assignment of rights under access licences

Insert the following after subclause 14 (3):

(3A) If the assignment involves licences with share components that specify different water sources within the same water management area, the increase in the share component of an assignee’s access licence is to be equal to the reduction of the share component from the assignor’s access licence, multiplied by a conversion factor established in Part 5 (if any).

(3B) An assignment from the Lower Namoi Regulated Water Source to the Upper Namoi Regulated Water Source (as defined in clause 4 of the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016*) is prohibited if the sum of the share components of all access licences in the Upper Namoi Regulated Water Source would, as a result of the assignment, be more than 12,760.

[5] Clause 15 Change of water source, subclause 15 (6)

Omit “*determined by the Minister in accordance with any rules set out in the relevant management plans*” from subclause 15(6) and insert instead “*established in Part 5 (if any)*”

[6] Clause 15 (7)

Omit the subclause and insert instead:

(7) The cancellation of a licence in the Lower Namoi Regulated Water Source and the grant of a new access licence in the Upper Namoi Regulated Water Source (as defined in clause 4 of the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016*) under section 71R is prohibited if the sum of the share components of all access licences in the Upper Namoi Regulated Water Source would, as a result of the dealing, be more than 12,760.

[7] Clause 18 Interstate transfer dealings

Insert the following after subclause (7):

- (8) The share component on the new access licence in NSW is to be of a quantity equal to the quantity of the transferred licence multiplied by a conversion factor established in Part 5 (if any).

[8] Part 5 Conversion factors

Insert after Part 4:

Part 5 Conversion factors

Note: See Schedule 3 for conversion factors established for licences in the water sources to which the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016* and the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016* apply.

24 Conversion factors

- (1) The following conversion factors applicable to the share components of access licences in respect of which dealings are effected are established:
- (a) A dealing under section 71O of the Act, which involves the conversion of an unregulated river access licence to an aquifer access licence, is subject to a conversion factor of 1:1.
 - (b) A dealing under section 71O of the Act, which involves the conversion of a domestic and stock access licence to a domestic and stock (domestic) access licence or a domestic and stock (stock) access licence, is subject to a conversion factor of 1:1.
 - (c) A dealing under section 71O of the Act, which involves the conversion of a licence as specified in column B of table A, in water sources to which the management plan in column C applies, is subject to the conversion factor established in column D.

Table A

Column A	Column B	Column C	Column D
Dealing	Conversion	Management plan	Conversion factor
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources 2011</i>	1:3
71O	Regulated river (general security) access licence to regulated river (high security) access licence	<i>Water Sharing Plan for the Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources 2011</i>	1:1
71O	Regulated river (high security) to regulated river (general security) access licence	<i>Water Sharing Plan for the Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources 2011</i>	1:3

71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020</i>	1:2.5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016</i>	1:5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016</i>	1:5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022</i>	1:2.5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011</i>	1:2.5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019</i>	1:5
71O	Aquifer access licence to unregulated river access licence	<i>Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022</i>	1:1
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022</i>	1:2
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022</i>	1:2.5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Macleay Unregulated and Alluvial Water Sources 2016</i>	1:5
71O	Domestic and stock access licence to domestic and stock (domestic) access licence and a domestic and stock access licence	<i>Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016</i>	1:1
71O	Domestic and stock (stock) access licence to regulated river (high security) access licence	<i>Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016</i>	1:1
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Murray Unregulated River Water Sources 2011</i>	1:1
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012</i>	1:1

71O	Regulated river (general security) to regulated river (high security)	<i>Water Sharing Plan for the Paterson Regulated River Water Source 2019</i>	3:2
71O	Regulated river (high security) to regulated river (general security)	<i>Water Sharing Plan for the Paterson Regulated River Water Source 2019</i>	1:1.5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010</i>	1:5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016</i>	1:2.5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010</i>	1:2.5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Tuross River Unregulated and Alluvial Water Sources 2016</i>	1:2.5
71O	Unregulated river access licence to unregulated river (high flow) access licence	<i>Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2010</i>	1:2.5
71O	Domestic and stock (stock) to regulated river (high security)	<i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016</i>	1:1

- (d) A dealing under section 71R of the Act is subject to a conversion factor as follows:
- (i) for the conversion of a licence as specified in column B of Table B, in water sources to which the management plan in column C applies – as established in column D, and
 - (ii) otherwise, if not prohibited under the relevant management plan – 1:1.

Table B

Column A	Column B	Column C	Column D
Dealing	Conversion	Management plan	Conversion factor
71R	Licence in the Peel Regulated River Water Source to a licence in the Lower Namoi Regulated River Water Source	<i>Water Sharing Plan for the Peel Regulated River Water Source 2010</i>	1:0.5

- (e) A dealing under section 71Q of the Act which involves the assignment of rights as set out in column B of Table C, in water sources to which the management plan in column C applies, is subject to the conversion factor established in column D.

Table C

Column A	Column B	Column C	Column D
Dealing	Assignment	Management plan	Conversion factor
71Q	Licence in the Peel Regulated River Water Source to a licence in the Lower Namoi Regulated River Water Source	<i>Water Sharing Plan for the Peel Regulated River Water Sources 2010</i>	1:0.5

- (f) A dealing under section 71U of the Act, which is not prohibited under the relevant management plan, is subject to a conversion factor of 1:1.